



6^o INTERNATIONAL CONFERENCE OF OMBUDS INSTITUTIONS FOR THE ARMED FORCES
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CONFERENCE REPORT

SOCIAL MEDIA AND THE ARMED FORCES
IMAGE OF THE ARMED FORCES
CAPACITY DEVELOPMENT



Disclaimer

This report reflect the contents and spirit of discussions held at the 6th International Conference of Ombuds Institutions for the Armed forces on 26-28 October 2014 in Geneva. The meeting was conducted entirely under Chatham House Rules. The comments contained in this report, while not attributed to specific individuals, reflect the views and opinions expressed by panellists and participants during the meeting.

1. BACKGROUND AND INTRODUCTION

INTERNATIONAL CONFERENCE OF OMBUDS INSTITUTIONS FOR THE ARMED FORCES

Since 2009, the International Conference of Ombuds Institutions for the Armed Forces (ICOAF) has been a recurring annual event. The ICOAF has become a leading international forum for ombuds institutions for the armed forces (from here on referred to as 'ombuds institutions'), and it has come to play an essential role in contributing to accountable governance practices and effective oversight of armed forces.

This report provides a synthesis of the discussions held at Sixth ICOAF (6ICOAF), hosted by the Geneva Centre for the Democratic Control of Armed Forces (DCAF) on 26-28 October 2014 in Geneva, Switzerland. The conference took place with the support of l'Organisation Internationale de la Francophonie (OIF) and the Swiss Federal Department of Defence, Civil Protection and Sport (DDPS).

THE OBJECTIVES OF 6ICOAF WERE:

- TO EXPLORE THE USE SOCIAL MEDIA BY OMBUDS INSTITUTIONS AS WELL AS THE ARMED FORCES
- TO EXAMINE THE ROLE OF OMBUDS INSTITUTIONS IN SHAPING THE ATTRACTIVENESS AND PERCEPTION OF THE ARMED FORCES AS AN EMPLOYER
- TO ASSIST OMBUDS INSTITUTIONS IN THEIR EFFORTS TO IMPROVE COMPLAINTS HANDLING PROCESSES AS WELL AS THEIR RELATIONS WITH ARMED FORCES.

The preliminary findings of two DCAF mapping studies were presented on challenges and entry points for improving the functioning of ombuds institutions in (a) the OSCE region and in (b) Francophone sub-Saharan Africa. The conference attracted civil ombuds persons, defence ombuds persons, parliamentary commissioners and inspector-generals of 37 countries in Africa, America, Asia and Europe. In the final conference statement, the participants requested DCAF to develop a guide on ombuds institutions and social media in the context of defence.

2. TRACK 1

SOCIAL MEDIA

The internet has evolved into an important global platform for communications, in the scheme of which social networks have played a vital role. However, the dissemination of information and opinions via such networks also throws up numerous questions about possible infringements of the law. These questions are also of concern to service personnel.

The participants discussed the opportunities and challenges present in social media use for ombuds institutions for the armed forces from two angles: (1) the use of social media by and within the armed forces; and (2) by ombuds institutions themselves. The use (and potential for abuse) of social media in the armed forces, in official and unofficial, institutional and individual capacities was also addressed. During the meeting, discussions highlighted how social media can be a useful tool for both outreach and complaints-handling.

Use of Social Media by and within the Armed Forces

There is a significant variety of approaches concerning the use of social media in and by the armed forces in ICOAF participating countries. To begin with, there are certain reservations as to the added value social media represents in the wider scope or activities carried out by the armed forces. These are often weighed against the extent to

which fundamental rights of service personnel extend to social media – in particular that of freedom of expression. In addition, there are practical implications regarding the adoption of standards and guidelines for social media usage.

Service personnel often use social media privately, comparable or in a similar manner as that of citizens of their country. However, service personnel, including ministers and high-level officials, might also use it in an official capacity, which places their interactions on social media against the background of complex, sometimes conflicting, interests and legal principles. They can, at times, mix professional and private activities online to the detriment of their units, armies or even themselves.

Official use of social media within many countries' armed forces is largely fragmented, with organizational units developing their own approach and strategy. In addition, institutions report a significant degree of uncertainty among users, and particularly among officers, about how best to engage with social media. All of which has revealed a rising need to develop national guidelines on the use of social media in the armed forces.

In this light, a legislative framework concerning social media can be a relevant instrument for both institutional and private use of social media. An active presence on social media can be useful for building a virtual identity for ombuds institutions, and in turn can help raise awareness within the institution, as well as with the wider public. Nonetheless, it is also important to consider that there are far wider difficulties in determining best practice for social media use, within and by the armed forces. Some of these are as basic as lacking access to internet and social networks.

OFFICIAL USE OF SOCIAL MEDIA IN THE ARMED FORCES IS LARGELY FRAGMENTED, WITH EACH UNIT DEVELOPING ITS OWN APPROACH. MOREOVER, THERE IS A SIGNIFICANT DEGREE OF UNCERTAINTY AMONG USERS ABOUT HOW BEST TO ENGAGE WITH SOCIAL MEDIA.

IN THE CASE OF SOCIAL MEDIA USE, THERE IS AN EXPRESS NEED TO BALANCE MILITARY DISCIPLINE AND NATIONAL SECURITY, WHILE AT THE SAME TIME RESPECTING THE FUNDAMENTAL RIGHTS OF ARMED FORCES PERSONNEL.

Social Media Guidelines

Participants underscored that, in the case of social media use, there is often an express need to maintain a balance between military discipline and national security, while at the same time respecting the rights of armed forces personnel. This need is both rooted in concern as it is on priority for certain military values,

such as confidentiality. In some cases, publication of information about operational matters in the armed forces by service personnel without previously obtaining official clearance may constitute a disciplinary offence or even a criminal act. In consequence, a number of armed corps place bans on the official and personal use of social media by service members. In stark contrast, some states have begun efforts to engage with social networks with the objective of shaping the public image of the armed forces. For example, they encourage service members to use social media platforms and share positive stories from their work. Regardless of the approach, most ombuds institutions agree with the point that regulations or guidelines are instrumental for defining an official policy on social media, and key when ensuring that armed forces personnel are adequately making use of information technologies.



Participants from the Netherlands, Madagascar, United States and Senegal

In recent years, a number of social media guidelines for the armed forces have been developed to give recommendations on usage, as well as to underscore the legal obligations personnel have with regard to operational secrecy. These guidelines aim to provide clear practical guidance and solutions towards the practice of transparency, responsibility and accountability online without infringing on free expression by armed forces personnel. Useful aspects or factors that can be taken into consideration by the armed forces when drawing up their guidelines, or by ombuds institutions by reviewing them, include:

- a) Fundamental rights of service members
- b) Copyright and data protection
- c) Public outreach and external relations of the armed forces
- d) Recruitment and public awareness efforts
- e) Operational security and the protection of classified material
- f) Criminal and disciplinary laws

Risks in Connection with Social Media Use

During 6ICOAF, several cases relating to misuse of social media were brought up for discussion. For example, there were instances where unit commanders resorted to using Facebook or WhatsApp (messaging service) as a command tool during operations. Arguments during the discussion centred on the unsuitability of social media as a command tool, as it could lead to security breaches, cause distractions or invite unprofessional behaviour.

Most cases concerning misuse of social media were related to sharing inappropriate content. For example, one in particular involved photos of a soldier being featured on armed forces' social media pages, despite the fact that he had not given permission or release for their publication. Other cases concerned soldiers posting photos of their deceased fellow soldiers or enemy combatants; similarly, there were concerns about the recurrence of defamatory comments, hate speech and cyber bullying against individual service members.

A final issue was explored, namely the use of private or military issued helmet cameras during combat operations. Although typically these are meant to document and evaluate operations, they can also be employed to inform the public about what life on the ground is like. This has led to the development of strict guidelines on recording while on duty.

Role of Social Media for Ombuds Institutions for the Armed Forces

After reviewing the scope and application for social media in and by the armed forces, discussions adequately focused on how new online tools can improve the work of ombuds institutions. An exploration of their added



Panel 1. Social Media. Representatives of Serbia, DCAF, Germany and Georgia

value centred on applications and opportunities that information technologies offer to ombuds institutions. Despite their relative novelty, social media can positively reflect on an ombuds institution's degree of institutional transparency; via social media, ombuds institutions can instantaneously release information directly to the public without having to rely on state, private, independent or other media outlets. Moreover, online complaints handling can also improve accessibility of the ombuds institution.

THE NUMBER OF OMBUDS INSTITUTIONS RECEIVING ONLINE COMPLAINTS AND USING SOCIAL MEDIA TO DISSEMINATE REPORTS AND INFORMATION TO THE PUBLIC HAS INCREASED IN RECENT YEARS.

An increasing number of ombuds institutions now receive complaints online and use social media to disseminate reports and information to the public. Some of them observed an increase in the number of complaints received after online submissions were made possible.

As for the standing challenges, ICOAF participants explored how developing and maintaining the institution's presence online, such as a website and Facebook profile, implies the allocation of additional resources such as a community or media platforms manager. Other questions were raised, including how best to verify and monitor information, how to guarantee privacy of those involved, and how to monitor the armed forces. On this last issue, ombuds institutions centred on the ethical implications of setting restrictions on social media use that may trample over fundamental rights. To this end, it was suggested that institutions promote the monitoring and implementation of social media regulations in the armed forces, to ensure that the rights of soldiers are being observed.

3. TRACK 2

THE STANDING OF THE ARMED FORCES IN SOCIETY

The Sixth ICOAF has two panels dedicated to exploring the role of the armed forces as a 'good' employer, particularly in countries where defence reform has taken place. The conference identified the public perception of the armed forces as determinant to their attractiveness as an employer.

Panels argued that numerous historical and political factors influence how the armed forces are perceived in society, including: democratic transition, de-colonisation processes, military leadership, general political instability, and military involvement in the political scene. Most notably, countries shared experiences where instances of abuse, association with private military organisations or involvement in criminal activities also impacted the image of the armed forces in a negative manner. In turn, participants discussed the role of ombuds institutions in directly or indirectly shaping this perception.

Factors that Affect the Armed Forces Attractiveness as an Employer

In some countries, patriotism is a key factor that attracts individuals to the armed forces; in others, belonging to the armed forces conveys a notion of status to which recruits can aspire to. Nonetheless, with several countries having moved away from a conscription system, attracting and maintaining qualified recruits becomes a challenge. Promoting a positive image of the armed forces can greatly contribute to recruitment, just as much as it can help improve transparency and accountability in the armed forces. Even so, there are many elements beyond perception that determine the attractiveness of the armed forces as an employer, which states need to identify on a case by case basis.

PROMOTING A POSITIVE IMAGE OF THE ARMED FORCES CAN CONTRIBUTE TO RECRUITMENT, JUST AS MUCH AS IT CAN HELP IMPROVE TRANSPARENCY AND ACCOUNTABILITY IN THE ARMED FORCES.

Conference panellists suggested that in order create a positive image of the armed forces, it is essential to first understand and acknowledge areas within the service that require improvement. In countries where the armed forces have been involved in past repression, a concerted effort should be undertaken to restore the trust between the armed forces and the people. Similarly, the level of work satisfaction of service personnel can significantly impact the image and attractiveness of the armed forces as an employer.

The conference stressed that poor working conditions, unfair promotion procedures and the use of outdated equipment have a damaging effect on the public perception of the armed forces. Budget cuts and defence reforms



may also change the way the armed forces is perceived, internally and externally. Similarly the prevalence of sexual assault and sexual harassment within the armed forces may discourage people from joining the military. Other functions, such as participation in military operations and international peacekeeping missions, disaster response and reconstruction efforts can also notably improve the image of the armed forces; however, this is highly contingent on the country's internal situation, the extent and nature of their commitment abroad. In these occasions, it is important that human rights and fundamental principles are observed and respected.

ICOAF proceedings

The Observance of Human Rights of Armed Forces Personnel

Adopting the optic of 'soldiers as citizens in uniform', as human rights are concerned, is essential to ensure that social protection does not end when service personnel enter the barracks. Respect for diversity, openness about practices and reintegration into civilian life are all part of this optic. They have tangible results increasing the attractiveness of the armed forces, but more importantly in their ability to uphold and promote human rights standards. It is in this intersection that ombuds institutions play a crucial role in defining or shaping the image or the armed forces.

A strong working relationship between the ombudsman and the armed forces, when founded on the observance and promotion of good governance, can feed into the positive image of the armed forces. By effectively addressing complaints of service personnel, ombuds institutions can help improve the image of the armed forces. In times of large-scale defence reform, ombuds institutions usually receive more complaints, especially from those who will be selected for early retirement. In terms of improving the armed forces as an attractive employer, an ombuds institution can be in a position to offer advice on issues related to retirement, disability pensions and potential issues concerning general mismanagement in the armed forces.

For example, some ombuds institutions organise annual conferences with military and civil society stakeholders to present their annual report. Experience has shown that it is beneficial to focus not only on the problems but also on the positive aspects and developments that the ombuds institution has observed. In this regard, many ombuds institutions meet regularly with service members and conduct outreach visits to military units.

4. TRACK 3

CAPACITY DEVELOPMENT

The third track of the conference addressed issues of capacity development, an overarching theme for the final two panels of the 6th ICOAF. Focus was placed on effective complaints-handling mechanisms, specifically on addressing shortcomings in their processes. Moreover, the participants discussed how ombuds institutions can improve the relations with the armed forces and its leadership.

Capacity development was described as measures or activities adopted to strengthen institutional capacity so as to better fulfil their mandate. Capacity development is essentially about change, as it allows ombuds institutions to remain relevant and responsive in the face of shortcomings in their technical and functional context, as well as challenges in their enabling environment. These are explored thematically in the following paragraphs.



Panel 5. Capacity Development. Representatives from Malta, Mongolia, DCAF, Slovenia and Australia

Accessibility

Panels first discussed the issue of accessibility, a factor deemed key for making complaints-handling more effective. The complaints system becomes more accessible if there are various ways of submitting a complaint, such as the possibility to lodge a complaint electronically and the existence of a telephone hotline. In countries where there is a high-level of illiteracy, it can be difficult for some service members to receive information on how to file a complaint. Thus, accessibility of the office is not only about physical availability of services, but also about awareness on those services and know-how for efficient and appropriate use.

In a similar manner, when dealing with allegations of sexual misconduct, ombuds institutions can proactively support complainants when they come forward. To this end, they need to ensure and emplace instruments or mechanisms to prevent reprisals. Dissuading another service member to come forward with a complaint relating to sexual misconduct may amount to a military offence.

Complaints Processes

The individual mandates of ombuds institutions define their powers with respect to complaints handling. Usually, ombuds institutions for the armed forces receive and resolve complaints lodged by service members who claim that their human rights and freedoms have been violated. In many instances, the first response to a service member's grievance lies with their commander. Other institutions have unrestricted access to any entity or organisation and to meet in person with the relevant officials. However, there may be restrictions in place that dictate what types of complaints that are accepted by the ombuds institution; for example, an ombuds institution may not be allowed to address disciplinary or policy complaints.

For complaints-handling to be effective, ombuds institutions need access to necessary evidence, including official documents, testimony and information from organizations and/or officials. Further to its efficiency, ombuds institutions need to be able to issue recommendations and ensure or monitor their implementation. This is especially applicable whenever they take on a mediator role between the conflicting parties, since making and delivering recommendations to relevant organizations or officials is aimed at stopping abuses or limiting the conditions that lead to them. The implementation of recommendations remains a challenge for many ombuds institutions, despite growing recognition for their work enforcing good administration and government accountability. Nonetheless, ombuds institutions have a variety of resources at their disposal to follow up on their recommendations such as follow up meetings or visits, as well as 'going public' on certain issues.

FOR COMPLAINTS-HANDLING TO BE EFFECTIVE, OMBUDS INSTITUTIONS SHOULD HAVE ACCESS TO EVIDENCE (OFFICIAL DOCUMENTS, TESTIMONY AND INFORMATION FROM ORGANISATIONS AND/OR OFFICIALS). THEY ALSO NEED TO BE ABLE TO ISSUE RECOMMENDATIONS AND MONITOR THEIR IMPLEMENTATION.

Service members have, on occasion, complained directly to parliamentarians or the media, with the hope of getting speedier outcome in their favour. Although going public does not necessarily guarantee that the service member will achieve the desired outcome, it provides an alternative channel that brings issues and cases into public light. Ombuds institutions can as well resort to the media to elicit a response from authorities.

Powers of investigation

Depending on the mandate and resources available, an ombuds institution may consider to conduct an own initiative fact finding inquiry into conditions in the armed forces. Areas to that could be examined include, service misconduct, disciplinary sanctions, housing and living conditions, food and uniform supply, medical care, pensions, allowances and social protection, civilian employees on service contract with the military, and the conditions of families of service members. It is essential that an inquiry leads to recommendations on how to improve problem areas identified. A constructive inquiry may also point to the need to pay special attention to supply of food and military equipment, and improve supervision of procurement and distribution.

At least in one country, the largest proportion of complaints from service members concerned pay and promotion issues. By highlighting lack of information on promotions and lack of transparency as well as proposing solutions, the ombuds institution can help to change the situation if its recommendations are followed up by the parliament and armed forces leadership. Aimed at preventing violations, some ombuds institutions regularly conduct human rights training for military personnel and for other security institutions.

Maintaining and Improving Effective Relations between Armed Forces and Ombuds Institutions

For an ombuds institution for the armed forces to function effectively, mechanisms need be put in place to maintain and improve relations with the defence ministry and military leadership. Without jeopardising independence, an ombuds institution can nurture a close relationship with the military and ministry of defence. In this broader context, stakeholder management, as a discipline, becomes a critical development area for an ombuds institution. This can take the form of an outreach strategy, aimed at strengthening relations with external stakeholders, including the public, and civil society organisations. In some cases, the ombuds institution may agree on a memorandum of understanding with the armed forces, committing both parties to regular meetings and to follow up on recommendations.

Exercising Oversight in Times of Conflict

A candid exploration of recent events in Ukraine brought forth a discussion on how large scale combat operations may expose unresolved issues regarding the service members' rights, which also can have a direct negative effect on the operational ability of the armed forces. The ombuds institution may consider monitoring the mobilisation process, such as whether there is adherence to the minimum number of training days needed before being sent to combat operations.

Other issues that deserve attention include the provision of healthcare, the quality of military equipment, compensation, and rehabilitation. During times of conflict, another possible area of work can be monitoring cases concerning accusations of desertion. Based on its findings the ombuds institution may point to problems and give

RECOMMENDATIONS FOR EFFECTIVE MANAGEMENT AND INVESTIGATION MECHANISMS INCLUDE:

- STREAMLINING DISCIPLINARY AND CONDUCT REGULATIONS FOR MILITARY PERSONNEL
- INCORPORATING HUMAN RIGHTS IN TRAINING CURRICULA
- PROMOTING REGULAR INSPECTIONS OF MILITARY COMPOUNDS
- MONITORING COMPLIANCE WITH ADOPTED STANDARDS
- ADOPTING GRADUAL MEASURES TO IMPROVE WORK, HEALTH AND LIVING CONDITIONS OF SERVICE PERSONNEL.

concrete solutions, such as developing brochure to military personnel about frequently asked questions related to mobilisation.



ICOAF proceedings

5. SIDE EVENTS

OIF

On 29 October 2014, DCAF has hosted a roundtable at the headquarters in Geneva, gathering all representatives from the OIF countries. This roundtable was designed to bring together representatives of ombuds institutions, of national commissions for human rights and of Ministries of Defense from francophone countries of north, west and sub-saharan Africa, namely: Burkina Faso, Cameroon, Ivory Coast, Madagascar, Mali, Niger, Senegal, Togo and Tunisia. The objective of this side-event was to promote and strengthen international and regional cooperation between these institutions and to establish a platform for discussion to enable the sharing of experiences and information. The discussion between the participants identified challenges, the resources and responses that have been adopted by the ombuds institutions to overcome these challenges.

The roundtable consisted of two agenda items. In the first one, DCAF staff made presentations that outlined the activities implemented within the Africa Programme. One of the presentations was also intended to raise the issue of gender mainstreaming in the security sector oversight by the ombuds institutions and human rights institutions. The last presentation allowed the participants to start discussions on the main challenges ahead and on the involvement of external actors in the process of reforming the security sector.

The second part of the roundtable was essentially focused on fostering a conversation between the participants. Each representative has had the opportunity to speak and share his views and experiences on security sector oversight by the ombuds institution established in their country. The side-event aimed to create and establish relations and communication between ombuds institutions. The objective was also to engage a dialogue and facilitate cooperation at national, regional and international level; and to provide a platform for discussion and establish a number of propositions to provide support to the functioning and efficiency of ombuds institutions in the region. On this later point, the roundtable has been a success and discussions were particularly fruitful. One of the participants suggested organising this type of event on an annual basis. The possibility of organising this kind of event regionally is an opportunity to gather representatives of ombuds institutions for the armed forces and institutions with similar mandates (e.g. human rights institutions). This proposition materialised and the representative of the Togolese National Commission on Human Rights invited all participants to hold a roundtable at the headquarters of the Commission in Lomé.

EASTERN EUROPE, CAUCASUS AND CENTRAL ASIA

This round table was included as part of the programme of the 6ICOAF as a side event to the three tracks of the conference. It sought to bring together participating ombuds institutions from a wider geographical region, encompassing the Caucasus, Eastern Europe and Central Asia, and was attended by representatives from Armenia, Georgia, Tajikistan and Ukraine.

The core objective of the roundtable was to engage ombuds institutions for the armed forces in these regions, and to foster international and regional cooperation between them and with international institutions such as DCAF. For this purpose, the roundtable served firstly as an information sharing platform for participating states. The agenda for the event was guided by questions that sought to ascertain the state of cooperation on national, regional and international dimensions. The discussion explored common issues in technical capacity, oversight of the armed forces and police, as well as institution-building processes. Participants related to national experiences and relayed concerns deriving from local experiences, as well as interest in exploring solutions to common challenges.

Both the Chair and participants scoped for potential platforms or opportunities that might facilitate the sharing of reference materials and imparting trainings on key issues. DCAF has been successful in harnessing technical expertise and stakeholdership to develop capacity in many areas. As such, it was concluded that DCAF holds a strategic position for enabling and supporting the work of ombuds institutions, and that opportunities in this area should continue to be closely explored.