



***PROTECTING HUMAN RIGHTS OF ARMED FORCES
PERSONNEL: OLD AND NEW CHALLENGES***

Belgrade Memorandum

1. The Belgrade Conference sought to progress the cooperation of the independent institutions represented at the First and Second International Conference of Ombudsman Institutions for Armed Forces. The Belgrade Conference specifically sought to effect and enhance the aspirations expressed in the 'Berlin Declaration' and the 'Vienna Memorandum' which had underlined the importance of the democratic control of armed forces in countries with a democratic constitution through transparency and focused on the many benefits which flow from this.
2. The Conferees at the Belgrade Conference confirmed the agreed objectives of the two previous Conferences and endorsed the relevance and usefulness of the periodic gatherings of the Ombudsman Institutions for Armed Forces.
3. Encouraged and inspired by the First and Second International Conferences of Ombudsman Institutions for Armed Forces, the Conferees duly acknowledge the contribution of these Conferences in not only raising the level of awareness of the need for external democratic civilian oversight of armed forces but also of the criteria necessary to

enable the ombudsman institutions to provide a truly independent review of and appeal from the internal military grievance procedures.

4. The Conferees are mindful of the diversity and the range of jurisdictional limits and mandates in the many participating States.

5. They also confirm the relevance of standards of best practice in this area of work in realizing rights for armed forces personnel as '*Citizens in Uniform*'.

6. The Conferees recognise the need to address the challenges in protecting the human rights and fundamental freedoms of armed forces personnel at home and when they are serving in multinational operations.

7. The Conference also addressed the topic of unions and other forms of professional representative associations of armed forces personnel with a view to understanding the extent of their role in protecting the working conditions and terms of employment of members.

8. Respecting the differing Constitutional arrangements across States, the Conference acknowledged the right of armed forces personnel to freedom of association whether this is manifest through unions or representative associations.

9. The Conference shared the experience, wisdom, and expertise of the participants in informing the discussion towards achieving comprehensive oversight and a rights-centred approach to providing remedy and redress for the complaints and grievances of members of armed forces.

10. Starting from the premise that '*Justice delayed is Justice denied*', the Conferees confronted the risk of over-arching jurisdictions between internal and external oversight bodies tasked with representing and protecting the rights and welfare of members of armed forces.

11. The Conferees advocate an alignment of the roles and responsibilities in order to avoid ambiguity, to ensure that the members are not prejudiced by delays and to provide unfettered access to the ombudsman institution.

12. The Conferees acknowledge the need for coherence and consistency in the systems provided to ensure that the members of armed forces have confidence in the effectiveness of

the oversight function of the ombudsman institution in identifying bad practices or highlighting the systemic failure to implement good practices in the treatment of members.

13. With due appreciation of the diverse legislative, regulatory and institutional measures prevailing in the participating States, the Conferees opened up for discussion topics which may assist in securing the essential elements, criteria, and norms necessary for meaningful oversight and effective intervention.

14. The conference discussed the complexities of ombudsman institutions' role in multinational operations and recognized that this issue should be further discussed.

15. It was reiterated that ombudsman institutions, as guardians of fairness, must have adequate powers of investigation with access to all necessary documentary information, witnesses, and military installations in the course of their enquiries.

16. The Conference acknowledged the benefit in inviting States that wish to establish democratic oversight of their armed forces to participate in the dialogue to provide them with the benefit of the experiences from established ombudsman institutions, insight into the challenges to be overcome and an appreciation of the positive outcomes.

17. Participants stressed the importance of education on human rights among members of armed forces.

18. Conferees agreed that large number of complaints submitted to internal and external control and oversight mechanisms indicate vitality and strength of the protection system and wide institutional commitment to respect for human rights, rather than a problem. They also underlined that a member of armed forces who submits a complaint in good faith must not suffer any negative consequences or be subjected to punitive treatment for doing so.

19. In consideration of the shared objectives, through the sharing of information and experience regarding the challenges in exercising democratic oversight of armed forces, the Conferees:

* Support further discussion on the core issues, findings and recommendations of the panels.

* Propose that in relation to international organization and while defining the mission and mandate of the multinational operations, clear mechanisms for the protection of the human

rights and fundamental freedoms of armed forces personnel serving in these operations should be understood and promulgated.

* Accept the invitation to hold the next Conference in Ottawa in 2012.

20. The Third International Conference of Ombudsman Institutions for Armed Forces was organized by the Protector of Citizens of the Republic of Serbia and the Geneva Centre for the Democratic Control of Armed Forces (DCAF) with the support of the Ministry of Defence of the Republic of Serbia in Belgrade, Serbia from 13 to 15 April 2011.

21. In order to foster the fruitful exchange of information and experience, the Geneva Centre for the Democratic Control of Armed Forces (DCAF) circulated a questionnaire to all of the participants in advance of the Conference with a view to including the results of the survey in the Handbook for Ombudsman Institutions and the ombudsman institutions website. Both projects will provide a source of reference and information about the systems and arrangements in the wide range of States represented in the Conference. The participants welcome these valuable projects as elaborated by DCAF.

22. The ethos of the Conference and this Memorandum is guided by the principles of the Universal Declaration of Human Rights.

Belgrade, 15 April 2011