

12th International Conference of Ombuds Institutions for the Armed Forces

26-30 October 2020

Conference Statement

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

While originally planned as a jointly co-hosted event by DCAF - Geneva Centre for Security Sector Governance and the Austrian Parliamentary Commission for the Federal Armed Forces in Vienna, due to Covid-19 restrictions, the 12th ICOAF was ultimately held virtually on 26-30 October 2020 and hosted by DCAF. The 12th ICOAF focused on the impact of Covid-19 on ombuds institutions.

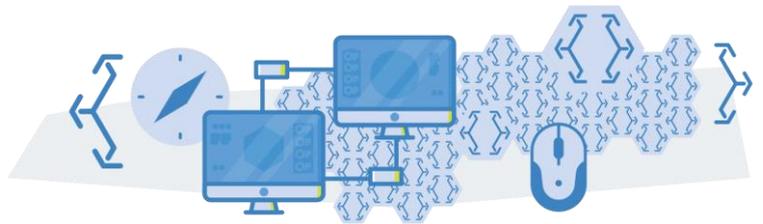
As was the case in previous years, the conference reached out to representatives of ombuds institutions for the armed forces from nearly 50 countries. Throughout the conference, ICOAF was able to further strengthen its function as a platform for promoting democratic oversight of the armed forces and 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 eleven 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), and Sarajevo (2019), the 2020 conference sought to strengthen the resilience of ombuds institutions in light of Covid-19 and increase cooperation 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.



Impact of Covid-19 on the armed forces

4. While most armed forces do not constitute first responders to health crises, and given that addressing pandemics is a new task for many armed forces, a vast majority of ombuds institutions reported that the armed forces were deployed to assist civilian authorities in tackling Covid-19, mostly to provide medical and logistical support, as well as to help to maintain law and order, particularly through the following activities:

- a. providing logistical support (transport capabilities, medical equipment, personal protective equipment - PPE, beds and storage capacities)
- b. distributing PPE
- c. setting up field hospitals or reinforcing military health capabilities to receive civilian patients
- d. implementing the military planning system in support of civilian authorities, including the operational staff structure and procedures
- e. providing voluntary blood donations
- f. patrolling the borders
- g. aiding the work of police forces to control compliance with the rules during a lockdown (or curfew) and other security issues

5. Participants observed that the number of otherwise regular military activities had to be suspended due to Covid-19, including all military operations deemed “non-crucial” (e.g. training activities, exercises, general administration), as well as education in most military schools.

6. Participants underlined the importance of equipping and protecting armed forces personnel properly while conducting tasks related to fighting Covid-19.

7. Participants reiterated the importance of maintaining close relations with the command of the armed forces tasked to oversee the armed forced engagement in supressing Covid-19.

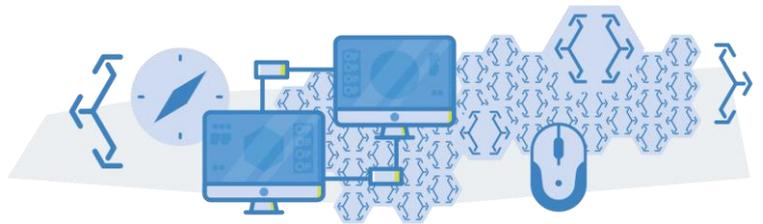
Impact of Covid-19 measures on the freedoms and rights of citizens, including those in uniform

8. The conferees identified a plethora of legal and practical measures, including a state of emergency introduced by governments to fight Covid-19. The following measures were most common:

- a. prohibitions on certain types of events and activities
- b. the imposition of hygiene and social distancing rules
- c. the imposition of various forms of self-isolation, semi- confinement and quarantine
- d. the imposition of a curfew
- e. the requirement to wear masks in public closed and/or open spaces
- f. closures of certain types of stores and restaurants

Participants noted that many of these measures may have human rights implications, including limitation or restriction of certain human rights (such as freedom of assembly, freedom of movement, or the right to have access to information), for both the general population and armed forces personnel. Concerning the rights of soldiers, these measures may affect their rights connected to occupational risks, health and safety measures as well their right to both physical and mental health.

9. Participants reiterated that any restrictions or limitations on human rights have to be prescribed by law, proportionate, timely, and regularly assessed. Further, the authorities must communicate the reasons for restrictions in a clear and unambiguous way.



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

10. With many decisions made under the aegis of emergency powers during the Covid-19 crisis, it remains crucial that ombuds institutions continue to oversee their implementation, so as to ensure efficiency, effectiveness, legitimacy, legality, and respect for human rights and the rule of law.

11. Participants acknowledged 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 Covid-19 must not impede the ability of ombuds institutions to fulfil their mandates. Furthermore, Covid-19 must not be used as an excuse to stall the appointment procedure for ombudspersons, in case the mandate of an incumbent has expired during the pandemic.

12. Ombuds institutions should be proactive in identifying potential threats and challenges to human rights during Covid-19, by using their powers to the fullest extent and devising innovative ways to overcome obstacles posed by Covid-19.

Complaints-handling in time of Covid-19

13. Participants reported mixed trends on the number of complaints received since the outbreak of Covid-19. Half of all participants indicated that they recorded the same number of complaints as usual; a quarter of them recorded more complaints than usual, while the other quarter recorded fewer complaints than usual.

14. Contrary to general ombuds institutions, of which a third reported a decrease in complaints since the outbreak of Covid-19, specialized ombuds institutions have not observed a similar trend. In fact, half of the specialized institutions reported an increase in the number of complaints.

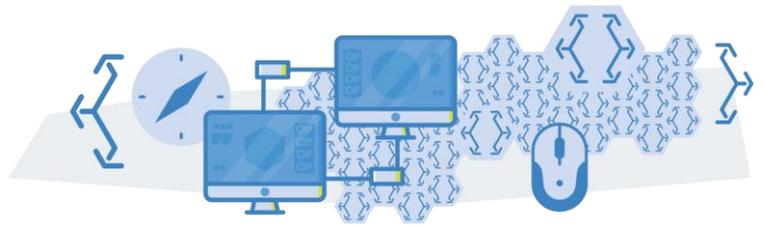
15. Participants observed that most complaints received from armed forces personnel concerning their deployment during Covid-19 related to: the risks/consequences of Covid-19, working conditions, and the treatment of the personnel and conscripts. To that end, participants identified the need to ensure that the valuable contribution of armed forces personnel in fighting Covid-19 does not result in the worsening of the conditions of their service.

16. Although the support of military personnel in countering the Covid-19 crisis was highly appreciated, some ombuds institutions have received complaints from civilians concerning the response by armed forces personnel, primarily making reference to the excessive use of force or the misuse of authority by military personnel.

17. Participants underlined the importance of good civil-military relations during crisis situations, particularly those affecting the daily lives of citizens. They expressed the necessity to investigate thoroughly all cases reporting the excessive use of force or the misuse of authority by military personnel. Ombuds institutions should follow up closely on such cases.

18. Participants noted that Covid-19 may influence the resolve and motivation of citizens to complain. To make sure that ombuds institutions are accessible and visible to all citizens, including those in uniform, during Covid-19, the following good practices have been identified:

- a. irrespective of the current mode of work of the office, ombuds institutions should ensure that complaints can be lodged online, by post and/or in-person;
- b. besides already established modalities of lodging complaints through email or online forms on the ombuds institution's website, ombuds institutions should explore the possibility to receive complaints via social media; as well. Ombuds institutions can draw upon existing experience in using social media for this purpose, including through DCAF's *Social Media Guide for Ombuds Institutions*;



- c. depending on their mandate, ombuds institutions should encourage citizens to engage with them and maintain or enhance the transparency of their work and their public image as independent watchdogs by being present in the media, especially during times of increased public stress, such the current one caused by Covid-19;
- d. ombuds institutions can work with other key actors, such as parliaments and judicial bodies, to educate citizens, including those in uniform, about their rights in extraordinary circumstances.
- e. ombuds institutions should anticipate a post-Covid-19 reality and the types of complaints ombuds institutions are likely to receive due to Covid-19 (e.g. relating to the right to family life, access to family, mental health issues, etc).

Impact of Covid-19 on fieldwork of ombuds institutions

19. Conducting scheduled or unscheduled field visits to armed forces' installations have been among the activities most affected by Covid-19. The majority of participants reported that they have had to completely stop performing this important activity.

Given the possibility that Covid-19 continues to be a major threat to public health for a considerable time, participants identified the need to find the most appropriate way to reinstate their visits to military instalments, by conducting them using additional safety measures, such as keeping appropriate distances and wearing protective equipment.

20. Even more than in-country field visits, the practice of visiting the armed forces deployed abroad (overseas) has been affected by Covid-19, as almost all participants reported to have stopped conducting them. As those visits include international travel, which has been severely reduced since the outbreak of Covid-19, the participants agreed that there is a strong need to further discuss how to conduct this activity in near future, given that:

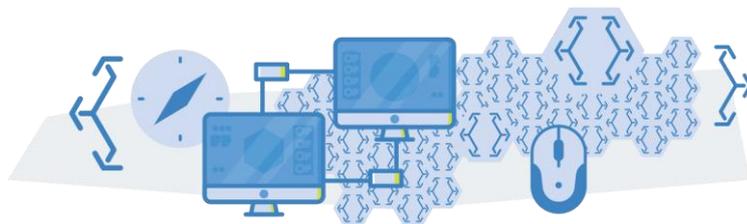
- a. armed forces personnel deployed abroad should not be left without open and efficient channels to raise concerns about their status, conditions of service and other issues;
- b. these channels should include both internal and external remedial mechanisms;
- c. Covid-19 should not affect the possibility of the local population to complain about the conduct of international forces on the ground;
- d. there is a strong need to explore the mechanism of conducting overseas field visits remotely.

Ombuds institutions after Covid-19

21. 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.

22. Participants agreed that the greatest challenge to ombuds institutions posed by Covid-19 has been its impact on the organization of work, that is, how to secure the continuity of their work while ensuring the welfare of the employees.

23. While experiencing different levels of difficulty in implementing them, most ombuds institutions have successfully managed to adapt to remote work and the usage of online communication tools. However, the importance of personal contact in resolving difficult issues that concern one or more parties is underlined.



24. With developing the ability to conduct their work efficiently in a digital environment, ombuds institutions increase their resilience to future similar crises.

25. The stricter anti-Covid-19 measures are, the stricter the oversight of their implementation should be. Contributing to the accountability of those in charge remains the cornerstone of ombuds institutions' work.

26. In the process of returning to normalcy, ombuds institutions will be crucial in ensuring that all security actors, including the armed forces, with temporarily changed roles and responsibilities, return to their regular, legally mandated activities.

27. Taking into account the possibility of experiencing budget cuts in the aftermath of Covid-19, ombuds institutions can pre-emptively take action to prevent budgetary cuts, they can engage with those that determine their budget needs, and build the capacities of the institution's staff.

Conclusions

28. Participants acknowledged and strongly supported DCAF's efforts to prepare and distribute the Covid-19 survey prior to the conference. ICOAF calls upon DCAF to publish a report containing the key findings of the survey.

29. ICOAF is a platform to exchange information, good practices and experiences among the ICOAF partner institutions. Recognising that ICOAF is growing - and that 12ICOAF with more than 100 participants representing nearly 40 countries is indeed evidence of this - it calls upon DCAF to explore future avenues to strengthen effective cooperation, for example with inter-ICOAF activities and knowledge products to address the specific needs of individual participating institutions.

30. One particular area already identified as demanding international cooperation among ICOAF partner institutions is international missions (military deployments abroad). With the severe effect of Covid-19 on the ability of ombuds institutions to conduct overseas visits, participants request DCAF to explore how the international exchange of information and experiences between ombuds institutions can be further enhanced to respond to this challenge, while at the same time respecting the particularities of national legal and institutional frameworks of ombuds institutions.

31. 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.

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

33. The thirteenth ICOAF will take place in Sydney, Australia in October 2021.

30 October 2020