



PARLAMENTARISCHE
BUNDESHEERKOMMISSION

2nd International Conference of Ombuds Institutions for the Armed Forces April 25 – 28, 2010, Vienna



Hosted by the Austrian Parliamentary Commission for the Federal Armed
Forces – PBHK

in cooperation with the
Geneva Centre for the Democratic Control of Armed Forces - DCAF

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I. Preface

The 2nd International Conference of Ombuds Institutions for the Armed Forces, held in Vienna from April 25 to 28, 2010, continues the cooperation process among these independent institutions. The long-term goal is to strengthen the various legal and other framework conditions of these controlling bodies as far as they are already in place, ranging from parliamentary ombuds institutions to institutions embedded in the military, which are responsible for the control of armed forces.

With regard to that, German Parliamentary Commissioner for the Armed Forces Reinhold Robbe wrote in his 2009 year's report: "Particularly in view of the fact that in many countries in the world soldiers are still being misused for political purposes and that in many parts of the world the human rights situation of soldiers is catastrophic, international cooperation among the ombuds institutions is of utmost importance."

The focus of this conference which is co-organized by the Parliamentary Austrian Armed Forces Commission and the Geneva Centre for the Democratic Control of Armed Forces (DCAF) is on the role of ombuds institutions in promoting and protecting the human rights of servicemen and servicewomen during peacetime and during military operations as well as on the care they receive after such operations come to an end.

Against this backdrop, the "Vienna Memorandum" serves as the basis for successful country-overarching cooperation in the interest and for the good of the soldiers.

President Anton Gaál

Executive Chairman of the Austrian Parliamentary Commission
for the Federal Armed Forces



II. Conference Participants

	Argentina	Malena Derdoy	Gender Politics Director
	Austria	President Anton Gaál	Executive Chairman of the Austrian Parliamentary Commission for the Federal Armed Forces
		MP (Ret.) Paul Kiss	Chairman of the Austrian Parliamentary Commission for the Federal Armed Forces
		Prof. Walter Seledec	Chairman of the Austrian Parliamentary Commission for the Federal Armed Forces
		Mag. Karl Schneemann	Head of the Office of the Austrian Parliamentary Commission for the Federal Armed Forces
	Belgium	Lieutenant Colonel Claude Moermann	Klachtenmanager of the Belgian Armed Forces
	Bosnia and Herzegovina	Branko Zrno	Chairman of the Joint Committee of Defence and Security of BiH
		Bosko Siljegović	Parliamentary Military Commissioner of BiH
	Canada	Major-General (Ret.) Pierre Daigle	Ombudsman for the Department of National Defence and the Canadian Forces
		Mary Sue McFayden	General Counsel
	Estonia	Indrek Teder	Chancellor of Justice of Estonia
	Finland	Raino Marttunen*	Legal Advisor Parliamentary Ombudsman of Finland
	France	Gilles Grollemund	Inspector General of the French Armed Forces; President of the Military Appeals Commission
	Germany	Reinhold Robbe	German Parliamentary Commissioner for the Armed Forces
	Hungary	Prof. Dr. Máté Szabó	Parliamentary Commissioner for Civil Rights



	Ireland	Paulynn Marrinan Quinn	Ombudsman for the Defence Forces
	Lithuania	Arminas Lydeka	Chairman of the Committee on Human Rights
	Netherlands	Kees Gravenmaker	Inspector General of the Royal Netherlands Armed Forces
	Norway	Captain (Navy, Ret.) Kjell Arne Bratli	Parliamentary Commissioner of the Royal Norwegian Armed Forces
	Poland	Prof. Marek Zubik	Human Rights Defender of the Republic of Poland
	Romania	Prof. Dr. Ioan Muraru	Romanian Ombudsman
	Serbia	Sasa Janković	Serbian Ombudsman
	Slovenia	Jernej Rovšek	Deputy Parliamentary Ombudsman
	Sweden	Cecilia Nordenfelt * Jörgen Buhre *	Parliamentary Ombudsman Head of Division
	United Kingdom	Dr. Susan Atkins *	Service Complaints Commissioner for the Armed Forces
	United States of America	Lt Col David P. Cienki Joseph Perez	United States Air Forces Chief of Inspections Chief Assistance of Investigations
	DCAF	Amb. Dr. Theodor H. Winkler	Director, Geneva Centre for the Democratic Control of Armed Forces (DCAF)
	EUROMIL	Dr. Hans Born Oberst a.D. Bernhard Gertz	Senior Fellow, DCAF Vice-President of the European Organization for Military Associations

* Regrettably, Cecilia Nordenfelt and Jörgen Buhre from Sweden as well as Raino Marttunen from Finland could not attend the conference, due to the flight situation (caused by volcanic ashes, following the eruption of the volcano Eyjafjallajökull). Dr. Susan Atkins from Great Britain fell sick shortly before the conference and was therefore also unable to attend.



III. Conference Programme

Sunday, April 25, 2010

- 18.00 Accreditation of the conference members at the "Welcome Desk" in the lounge of Hotel de France, Schottenring 3, 1010 Wien
- 20.00 Dinner reception given by the Director of the Geneva Centre for the Democratic Control of Armed Forces (DCAF), Ambassador Dr. Theodor H. Winkler, at Hotel de France

Monday, April 26, 2010

- 09.30 Transfer from Hotel de France to the House of Parliament
- 10.00 Welcome address and opening of the conference by Mag.^a Barbara Prammer, President of the Austrian National Assembly
- 10.15 Welcoming words by Werner Faymann, Chancellor of the Republic of Austria
- 10.30 Introductory Remarks by President Anton Gaál, Executive Chairman of the Austrian Parliamentary Commission on the Federal Armed Forces
- 10.45 Welcoming words by Ambassador Dr. Theodor H. Winkler, Director DCAF
- 11.00 Welcoming words by Reinhold Robbe, German Parliamentary Commissioner for the Armed Forces

Music provided by the Guard Band of the Austrian Armed Forces

- 11.30 Photo opportunity
- 12.00 Lunch buffet in the House of Parliament
- 13.00 Welcoming words by General Mag. Edmund Entacher, Chief of Defence Staff of the Austrian Armed Forces
- 13.15 Citizens in Uniform? Human Rights of Members of Armed Forces - a Comparison
Lecturer: Hans Born - DCAF
- 13.30 Panel 1: Right to Free Expression of Opinion, Freedom of Association and Freedom of Assembly of Members of Armed Forces
Lectures: Belgium, Germany, Serbia, Slovenia
- 14.45 Coffee break
- 15.00 Panel 2: Dealing with Diversity in Armed Forces: Gender, Sexual Orientation, Ethnicity and Religion
Lectures: Argentina, Austria, Lithuania, Great Britain
- 16.30 Panel 3: The Role of Ombuds Institutions in Promoting and Protecting the Human Rights of Members of Armed Forces (I)
Lectures: Bosnia and Herzegovina, France, Ireland, U.S.A.
- 18.00 Transfer to Hotel de France
- 19.15 Departure from Hotel de France



- 19.30 Dinner Reception given by the Executive Chairman of the Austrian Parliamentary Commission or the Federal Armed Forces, President Anton Gaál in Vienna's Krieau

Tuesday, April 27, 2010

- 09.45 Transfer from Hotel de France to the House of Parliament
- 10.00 Panel 4: The Role of Ombuds Institutions in Promoting and Protecting the Human Rights of Members of Armed Forces (II)
Lectures: Estonia, Hungary, Finland, Poland
- 11.00 Panel 5: Support for Families of Members of Armed Forces
Lectures: Austria, Canada, Germany
- 12.00 Walk to Vienna City Hall
- 12.30 Reception given by Prof. Harry Kopietz, First President of the Vienna Province Parliament
- 14.00 Panel 6: Matters Concerning Veterans
Lectures: Netherlands, Romania, Sweden
- 15.00 Panel 7: Post-traumatic Stress Disorder – PTSD
Lectures: Canada, Norway, U.S.A.
- 16.00 Coffee break
- 16.30 Concluding session and discussion concerning further procedures
Vienna Memorandum
Chair: President Anton Gaál
- 17.30 Guided tour of the House of Parliament
- 18.15 Transfer to Hotel de France
- 19.30 Departure from Hotel de France
- 20.00 Social Event „Heuriger“

Wednesday, April 28, 2010

- 09.45 Departure from Hotel de France
- 10.30 – 13.00 Guided tour through the Museum of Military History
- 13.00 End of the Conference



IV. Sunday, April 25, 2010: Reception & Welcome Address

IV. 1. Ambassador Dr. Theodor H. Winkler, Director of the Geneva Centre for the Democratic Control of Armed Forces (DCAF)

At the beginning Ambassador Winkler expressed his thankfulness to the President Anton Gaál for his initiative to host the 2nd international conference of ombudsman institutions for the armed forces in Vienna.

Subsequently Ambassador Winkler pointed out the dedication of Mr. Reinhold Robbe, who hosted the excellent conference in Germany and managed to bring together the ombudsman institutions for armed forces from all over the world in Berlin in May 2009. Ambassador Winkler was very pleased to see that so many representatives of national ombuds institutions for the armed forces have accepted the invitation to attend the 2nd international conference of ombuds institutions for the armed forces.

The impressive number of attendees concurrently shows the high level of participation and underlines the relevance of this event.

The intention of this event will be to contribute to cross-national learning, exchange of best practices, and above all improve understanding about overseeing and protecting rights and freedoms of armed forces personnel.

Ambassador Winkler assures that his office is prepared to continue to support these types of international exchange of best practice and procedures in the field of ombudsman institutions for the armed forces.

Finally Ambassador Winkler underlined that DCAF is both delighted and honoured to organise this conference together with President Anton Gaál and his staff. The Ambassador was impressed about the excellent cooperation and proposed that all conferences could be organized in this smooth and efficient manner.



IV. 2. President Anton Gaál: Welcome Address and Conference Aims

At the beginning of his address, the Executive Chairman of the Austrian Parliamentary Commission on the Federal Armed Forces Anton Gaál welcomed all international participants as well as the representatives of the two organizations to the 2nd Conference of Ombuds Institutions for the Armed Forces.

President Gaál emphasized, that the 2nd international conference is to continue the cooperation process of these independent institutions, as expressed in the "Berlin Declaration", which underlines the important role attributed to the control of armed forces in democratic states. The transparency gained this way promotes the trust in armed forces.

The long-term goal is to strengthen the various legal and other framework conditions of these controlling bodies, as far as they are already in place, ranging from parliamentary ombuds institutions to institutions embedded in the military, which are responsible for the control of armed forces.

The focus of the Vienna conference which is co-organized by the Parliamentary Austrian Armed Forces Commission and the Geneva Centre for the Democratic Control of Armed Forces (DCAF) is on the role of ombuds institutions in promoting and protecting the human rights of servicemen and servicewomen during peacetime and during military operations as well as on the care they receive after such operations come to an end.

In conclusion, President Anton Gaál stated, that the "Vienna Memorandum" will serve as the basis for continuing and strengthening the successful country-overarching cooperation in the interest and to the benefit of the servicemen and servicewomen. The high expectations of all people involved as well as the large number of participating countries show the great interest in exchanging experiences, already at the outset of the conference.



V. Monday, April 26, 2010: Official Opening of the Conference

The official opening of the 2nd International Conference of Ombuds Institutions for the Armed Forces took place in the House of Parliament in Vienna, on April 26, 2010. Organized by the Parliamentary Austrian Armed Forces Commission together with the Geneva Centre for the Democratic Control of Armed Forces, the conference comprised representatives from Europe, the U.S.A., Canada, Argentina and Japan as well as two international organizations.

During a minute of silence, the conference participants remembered their Polish friend and comrade in arms Janusz Kochanowski who had lost his life in the tragic crash of the Polish presidential airplane in Smolensk, on April 10, 2010.

The musical frame for the ceremonial opening of the conference was provided by a combo of the Guard Band of the Austrian Armed Forces.

V. 1. Mag.^a Barbara Prammer, President of the Austrian National Assembly

As President of the Austrian National Assembly Mag.^a Barbara Prammer officially opened the conference and, in her words of welcome, thanked the Parliamentary Austrian Armed Forces Commission for their dedicated work which they have been carrying out for more than 50 years, in order to resolve problems of servicemen and servicewomen, and in doing so, have shown a lot of social and human competence.

Referring to the agenda of the conference, Mag.^a Barbara Prammer pointed out that the issues to be discussed are of great relevance and explicitly welcomed the fact that complying with human rights during military operations will be discussed not only with regard to individual cases but in general and on an international level. She emphasized the right of soldiers to freely express their opinion and made a serious appeal that soldiers receive professional care after having served in operations. And she continued to say that it is also of great importance to take care of the family members who are often worried and concerned about the men – and increasingly also women – being deployed abroad, often in very difficult missions.



Concluding her speech, the President of the National Assembly emphasized the fact that the Parliamentary Austrian Armed Forces Commission is held in high esteem by the soldiers and reaffirmed that the commission will have her continued support, also in the future.

V. 2. Werner Faymann, Chancellor of the Republic of Austria

Chancellor Werner Faymann started his speech with a quote from John F. Kennedy who once said, "Peace is not all but without peace everything else is nothing." Chancellor Faymann honoured the work of the armed forces and their contribution to peace in lofty words and declared with emphasis that he was in strong support of international cooperation among armed forces.

The multitude of tasks carried out by members of the armed forces requires highly qualified training, the Chancellor added and he expressed his pride in the Austrian soldiers who have participated in international peace operations for 50 years.

Chancellor Faymann underlined that protecting the rights of the soldiers is an important part of international cooperation. He was also impressed with the professionalism with which this conference was organized and wished the participants successful deliberations.

V. 3. Anton Gaál, Executive Chairman of the Austrian Parliamentary Commission for the Federal Armed Forces

President Anton Gaál thanked Ambassador Dr. Theodor Winkler and Dr. Hans Born for their excellent cooperation in preparing and carrying out the 2nd International Conference of Ombuds Institutions for the Armed Forces.

In particular, he stressed the importance of the Final Declaration of the "Vienna Memorandum", as it constitutes the basis for successful, country-overarching cooperation in the interest and for the benefit of the soldiers.

President Anton Gaál informed the conference participants about the work of the Parliamentary Austrian Armed Forces Commission which deals with approximately 500 complaint cases per year, answers several thousand inquiries in writing and by phone and conducts investigations in barracks at



home as well as abroad to get a first-hand picture, in order to help servicemen and servicewomen.

President Anton Gaál expressed his confidence that after the 1st international exchange of experiences in Berlin, Vienna, with its 2nd international conference will be able to build a bridge for future successful cooperation among the member states.

V. 4. Ambassador Dr. Theodor H. Winkler, Director of the Geneva Centre for the Democratic Control of Armed Forces

Ambassador Dr. Theodor Winkler stated that he was impressed with the large number of conference participants and underscored the importance of this event.

He praised the personal commitment of President Anton Gaál and his team as well as the good organization of the conference.

The goal of DCAF is to promote international cooperation in civil-military relations and the democratic control of armed and paramilitary forces by bringing together international expertise in this domain, by developing an electronic information system and providing systematic documentation in this area, by offering interested states, the international community and competent NGOs its expertise, its analytical capacity and assessment, by proposing concrete solutions, by supporting international coordination as well as by initiating and coordinating cooperative projects in this field.

According to Ambassador Dr. Theodor Winkler internationality, interoperability and inter-cultural exchange are the main factors in enhancing successful multi-national cooperation and the 2nd International Conference of Ombuds Institutions for the Armed Forces plays an important role in that.

V. 5. General Mag. Edmund Entacher, Chief of Defence Staff of the Austrian Armed Forces

In his welcome address General Mag. Edmund Entacher made it clear that as an advisor to the Parliamentary Austrian Armed Forces Commission he has come to know and appreciate the work of the commission.



Wherever people work mistakes cannot be ruled out, which, of course, also holds true for the Austrian Armed Forces. It is therefore of importance to also have institutions outside the military structures, such as the Parliamentary Austrian Armed Forces Commission, in addition to the existing complaint institutions within the military. When dealing with complaints or grievances, the main thing is to act with consideration yet with determination, in order to find solutions that meet the needs of the people who are concerned.

General Mag. Edmund Entacher stated that the ambitious conference programme, particularly the fact that it also takes aspects of post-traumatic stress disorder into account, finds his full support.

V. 6. Medal Award for Reinhold Robbe, German Parliamentary Commissioner for the Armed Forces

Mag.a Barbara Prammer, President of the National Assembly, and Chancellor Werner Faymann conferred the Decoration of Honour in Gold for Services to the Republic of Austria upon Reinhold Robbe, German Parliamentary Commissioner for the Armed Forces.

With his initiative to hold the "1st International Conference of Ombuds Institutions for the Armed Forces" in Berlin Reinhold Robbe laid the basis for a multi-national exchange of ideas concerning the functions and the tasks of ombuds institutions for armed forces.

In his laudation, President Anton Gaál particularly emphasized the close cooperation and the mutual personal trust between the Parliamentary Austrian Armed Forces Commission and the honouree Reinhold Robbe.



VI. Monday, April 26, 2010, and Tuesday, April 27, 2010: Panels

VI. 1. Hans Born: Human Rights of Members of the Armed Forces. Citizens in Uniform? The Human Rights of Members of the Armed Forces - a Comparison

At the beginning of his speech Mr. Hans Born pointed out that for him it is a special pleasure and honour to speak at this conference. He expressed his gratitude to Anton Gaál and his staff, in particular Mr. Karl Schneemann for the excellent cooperation.

Treating soldiers as citizens in uniform is not only important for the human rights of the soldiers themselves, but also paramount for fostering a culture of respect for human rights by members of the armed forces while carrying out their duties and for creating a professional force. Therefore, states need to ensure that human rights are mainstreamed in the armed forces, both in the barracks and while they are deployed at home or overseas.

Mr. Born is convinced that Ombudsman institutions, inspector-generals, parliamentary commissioners are playing an integral role in this regard. Moving forward he explored the concept of armed forces personnel as citizens in uniform and he also tried to identify the main challenges, limitations as well as important safeguards. It is known that the military world is quite different from the civilian world in many respects: the military has a different culture, the military has its own institutions (e.g. military courts, hospitals and schools) and often a different legal system applies to armed forces personnel. Its mission and the management of the monopoly of the use of force, sets the military apart from any civilian organisation. These differences are made sharpened and perhaps even cultivated by the closed character of the many armed forces.

The "Citizens in Uniform" approach means that armed forces personnel maintain their human rights and fundamental freedoms, however, in conformity with military service. The last part of this sentence 'in conformity with military service,' is essential, as it makes clear that military personnel can and are treated differently from civilians because of the specific



circumstances of military service. Mr. Born stressed that one of the main challenges of protecting human rights in the military is the closed and hierarchical nature of the organization. People who complain of bullying by superiors during military training face the risk that military superiors will turn against them. The closed nature of the military makes it more difficult for victims to complain because internal complaint mechanisms are not independent and external complaint mechanisms often do not apply or apply only when all internal mechanisms are exhausted which is often too late.

The result is that victims and their family are denied the right to a fair trial. Therefore Mr. Born is convinced that for this reason the ombudsman institution, varying from civil ombudsman to parliamentary commissioner to military inspector-general, play an important role in protecting the rights of armed forces personnel.

Mr. Born pointed out that it is important to look at safeguards against human rights violations in the barracks. Even in states where laws and regulations exist in this area, often there is a gap between de jure and de facto protection of rights of armed forces personnel. Moving forward during his presentation Mr. Born discussed the 4 possible safeguards: 1. military commanders: first line of defence, 2: individual accountability: duty to disobey illegal orders, 3: human rights training and inculcating democratic values and 4: ombudsman institutions for the armed forces.

At the end of his presentation Mr. Born stressed that the protection of the human rights of the members of the armed forces is right in principle but also brings substantial benefits. It is consistent with disciplined, professional soldiering. It cements the role of the military in a modern democratic state. Moreover, it complements the changing tasks that armed forces are called upon to perform- peacekeeping units, for example, are more likely to be effective agents of stabilisation and reconstruction in divided societies if their own human rights are properly respected.



VI. 2. Discussion Forums and Speeches and Follow-on Discussions (Panels)

VI. 2. 1. Panel 1: The Right of Free Expression of Opinion, Freedom of Association and Freedom of Assembly of Members of Armed Forces

Speeches and Presentations by



Belgium: Claude Moermann, Klachtenmanager of the Belgian Armed Forces



Germany: Reinhold Robbe, German Parliamentary Commissioner for the Armed Forces



Serbia: Sasa Janković, Serbian Ombudsman



Slovenia: Jernej Rovšek, Deputy Parliamentary Ombudsman



In his speech **Claude Moermann (Belgium)** addressed the right of free expression of opinion of members of the armed forces. In operations the acceptance of the armed forces within the population is of great importance.

Fast and correct information contributes to gaining the respect and support of the population. Claude Moermann emphasized that the right of members of the armed forces to freely express their opinion is limited, particularly when it bears reference to national security, territorial integrity or public security.

Of course, members of armed forces are allowed to express their own opinion, but they have to explicitly state that it is exclusively their own opinion. Claude Moermann stated that members of armed forces would be well advised to act politically neutral.

One critical point is communicating with "the outside". In this context one ought to ensure that such communication is conducted only by specialists who have received adequate training in dealing with the media and in handling sensitive information.



The lecture of **Reinhold Robbe (Germany)** mainly dealt with the rights of the soldiers in Germany and addressed the possibilities of the



right to freely express one's opinion as well as the freedom of association and the freedom of assembly.

Reinhold Robbe stressed the wide range of tasks soldiers have to fulfil, which have to be considered particularly under the aspect of order and obedience. There was, of course, also room for discussing exceptions. With regard to free expression of opinion Reinhold Robbe pointed out that it constitutes an essential part of the concept of inner leadership of modern armed forces. While elaborating on this issue Reinhold Robbe also addressed the legal limitations and emphasized the special loyalty/duty relationship between the soldiers and their state.

He also elaborated on special codes of conduct, particularly in the context of soldiers participating in political events, which in case of misconduct might harm the reputation of the Bundeswehr.

In conclusion, examples were given concerning free expression of opinion, freedom of association and freedom of assembly of members of the armed forces. Reinhold Robbe emphasized the specific relationship of loyalty which applies to civil servants as much as it does to soldiers.



In his presentation **Sasa Janković (Serbia)** addressed, among other things, the issue of democratic control and the restrictions resulting from it.

Once a controlling instance has been installed, it is desirable and, above all, very helpful if it is accepted by the population. Sasa Janković reported about the discontent within the forces some years ago, when free expression of opinion was not welcome. But what really counts is that members of the armed forces are subject to the principle of impartiality and political neutrality. Furthermore, differences between the European Human Rights Convention and the Serbian Constitution were pointed out and explained by means of comparing laws.



In conclusion, Sasa Janković described some of his most important tasks and outlined his broad field of activity. In doing so, the need of learning from each other was emphasized. Sasa Janković relies on cooperation and mutual support in order to work effectively and successfully within his task spectrum.



Jernej Rovšek (Slovenia) started out by explaining the areas of activities and the scope of responsibilities of the ombuds institution in Slovenia.

He outlined the tasks of the ombudsperson by means of using exemplary cases. He described the unions and their tasks and aims and provided examples referring to the rights of free expression of opinion, freedom of association and freedom of assembly of members of the Slovenian Armed Forces. In the course of his speech Jernej Rovšek explained the role of the Inspector General of the Forces in Slovenia and concluded his presentation by praising the good cooperation among the individual institutions, resulting in successful task accomplishment.

Follow-on Discussion

Máté Szabó commented on the presentation of Reinhold Robbe, focussing on the legal situation in Germany.

Jernej Rovšek mentioned that, at present, there is no intention to install a separate ombudsman for the forces in Slovenia. There were attempts to start a political discussion concerning this issue, which, however, quickly died down. He also stated with emphasis that an amendment of the constitution would not only be difficult but also highly unlikely.



Paulyn Marrinan Quinn remarked that there would be a need for an additional tier in Slovenia in form of a specialized ombudsman for the armed forces.

In connection with aforementioned ban on the foundation of unions, Hans Born wanted to know who was defending the interests of the members of armed forces to the outside.

Reinhold Robbe tried to summarize the legal situation in Germany and emphasized the special obligation of loyalty and obedience which equally applies to civil servants and soldiers.

Sasa Janković remarked that currently there is no political discussion in Serbia concerning a possible party membership of force members, as they are not actively seeking it and that the situation concerning the foundation of unions is comparable.

In conclusion, Bernhard Gertz remarked that force members principally have the right to join a political party, although they are not allowed to exercise that right when on duty or in the function of a superior. Concerning criticism on part of the members of the armed forces it has to be emphasized that this is not only undesirable but considered to be a legal offence. In summary it has to be stated that all restrictions would have to be incorporated into the constitution, if deemed necessary.

VI. 2. 2. Panel 2: Dealing with Diversity in Armed Forces: Gender, Sexual Orientation, Ethnicity and Religion

Speeches and Presentations by



Argentina: Malena Derdoy, Gender Politics Director



Austria: Paul Kiss, Chairman of the Austrian Parliamentary Commission for the Federal Armed Forces



Lithuania: Arminas Lydeka, Chairman of the Committee of Human Rights



In her presentation **Malena Derdoy (Argentina)** sketched out the way of how minorities are professionally dealt with within the armed forces. In doing so, she also emphasized the necessary tolerance of the people. With regard to the gender issue within the armed forces Derdoy described how the image of women has developed over the last 20 years and addressed the challenges that emerged for everybody involved, when women were accepted into the forces.

Admitting women was mainly promoted by numerous committed associations and spurred on by certain public debates. This transformation process opened equal development chances for women within the armed forces, although time and again adjustments had to be made, including, among other things, political measures concerning women on active military duty.

Malena Derdoy remarked that, over the years, women have very well established themselves within the armed forces and that their acceptance within the military community is continuously improving. There is an effort to completely integrate women into the forces and to prevent discrimination against them also in the future by setting certain measures.



In his presentation **Paul Kiss (Austria)** described the roughly 10-year-long process of making military duty in the Austrian Armed Forces accessible to women and the requirements for their successful integration. Paul Kiss pointed out that the percentage of women in the armed forces is slowly but steadily on the rise and that there is a decided wish to substantially increase that percentage. He further mentioned that all necessary preconditions for that have been fulfilled and that the Austrian Armed Forces greatly welcome and support this initiative.

However, looking at the figures of the female percentage by international comparison it becomes obvious that more female



officers and NCOs would be desirable. Yet, female aspirants are cautiously approaching this profession, although – for various reasons – eventually only very few women actually decide to do military service and enter upon a military career.

Paul Kiss further mentioned that accepting women into the forces has led to a process of rethinking on part of their male counterparts and that there were changes to the better in their behaviour. Due to this positive development, numerous regulations had to be updated, such as for instance, in the areas of training and sports. Paul Kiss concluded his presentation by giving some examples of complaints in this field.



In his presentation **Arminas Lydeka (Lithuania)** pointed out that certain laws regulate the equal status of men and women in Lithuania, so that a legal basis for a positive future development is in place.

In order to also ensure such a development within the forces, a separate instance was introduced, which acts as a representative for equal treatment in the sense of an ombudsman, dealing with all kinds of complaints of members of the armed forces. Arminas Lydeka pointed out that the current number of cases brought in by various professional groups is extremely low. What is, however, worth while noting is that the majority of the filed complaints does not refer to discrimination because of sexual orientation, religion or social status but are gender-related. Arminas Lydeka then presented some of those gender-related complaint cases as examples and, in doing so, mainly focused on the former discrimination of women. But he also mentioned that there was a positive change in Lithuania and that the position of women has substantially improved. Furthermore, a steady increase of women joining the forces can be observed, which meets with great approval from all sides. In the course of his presentation Arminas Lydeka outlined the tasks of the ombudsman with particular focus on gender equity. A large percentage of the women are working in the medical field.



Arminas Lydeka, however, regrets that, currently, there are no women holding higher military ranks, which is not a question of professional qualification but rather of service years.

In conclusion the speaker underlined that, currently, there are still some challenges to be met within the Lithuanian Armed Forces concerning proper behaviour toward women, although great efforts are being made to improve the situation of women in general.

Follow-on Discussion

Reinhold Robbe remarked that the low number of complaint cases on part of the women does not automatically mean that the female employees have no wish for improvement.

Arminas Lydeka pointed out that the problems concerning female soldiers is generally a matter of minor issues and that the challenges are mainly created by the media which blow them up and present them negatively in public.

Malena Derdoy stated that in Argentina many general complaints and, on occasion, also sexual harassment cases are reported and that respective institutions, such as for instance the Bureau for Women's Affairs, support the victims and motivate them to take their cases to institutions that can be trusted. This has resulted in special regulations to protect the concerned plaintiffs.

Sasa Janković noted that discipline is an integral part of any armed force worldwide from which one can deduct that those affected should not complain too often, even though concurrently there is a call for more openness and transparency concerning the rights of soldiers.

In conclusion, Pierre Daigle stressed the fact that, for a long time, the army was exclusively a male domain, while women received the opportunity to go for a military career relatively late. Pierre Daigle agreed with Reinhold Robbe's initial statement and added that it



would be desirable to generally improve the situation of women in the forces.

VI. 2. 3. Panel 3: The Role of Ombuds Institutions in Promoting and Protecting the Human Rights of Members of Armed Forces (I)

Speeches and Presentations by



Bosnia and Herzegovina: Bosko Siljegović, Parliamentary Military Commissioner of BiH



France: Gilles Grollemund, Inspector General of the French Armed Forces, President of the Military Appeals Commission



Ireland: Paulyn Marrinan Quinn, Ombudsman for the Defence Forces



USA: David P. Cienski, United States Air Forces Chief of Inspections



In his speech **Bosko Siljegović (Bosnia and Herzegovina)** welcomed the introduction of a Military Commissioner for Bosnia and Herzegovina, with which the country demonstrates its readiness to substantially promote the protection of human rights of members of the Armed Forces of Bosnia and Herzegovina and, above all, to strengthen them.

Bosko Siljegović stated that, among other things, this step has become necessary because the Bosnian forces increasingly participate in international peace operations worldwide, and very successfully so. Because of the intense transformation process within the armed forces a future-oriented development was called for and implemented. The Parliamentary Military Commissioner for BiH is an independent, authorized representative of the National Assembly who pursues essential objectives for the Bosnian armed forces.

The two focal points are strengthening the principle of law on the one hand and to actively promote and defend the human rights of military



personnel and cadets on the other. Bosko Siljegović stated that the essential goal of this institution is to get more transparency into the internal processes, in order to improve the trust in the military sector. In doing so, it is important to regularly visit the various units nationwide, in order to be able to keep up communication and direct contact with the soldiers and officers.



In his presentation **Gilles Grollemund (France)** described the possibility of filing complaints with relevance for disciplinary action, in the 70s of the 20th century and pointed out that the process had not really been satisfying. To amend the situation, a Disciplinary Committee was installed, in early 2001. In the course of his presentation Gilles Grollemund described the exact procedures of how the Commission des Recours des Militaires (CRM) deals with complaints.

One has to bear in mind that any CRM decision can be appealed, although specific procedures and time limitations have to be complied with. Areas, such as personnel recruitment, retirement and discipline are exempted from that, however. Furthermore, the task spectrum of the General Officer was highlighted.

Gilles Grollemund presented the figures of cases received annually, which indicate a gradual increase. He also addressed issues of complaints or requests received, concerning not only general information but also questions concerning transfers, contracts, income and bonus payments, allowances and financial benefits. After that, some reasons for complaints were given as examples together with the relevant statistics of 2009.

Summarizing, Gilles Grollemund stated that the CRM was to help identify and amend mistakes and contribute to avoiding such mistakes in the future. The CRM has become an instrument of mediation, education and democracy, so that both parties involved - the military as well as the people affected - benefit from each other. Gilles Grollemund further stated that the institution of the CRM



contributes substantially to the promotion of human rights and that it is continuously developing in a positive direction.



Starting out, **Paulynn Marrinan Quinn (Ireland)** thanked General Mag. Edmund Entacher for his words and assured him that she was very impressed with the great interest the Austrian military had in the issue. Paulynn Marrinan Quinn described the possibilities to complain within the Irish Armed Forces and presented an internal study pertaining to that, which, in essence, states that often there is not enough trust in arbitration bodies, so that the people affected tend to abstain from filing complaints.

Paulynn Marrinan Quinn mentioned that installing an ombuds institution was a significant signal, as it ensured independence of other institutions. In this context she explained the complaint procedures in detail and presented several examples from different areas. It is of enormous importance for the future development to identify system-inherent weak points and to find situation-related solutions.

What is also called for is close cooperation with all institutions involved. The enormous responsibility the ombudsman has in executing his professional tasks are to substantially increase the trust in this indispensable institution and help identify grievances that have been covered up so far. This initiative gives those who are affected the possibility to file their complaints, while the phenomenon of "non-complaining" will come to an end, thus creating more internal as well as external transparency.



In his lecture **David P. Cienski (U.S.A.)** described the special institution for anti-corruption in the U.S.A. This body within the US armed forces is known as Inspector General. The majority of its staff works as active inspectors. In cases of reasonable suspicion, the staff is authorized to initiate special investigations in order to clarify the respective cases.



David P. Ciencki described his tasks and outlined the range of complaints within his area of responsibility. He greatly welcomed the institution and emphasized its importance. There is, as he mentioned, still room for improvement but the currently existing platform serves as a turntable for everybody involved to identify and resolve grievances.

Follow-on Discussion

Máté Szabó inquired whether there was something like a special anti-corruption body in France. Gilles Grollemund stated that there is an Office of Inspector General, i.e. a kind of controlling body comprised of approximately 800 staff members, and in addition there is a governmental body authorized to conduct inspections.

Hans Born inquired what consequences the decisions of that institution would have and what opportunities there are to complain. In conclusion, it was stated that in general critical questions/complaints do not go beyond the operational level.

Reinhold Robbe mentioned that all states have different regulations and that, with regard to increasing international cooperation, it would be desirable to harmonize them, since there is a decided trend toward harmonization in many areas, in particular, concerning the wording of standards, without relevance for national sovereignty.

In this context Hans Born referred to DCAF's elaboration of the "Handbook on Human Rights and Fundamental Freedoms of Armed Forces Personnel".

Paulyn Marrinan Quinn remarked that in the course of further developing democratic processes also the armed forces will have to make system corrections in the future.

It was stated that an ombuds institution for the armed forces, which is obliged to submit reports to the Parliament, is absolutely necessary. This might contribute to counteract the phenomenon of "non-complaining".



VI. 2. 4. Panel 4: The Role of Ombuds Institutions in Promoting and Protecting the Human Rights of Members of Armed Forces (II)

Speeches and Presentations by



Estonia: Indrek Teder, Chancellor of Justice of Estonia



Hungary: Máté Szabó, Parliamentary Commissioner for Civil Rights



Poland: Marek Zubik, Human Rights Defender of the Republic of Poland



Indrek Teder (Estonia) began his presentation by describing his responsibilities as Chancellor of Justice (CoJ). On the one hand he checks the legality of acts, while on the other hand, in his function as ombudsman, he is the instance where motions and/or complaints are received.

Teder explicitly pointed out that Estonia does not have a separate ombudsman for the forces but an inspectorate. Among all institutions the CoJ holds the strongest position.

Indrek Teder substantiated his statement by saying that the function of the CoJ exercises various rights and that with the tools at his disposal he has various possibilities to promote and protect human rights. However, the promotion and protection of human rights has not reached an adequate level in the forces yet.

This is, among other things, due to the fact that the legal framework conditions are partly not in place, strongly restricting, or respectively, influencing the basic rights and liberties of the recruits. Notwithstanding, there is a decided effort to improve the situation. Another important issue for the CoJ is to ensure social security for members of the armed forces. Regular personal inspection visits are indispensable in the trust-building process. Unfortunately, it has to be said that a substantial amount of the grievances is due to a lack of legal knowledge on part of those involved within the armed forces. Therefore all those involved are called upon to actively help remove the mismanagement in military organizations.



Experience has shown that the majority does not intentionally violate rights and liberties but that in most cases there is simply a lack of knowledge on part of individual people. Concluding his presentation Indrek Teder stated that first and foremost it is the personal task and aim of the CoJ to play an active role and take initiative to create awareness of the problem by training the personnel in that respect and by offering training programmes and seminars.



Máté Szabó (Hungary) stated that in Hungary the ombudsman has already entered its third generation of activity. In the course of his presentation he pointed out that because of sufficient support and advice many of the complaints can be settled outside the ombuds institution, such as for instance matters of data protection, sexual orientation, unequal treatment or ethnic differences. Máté Szabó further stated that the number of complaint cases on part of the soldiers is rather low at the moment and mainly concerns economic matters (e.g. pay, awards) of those involved.

Máté Szabó was proud to report that since Hungary's accession to NATO also women are serving in the Hungarian Armed Forces – without real problems or an increase in complaints. In view of the high unemployment rate, joining the military is considered very popular and lucrative in Hungary.

Máté Szabó further stated that a large number of conferences, workshops, competitions, and exhibitions are being organized and executed. This contributes to the fact that, when the media's interest in the forces is used wisely, the message is spread to the relevant decision makers as well as to the population and the members of the armed forces in a positive manner.

At the end of his presentation Máté Szabó pointed out that the openness and the increased popularity as well as the citizen-friendly way of the ombudsman and the ombuds institution with its relevant activities has led to considerable improvement and the promotion of ombudsman tasks. There has been a considerable increase in



complaints, probably due to the fact that the population has become more aware of the institution but it equally has to be stated that because of this the working procedures and processes benefit both sides in the long run.



At the beginning of his presentation **Marek Zubik (Poland)** informed the participants about the foundation and implementation of the ombuds institution. In doing so, he emphasized that every person has the right to turn to the ombuds institution in pursuit of his or her own interests. Marek Zubik further pointed out that a lack of information on part of the soldiers concerning human rights issues is a great deficit. To counteract that, there is an intensive exchange of direct information with the soldiers and subsequently with the commanders. Another task of the ombuds institution is an examination of the measures taken by the Ministry of Defence. The institution is striving to also address and solve difficult matters the soldiers bring in.

In the course of his presentation Marek Zubik emphasized the importance of regular visits to the various units. Inspections on the ground help the institution to get a better picture of the problems and facilitate more effective dealing with them and finding solutions. Marek Zubik described the activities and tasks of the ombuds institution and emphasized the need of promoting and disseminating knowledge about human rights and their protection among the soldiers.

Concluding his presentation Zubik went into detail concerning the procedures of dealing with complaints, providing also statistical data of the previous year.

Follow-on Discussion

In the follow-on discussion Sasa Janković remarked that the ombudsman himself does not get active in cases of individual



complaints but that it is his task to make sure that the appropriate mechanisms are activated.

Reinhold Robbe presented some problem cases of international relevance and pointed out that frictions might occur among the members of armed forces of different nations. He, furthermore, emphasized that if, for instance, during international exercises several nations are affected by mistakes made by soldiers, the same right should apply to all of them.

After that Hans Born suggested an evaluation system that could include the following steps: (1) anonymous questions, (2) external independent investigation institutions, (3) checking existing complaints, (4) measures concerning media reports, since otherwise it might happen that the ombudsman gets informed about incidents through the media, and (5) internal control.

Friedhelm Dreyling reiterated the problems in connection with international operations and pointed out that the existing mechanisms are not adequate.

VI. 2. 5. Panel 5: Support for Families of Members of Armed Forces

Speeches and Presentations by



Austria: Paul Kiss, Chairman of the Austrian Parliamentary Commission for the Federal Armed Forces



Canada: Pierre Daigle, Ombudsman for the Department of National Defence and the Canadian Forces



EUROMIL: Bernhard Gertz, Vice-president of the European Organization for Military Associations



In his presentation **Paul Kiss (Austria)** stated that the framework conditions have greatly changed, due to the rapid technological development, particularly in the area of communication. These changes are particularly felt by soldiers serving in international operations.



Paul Kiss pointed out that there are legal principles for the support of families of members of the armed forces and highlighted the responsibility of providing comprehensive care and assistance to them. In the course of his presentation he addressed possible areas of tension among the soldiers, conceding that the possibility that family problems might occur was relatively high during an international operation. This includes the fact that, due to the available technological means which facilitate communication with the home country, often immediate action of the person in question is required, which can lead to additional stress, particularly in the event of an exceptional incident.

It is therefore important that not only the soldiers themselves but also their relatives (families, partners, and children) receive active instruction and that subsequently preventive measures are set. Paul Kiss further emphasized that the Austrian Armed Forces provide comprehensive family care which meets with great approval. First-rate care is provided for family members before, during, and after an operation.

This includes social and legal coverage of the respective partner, in the event a soldier dies in the line of duty. Among other things, Paul Kiss explained the care model for soldiers and their families in detail, which rests on three pillars: increasing the problem-solving capacities of the relatives, networking among the families, and providing professional care through the armed forces.

Subsequently Paul Kiss addressed relevant issues, such as, for instance, the soldiers' rotation flights and the field of information technology which are also dealt with by the Parliamentary Austrian Armed Forces Commission and the Ministry of Defence and Sports, in order to find common solutions and make improvements.

In conclusion, Paul Kiss stated that the Austrian Armed Forces have a very high standard of family care during international operations.



In his presentation **Pierre Daigle (Canada)** first pointed out that the Ombudsman of the Canadian Ministry of Defence is authorized to initiate investigations into complaints and provide information and advice to all members who need help or feel that they are not treated fairly.

It was made clear that also family members have the right to file complaints. In the course of his presentation Pierre Daigle explained the structure of the ombuds institution of the Canadian Armed Forces and outlined the entire area of responsibility of the ombudsman by giving examples. Pierre Daigle emphasized that, during their course of military duty, Canadian soldiers are routinely deployed to places all over Canada and abroad, which is why not only the soldiers themselves but also their relatives and families are affected by the comprehensive use made of the soldiers during their time of military service. The importance of that area was recognized early by the armed forces who committed themselves to taking respective measures. Among other things, one important initiative was the introduction of an ombudsman in 1998. In the course of his presentation Pierre Daigle gave a detailed description of the possibilities of filing complaints and the personnel entitled to file complaints within the armed forces. He further gave an overview of the financial protection of the soldiers as well as of the possibilities of health coverage of the dependents. The ombudsman plays a major role in the event a soldier dies, for whatever reason, while carrying out his military duty. Therefore a number of measures have been taken to ensure comprehensive protection of the soldiers as well as their families and, above all, provide information concerning this issue.

In conclusion, Pierre Daigle emphasized that the Ministry of Defence and the Canadian Armed Forces have the responsibility to ensure that all members and employees receive fair and equal treatment. The ombuds institution is more than just an initial place of address but contributes to fulfilling these important tasks and preventing injustices.



In his presentation **Bernhard Gertz (EUROMIL)** stated that, in view of the ever growing demands made on soldiers during operations, the care provided to them upon redeployment is an essential part of the care system.

This applies to all soldiers, whether they redeploy early or according to plan, as well as to their most important relations, such as partners, children and parents. Bernhard Gertz furthermore stated that one central task is to help soldiers reintegrate after an operation, so that they are able to come to terms with, particularly, psychological strain. To be able to provide this kind of support across the country, a network of 31 full-time family care centres was installed, constituting the main pillar of the family care system of the German Bundeswehr. If need be, these centres can be supplemented by up to 50 so-called family care posts, which are run on a part-time basis. These care facilities are central contact points during and after an operation.

One essential part is the operation review seminar run by professional moderators, supported by military medical doctors, psychologists, chaplains and social workers of the German Bundeswehr. In those seminars the family members of the soldiers are explicitly welcome, although their participation is not mandatory. Aside from helping the redeployed soldiers overcome the stress after an operation and reintegrate them into society, it is a declared goal of the review seminars to also pay adequate tribute to the strain their families were under during that time.

Concluding his presentation, Bernhard Gertz stated that the advice and care these social services provide should be offered as early as possible and that they are for free and unlimited time-wise for the soldiers as well as their families. In addition, all these offers are supplemented by a large number of public, private and Church-run institutions assisting soldiers and their families.



VI. 2. 6. Panel 6: Matters Concerning Veterans

Speeches and Presentations by



Netherlands: Kees Gravenmaker, Inspector General of the Royal Netherlands Armed Forces



Romania: Ioan Muraru, Romanian Ombudsman



At the beginning of his presentation, **Kees Gravenmaker (Netherlands)** explained the general guidelines for dealing with matters concerning veterans in the Netherlands.

They rest on three pillars, i.e. thanks, appreciation, and wellbeing. In the Netherlands veterans are former military personnel with Dutch citizenship who served in wars or similar operations, such as peace support or peacekeeping operations.

Kees Gravenmaker emphasized that, considering all operations since WW II, there are an incredible 115,000 veterans in the Netherlands, today. He added, however, that in the Netherlands soldiers are automatically considered veterans upon retiring from active duty. In earlier days, providing care for veterans was largely a matter of private initiatives and institutions, while the government remained responsible only for their retirement pay and the support of those left behind. Since everyone is health insured, they are all well taken care of. In addition, health care within the forces has a very high standard, particularly during the preparation and the review phase of an operation.

According to Kees Gravenmaker the Veterans' Institute plays an important role in implementing the three-pillar model, ensuring comprehensive care for the veterans, in particular with regard to medical care. It is of great importance to guarantee that veterans receive comprehensive and first-rate care for lifetime.



Ioan Muraru (Romania) stated that the Romanian legislation awards veteran status to all persons who fought either in the First or the Second World War, were injured or kept as prisoners of war. Ioan



Muraru explained these legal regulations for veterans in Romania in detail.

Aside from receiving comprehensive care, the veterans also enjoy several financial benefits, such as free medical care, free train tickets, a certain pension income, etc.

Ioan Muraru also addressed the commitment of the People's Advocate Institution, which supports the veterans with their respective concerns, if need be. He also pointed out that there are plans to set up a division within the Ministry of Defence for veteran affairs and explained its tasks and functions. Ioan Muraru stated that although there is certainly room for improvement in some areas the efforts being made in this direction are very positive and he advocated expert discussions and talks.

In conclusion, he referred to the Ombudsman Report 2009 which contains comprehensive information concerning the issue at hand.

VI. 2. 7. Panel 7: Post-traumatic Stress Disorder – PTSD

Speeches and Presentations by



Canada: Mary Sue McFayden, General Counsel



Norway: Kjell Arne Bratli, Parliamentary Commissioner of the Royal Norwegian Armed Forces



U.S.A.: David P. Cienski, United States Air Forces Chief of Inspections



In her presentation **Mary Sue McFayden (Canada)** reported that the Ombudsman Bureau of the Ministry of Defence and the Canadian Armed Forces was set up in 1998, in order to ensure more transparency and fair treatment of all personnel of the armed forces and their families. Since it was installed it has dealt with more than 14,000 cases.

In first place, the bureau is a source of direct information and a point of contact for those who seek help, while in addition it helps clarify



matters. This institution supports its members by offering legal information concerning requests and complaints.

The submitted requests and complaints are investigated in order to find out whether injustice had been done to former or present members of the armed forces or whether the plaintiffs had been treated unfairly.

The ombudsman pursues the aim to deal with complaints as fast and as informal as possible and on the lowest level. There is, however, the possibility that with certain complaints a regular investigation can be initiated, the findings and results of which are allowed to be published.

According to Mary Sue McFayden, the aim is not to identify problems but, first and foremost, to arrive at long-term, effective problem resolutions for the benefit of all parties involved. The bulk of the complaints filed concerns issues such as discontent with certain personnel decisions, interference with the private sphere and data protection violations, discontent with the housing situation and similar matters.

In 2008, a brochure was issued to document the ministry's progress in dealing with PTSD and other stress-related diseases and to observe their development. Being able to provide adequate and comprehensive medical treatment for the soldiers is of high priority. Mary Sue McFayden gave a number of reasons for stress-related diseases that break out during or after a military operation. Subsequently she analyzed the brochure in detail and addressed the future role of the ombuds institution with regard to dealing with PTSD and other stress-related diseases. In conclusion, Mary Sue McFayden emphasized that especially Canada's engagement in Afghanistan has shown that the psychological strain on the soldiers is steadily on the rise and that dealing professionally with it and providing comprehensive care will be a great challenge for the armed forces in the future. Therefore the ombuds institution is considering active commitment in this area as an absolute priority.



In his presentation **Kjell Arne Bratli (Norway)** pointed out that PTSD is directly related to the intensity of the combat situation.

The standard health system is over-challenged with that and since both systems are not communicating with each other there is no understanding for the fact that some soldiers perceive themselves as losers or have the feeling that they are not recognized and appreciated enough.

Kjell Arne Bratli indicated that more empathy is needed in that respect. At the same time, admitting to be suffering from PTSD is stigmatized. This can go so far that those concerned fear to lose their work places if they admit to it. Kjell Arne Bratli surmised that there was a possible connection between PTSD and the high rate of suicides after a military operation.



David. P. Cienski (U.S.A.) stated that the U.S.A. has a lot of experience in dealing with post-traumatic stress disorder (PTSD). Because of that and in order to prevent any kind of stigmatization, the U.S. is screening the soldiers before and after an operation. Although the soldiers often feel stigmatized, the number of those not affected by PTSD are in the minority.

David. P. Cienski further mentioned that also hotlines were introduced which are often used by soldiers who served in the Second World War, since they did not have the possibility to go any place with their problems. These veterans were traditionally taken care of by other veterans and not by the Department of Defense. This consequently led to the foundation of numerous veteran associations that made sure that their comrades received the services they qualified for.

Another important point David P. Cienski mentioned, was providing care for the families, as there was mutual support among the comrades and their families. All these aspects have to be taken into account and it is the responsibility of the ombudsman to put them into question, since problems considered to be normal can relatively



quickly develop into PTSD. The ombudsman is able to offer assistance and refer the people concerned to the relevant places. What counts is to actively approach the people.

In conclusion, David P. Ciencki stated that some research results support the idea that it is more cost-effective to treat PTSD rather than to ignore it or act too late.

Follow-on Discussion - Panels 6 und 7

Reinhold Robbe asked DCAF to make the contributions of the other speakers available and pointed out that PTSD research has to be continued and that there has to be intensified international cooperation in that respect, in order to improve the situation for those concerned. Like in the Netherlands, also in Germany the people suffering from PTSD feel stigmatized, so that they often avoid seeking professional help. Germany intends to found an institute for prophylaxis and research in this field in order to exchange knowledge with universities and other ombuds institutions, such as those in Canada, the U.S.A. and France who already have much experience in this field. It also takes political pressure, he added, since governments obviously find it difficult to seek cooperation and exchange experience.

Hans Born expressed his thanks for the detailed information provided in connection with PTSD, which he considered to be the beginning of a discussion concerning veterans and PTSD. He also expressed his surprise about the large deviation in the numbers of veterans in Canada and the Netherlands. In addition, he reiterated that the definition of the term 'veteran' differed from country to country.

Kees Gravenmaker explained that currently there is a discussion in the Netherlands concerning the definition of the term 'veteran' and that there is an intention to also include people who are still on active duty.



For Kjell Arne Bratli any person who has been engaged in combat action or has participated in peace support operations is a veteran, which makes everyone who served in the forces a veteran. There are, however, legal differences such as with respect to insurance, although everyone is treated equal.

VI. 2. 8. Lecture by Dr. Susan Atkins, UK, Diversity and Defence - the UK Experience

As mentioned at the beginning Dr. Susan Atkins was regrettably not able to join the 2nd ICOAF conference in Vienna. Therefore the Parliamentary Commission of the Austrian Armed Forces received the speech notice from Dr. Atkins which should have been presented during the panel presentation and discussion. Please note that a short version has been summarized and is being published below.

At the very beginning Atkins tried to give an overview of the diversity of the UK Armed Forces. She pointed out that although the civilian job market has worsened, the services have increased their intake but the percentage of women in each intake has fallen since the last 5 years. Additionally the percentage of ethnic minority recruits is also dropping, but looking at recent developments a reversal in a previously steady increase of ethnic minority recruits into the army can be identified. It has been determined that most service personnel join the services in their teens or early twenties and the average length of service is around five years in the army. The armed forces have exemptions from diversity legislation on the grounds of disability and age. There is no ban on homosexuality and the equality legislation on this applies in full.

Moreover Atkins explained the development process looking at the position of the service complaints commissioner and outlined the purpose and goals of such an institution. Additionally the lecturer referred to the reasons for complaints in general and briefly



mentioned the content of the annual reports being available at the SCC's website.

Taking a closer look at the annual report of 2009 Atkins pointed out her grave concerns about the way complaints about bullying, harassment and discrimination were handled, especially, but not exclusively, about delay. Summing up Atkins concluded that the service complaints system was not efficient, not effective and not fair, whereby she made a number of recommendations particularly on such diversity cases and will review them at the end of her first term end of 2010.

Atkins emphasized that she will continue to monitor the situation and the impact of the improvements, looking not just at the cases under her oversight and new quantitative data on complaints but also the bottom line data from the continuous attitude commission.

Concluding her presentation Atkins pointed out that there is a clear determination and personal commitment from service chiefs to tackle inequalities and poor treatment and to increase respect for diversity in the UK's armed forces. Just looking at the actions that have been taken over the last two years are a sign of that commitment. However there is still a long way to go. One of the benefits of a focus on diversity is that it stimulates ways of doing things which can benefit the majority as well as the minority. Diversity will remain an integral part of their work so that everyone who serves with the UK armed forces is treated well.



VII. Vienna Memorandum

Final Declaration of the
2nd International Conference of Ombuds Institutions for the Armed Forces



The Role of Ombuds Institutions in Promoting and Protecting the Human Rights of
Soldiers and Veterans

Final Declaration of the
2nd International Conference of Ombuds Institutions for the Armed Forces



“Vienna Memorandum”

The 2nd International Conference of Ombuds Institutions for the Armed Forces, hosted in Vienna, Austria, from April 25 to 28, 2010 takes ahead the cooperation process of these independent institutions, as is expressed in the “Berlin Declaration”, according to which the control of armed forces assumes an important role in countries with a democratic constitution, by providing transparency and reinforcing confidence in the armed forces.

The long-term goal is to strengthen the various legal and other framework conditions for these controlling bodies, as far as they have been installed, which currently exist in various shapes, ranging from parliamentary ombuds institutions to military bodies in charge of controlling the armed forces.

The Vienna Conference is focused on the role of ombuds institutions in promoting and protecting the human rights of soldiers in peacetime and during operations as well as their welfare after an operation.

Against this background, the “Vienna Memorandum” is to lay the basis for a successful international cooperation in the interest and for the benefit of all soldiers.

The conferees declare that

- (1) The promotion and protection of the human rights of soldiers and veterans in peacetime and during operations is a central concern,
- (2) Particular attention is paid to a respectful handling of the diversity in armed forces with regard to gender, sexual orientation, ethnicity and religion,
- (3) Increased attention is paid to the effects of a possible post-traumatic stress disorder of soldiers,
- (4) The support and the welfare of the families of members of armed forces are of great importance,



- (5) The various legal and other framework conditions for ombuds institutions for the armed forces are to be strengthened and a handbook and a website on the situation of the ombuds institutions in the respective countries is to be developed,
- (6) It should be considered to facilitate cooperation between ombudsman institutions in order to support and protect human rights, fundamental freedoms und welfare of soldiers in international military operations,
- (7) The periodic continuation of the cooperation process be kept up,
- (8) The conference will be continued in Serbia in 2011, and
- (9) Canada and Norway have been approached to host a conference in 2012 and 2013, respectively.

Vienna, April 27, 2010



Words of Appreciation

On behalf of all participants from abroad, German Parliamentary Commissioner for the Armed Forces Reinhold Robbe thanked Austria for the excellent preparation, organization and execution of the conference as well as for the consummate hospitality they received.



VIII. Framework Programme of the 2nd ICOAF

VIII. 1. Monday, April 26, 2010: Reception given by President Anton Gaál in Krieau

The traditional Viennese trotting course Krieau forms a perfect backdrop for the evening reception given by President Anton Gaál on the occasion of the 2nd International Conference of Ombuds Institutions for the Armed Forces.

Located in the middle of Vienna, Krieau has offered friends of the trotting sport as well as people from far and near plenty of leisure time possibilities, ever since it was opened in 1878. Because of its vicinity to Prater Park, the football stadium and the Vienna fair it is a favourite place to visit, today.

President Anton Gaál was very skilful in combining the historic place, dating back to the Imperial times of the Habsburgs, with the current events of the 2nd ICOAF in an ideal manner. The pleasant atmosphere in the President's box was used to pass the experienced highlights of the conference in review.

VIII. 2. Tuesday, April 27, 2010: Reception in Vienna City Hall

Invited by Vienna's Mayor Dr. Michael Häupl and Prof. Harry Kopietz, First President of the Vienna Province Parliament, the participants of the 2nd International Conference of Ombuds Institutions for the Armed Forces visited Vienna City Hall.

In his welcome address, the President of the Vienna Province Parliament Harry Kopietz underscored the importance of the functions of the parliamentary ombuds institutions worldwide. He emphasized that providing care for family members of soldiers and veterans with a post-traumatic stress disorder belonged to the most important tasks of a society. Mr. Kopietz also praised the Parliamentary Austrian Armed Forces Commission as a very effective institution, dealing with approximately 500 complaint cases annually.

In the City Hall Cellar Harry Kopietz treated the conference participants to Viennese culinary specialties and wished the 2nd ICOAF great success.



VIII. 3. Tuesday, April 27, 2010: Dinner at a 'Heurigen' in Neustift am Walde

Visiting a Viennese 'Heurigen' is a must for guests from all over the world visiting Vienna. Therefore, visiting the traditional Viennese tavern "Fuhrgassl-Huber" in Neustift am Walde was almost a mandatory item on the conference programme.

Enjoying typical "Heurigen" food, crisp white wine and mild red wine was enhanced by excellent music, creating an atmosphere known as the legendary "Wiener Gemütlichkeit". Thus, the social evening ended with everybody being in great spirits.

VIII. 4. Wednesday, April 28, 2010: Guided Tour through the Museum of Military History

The Director of the Museum of Military History, Dr. Christian Ortner, welcomed the participants of the 2nd International Conference of Ombuds Institutions for the Armed Forces and personally guided them through this oldest and most impressive museum of military history.

Dr. Christian Ortner gave the visitors a thorough overview, explained the history of the construction of the first museum in Vienna and explained selected objects of global historic interest.

Military and war history, technology and natural history, art and architecture are combined in the Museum of Military History in a most unique manner, with a focus on the role of the army and Austria's military past at sea.



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The participants in front of the Austrian Parliament





Reception & Welcome Address





Official Opening of the Conference



President
Mag.ª Barbara Prammer



Chancellor
Werner Faymann



President
Anton Gaál



Ambassador
Dr. Theodor H. Winkler



General
Mag. Edmund Entacher



Commissioner
Reinhold Robbe



Auditorium



Discussion Forums and Speeches (Panels 1 - 7)





Reception given by President Anton Gaál in Krieau





Reception in Vienna City Hall





Dinner at a 'Heurigen' in Neustift am Walde





Guided Tour through the Museum of Military History

