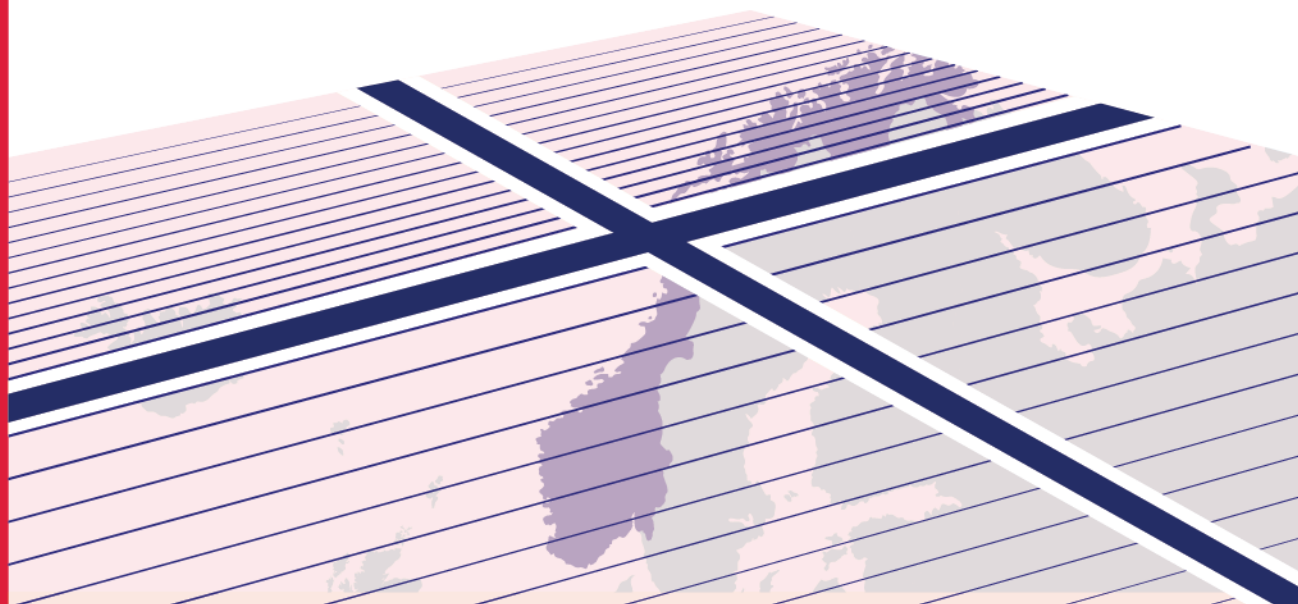


**International Conference
of Ombuds Institutions
for the Armed Forces**



**Conference Statement
FINAL**





International Conference
of Ombuds Institutions
for the Armed Forces



14th International Conference of Ombuds Institutions for the Armed Forces

02-04 October 2022, Oslo, Norway

Conference Statement

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

Jointly hosted by the Parliamentary Ombud's Committee for the Norwegian Armed Forces and DCAF – the Geneva Centre for Security Sector Governance, the 14th ICOAF took place in Oslo from 02-04 October 2022.

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

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

The Conferees declare the following:

Introduction

1. Building on the successes of the previous thirteen International Conferences of Ombuds Institutions for the Armed Forces in Berlin (2009), Vienna (2010), Belgrade (2011), Ottawa (2012), Oslo (2013), Geneva (2014), Prague (2015), Amsterdam (2016), London (2017), Johannesburg (2018), Sarajevo (2019), a virtual conference (2020), and a hybrid conference hosted from Canberra (2021), the 2022 conference addresses the rights and duties of armed forces personnel in peace and wartime.



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

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

Rights and duties of armed forces personnel in wartime – obeying orders

4. While acknowledging that obeying orders is a necessary precondition for the effectiveness and efficiency of the armed forces more generally, participants reiterated that service members also have a duty to abide with international laws and the customs of war, that is, international humanitarian law (IHL).

5. Participants underlined that operational effectiveness is not achieved at all costs; it has its boundaries. It is closely connected with and limited by the principles of legality and accountability, as well as ethical concerns. To that end, participants underlined the importance of having a clear and well-regulated procedure for service members to follow should they be subject to orders which may constitute a violation of IHL or other applicable legislation.

6. Given the potential of overlapping jurisdiction, participants highlighted the need to clearly differentiate the mandates and powers of ombuds institutions and the courts be they military or civilian, particularly in cases that are simultaneously being processed by both institutions.

7. Participants agreed on the important role ombuds institutions should play in ensuring that armed forces personnel are fully aware of applicable laws and their rights and duties before and during armed conflict. Ombuds institutions could contribute to this goal by actively participating in trainings for armed forces personnel, which should include in-depth coverage of international human rights law and its connection with IHL, as well as grievance and reporting procedures in both war and peacetime.

Rights and duties of armed forces personnel in peacetime – the case of supporting law enforcement

8. Participants noted that armed forces have been deployed worldwide to assist civilian authorities for various purposes, including fighting the COVID-19 pandemic, assisting traditional law enforcement agencies in suppressing unconventional security threats, fighting natural disasters (such as extreme weather conditions), and supporting democratic processes (such as elections) within a well-defined legal framework, as well as with respect for human rights. While welcoming the evolving roles for the armed forces, participants agreed that the deployment of armed forces to assist civilian authorities also brings up a number of important questions, such as under whose command joint operations are performed and what rules of engagement are applied.

9. Considering the role of armed forces in supporting law enforcement, participants underlined the importance of armed forces being properly trained and equipped for such tasks, especially as these tasks expose them to much closer interactions with citizens than usually.

Gender equality in the armed forces

10. Participants agreed that the role of women in the armed forces is crucial to ensure equality before the law as well as for the recognition that women and men both share unique capacities to contribute positively to security and to fulfil the various roles required within modern armed forces.

11. Participants noted that in all fields of peacekeeping, women peacekeepers have made operations more effective overall, proving they can perform the same roles, to the same standards, and under the same difficult conditions, as their male counterparts. Participants welcomed the increase of the percentage of women deployed as uniformed personnel in United Nations peace operations, as a testament of their positive impact on peacekeeping environments.

12. As servicewomen are still frequently exposed to discriminatory policies and practices, participants underlined that ombuds Institutions play an important role in protecting and promoting the human rights of servicewomen, including by making sure that they are granted equal opportunities to reach the highest ranks within the military.

13. Whilst recognizing improvements made, participants observed that underreporting is still a widespread phenomenon, particularly regarding the readiness of servicewomen to come forward and submit a formal complaint to ombuds institutions, even when clear grounds for a complaint exist.

14. Good practices related to the role of ombuds Institutions in receiving and investigating complaints concerning gender include the following:

- a. to adopt a gender focus in annual reports of the ombuds institution;
- b. to counter underreporting, by being more receptive, accessible and visible to servicewomen, both deployed domestically and abroad;
- c. to evaluate whether women face obstacles in submitting complaints, particularly those deployed abroad;
- d. to review the legal framework pertaining to the role of women in the armed forces;
- e. to assure that men and women are equally represented in promotion campaigns of the armed forces;
- f. to monitor whether the armed forces facilitate a work/life balance for armed forces personnel with family and care-giving responsibilities;



- g. to monitor long term trends in gender related complaints, especially those coming from servicewomen deployed abroad;
- h. to conduct thematic or own-motion investigations into gender issues, in particular with regards to indirect or 'invisible' discrimination;
- i. to maintain working relations with military associations and civil society organisations.

Post-deployment and the right to health of armed forces personnel

15. Participants underlined the potential of ombuds institutions to contribute more actively to the efforts of the armed forces to provide optimal support to soldiers with post-deployment physical and mental health challenges.

16. Having a well-designed regulatory framework is a precondition for the effective support to service members returning from deployment with physical and/or psychological injuries. Participants agreed that ombuds institutions play an important role in making sure that post-deployment schemes enable long-term recovery, particularly for those who remain active service members.

17. Participants observed that post-traumatic stress disorder (PTSD), depression and other mental health issues remain a salient feature of modern military service, particularly upon the return from combat operations.

18. Participants underlined that ombuds institutions should consider taking part in public campaigns or other types of widespread initiatives to enhance medical support to armed forces personnel.

19. Participants greatly appreciated the opportunity to discuss mental health and suicide among armed forces personnel, contributing to broader efforts of destigmatizing these topics and furthering a cultural change towards prevention of mental health problems and suicide. ICOAF participants aim to share best practices on systemic investigations and measures to address physical and mental health challenges, and calls for DCAF to play a facilitating and coordinating role.

SDG16 (peaceful, inclusive and just societies) – the role of ombuds institutions

20. Participants noted that ombuds institutions can play an important role in contributing to and enhancing alignment with the Sustainable Development Goals, particularly SDG-16 related to peaceful, inclusive and just societies.

21. Participants highlighted that the SDG implementation and the VNR (Voluntary National Reviews) reporting mechanism provide a great opportunity to advocate for the inclusion of more human rights-based indicators in national SDG strategies.

22. Participants noted the good practice by peers to use annual reports of ombuds institutions as indicators or the means of verification in the SDG implementation. To



that end, ombuds institutions could use the SDG implementation process to strengthen their own capacity to collect, analyze and present data.

23. Participants agreed that SDG16 enables ombuds institutions to strengthen their public profile as essential accountability mechanisms and vehicles of human rights and good governance.

International cooperation among ombuds institutions

24. Participants welcomed the Resolution on intensified international partnership of ombuds institutions for the armed forces, as a promising initiative to strengthen the cooperation of ombuds institutions in the international context.

25. Participants underlined the need for more focused discussion on peace operations led by regional organizations.

Conclusions

26. ICOAF is a platform to exchange information, good practices and experiences among the ICOAF partner institutions. Recognising that ICOAF is growing - and that 14ICOAF with 100 participants, representing around 40 ombuds institutions, coming from 35 countries, is indeed evidence of this - it calls upon DCAF to explore future avenues to strengthen effective cooperation.

27. Participants call upon DCAF to continue its efforts in providing support to individual participating institutions, particularly through capacity-building exercises and peer-to-peer exchange.

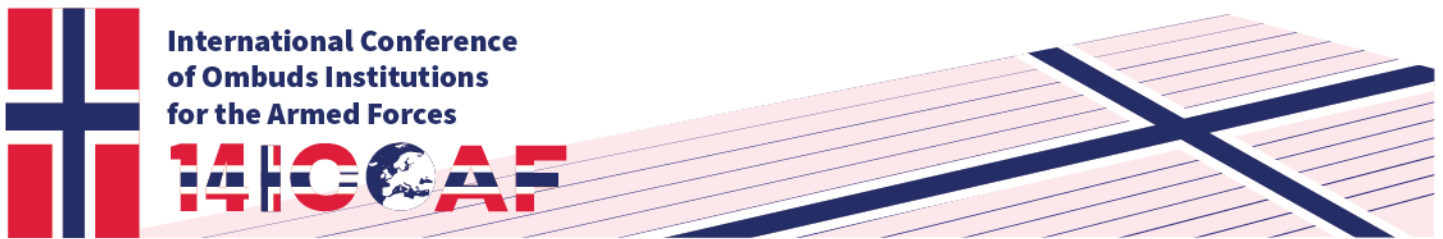
28. ICOAF participants appreciate the efforts of the Representative of the Ukrainian Parliamentary Commissioner for Human Rights to participate at 14 ICOAF following the large-scale military invasion of Ukraine by the Russian Federation. ICOAF participants are called upon to support the Ukrainian institution wherever possible.

29. Participants request DCAF to continue exploring how the international exchange of information and experiences between ombuds institutions can be further enhanced, particularly when it comes to peace operations, while at the same time respecting the particularities of national legal and institutional frameworks of ombuds institutions.

30. Participants call upon DCAF to consider conducting research on the influence of mixed migration on the work of ombuds institutions, as an increasing number of participating institutions face this particular challenge.

31. Having taken note of updates from those ombuds institutions currently engaged in joint oversight of military deployments abroad, ICOAF participants call upon DCAF to explore how national ombuds institutions can play a role to strengthen national complaints and grievance mechanisms to prevent and address all forms of misconduct related to national troop contingents including sexual exploitation and abuse.

32. Participants call upon DCAF to consider conducting research on the interplay between international human rights law and international humanitarian law and its effect on the work of ombuds institutions when operating during the armed conflict.



33. Given that 2022 marks ten years since its publishing, participants call upon DCAF to revise and update the 2012 Handbook on Ombuds Institutions for the Armed Forces which has served as a key reference in this field and an invaluable tool in capacity-building events in both new and established ombuds Institutions.

34. As ICOAF will celebrate its 15-year anniversary in 2023, participants call upon DCAF to refurbish the ICOAF website before the 15th ICOAF.

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

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

37. The fifteenth ICOAF will take place in Vienna, Austria in June 2023.

Oslo, 04 October 2022