

## **Information**

**from the Parliamentary Commissioner for the Armed Forces**

**Annual Report 2012 (54th Report)**

## Foreword

In the past year, the reorientation of Germany's Federal Armed Forces ("Bundeswehr") entailed insecurity and burdens for many soldiers and, not least, also for their families. This is probably inevitable when such radical changes are made. The widespread feeling of not being involved in these changes, and not being sufficiently informed, has meanwhile led to doubts as to whether the interests of the affected military personnel were given appropriate consideration when distributing the burdens. Doubts of this kind are understandable, at least where location decisions are concerned. At any rate, the military and political leaders are called upon, more than in the past, to patiently and transparently explain why certain decisions were necessary, and also to correct identified misjudgements in planning before implementation.

There are also reasons to be happy and grateful: no German soldier was killed in the year under review, and there has also been a marked decline in the number and severity of woundings. The major improvement in mission pretraining and equipment is doubtless part of the reason for this. At the same time, it is also a result of the increasing sharing of burdens with the Afghan security forces. The hand-over to Afghan security forces of responsibility for security in further areas of Northern Afghanistan was only possible thanks to the intensive and often strenuous training provided by our soldiers. I would like to extend my sincere thanks to everyone involved for what they have achieved.

We can nevertheless not self-contentedly sit back and rest on our laurels. The commonly noticeable feeling that the Afghanistan mission is already almost history, is premature. Experience in the KFOR mission shows once again that the situation can develop differently than was to be ex-

pected. And even after the end of these missions, we will not be able to simply leave them behind us. The bereaved families of our fallen soldiers, and those who continue to suffer from the consequences of their physical or psychological injuries, have a statutory entitlement to assistance and recognition, as do their relatives. This also means that we must take precautions in order to be able to detect and treat any delayed effects of mission-related stresses in good time. We are also heading in the right direction in this respect, but we still have a long way to go.

I would like to thank all our soldiers for the sacrifices they make in the service of our country. These thanks are also extended to everyone else who likewise has or had to accept personal sacrifices and burdens, especially our police officers, aid workers, diplomats and the many relatives at home.

My wish for our soldiers is that they find a place in the new structures of the armed forces that offers them a perspective, optimism and satisfaction. And: may the coming year prove to be a peaceful one!

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## The year under review at a glance

The event characterising the Bundeswehr in the year under review was the implementation of reorientation of the armed forces. Alongside the missions abroad, the planning and progress of this reorientation also essentially determined the work of the Parliamentary Commissioner for the Armed Forces. In the framework of reporting on the progress of reorientation, comments made by the Parliamentary Commissioner in connection with the stationing decision, equipment and mood among the troops were the subject of criticism in the parliamentary sphere. According to the critics, comments of this kind were not part of the responsibilities of the Parliamentary Commissioner for the Armed Forces. This gives grounds to also go – at the end of the Report – into the constitutional and statutory framework of the office of the Parliamentary Commissioner for the Armed Forces, the scope of his duties and rights, and also the understanding of his office of the current Parliamentary Commissioner for the Armed Forces.

The basis for the reorientation of the Bundeswehr is the "Dresden Directive" issued by the Federal Minister of Defence on 21 March 2012, according to which the Bundeswehr Chief of Defence is the administrative superior of the military personnel in the armed forces and part of the leadership of the Federal Ministry of Defence. In future, the Federal Ministry of Defence and the Federal Defence Administration, as well as all other mixed agencies and institutions of the Bundeswehr, are to be operated solely on the basis of instructions under civil-service law.

In this context, the Federal Minister of Defence stated that the principle of order and obedience, which fundamentally gives compliance with orders priority over lawfulness, was only justified in the armed forces. This did not apply to administrative actions in

mixed agencies. The objection was raised in this context that the principle of order and obedience was characteristic of the status of a soldier and that he or she did not lose this status when working in a mixed agency. In view of these different opinions, the Parliamentary Commissioner for the Armed Forces will observe whether the new command structure leads to impairments of the rights of soldiers.

As far as the structure of the Bundeswehr is concerned, the Chiefs of Staff of the services and major organisational elements are no longer assigned to the Federal Ministry of Defence, but separated from the Ministry as the supreme commands for their spheres of responsibility. As a result, they are relieved of ministerial duties and can concentrate on the military leadership of their sphere of responsibility. This is to be welcomed. Coordination of the services and major organisational elements is the task of the Chief of Defence who, according to the Dresden Directive, is now the supreme military superior of all soldiers. It is also incumbent upon him to reach a decision in the event of contradictory proposals and interests of the Chiefs of Staff.

Regarding missions abroad, the positive trend continued in the year under review, except in Kosovo. Especially in Afghanistan, further improvements in training, equipment and facilities have led to a marked decline in the number of wounded, and particularly the number of very severely wounded. No more German soldiers have been killed since August 2011. This is attributable not only to the aforementioned improvements, but also to the transfer of responsibility to the Afghan army and police, as well as to the responsible reaction of the contingent leaders to the threat from "green-on-blue attacks". The "Guardian Angels" concept, developed following the serious incident at the OP North in February 2011, has proven successful, but ties up a substantial amount of personnel. This must be

borne in mind in the future when fixing the maximum mandate limits. The situation in Kosovo did not become as stable as expected, meaning that re-course increasingly had to be taken to reserve forces. This led to major burdens on individual units that must not be allowed to recur.

Geared to the targeted size of 170,000 temporary-career volunteers and career soldiers, up to 12,500 military service volunteers and 2,500 posts for reservists, the personnel of the armed forces fell to 191,631 by the end of 2012. The reduction primarily affected the rank and file, leading to substantial additional burdens on non-commissioned officers. Just how dramatic the situation occasionally is in this sector, is evidenced by, for example, the numbers in the fleet, where there is currently a total shortage of more than 700 enlisted men. The situation is similar in the other services and major organisational elements.

Expectations that reorientation would make the Bundeswehr more effective and efficient, were not confirmed in the year under review. On the contrary: the duty and operational strain, particularly in the Army, the Navy and the Medical Service, has reached the maximum stress levels and sometimes also exceeded them, as described in more detail in the chapters on mission planning, mission duration and structural overtaxing, as well as the impact of reorientation on the Medical Service.

Despite all the improvements that have been made and deserve acknowledgement, there are also still substantial gaps as regards equipment, especially large-scale equipment. All in all, the impression arises that the employer is planning with a structure and equipment that it cannot afford under the given framework conditions. This is apparent in many areas.

One important aspect in connection not only with the recruitment of young

military personnel, but also with the motivation and identification of active soldiers with their work, is the compatibility of family and service. This compatibility includes an appropriate offer of child care. The need to improve the existing offer is undisputed, but action is primarily taken where problems with recruiting young personnel make it unavoidable: at the Bundeswehr hospitals and the Bundeswehr universities. Another unresolved problem is the lack of effective vacancy management. Not least the increase in the number of women in the armed forces automatically leads to a rise in family-related absence due to maternity protection and parental leave. The vacancies resulting from this, and from training and missions, can ultimately only be compensated for by maintaining corresponding personnel reserves. However, the current personnel structure model makes no provision for reserves of this kind. More detailed information on this subject can be found under the keywords "Child care" and "Family-related vacancies".

Petitions relating to personnel matters in the year under review were, among other things, particularly characterised by persistent criticism of the result and the implementation of the structural decisions. How the mood among the troops as regards the reorientation of the Bundeswehr is to be judged from the point of view of the Parliamentary Commissioner for the Armed Forces, is presented under the heading "Acceptance of stationing decisions". Beyond this, complaints about promotion backlogs and the assessment system were again at the forefront in the personnel sector.

Developments in the Bundeswehr Medical Service continue to give grounds for major concern. For several years now, the Bundeswehr Medical Service has only been able to secure the provision of medical services for military personnel by making increasing use of civilian capacities. This trend

again became more pronounced in the year under review. In the new structure, the remaining five Bundeswehr hospitals will no longer be able to provide military personnel with "all-round" medical care, but only in certain specialist disciplines. The cause of this is – in coordination with civilian hospitals – the concentration on specialist skills, leading to abandonment of the principle of on-the-spot "maximum care". At the same time, there will in future be more referrals of military patients to civilian doctors and hospitals. The problems to be expected as a result are described in more detail in the chapter "Medical Service".

One special problem in the context of the provision of medical services is the treatment and support of the increasing number of traumatised soldiers. Problems regarding the treatment and support of this group of persons particularly arise where illnesses do not become apparent until after retirement from service. They consist in the fact that the employer is generally no longer in contact with these persons at this point in time, and also that data regarding their active service and their missions are no longer available. This gap must be closed. There are signs that a start has been made. For instance, as suggested by the Parliamentary Commissioner for the Armed Forces, mission logs are now retained permanently. However, they are not available to civilian hospitals in the event of treatment of a soldier for traumatisation.

A fundamental solution to this problem must be found. In future, all data regarding the service and missions of soldiers must be collected, and contact with them must be maintained even after their retirement from service. This makes it necessary to grant former mission participants a status of their own.

This status could be described by the term "veterans" or "deployment returnees" and used not only to create a data-

base, but also to establish a system of preventive support and welfare assistance. The Federal Ministry of Defence has kindly taken up thoughts relating to the introduction of a status of this kind and kicked off a more extensive discussion of the matter. This discussion should be continued in a goal-oriented manner. But it must be clear in this context that it is not merely a question of the acknowledgement and appreciation of service on missions, although that is, of course, also important. Above all, it must be ensured that deployment returnees and their families receive medical care and support. That is no act of generosity – from the point of view of welfare and care, the employer already has such a statutory obligation today, even beyond the end of the time spent in service.

In the year under review, too little attention was paid to planned legislation that also affects important rights of soldiers. The Federalism Reform transferred the previous responsibility for the law on residence registration from the Länder to the Federation. The Federal Government thereupon introduced a bill regarding a Federal Registration Act in the Bundestag in the year under review. The bill envisaged abolition of the obligation of unmarried soldiers, embedded in the previous Länder laws, to register their principal residence at their duty location. This amendment was withdrawn in the course of the parliamentary deliberations on the bill – with negative consequences for soldiers, as described in the relevant chapter of the Report. Against this backdrop, the legislators should once again weigh up the advantages and disadvantages of the original bill in this respect.

Several petitions were received in the year under review that reported on facts or events which, being classified matters, were subject to secrecy. In this context, the Order: 'Service Personnel and the Parliamentary Commissioner' provides that petitions to the Parliamentary Commissioner for the Armed



Forces may not contain reports on such occurrences. At a meeting with the leadership of the Federal Ministry of Defence, it was agreed that the right of petition, embedded in the Basic Law, may not be restricted by the ban on communicating matters subject to secrecy, particularly since the handling of petitions by the Parliamentary Commissioner for the Armed Forces is likewise subject to secrecy, and compliance with the provisions of the law on the protection of confidential information is ensured in the framework of dealing with the petition. For this reason, the Federal Ministry of Defence was called upon to correct the Order in this respect.

## 1 Leadership behaviour

In the year under review, the Parliamentary Commissioner for the Armed Forces once again focused particularly on deficits and deficiencies in the issuance of orders, supervision and welfare.

Mutual trust between superiors and subordinates is indispensable in routine duty. It was often lacking. This prompted affected persons to make use of their right of petition, guaranteed by the constitution, and to turn directly to the Parliamentary Commissioner for the Armed Forces of the German Bundestag.

One particular serious case of loss of confidence was reported to the Parliamentary Commissioner from the Joint Support Service. A servicewoman from a battalion for electronic warfare had applied for a newly created post in the Special Forces Command (KSK) and successfully completed both the aptitude assessment and the subsequent, physically and psychologically demanding six-month selection process. When a decision was then to be made regarding her transfer, the Joint Support Service opposed the woman's move to the KSK, pointing out that she was deployed in an understaffed speciality

and assignment series and was therefore indispensable. The servicewoman was unable to understand this, given the fact that she had been allowed to take part in the selection process for six months, although the situation was known. I can only concur with that.

In view of the particular situation in this case, the responsible Chief of Staff of the Joint Support Service stated that he intended to talk to the servicewoman again.

### 1.1 Tone and manners

The tone and manners of some superiors and comrades make it clear that the transformation of the Bundeswehr into an army based on mutual regard and respect has not yet been internalised by all soldiers. With reference to a supposed "old school", verbal *faux pas* still occur, occasionally also being tolerated by superiors.

For example, a staff sergeant repeatedly used the nickname "Ticktack" to address a subordinate sergeant, who suffered from a disorder of eyelid movement. When reprimanding soldiers under his command, a company commander asked whether they could get that into their "shitty heads". Soldiers who were overweight, or not the sporting type, were referred to by their company commander as "potatoes", "dumplings" or "heavy masses that attract objects". It is disturbing to note that not even the regimental commander considered this to be insulting. The same commander also considered a roughly 60 cm long stick, which the company commander used to prod subordinate personnel and rap their helmets, to be a perfectly permissible leadership tool in combat situations.

### 1.2 Reaction to violations of official duties

As a general rule, legal advisors and disciplinary superiors quite rightly very closely examine violations of discipli-

nary relevance by military personnel and react immediately.

It is fundamentally at the dutiful discretion of the responsible disciplinary superior to decide how to react to violations of official duties on the part of subordinate personnel. An appropriate reaction to disciplinary offences is required in every instance.

It can be said that this is, in fact, generally the case. However, cases again became known in the year under review, where disciplinary superiors left it at a caution or reprimand, although imposition of a disciplinary measure would have been indicated. In other cases, where the instigation of judicial disciplinary proceedings would have been appropriate, the reaction instead consisted of non-judicial disciplinary measures, occasionally on probation. Hesitant or protracted investigations moreover led to situations where non-judicial disciplinary measures could no longer be imposed due to lapse of time.

It was not infrequently found when examining conduct in breach of duty that higher-ranking officers can more likely expect their disciplinary superiors to be lenient. The application of double standards inherent in this is impermissible and significantly damages the respectability of, and trust in, superiors. As clearly illustrated by the following examples, this particularly applies if exaggerated lenience is exercised vis-à-vis high-ranking superiors, while persons of lower rank suffer the full harshness of disciplinary action in similar cases.

For instance, a disciplinary fine of € 1,500 was imposed on a corporal who, on the occasion of a drinking game during the ISAF mission in Kabul, had violated the order not to drink more than 0.25 litres of wine. After thorough examination of all the circumstances, the disciplinary action taken in this case may have appeared

harsh, but certainly reasonable and justifiable.

In contrast, exaggerated lenience was exercised in the following two cases.

The pertinent Navy Regulation states that up to two bottles of beer (0.33 litres, the "two-can rule") may be drunk when off duty on seagoing units of the Navy. Exemptions from this rule can be granted in writing by the commander and the executive officer.

Against the backdrop of this rule, the commander of a frigate invited the executive officer, the ship medical officer and five heads of department to his quarters for a drink. According to estimates by witnesses, roughly 15 bottles of beer, a bottle of schnapps and two bottles of port were drunk there. This did not go unnoticed by the crew, to whom the two-can rule applied. In view of the quantity of alcohol, together with the loud music and laughter coming from the quarters, they had the impression that a drinking bout was in progress. The responsible agency refrained from responding to the commander's conduct with disciplinary action. The reason given for this was that he had merely omitted to grant written exemption from the two-can rule, i.e. that he could only be accused of a formal error. The breach of the duty to demonstrate model conduct, and the associated blatant leadership failure on the part of the commander, was overlooked. This lastingly damaged confidence not only in the superior, but also in the agency responsible for punishing the conduct.

The situation was similar in the following case. A commander with the rank of a general had given two dinners at his private home and impermissibly utilised military personnel and official resources for this purpose. A figure in excess of € 1,000 was put on the resultant loss. The competent Disciplinary Attorney for the Armed Forces submitted a written charge against the commander

to the initiating authority. The commander had in the meantime been pensioned off. The initiating authority dismissed the case, determining that a disciplinary offence had been committed, on the grounds that judicial disciplinary action was not yet required. In view of the drastic sanctions customarily imposed in cases of this kind, the complete waiver of any punishment whatsoever is incomprehensible.

### **1.3 Extremism, anti-Semitism and xenophobia**

Extremism, anti-Semitism and xenophobia in the Bundeswehr have always received the special attention of the Parliamentary Commissioner for the Armed Forces. Questions and enquiries regarding pertinent incidents are an integral part of visits to the troops and talks with soldiers of all rank categories. In addition, all cases reported by the troops as "serious incidents" involving a suspicion of an extremist, anti-Semitic or xenophobic background are taken up and evaluated *ex officio*. To this end, the responsible disciplinary superiors are requested to inform the Parliamentary Commissioner for the Armed Forces of the course of the investigations and the disciplinary action and personnel measures taken, and to provide him with the investigation documents. In this context, I also request information about the outcome of reviews by the Bundeswehr Counterintelligence Office and decisions of the departments of public prosecution, disciplinary and complaints courts, and criminal courts, as well as of the administrative courts, which occasionally review dismissal proceedings.

In the year under review, the Bundeswehr reported 67 "serious incidents" where a right-wing extremist, anti-Semitic or xenophobic background was suspected. 63 such reports were received in the previous year.

Of the soldiers coming under suspicion, roughly 68 percent came from the

ranks. 31 percent were senior and junior non-commissioned officers. In addition, one reserve duty officer came under suspicion. In 16 percent of the suspected cases reported, disciplinary offences could not be sufficiently proven or the perpetrators could not be ascertained.

As in previous years, by far the majority of cases related to illegal propaganda activities. Examples include listening to or bringing in right-wing extremist, anti-Semitic and xenophobic music on or into Bundeswehr premises, giving the Nazi salute, shouting "Sieg Heil" and utterances with a right-wing extremist, anti-Semitic or xenophobic content.

All these cases constitute serious disciplinary offences. They violate the duty of allegiance that is incumbent on the soldier and demands of the soldier that he or she acknowledge the principles of a free democratic order, the rule of law and the social welfare state enshrined in Germany's Basic Law, and actively stand up for its values. It can be assumed that a soldier who listens to the corresponding music, voices National Socialist thoughts, gives the Nazi salute and shouts "Sieg Heil" is not willing to stand up for the free democratic constitutional system at all times. Disciplinary offences of this kind must be consistently punished in every instance, also in order to counteract the danger of radicalisation. The measures open to consideration depend on the status of the soldier, as well as on the nature and seriousness of the disciplinary offence. As far as can be seen, the cases coming to notice resulted in an immediate and consistent response.

Regardless of this, the fact that service in the Bundeswehr is no longer based on an obligation, but entirely voluntary, should be seen as an opportunity to devote even more attention to the acknowledgement of the constitution by applicants during the selection procedure.

When presenting the last Annual Report, I drew attention to two particular occurrences involving possible arson based on right-wing extremist or xenophobic motives. In one case, three refuse bags were set alight in front of the door of a pizzeria; in the other case, fire was set to a tool-shed into which immigrants pursued by the offenders had fled.

The following can be reported as regards the status of the investigations in these two cases:

In the first of these criminal proceedings, the soldier among the accused was given a prison sentence of 18 months by the court of first instance. Execution of the sentence was suspended on probation. The soldier appealed against the judgement by the court of first instance. Once the criminal proceedings have come to an end, the competent Disciplinary Attorney for the Armed Forces will have to review whether the judicial disciplinary proceedings are to be continued.

In the second criminal proceedings, a basic service conscript, who had retired normally from service after the time of the offence, was accused, along with other defendants, of jointly chasing immigrants. A number of immigrants had fled into a tool-shed, which an as yet unidentified offender set on fire with a burning tree branch and an accelerant. Two further persons likewise sought refuge in the already burning shed. Only by telephone were the police able to persuade the persons present in the tool-shed to get out of the shed in time. The shed was razed to the ground. The charges against the former soldier and other accused persons, including attempted murder, were dropped in accordance with Section 170 Para. 2 of the Code of Criminal Procedure. The department of public prosecution was unable to prove, with the certainty necessary for preferring

charges, that any of the accused had committed the offence.

## **2 Training**

### **2.1 General basic training**

Since compulsory military service was suspended in June 2011, the Bundeswehr has been facing new challenges as regards personnel recruitment. Anyone who now signs up for duty in the armed forces no longer does so on the basis of a statutory obligation, but because he or she applies to do this service. Recruits who decide in favour of voluntary military service can, however, also quit this service again within a probationary period of six months. Whether they make use of this right depends on whether service corresponds to their ideas and expectations, and whether they feel appropriately treated.

For the Bundeswehr, this means that it has to approach these young people more directly and explain the nature and content of service to them. This particularly applies to basic training, which is the first point of contact of the new soldiers with the troops.

Hardly helpful was the practice in a paratroop company, where the recruits had to carry a laminated red card bearing the inscription "Count me out". They were supposed to pull out this card if, due to the toughness of the training, they wanted to exercise their right to terminate their military service prematurely. Reminiscent of a TV show, this practice did not do justice to the necessary seriousness of basic military training. Moreover, it led recruits to believe that, by using this option, they could immediately terminate military service and leave the chain of command, although this would in fact require formal proceedings. Following poor firing results, one recruit also found it hardly motivating that his pla-

toon leader asked whether he was "having him on".

Contrary to the pertinent regulation, a platoon leader at a Bundeswehr training establishment instructed his recruits to first report to him and describe their symptoms before going to see the unit physician, so that they could then jointly decide on whether a visit to the unit physician was necessary. This was impermissible.

In another case, recruits complained about the daily check of their shaves and fingernails, which was obviously intended as collective punishment, as well as a late-evening line-up after lights out, where they were cautioned about the inadequate performance of their block jobs. These complaints were understandable. Checks and cautions must not be allowed to become an end in themselves, since they otherwise create the impression of being mere spite. Moreover, actions interpreted as being collective punishment undermine the principle of comradeship.

Regardless of this, challenging training – that must occasionally even take young recruits to the limits of their capacities – continues to be indispensable to cater to the high demands to be imposed on the profession of soldier. The suspension of compulsory military service cannot serve as justification for lowering these demands. And the soldiers acknowledge this. What is decisive is that the reasonableness of the training means is maintained and that the purpose of training remains identifiable and understandable. Responsibility for this is borne by the superior entrusted with training.

## **2.2 Legal knowledge of disciplinary superiors**

The exercise of disciplinary power demands of disciplinary superiors that they have good knowledge regarding disciplinary law and the right of complaint. Uncertainty and errors lead to

avoidable complaint proceedings. In addition to which, they weaken confidence in superiors and undermine their authority.

In the year under review, there were again cases where the responsible legal advisor was not consulted, despite difficult facts and circumstances. Disciplinary superiors require further sensitisation in this respect. Regular basic and continuing legal training is indispensable, also outside the officer training and service schools. It is worrying that, even during reviews by higher commands, serious errors on the part of disciplinary superiors are overlooked or allowed to pass without comment. An example of this can be found in the cases presented at the end of this Report.

## **2.3 Handling of small arms**

Both at home and on missions, there were isolated instances of unintentional shots being fired when handling small arms in the year under review. Soldiers were injured in some cases. On missions, the soldiers injured by the shots had to be repatriated to Germany in some cases. As a rule, the cause of the unintentional shots fired was failure to comply with safety regulations when handling weapons.

The deficiencies reported in the previous year regarding insufficient training, and a lack of small arms and ammunition in mission pretraining, unfortunately persisted. Soldiers were still reporting about inadequate weapons training, particularly on the MP 7 sub-machine gun and the MG 4 machine gun, during a fact-finding visit in November.

The safety regulations for handling weapons – specified, for example, in the "New Marksmanship Training Concept for Small Arms and Hand-Held Antitank Weapons" of October 2010 – are intended to reduce the dangers emanating from the weapons for in-

involved and uninvolved persons to a residual risk and to help avoid personal injuries, in particular. The new Marksmanship Training Concept has not yet been implemented everywhere. Until the time of its complete introduction, soldiers can also be sent on missions if they have met the requirements of the old Marksmanship Training Concept.

Following newspaper reports on the uncertainty of soldiers regarding the handling of small arms, the Defence Committee requested the Federal Ministry of Defence to submit a report on the status of the marksmanship training of the soldiers of the German contingents. The report of November 2012 ultimately states that the unintentional firing of shots often has a stress-related background, occurs disproportionately often in the first 20 days on a mission and is mostly caused by the incorrect behaviour of individuals. The employer must not let the matter rest at these findings, but counteract incorrect behaviour of this kind by specifically improving and expanding marksmanship training. Above all, it must be ensured that people do not lose their respect for loaded weapons, even under the special conditions prevailing on a mission.

## **2.4 Gorch Fock**

The previous Annual Report included an exhaustive report on the results of the investigations into an accident with fatal outcome during training on the Gorch Fock sail training ship. The insights gained from the investigations in autumn 2010 regarding increasing safety during sail training were translated into concrete proposals in the report by the "Commission on the Future Shape of the German Navy's Basic Seamanship Training", into which the suggestions of the Parliamentary Commissioner for the Armed Forces were incorporated. For example, a training facility with training mast was put into service at Mürwik Naval Academy, making it possible to safely practise going aloft into the rigging. This is part of

a newly developed training and utilisation concept that is designed to expand and standardise pre-sail training. Also part of the new training concept is the presence of a chaplain on board the sail training ship. The action taken is to be welcomed, as is the resumption of training on the Gorch Fock.

## **3 Processing of petitions and complaints**

### **3.1 Processing time and processing method**

In the past year, too, military personnel rightly criticised the long time taken to process petitions and complaints. The occasionally very long processing times in the sphere of the Federal Ministry of Defence was also compounded by a processing backlog in my office, this mainly being caused by staff shortages in one area. The backlog has since been worked off and the understaffing remedied.

The separation of the Chiefs of Staff and their staffs from the Federal Ministry of Defence led to pending petition matters being delayed to the subordinate area or redistributed within the Ministry. This resulted in occasionally substantial delays in processing. The delays were particularly severe in the sphere of the Joint Support Command, because numerous incomplete cases from the dissolved Armed Forces Staff and from other areas had to be finally settled, in addition to the already high number of petition matters. There were no signs of a timely increase in manpower levels in line with the growing workload.

In addition to the long processing time, the content of some statements likewise deserved criticism, including some from the sphere of the Federal Ministry of Defence. An example can be found in the specimen cases. Missing investigation records led to further delays. In some instances, there was only a hesi-

tant response to enquiries. It was more serious when affected superiors themselves were involved in clarifying the facts of the case, rather than being examined as defendants. It was unacceptable that, particularly in cases of interpersonal tension, it was often not considered necessary to also question the petitioner as a witness.

The aforementioned carelessness, omissions and mistakes must be remedied.

### **3.2 Violations of the ban on discrimination**

According to Section 7 of the Act on the Parliamentary Commissioner for the Armed Forces, a soldier may not be officially reprimanded or subjected to discrimination for invoking the Parliamentary Commissioner for the Armed Forces. Despite this express legal protection, the office received petitions in the year under review, in which soldiers expressed the fear of being subjected to discrimination by superiors and ostracised by comrades for submitting a petition. For this reason, a significant number of them requested that their names not be given to the Bundeswehr agencies involved when examining their statements.

It should be made clear at this point that the petitions involved in such cases are not anonymous. Rather, in the spirit of Section 9 of the Act on the Parliamentary Commissioner for the Armed Forces, the names of the authors are known to the Parliamentary Commissioner, but not disclosed.

In some cases, it appeared necessary to also observe the further progress of the petitioners in the Bundeswehr after processing of their petitions had been completed, in order to be able to counteract any individual discrimination. These cases are exceptions, but individual instances do show signs of increasingly dwindling knowledge regarding the ban on discrimination.

In one case, a provisional testimonial issued after a twelve-year period of service was amended to the detriment of the soldier following submission of a petition. In response to an enquiry, the superior agencies were unable to see any connection with the soldier's petition, but they nevertheless instructed the responsible agency to reverse the amendment of the testimonial. In another case, the soldier was rebuked in a draft assessment for "giving the impression that he did not trust his higher-ranking leaders". This lack of trust was said to be reflected in the fact that he "made use of his rights as a soldier. It would be desirable for the soldier to utilise the instances within the company and the battalion before availing himself of his rights as a soldier."

The reproach derived from the exercise of the right of petition in this formulation is as far-fetched as it is impermissible. By submitting a petition, the petitioner is exercising a legally vested right. This cannot be grounds for a reproach. Therefore, the formulation quoted above constitutes a breach of the ban on discrimination. This kind of thing must have consequences – otherwise, the ban on discrimination misses the mark. This is a case of supervisory failings.

In view of the importance of the ban on discrimination for protection of the right of petition, I occasioned the compilation of a list of relevant cases, in order to permit closer monitoring of developments in this sector. In addition, I called upon the Federal Minister of Defence to ensure that the ban on discrimination is observed in the troops. This is a fundamental issue of the right of petition. Internal leadership is eroded if restrictions in this context are tolerated.

## **4 Missions abroad**

In the year under review, special attention was once again paid not only to the structural reform of the Bundeswehr, but also to its missions abroad. Except in Kosovo, the positive trend in the missions continued in the year under review.

Especially in Afghanistan, noticeable improvements in training, equipment and facilities have led to a marked decline in the number of wounded, and particularly the number of severely wounded, in the German mission contingent, contrary to the general trend in the ISAF sphere. No more German soldiers have been killed since August 2011. Consequently, the achievements of the Federal Ministry of Defence in this field to date deserve whole-hearted acknowledgement, although there is still a need for further action. Military personnel of all rank categories quite rightly expressed the fear that, in view of the envisaged personnel cutbacks, attacks on ISAF soldiers could increase again. Against this backdrop, top priority must continue to be given to the safety of the soldiers. As in the preceding years, the aim must be to eliminate the training and equipment deficiencies still existing as soon as possible.

The pleasing decline in the number of wounded is attributable not only to the improvements in training and equipment, but also to the responsible reaction of the contingent leaders to the threat of "green-on-blue attacks". The "Guardian Angels" concept – developed following the serious incident at the OP North in February 2011, resulting in the death of three German soldiers – has proven successful, but ties up a substantial amount of personnel. This must be borne in mind in future when fixing the maximum mandate limits.

The situation in Kosovo did not become as stable as expected, meaning that recourse increasingly had to be taken to reserve forces. In the opinion of the Federal Ministry of Defence, the massive reduction of the forces on the

KFOR mission cannot continue as planned. The security situation continues to require a robust presence, also of German combat forces. This is understandable. Meanwhile, the necessary request for the ORF reserves led to a major strain on individual units that must not be allowed to recur. In contrast, the situation in Bosnia and Herzegovina is pleasing. After almost 17 years, the last German soldiers left the country in September 2012. However, the relocation of German Patriot missiles to Turkey, which has already begun, shows that the Bundeswehr will also continue to be involved in new missions abroad in the future.

#### **4.1 Predeployment training**

Sound predeployment training is indispensable, simply for reasons of welfare and care. Complaints about deficiencies in predeployment training were again the subject of numerous petitions in the past year.

Insufficient ammunition was again available for this training in 2012, meaning that the "bottleneck management" mentioned in the previous Annual Report continued. While supplies of ammunition for the P 8 pistol improved significantly, supplies of belted live and blank ammunition remained tight.

It was again criticised that important elements of the training were only provided in the country of deployment. Where vehicles and aircraft fit for deployment were not available in the desired numbers on missions, there was often already a shortage of them for pre-training in Germany. For example, owing to technical and legal problems, the EMU electronic, mine-protected support vehicle could not be used for driver training for the first time until two weeks before the transfer to the country of deployment. This time was no longer sufficient to provide the affected personnel with complete train-



ing. This problem has since been rectified.

At the Rapid Medical Response Forces Command, Type CH-53 helicopters were only available sporadically and more by chance for practising a medical evacuation (MEDEVAC). Only in two cases out of nine could the helicopter be made available for training. Instead, the exercise had to be performed using helicopter dummies. A lack of training course places was another reason for soldiers having to catch up on important training elements in the country of deployment. Examples included firing with the FLW 200 weapons system, driving with the newly introduced BONIE M night-vision goggles and training as a mission first-aid provider Bravo.

Unrealistic training on alternative equipment or dummies is a training deficiency that can have serious consequences in the country of deployment. Later training in the country of deployment burdens operations with additional, avoidable tasks. It is disturbing that a commander candidly conceded that training deficits would continue to occur in the future, if the material equipment of the units was not improved. Further efforts are necessary in this respect in order to optimally prepare soldiers for their mission.

#### **4.2 Mission planning, mission duration and structural overtaxing**

Many complaints regarding mission planning were received in the period under review. The subject of the complaints was, once again, the short-term nature and lacking dependability of mission planning. An example can be found in the cases described at the end of the Report. All agencies remain called upon to ensure greater dependability and transparency in this context.

The mission duration was likewise criticised frequently. In the Army, the target is still not to exceed a regular

mission duration of four months, apart from in clearly defined exceptional cases. The other services and major organisational elements should likewise take this figure as a guide. In fact, however, six months on a mission is currently more the rule than the exception, even in the Army. In the case of the 28th ISAF contingent, provided by the 13th Armoured Infantry Division, more than 50 percent of the soldiers were on the mission for six months or longer. It is equally unacceptable when soldiers themselves and their families are expected to undergo stressful periods of training that ultimately prove to be useless. The Federal Ministry of Defence conceded that substantial numbers of soldiers were trained for missions but, owing to the force reductions, were either not sent on a mission at all, or were deployed elsewhere.

Both must be corrected. The longer duration of in-theatre deployment must be reduced again, also for the forces deployed in the framework of "partnering". The burdens for the soldiers and their families associated with a mission duration of six months are too great and lead to overtaxing of those affected.

Overtaxing resulted not only from the mission duration, but also from the frequency of deployment. Soldiers who had already completed an ISAF mission were included in the plans for the ORF ready reserve for the time following their return home, and also called up, meaning that the affected persons had to go off on this mission at short notice. This was not primarily the fault of the planners but, above all, alarming evidence of the lacking sustainability of the troops that is already visible today – not only as regards specialists, such as engineers, NBC defence or EOD forces, but in the meantime also as regards the combat troops. Too many deployed forces with in-theatre deployment durations of six months and more have to go on missions too frequently and at increasingly short intervals.

The Navy forces were exposed to particularly great mission stress. According to the Navy, the reason for this is the continuing shortage of personnel, this especially affecting the ranks and junior non-commissioned officers. In figures: 22 percent of the posts as mate on the seagoing units of Flotilla 2 are currently vacant. The situation is even worse in the ranks. Particularly hard-hit are the Naval Technology Services where, referred to the entire fleet, 29 percent of the posts in Assignment Category 42 (Propulsion Technology) and even 44 percent of the posts in Assignment Categories 43 (Electrical Engineering) and 44 (Auxiliary Systems Engineering) are unoccupied. All in all, the fleet is currently short of more than 700 men.

The increasingly great operational commitments of the Navy are leading to situations where missing personnel has to be "borrowed" from other units. The consequence of this is that the crews of the units that are temporarily not scheduled for missions, are so thinned out that training activities at sea are only possible within limits. On top of this comes the strain on the watch resulting from shipyard and port lay times.

To relieve the strain on the available personnel, the Navy has established a system for managing vacancies and a follow-up management system, combined units in port, adapted the regulations on watchkeeping in port, and attempted to organise training as close as possible to the home or base. This is very much to be welcomed. From the point of view of the Navy, however, all these administrative measures can at best slightly alleviate the situation of the individual, but not eliminate the structural personnel deficits. Additional immediate action is necessary in order to rectify these deficits. One of the questions to be examined will be as to whether all the aforementioned watchkeeping duties have to be performed by the Navy, or whether at least

some of them could be assigned to civilian security services.

In any case, significant relief of the existing burdens is urgently necessary. Otherwise, the assignments of the Navy in the framework of international missions threaten to result in total overtaxing of the personnel.

### **4.3 Accommodation on missions**

Worrying in the past year were the hygienic conditions under which the members of the German task force company had to perform their duties at "Gate 1" of the Serbian-Kosovar border in Kosovo. Owing to blockades on the access roads, the camp provisionally erected by the USA could only be supplied from the air at times. The chemical toilets could not be emptied for the same reason. The soldiers thus had to relieve themselves in unheated tents without dividing walls. The excrement was collected in troughs and burned. The accommodation was infested with vermin.

The affected soldiers bore these privations without complaining and mastered their tasks under extremely difficult conditions. That deserves the greatest credit. The situation has since returned to normal. Nevertheless, this example clearly illustrates the very different, sometimes really unreasonable living conditions under which the military personnel of the contingents have to serve abroad. There is a need for action in this respect.

The 2011 Annual Report already drew attention to the shortage of sanitary containers at the OP North in Afghanistan. Several petitions were received in early 2012, complaining that, owing to frequent breakdowns, there continued to be too few functioning sanitary containers for the soldiers stationed at the OP North. The Federal Ministry of Defence acknowledged the need for adjustments. The Bundeswehr reported in June 2012 that the deficiencies had

been remedied by providing additional toilet and shower/washroom containers and that adequate supplies were ensured. The improvement achieved is to be welcomed, the long time taken to implement it is not.

#### **4.4 Equipment**

Not least thanks to the initiative of the Defence Committee, numerous improvements were achieved as regards equipment. Nevertheless, there are still substantial needs in a number of areas. Every effort must be undertaken to guarantee the best possible protection of our soldiers. Above all, the priority goal must be to provide the necessary large-scale equipment in sufficient numbers. A shortage of suitable helicopters and armoured vehicles, for example, cannot be tolerated.

##### **4.4.1 Protected vehicles**

Further improvements in the field of vehicle protection were initiated in the year under review. This particularly related to command and functional vehicles of the EAGLE IV and DINGO 2 types, as well as protected transport vehicles in the 5-tonne payload class. It remains to be seen whether the vehicles really will already be available in the first quarter of 2013, as announced. Regardless of this, it must be pointed out that there is still a shortage of protected transport vehicles in the 9- and 2-tonne payload classes on missions.

One positive development to be reported is that a further 20 armoured transport vehicles of the BOXER type were commissioned in the year under review. Apart from some details, the soldiers consider the vehicle to be very suitable for operations and feel that it improves their situation.

A point to be criticised is that success has so far still not been achieved in providing the "crow's nest" of the FUCHS armoured transport vehicle with all-round protection against the

impact of shells and fragments by means of corresponding armouring. According to information from the Federal Ministry of Defence, the corresponding measure can probably not be implemented until the third quarter of 2013.

Likewise rightly criticised was the fact that the protective equipment for fire-brigade vehicles on the ISAF mission continues to be inadequate. According to a communication from the Federal Ministry of Defence, the reason for this is that conversion would be equivalent to new construction of the affected vehicles. Protected fire-brigade vehicles cannot be expected to arrive until 2015.

##### **4.4.2 CH-53 transport helicopter**

The equipment of the Type CH-53 transport helicopters is still unsatisfactory. Certain vital components of the helicopter are to be provided with ballistic protection to improve safety. It remains to be seen how quickly and to what extent the measure is implemented.

It is to be rated critically that the rescue and recovery winch, already mentioned in the 2011 Annual Report, can so far still not be used on missions. According to information from the Federal Ministry of Defence, the necessary test flights were completed in the fourth quarter and the technical approval procedure is making further progress, meaning that approval for use can be expected in the first quarter of 2013. However, the envisaged machines will not be equipped and ready for use before mid-2013. There is a need to accelerate this process. The same applies to the sensor-assisted landing aid. Again, the Federal Ministry of Defence says that the landing aid will not be put into service until 2013.

Moreover, for lack of suitable radio equipment, an elevated coordination effort must continue to be expected in radio communication with other na-

tions. New equipment is to be installed in the near future, but this will still take a certain amount of time.

#### **4.4.3 Route clearance**

The necessary improvements called for in the field of reconnaissance and clearing of explosive ordnance and booby traps ("route clearance") could not be achieved in the year under review. The Bundeswehr still has only an initial capability in this sector.

In addition to the two Mini MINE-WOLF vehicles and a 15-tonne MULTI FSA truck made available in October 2011, two operator vehicles based on the FUCHS armoured transport vehicle were shipped to Afghanistan in the year under review. In contrast, deployment of the WIESEL detector vehicles is subject to a delay of several months. Introduction of the FUCHS armoured transport vehicle for explosive ordnance reconnaissance and identification is even scheduled only to begin in 2014. These delays in providing a suitable route clearance system must be emphatically criticised.

The first attack on German forces in Northern Afghanistan using improvised explosive devices occurred in summer 2004. A year later, the Bundeswehr rated improvised explosive devices as the main threat to the German forces deployed in Afghanistan. And the following years did in fact see numerous attacks in which German soldiers were killed or severely injured. Despite this, the Ministry stated in June 2011 that it had only identified the capability gap in the field of route clearance, and initiated steps to close it, in 2009. This statement was inaccurate. It was obviously merely intended to conceal the fact that the capability gap had already been identified long before, but consciously accepted for budgetary reasons. The development and procurement of a route clearance system had already been examined before 2009, but deferred in favour of improving camp

protection for lack of sufficient budget funds. Only in autumn 2010 was its development and procurement ordered by instruction of the State Secretary, and then only as a result of emphatic intervention from the parliamentary sphere.

The deferment of the development and procurement of a route clearance system of that time does not tie in with repeatedly confirmed declarations that the protection and safety of the soldiers is of paramount importance over everything else, and that priority should be given to necessary action for improving this protection. Against the backdrop of this maxim, which continues to apply, the development and procurement of the protection system must now be further accelerated.

#### **4.4.4 Procurement of night-vision devices for special forces**

The procurement of night-vision devices for various fields of application has played an essential role since the start of the Afghanistan mission. According to information from the Federal Ministry of Defence, corresponding equipment for driving by night and in restricted visibility, and also range-finders for advanced observers, were procured for special forces in 2011. Realisation of the procurement of additional night-vision devices and night gun sights was announced for the year under review and for 2013. The procurement of further enhanced-performance equipment is to start in 2015. These announcements must be followed by rapid implementation. Measures that are only to take effect from 2015 onwards, are of little use to the forces currently deployed.

#### **4.4.5 Night combat qualification of the MARDER infantry combat vehicle**

The previous Annual Report already drew attention to weaknesses regarding the night-vision and night-combat capability of protected vehicles. Beyond

the Annual Report, the problems were specified in more detail in two interim reports submitted to the Defence Committee. The Defence Committee took up the points raised by the Parliamentary Commissioner for the Armed Forces and, in a budget proposal, called upon the Federal Ministry of Defence to examine and, if necessary, implement the procurement of modern thermal imaging devices in budget year 2013 for all Type MARDER 1 A 5 infantry combat vehicles deployed in Afghanistan.

The new thermal imaging device would greatly improve the unequivocal identification of enemy forces, as demanded by the rules of engagement for the use of own weapons. Attention has repeatedly been drawn to the need to improve the night-vision and night-combat capability of the MARDER infantry combat vehicle in the framework of mission analyses by the Army. Despite this situation, the Federal Ministry of Defence has stated that there are no longer plans to close the "night combat" capability gap for the MARDER infantry combat vehicle. To justify this, the Ministry pointed out that the MARDER infantry combat vehicle would no longer be needed to protect German military personnel in Afghanistan after 2014, in addition to which, tight budget funds necessitated the prioritisation of procurement of the new PUMA infantry combat vehicle, which could be made available for operations in the near future.

This line of argument fails to do justice to the protection of the personnel deployed. Both of the Ministry statements are currently based on assumptions that are in no way certain to become reality. Neither can it safely be assumed that protection of the remaining German soldiers after 2014 can be guaranteed even without the MARDER infantry combat vehicle, nor are there dependable signs that the PUMA infantry combat vehicle really will be available for operations "in the near future". In addition to which, until such time as

the PUMA infantry combat vehicle becomes available, this exposes soldiers to the dilemma, in the event of uncertain identification of enemy forces, either of having to defend themselves in contravention of the rules of engagement, or of exposing themselves to avoidable dangers by allowing enemy forces to come closer. Neither of these is acceptable.

#### **4.4.6 Personal equipment**

In past years, the Annual Reports repeatedly addressed the inadequacy of the personal equipment on missions. Improvements have been initiated, but not yet completed.

The last Annual Report already mentioned the plans for a "certified basket of personal equipment". So far, the basket – from which soldiers are in future to be able to select the expedient equipment, depending on mission – contains only few articles. The implementation and communication of this measure need to be emphatically pursued.

The procurement of body armour for a further 1,000 members of the special operations forces to equip the crews of armoured and protected vehicles is to be welcomed. In addition, further development of the body armour for infantry forces has also been initiated. The aim is now to arrive as quickly as possible at results that can also benefit the soldiers, especially on the ISAF mission. This also applies in relation to delivery of the follow-up demand for "special operations forces combat jackets and trousers, tropical" and the new combat clothing, operations/training.

Attention must also be devoted to the equipment in supposedly peripheral areas, such as equipping of the UH TIGER and NH 90 flying units with suitable training equipment for strengthening the neck muscles of the crew members. The neck muscles are exposed to particular strain by the heavy helmets

when flying and therefore need to be strengthened by means of corresponding training. This is not possible at the moment, since the necessary training equipment is not available.

The Federal Ministry of Defence reported that rapid closing of the capability gap was not possible. The Eurofighter units of the Air Force could not spare the available training equipment. This is an inadequate explanation, since the need did not only come to light a few days ago. After all, according to the procurement plans, both systems should already have been in use for several years. In view of the stresses and dangers existing on missions, it must be ensured that the necessary training equipment is also available when the corresponding units enter into service.

#### **4.5 Air transport capacities on missions**

The Bundeswehr still lacks sufficient air transport capacities of its own, as well as helicopters for close air support and medical evacuation. The Bundeswehr continues to be dependent on the support of other nations in these areas.

The gaps in close air support and medical evacuation are to be closed by the TIGER support helicopter and the NH 90 transport helicopter as of 2013. Against the backdrop of the planned withdrawal of the ISAF troops from Afghanistan, own air transport and air support capacities are indispensable for optimum protection of German military personnel. A positive step in this respect is that the reduction of the flying hours of the CH 53 fleet for the German ISAF contingent, criticised in the 2011 Annual Report, was cancelled and that 1,600 flying hours were again provided, rather than 1,200.

A particular capability gap exists in the special operations forces. For years, they have lacked a suitable helicopter

that can bring them to the respective theatre of operations quickly and safely. They often have to take the slower and more dangerous land route for this reason. On this matter, the Federal Ministry of Defence conceded that there was a lack of a helicopter for operations of the armed forces – primarily of the special operations forces – that could particularly also be deployed under night conditions in the obstacle-ridden landscape of urban terrain, needed little space to land and permitted rapid mounting and dismounting, especially of commando soldiers.

The Defence Committee already emphatically demanded the procurement of a fast, manoeuvrable, small helicopter ("light utility helicopter") last year. The statement by the Federal Ministry of Defence that, even given the fastest possible procurement, operational readiness of the new helicopter could not be achieved before 2016, does not do justice to this demand.

In this context, attention should be drawn to the fact that the ability to rescue and evacuate German citizens is also a national responsibility. It cannot be assumed that capacities of allied nations are always available for this purpose. This task, too, must be handled independently worldwide and requires special forces that can be provided and relocated rapidly. Consequently, the capability gap described needs to be closed as soon as possible.

#### **4.6 Transport to and from missions**

Several petitions addressed the subject of outward and return transport of soldiers at the start and end of a mission. In this context, the focus was on issues relating to planning security, the flight duration and a destination airport close to home in Germany.

The complaints expressed by the affected soldiers particularly related to the frequent deferment of departure

times, waiting times for outward and return flights, and excessively long flight times owing to diversions and intermediate stops. In addition, relatives complained about the distance of the destination airports from the places of residence and duty locations of the returning soldiers. They were particularly annoyed when, expecting the soldiers, they had travelled several hundred kilometres to meet them, only to be told that the destination airport had been changed at short notice.

The cause of the aforementioned problems is primarily insufficient transport capacities, as well as dependence on the European Air Transport Command and a lack of landing contingents. The necessary improvements in this area can only be achieved by maintaining an appropriate supply of reserve aircraft and crews. This gap cannot be closed by falling back on charter aircraft, since they are not always available at short notice at the starting points and destinations in question and are often not licensed for the corresponding routes. Against this backdrop, the planned decommissioning of the Airbus A 310 still operated by the Special Air Mission Wing should be abandoned. With its existing equipment for roughly 100 passengers, this could partly compensate for the existing bottlenecks, even without major conversion work.

#### **4.7      Recuperation times**

Participation in Bundeswehr missions abroad has been part of service in the armed forces for years. Recuperation times are necessary between missions. They help people to digest their experiences with the help of family and friends. According to the targets of the Federal Ministry of Defence, two missions are generally supposed to be separated by 20 months of service at home. So much for the theory. It is worrying to note that recuperation times of nine months and less are the rule in some segments of the armed forces as a result of the high level of

specialisation of the affected personnel, whose numbers are insufficient.

This applies, for example, to the firefighting soldiers of a special engineer battalion. Only 80 posts are provided for these specialists. Because of the long training periods, however, only 50 soldiers are in fact available. Until recently, these 50 soldiers had to constantly provide 13 soldiers for the camp in Feyzabad and, alternating with another special engineer battalion, a further 13 soldiers for KFOR. Only as a result of dissolution of Camp Feyzabad did the precarious personnel situation of the firefighting soldiers improve slightly.

The mission strain on the Navy Field Intelligence Troop was similarly dramatic in the past. The situation there only improved when relief came from the Air Force and certain mission commitments were eliminated.

The special engineers responsible for camp construction and operation are likewise exposed to particularly great stress. If the mission, the security situation and the duration of the stay of the mission forces permit and so require, the Defence Administration should in fact take over the operation of certain, larger camps (referred to as "mission infrastructures") after one year. The remaining camps are subject to the exclusive responsibility of the armed forces. However, the "mission infrastructures" are usually only taken over after a substantial delay. In addition to which, the Defence Administration lacks certain personnel resources necessary for operating a camp, since these capabilities are no longer required for routine operations in Germany. So, even after the "mission infrastructures" have been taken over, special engineers still have to be deployed on-site, e.g. as motor sergeants or waterworks servicemen. However, the number of available special engineers is not sufficient for permanent operation of the camps. This situation has already existed for several

years now. The employer must react by increasing manpower levels, be it in the military or the civilian sector. Doing nothing, or pointing to the other sector, is certainly not the solution.

The activation of the Operational Reserve Force (ORF) for KFOR in summer 2011, and the subsequent operations, revealed how low personnel levels currently are. Units that had just returned from the Afghanistan mission had to provide the ORF battalion immediately afterwards and were actually transferred to Kosovo in 2011. Some soldiers were even sent to Kosovo as ORF forces after spending just four months at home.

Multiple missions mean increasing burdens for the affected persons. They hold the danger of personal ties to family and friends breaking down, and of the affected persons being uprooted. Fundamental, structural counteraction is necessary in this context.

#### **4.8 Foreign duty allowance**

In the year under review, numerous petitions were again received on the subject of the "foreign duty allowance" (AVZ). Complaints from the sphere of the Navy were one focus. In this context, reports were received from members of the crews of vessels that were deployed in the immediate vicinity of an operation, without themselves belonging to a contingent. The personnel on the vessels in question found themselves exposed to the same dangers and stresses, and complained about not receiving an AVZ.

An existing comparison by the Federal Ministry of Defence between mandated and non-mandated service at sea reveals a net financial difference of € 100 per month in the specimen case selected.

The essential prerequisite for the granting of AVZ is participation in a mission mandated by the German Bundestag

within the meaning of Section 56 Para. 1 Civil Servants' Remuneration Act. These prerequisites were not met in the case of the persons in question. Nevertheless, their argument that they are in fact exposed to the same dangers and stresses, is understandable. The employer is thus called upon to provide adequate compensation.

#### **4.9 Morale and welfare telecommunications**

##### **4.9.1 General situation**

Previous Annual Reports repeatedly addressed the subject of the lack of opportunities to get in touch with home from missions. This possibility of maintaining contact with family and friends, from the country of deployment or from on board seagoing units, by telephone or with the help of new media (e-mail, video telephony, social networks) is, however, of special importance for reasons of welfare and care alone, but primarily also with a view to the better compatibility of family and service. This is also underlined by the cross-party motion initiated by members of the Defence Committee, which the Bundestag adopted at its 168th session on 22 March 2012. This motion calls upon the Federal Government to support modern and comprehensive morale and welfare telecommunications. According to the resolution, the aim must be free telephone calls to Germany from missions. On this subject, the Federal Ministry of Defence stated that free calls could be realised from mid-2015 at the earliest in the context of a follow-up contract to be put up for tender.

A number of improvements are already to be seen. For instance, there is a larger number of single booths where people can telephone or Skype undisturbed. Some camps now also offer the possibility of going online not only in rooms and containers provided for this purpose, but also by WLAN in the accommodation. Provided the required



bandwidth is available, military personnel can then contact their families at home by video telephony (Skype) with the necessary privacy. The aim must be to provide this standard in all camps.

#### **4.9.2 Morale and welfare telecommunications on board seagoing units**

Even outside missions, the crews of boats and ships are dependent on functioning morale and welfare telecommunications, owing to their long absences from home. While the possibilities for morale and welfare telecommunications on land-based missions abroad have improved noticeably in recent years, albeit slowly, the situation on seagoing units is still predominantly unsatisfactory.

Only on the newer types of combat support ships and frigates, on which a powerful SATCOM Bw SHF satellite communication system has already been installed, can private calls now also be made round the clock and at low cost via the official telephone connections. For reasons of security, video telephony via Skype requires a separate morale, welfare and recreation network, the planning and procurement of which has only just begun. On the other units, e.g. on tenders, it is still the case that only relatively old, official satellite communication systems (INMARSAT) are available that can also be used for telephony for morale and welfare purposes in individual instances. However, the cost of 66 cents per minute is very high. In addition, crews report that no provision is made for private use of the official INMARSAT system on their units, except in emergencies.

In the medium term, smaller units are also to be equipped with the more powerful satellite communication systems, which can then also be used for morale and welfare purposes. Unfortunately, the long period that the Gorch Fock spent in dock in 2012 was not used to install an efficient morale, wel-

fare and recreation network, despite the advice given by the Parliamentary Commissioner for the Armed Forces. The length of the procurement project was given as the reason for this. However, at least a newer type of INMARSAT F system was installed.

Regrettably, it can already been foreseen that, owing to their forthcoming elimination, older units, in particular, will no longer benefit from the procurement projects for improving morale and welfare telecommunications. In addition, the timelines clearly indicate that the subject is still not being tackled with the necessary emphasis. One example of this slow implementation is the equipping of the fleet service ships with satellite antennas for television reception at sea. Owing to technical problems, it took seven years to install them.

#### **4.10 Provision of sports equipment on board seagoing units**

In addition to regular participation in foreign missions of the Bundeswehr, the personnel of seagoing units of the Navy is also faced by special challenges during training as a result of long periods of absence from home.

The improvement of the sports equipment on seagoing units, promised by the Navy, continues to make only slow progress. Following conclusion of the "Sport on Board" pilot project, for which orders were already issued in 2008, the provision of funds for sports equipment suitable for installation cannot be expected until 2015. It has already been established in this context that the units to be decommissioned by 2019 will no longer be taken into account. Members of the crews of the affected units will therefore have to continue to fall back on sports equipment and facilities they have purchased themselves or set up provisionally.

Apart from equipping the boats and ships, it would be desirable if crew

members could also be offered an attractive range of sports opportunities in the home port after completing a lengthy period at sea.

#### **4.11 Mazar-e-Sharif airport**

There are problems with air traffic control at Mazar-e-Sharif airport, as became apparent in the framework of visits to the troops and fact-finding visits. The personnel working in the airport's tower has to cope with a high volume of air traffic. It was reported that only three air traffic controllers per shift were available for this purpose. In addition, there were communication problems with the crews of foreign aircraft who spoke only poor English. Jammers used by military vehicles interfered with the radio equipment in the tower, and there was no air traffic control radar.

The complaints were confirmed, but the Federal Ministry of Defence did not rate them as being serious enough to prevent flight operations from being continued. The risk being taken in this way should not be underestimated. Particularly the absence of an air traffic control radar for vertical separation of the incoming aircraft appears worrying in view of the major increase in civilian air traffic. The air traffic controllers doubt whether the safety of flight operations is still guaranteed under these circumstances. In view of the stress to which the air traffic controllers are exposed, and particularly the responsibility they bear, it appears indefensible to leave them on their own with their justified concern regarding air traffic safety.

#### **4.12 Baggage transport**

It was reported in the last Annual Report that there had been several cases of unauthorised opening of unaccompanied baggage and theft of personal and official items. These cases particularly involved the theft of alcohol, cigarettes and perfume. With one exception, it

was initially not possible to identify the offenders.

The investigations have since progressed as follows:

Since 2006, soldiers have been employed at Müritz Material Depot/Rechlin Distribution Centre to support the regular personnel, as well as to load and sort the unaccompanied baggage of personnel from the mission areas, primarily from Afghanistan. The seconded soldiers are responsible for sorting, loading and unloading the items of baggage.

In the year under review, a group of offenders was identified, who had opened items of baggage and unlawfully appropriated private and official items. Based on the results of the further investigations, a total of eight private soldiers and two sergeants have so far been dismissed from the Bundeswehr. It can be assumed that the incidences have thus been cleared up and the cause of the unlawful opening of the items of baggage and the thefts has been eliminated.

#### **4.13 Military post**

Similarly, it was already reported in the previous Annual Report that letters from German soldiers in Afghanistan had been opened on the way to Germany and had reached the addressees in this condition, in some cases even without contents. Darmstadt Department of Public Prosecution therefore began investigations regarding suspected theft and breach of the privacy of mail.

In the year under review and following extensive and very time-consuming investigations, the Department arrived at the result that, after exhausting every option for determining the facts of the case, it was not possible either to identify an offender, or to unequivocally establish the point in the military post transport chain at which the postal

items had been damaged or opened without authorisation. Moreover, the Department of Public Prosecution could also not definitely rule out the possibility that the opening of the military post letters and the associated loss of the contents of the consignments were attributable to technical faults during sorting of the post. The outcome was that the preliminary investigations were dropped in accordance with Section 170 Para. 2 of the Code of Criminal Procedure.

The occurrences investigated by the Department of Public Prosecution ranged from simple damage or the complete loss of postal items, all the way to the exchange or absence of items sent in the military post consignment. There was a remarkably large number of cases where envelopes were damaged and storage media sent in them were reported as missing. While the German Post Office handles some 60 million letters per day and sorts out roughly 30 to 40 storage media owing to damage to the consignment, the figure for the Bundeswehr was already 10 storage media among just 300,000 consignments per year. In addition, all of these were lost from consignments from one mission area.

Regardless of this, the Department of Public Prosecution noted that possibilities for unauthorised access to the consignments existed during transport of the consignments, both in the sphere of the OP North and in Germany, and that even damaged post could have got through to the recipient without this being noticed by the personnel in the military post facilities. In view of these results of the investigations, I requested the Federal Minister of Defence to ensure appropriate security of the military post routes and elimination of the possibilities for unauthorised access to military post consignments that still exist.

In addition to the older complaints from the sphere of the OP North, 12

soldiers from the German KFOR contingent also reported loss of, and damage to, their military post consignments in January 2012.

The overall facts and circumstances were extremely complicated owing to the complex responsibilities, the long postal transport route, the numerous agencies and persons involved in the process, and the irregularities identified over an extended period. No concrete suspicion against individuals emerged in the course of the investigations. Nor was it possible to make any statement regarding the locations at which military post consignments had been lost, damaged or unlawfully opened.

To at least ensure safe and complete transport of military post in the future, independently of this, the Military Post Office instructed all agencies to check for adequate packing of letters in the framework of their operational capabilities, and to request the sender to repack them, where appropriate. In addition, flyers were distributed to remind military personnel in all mission areas that data carriers should only be sent in padded packaging or the shippers designed for the purpose.

Finally, the soldiers were instructed to file a request for tracing in the event of damage or suspected loss, or to complain about the postal consignment as soon as possible – but within seven days at most – and report the facts and circumstances to the disciplinary superior.

Independently of the damaged consignments reported, a civilian transport vehicle containing military post was opened without authorisation outside Prizren Camp in June 2012. Two of five boxes of post were forced open. Some parcels were damaged. It was impossible to establish whether letters had been stolen. The strongbox of Prizren Military Post Office was opened. Of the 400 prepaid military post letters it con-

tained, 183 remained intact, 10 were torn up and 207 were missing. Following this incident, the German KFOR contingent earmarked a separate parking area for the military post trucks inside Prizren Camp. Incoming vehicles carrying military post are now parked safely on this area in sight of the camp gate security guard, regardless of the time of day.

Particularly against the backdrop of the special significance of a functional and trustworthy military postal service for military personnel in the mission areas of the Bundeswehr, it is important to consistently pursue possible offences in this sphere, and to eliminate weaknesses and security gaps found in the military postal service. This is the only possible way of restoring the shattered confidence in the security of the military postal service. The numerous personnel of the Military Post Office also have a particular interest in this. According to the results of the investigations conducted by the Department of Public Prosecution and the information available to the Parliamentary Commissioner for the Armed Forces, they have no part in the conspicuous incidents described.

#### **4.14 Award of the Bundeswehr Foreign Duty Medal**

The Bundeswehr Foreign Duty Medal comes in three classes – Bronze, Silver and Gold – and is awarded to military and civilian personnel of the Bundeswehr as a visible sign of participation in missions or special duties abroad in the framework of humanitarian, peace-keeping or peace-making measures.

In addition to this aim of creating visible recognition of service, the Foreign Duty Medal is, according to the ideas of the Federal Minister of Defence, also to be a prerequisite for recognition of the status as veteran following retirement from active service.

The operational conditions changed substantially in the course of the missions. Particularly in Afghanistan, German soldiers increasingly became involved in combat action or fell victim to attacks. Against this backdrop, the "Combat" Foreign Duty Medal was instituted as the fourth class of the Bundeswehr Foreign Duty Medal in November 2010. It can be awarded to persons who have taken active part in combat action on at least one occasion, or who have suffered terrorist or military violence under great personal threat. The Foreign Duty Medal of the "Combat" class is awarded for events after 28 April 2009 and once only.

The Bundeswehr Foreign Duty Medal should sensibly always be awarded soon after the reason for the honour and in dignified form. In the year under review, there were isolated complaints, both from active soldiers and from soldiers who had already retired regularly from service, that they had still not been awarded the "Combat" class Foreign Duty Medal to which they were entitled, despite having been involved in combat in Afghanistan in 2009 or 2010. Some of them pointed out in their petitions that various other comrades should rightfully also have received this honour. In contrast, others complained about the "inflationary" award of the Combat medal. It is therefore very important to define even clearer and more transparent criteria for award of the medals in the future, as well as time limits to be strictly observed for their presentation, and also to communicate them to the soldiers.

In the framework of reviewing the old cases from 2009 and 2010, inadequacies in processing were often found because the responsible agencies were, for various reasons, at first obviously overtaxed by the job of checking who is actually entitled to this award. Awarding an honour almost two years or more after the event on which the award is based, is clearly too late. Especially among soldiers who had already retired

regularly from the service of the Bundeswehr, this created the impression that the Bundeswehr was no longer interested in awarding the "Combat" Foreign Duty Medal to former soldiers.

## **5 Compatibility of family and service**

In the year under review, there was again a marked increase in the number of petitions complaining about the inadequate compatibility of family and service. Younger officers and senior NCOs, in particular, see themselves as being affected by this. The subject is also regularly addressed during visits to the troops. For instance, during a visit to Helmut Schmidt University in Hamburg in November 2012, the complaint was voiced that not a single flat for families was available there. It is right and important that the necessities existing in this area be emphatically articulated in order to increase the awareness of those responsible. This does not ignore the fact that approaches for making the Bundeswehr more family-friendly have been developed in recent years. However, they are not yet sufficient – they need to be consistently pursued, implemented and expanded.

Not only young families are dependent on a family-compatible workplace. Caring for elderly relatives is also becoming increasingly important, meaning that the compatibility of family and service plays an important role for military personnel in every phase of life.

### **5.1 Close-to-home assignment and duration of assignment between missions abroad**

One important factor in relation to the compatibility of family and service is close-to-home assignment. Military families are moving less and less often in the event of a change of post. Instead, they give priority to the family environment, particularly to the spouse

keeping his or her job and the avoidance of a change of school for the children, accepting the need to commute in return. To reduce this commuting, it was already proposed in the preceding Annual Reports, in view of the impending structural reform of the Bundeswehr, that location decisions be taken in the spirit of longer-term assignment perspectives and that military personnel and their families be given planning security. Unfortunately, this chance has been passed up. Rather, the stresses of a "commuter army" have been consolidated by the new structure.

The majority of soldiers assume that the reorientation of the Bundeswehr, with its complex restructuring and the resultant personnel measures, will impose burdens on them and their families. This is confirmed by a recent study by Chemnitz University of Technology that was prepared on behalf of the Bundeswehr Association. At the same time, the petitions also expressed understanding for the fact that such a comprehensive reform cannot go off without complications. However, they quite rightly demand transparency and planning security.

Many soldiers continue to be separated from their families and their social environment during the week as a result of their duty. However, social support is indispensable, not only with a view to the model of the "citizen in uniform", but particularly also as regards the diverse service commitments, in order to ensure job satisfaction, and thus satisfaction with life, as well as the necessary identification with the objectives of the employer. The importance of these factors must not be underestimated, not only for the attractiveness of an army, but also for its functional capacity.

Above and beyond this, it is incomprehensible why attractiveness aspects, such as a parent-friendly infrastructure, are so little to be seen in the location decisions taken. This is all the harder

to understand, given that the "family friendliness" factor is of outstanding importance when it comes to recruiting young personnel and particularly for establishing lasting ties with the armed forces. It cannot be that young, well-trained soldiers do not consider prolonging their period of service, or being accepted into service as a career soldier, because they are left on their own with issues of child care, caring for relatives or the desire to reunite the family. The idea of curtailing the period of service is expressed far too often as a result.

On visits to the troops, discussion partners often addressed the existing insecurity and uncertainty regarding further assignment planning. There were also numerous references to this in the petitions. For instance, a petty officer, who was about to become a father for the second time and was to be transferred for the fifth time in his ten years of service, aptly described his situation with the words that he did not know where the journey would take him.

According to a staff sergeant who was transferred to a new duty location, there was nothing to be seen of the frequently-cited principle "we have to look after everyone". This, too, reflects the perception of the troops. In particular, transfer to locations that many people considered to be unattractive was the subject of a number of petitions.

In addition, there were also complaints about a lack of understanding and sensitivity on the part of individual planners.

Thus, a sergeant who had signed up for 12 years was advised to curtail his period of service owing to the impossibility of close-to-home assignment. This would have meant him retiring with a substantially lower transition allowance. Understandably, he did not consider this to be a serious alternative. Giving advice is part of the job of a planner. It certainly makes sense for

them to give soldiers a realistic overview of their future career opportunities and the possibilities for regional assignment. However, it is not part of the job to give comrades the impression of being superfluous.

Regardless of structural changes, planning security in connection with assignment decisions is an essential right of all soldiers vis-à-vis the employer that results from the concept of welfare and care. This most definitely applies to military families with children of school age who are willing to move. It is unacceptable that a soldier with two children to be enrolled in school still does not know at the end of July, where he is to be transferred to with effect from 1 October.

Military families are particularly affected by the federal school system, which is hard to reconcile with the mobility demanded today. Not rarely do military families decide against moving to a new duty location because of the possible need to change schools. New approaches to solving this problem should be found. France, for example, has special boarding schools for the children of army members. A first, helpful step for the affected German military families would be to at least adapt transfers to the start of the school year.

Military couples with children are increasingly often describing their difficulties in realising a shared family life. The employer needs to provide support in this respect. It is obliged to do so by the duty of care defined in Section 31 of the Soldiers' Act, not only vis-à-vis both spouses, but also vis-à-vis the children. Assignment options reasonable for the family should be identified ahead of transfers, in close coordination between the responsible personnel planners. A corresponding note in the personnel records would facilitate this and could be made with the consent of both soldiers. This consent would also avoid any collision with the right of the

individual to determine the use of his/her data, which the Federal Ministry of Defence has so far cited as an obstacle to inclusion of these data in the basic personnel file.

It is clear that families fundamentally need a stable space. A commuting parent, who only sees the family at weekends, cannot adequately participate in a child's education and development. This is particularly true if commuting has – as in the case of some petitioners – already been going on for 16 or even 20 years, or if time is spent on missions abroad. Affected soldiers suffer if their duties exclude them from family life, their partners have to take important decisions on their own and difficult behavioural mechanisms develop, particularly in the children. However, the children likewise suffer in such family situations, their reactions not infrequently including developmental problems or a decline in scholastic performance. One petitioner wrote that his son had developed a particularly close bond with him during his leave and suffered from panic attacks when he was not in his vicinity. For the daughter of another petitioner, every goodbye became a torture. He said she started to cry even if he left the house only briefly.

Moreover, petitioners complain that commuting greatly shortens the time actually available for the family at the weekend. Quite a few soldiers regularly commute only once every two or three weekends because of the occasionally extreme distances between home and garrison, as well as the high cost of travelling home by car. If changing trains is necessary, rail travel is often not an alternative because of the unreasonably long journey times of more than 12 hours in some cases. It is also hard to understand why the journey to training courses is often scheduled for a Sunday evening, this shortening the weekend and thus also the time for the family.

At home, the separation phase during the week can be alleviated by visual contact via Skype at some locations. This should be guaranteed at all locations, and most definitely on missions abroad.

Not only family life is greatly impaired by commuting. Commuting also makes people ill, as documented by the Absenteeism Report 2012 of the Allgemeine Ortskrankenkassen local health insurance funds and a recent study by the Techniker Krankenkasse health insurance fund. In particular, there is a growing incidence of psychological disorders, such as burn-out and depression.

It is all the more important that the problem of reconciling duty and family life be scientifically documented in all its numerous facets as a basis for necessary changes. It is pleasing that the Bundeswehr Institute of Social Sciences is currently conducting a scientific study on the subject on behalf of the Federal Ministry of Defence. This study should now be concluded as soon as possible and also indicate options that go beyond the current approaches.

Without changes in the assignment concepts of the individual careers that permit longer or long-term assignments at one location, the location cutbacks will lead to a further increase in the frequency of transfers in the short and medium term.

The 2011 Annual Report already pointed out that the affected persons find it hard to understand why they serve close to home, but are nevertheless repeatedly separated from their relatives as a result of training courses. This situation could have been eased by regional grouping of users and training facilities. The comprehensive preparations for missions must also be mentioned in this context. There are repeatedly complaints that exercises are deferred at short notice, are held

during holiday times, at weekends or on public holidays, or are so extensive that they dramatically shorten the periods between missions. This not only reduces the days of shared family life, but also strains the health of the soldiers. It is indisputable that, as a result of new changes in the situation, mission preparations always necessitate adaptation of the training, the personnel and the level of information. However, limits must be drawn in relation to the individual soldier.

This not least applies in relation to the frequency of deployment of soldiers on special assignments. This is criticised time and again in discussions during visits to the troops. To be welcomed in this context is the stipulation in the Guidelines for the Reorientation of the Bundeswehr of 4 April 2012, according to which a deployment planning and implementation system of four months on a mission and twenty months between missions is to be targeted, and the intervals are to be plannable and reliable. This can, however, only be guaranteed by far-sighted personnel planning that keeps a sufficiently large reservoir of personnel available, even for special assignments. However, there is so far generally no corresponding reservoir, nor are there any signs of a reservoir of this kind being created.

## **5.2 Conduct of superiors regarding family needs**

In the year under review, there were regrettably numerous reports on the lack of understanding of superiors for difficult family situations. It could be seen from the petitions that there was occasionally a lack of real family-friendliness. Existing room for discretion was not used, and reactions were unreasonable. Examples include rejection of the application of a training course participant, who wished to travel to the examination by private passenger car and subsequently drive to his wife's confinement. Similarly, applications for transfers close to home

for family reasons occasionally meet with a lack of understanding. For instance, an application for a transfer in order to care for a grandmother with an 80% disability was called "laughable". It is equally inappropriate to suggest to a soldier that he apply for curtailment of his period of service because he does not wish to be sent on a mission in view of the birth of his child. It also gives cause for concern when assessments contain global, negative judgements on the basis of family situations. The judgement that a servicewoman's performance had deteriorated substantially because she had become a mother, was quite simply contrary to the law.

The Manual on the Compatibility of Family Life and Service in the Armed Forces (General Handout (AU) 1/500) expressly emphasises that improving the compatibility of family and service in the armed forces is an essential leadership task and that the implementation and application of corresponding measures are subject to supervision. It is also stipulated that an awareness of family-friendly framework conditions is to be developed and promoted in all persons bearing responsibility. This must establish itself more as a part of leadership culture and be put into daily practice. Since deficits obviously exist in this field, even greater attention should be paid to this aspect in leadership training.

Transfers shape the career of soldiers. Timely information on the subject should be a matter of course, as should information on the framework conditions. This has so far unfortunately not been the case in connection with foreign assignments. Rather, the affected persons were in the past merely regularly informed that soldiers deployed abroad are paid foreign duty allowance in addition to their military pay. This is not enough, since reference to the foreign duty allowance does not answer numerous questions, e.g. regarding the occupational activity and financial se-



curity of the spouse or partner, as well as of the relatives.

Only an enquiry submitted by the Parliamentary Commissioner for the Armed Forces to the Federal Ministry of Labour and Social Affairs led to a statement now being issued that contains detailed information on the framework conditions for spouses who also move. The Federal Ministry of Defence has arranged for this information to in future be distributed in suitable form to all military and civilian employees envisaged for foreign assignments.

### 5.3 Child care

The Federal Ministry for Family Affairs, Senior Citizens, Women and Youth quite rightly draws attention, in full-page advertisements aimed at business enterprises, to the fact that the involvement of companies in child care is good "for everyone": for the company, for the female and the male employees, and for their children. This is particularly applicable to the Bundeswehr, in view of the special features of service in this "enterprise", such as irregular working hours, secondments and a need to commute. The offers of child care available today, and also those targeted for the future, in no way do justice to the situation.

Although there are positive developments in individual areas that should be swiftly advanced, the envisaged measures are in no way sufficient. For instance, the plans to create individual in-house kindergartens in the Bundeswehr have become more concrete. Corresponding child-care facilities are supposed and expected to open in 2014 at locations where permanent demand is guaranteed, i.e. at the Bundeswehr University in Munich and the Bundeswehr Hospitals in Koblenz, Ulm and Berlin. Beyond this, an urgent need was also recognised at the locations in Hamburg and Wilhelmshaven, and corresponding plans are being

drawn up. The demand at other Bundeswehr locations is, however, merely to be covered by the acquisition of rights to places. There are plans to acquire rights to places, or additional rights to places, at the locations in Dresden, Fassberg, Heide, Nienburg, Leipzig and Westerstede in 2013. This is certainly better than nothing, but it is hard to see why the Bundeswehr does not likewise set up its own child-care facilities at large-scale locations of this kind. Soldiers with young children rightly feel that the Federal Government is pulling their leg when it launches a "Development Programme on Corporate Child Care" and promotes the creation of new care places for children under the age of three in trade and industry, while at the same time doing so only insufficiently and in anything but exemplary manner in its own sphere of the Bundeswehr for reasons of cost.

Once again, the example of the French Army shows what measures are possible in order to support soldiers in reconciling their official duties with family commitments. France has 43 kindergartens specifically for soldiers' children, as well as rights to places in general kindergartens. An application for financial compensation can be filed if soldiers' working times result in extra costs for child care. In contrast, and despite emphatic urging on the part of the Parliamentary Commissioner for the Armed Forces, the Bundeswehr still refuses to grant free attendance of its own child day-care centre at the Ministry of Defence in Bonn, although the laws of North Rhine-Westphalia stipulate that attendance of a child day-care centre is free of charge.

The issue of finding temporary child care at short notice is also of relevance to members of the Bundeswehr time and again when soldiers have to attend training courses. Municipal institutions regularly refuse to accept children, because care is often required for a period of less than four weeks. The conse-

quence of these circumstances is that training courses cannot be attended. This entails a danger of disadvantages in training and career terms. The Bundeswehr aims to counteract this situation by means of an overall concept for all educational institutions that is to be elaborated by spring 2013. This should lead, as soon as possible, to binding, contractual arrangements with municipal child day-care centres and child-minders at the location of the training facility. Where Bundeswehr-operated child day-care centres are created, the plans should include a corresponding reservoir to cover the demand.

#### **5.4 Reimbursement of additional child-care costs resulting from basic, advanced and continuation training**

Entry into force of the Accompanying Act for the Reform of the Bundeswehr on 26 July 2012 also amended Section 10 Para. 2 of the Act on Equal Opportunities for Female and Male Military Personnel of the Bundeswehr. This means that the legal prerequisites now exist for parents to apply for reimbursement of unavoidable, additionally incurred child-care costs. If necessary, 6 Euros per hour can be reimbursed for each child, up to a maximum of 36 Euros per day.

#### **5.5 Family-related vacancies**

The problem of finding replacement personnel during parental leave and part-time work has still not been solved. It is regrettable that the original announcement of the Federal Ministry of Defence has not been pursued further, according to which family-related absence would in future be taken into account by using a reservoir of personnel in the framework of elaborating a new personnel structure model. Instead, it is pointed out that the now complete plans for more robust operational structures partly cover duties redundantly by means of posts. However,

there are no far no signs of this in the concrete structure.

It is said that the problem is moreover to be counteracted by a host of individual measures. For example, passing of the Specialist Personnel Recruitment Act created the opportunity for military personnel to engage in less than half-time employment during their parental leave. This offer is hardly attractive from the financial point of view, since the income from this kind of part-time employment often leads to reduction of the amount of parental allowance owing to the host of adjustment regulations in the Federal Act on Parental Allowance and Parental Leave. Moreover, partial utilisation of established posts and the occupation of vacancies should also be possible. However, positive effects of these new regulations are always dependent on the availability of corresponding specialist personnel at short notice.

Consequently, it still appears that the problem of family-related vacancies can only be effectively counteracted by creating a sufficiently large reservoir of personnel, e.g. in the form of a "standby personnel pool", who benefit from incentive pay.

#### **5.6 Parental leave**

In the year under review, there were again complaints regarding the long time taken to process applications for parental leave, the consequence being that parental allowance could not be granted in time, or that pay was not stopped in time and had to be claimed back. While criticism of the work of the military district administrative offices was often involved in past years, there are now seen to be omissions and errors during processing in the units and the personnel management agencies. Thus, applications were left unprocessed, or the corresponding data were not entered.

It could moreover be seen that affected persons suffer inequitable hardship even if the releasing agency responsible for dealing with applications for parental leave issues a decision "no later than ten days before the start" of parental leave, in accordance with the implementing provisions regarding the Parental Leave Ordinance for Servicemen and Women – because this leaves affected parents only little time to take the next step of applying for parental allowance, which is intended to replace their pay. The aforementioned regulations need to be brought into line with reality in this respect.

### 5.7 Telework

Telework can make an important contribution to reconciling family life with the demands of official duties. People gladly avail themselves of this offer, and it helps many families in difficult situations.

Now that the very extensive and time-consuming contract negotiations between the Bundeswehr and the company responsible for technical realisation have been concluded, the roll-out has begun. Now, however, holders of telework jobs that have already been approved are complaining about problems with setting up their workplaces. The complaints result from the wording of the aforementioned contract. The soldiers often already have the DSL connection necessary for a teleworkplace. However, these online links can only be used if they are provided by the contract partner with whom the company responsible for technical realisation cooperates. This circumstance is unacceptable to the affected persons, who are often urgently dependent on installation of the teleworkplace. The now pending negotiations on a follow-up contract for the technical implementation of teleworkplaces should be concluded with a corresponding solution as soon as possible.

## 6 Women in the armed forces

18,494 women were serving in the armed forces on 31 December 2012, this representing a total of 9.65 percent. This figure includes 1,698 career soldiers, 16,186 temporary-career volunteers and 610 military service volunteers. Despite continuous increases, it has not yet been possible to achieve the quotas of 50 percent in the Medical Service and 15 percent in the remaining careers, prescribed in the Act on Equal Opportunities for Female and Male Military Personnel of the Bundeswehr. The proportion of women is particularly low among military service volunteers. Consequently, women should be addressed and recruited as a target group of their own more than in the past.

It is regrettable that no progress can yet be seen regarding the more feminine dress uniform that many servicewomen would like. In this context, greater consideration should be given to the fact that the appearance of servicewomen in public is a significant advertising factor for interested young women.

All in all, the petitions received from servicewomen in the year under review did not reveal any signs of particular, gender-specific problems. In this respect, it will be interesting to see the results of the study by the Bundeswehr Institute of Social Sciences, which was announced some time ago, but has not yet been published, and updates the "Truppenbild mit Dame" ("Troop Portrait with Lady") study of 2008.

### 6.1 Missions abroad of servicewomen with children under the age of three

It was reported on several occasions during visits to the troops that a number of servicewomen with children under the age of three are taking part, or have taken part, in missions abroad. According to the Federal Ministry of Defence, they do so voluntarily and any

refusal by the affected mothers is respected. Enlistments, if any, are probably an exception.

Regardless of this, the problem exists that these women could find themselves exposed to the pressure of group dynamics and that their "voluntary" participation possibly results more from comradely behaviour. They do not want to burden their comrades with having to go abroad on a mission an additional time for lack of other available personnel. Mothers of children under the age of three must not be exposed to a conflict of this kind. The relationship between mother and child is particularly important, especially in the first few years of life. This is also being discussed from other points of view. For instance, proposals were recently made in the parliamentary sphere that the working time of young parents be reduced to 30 hours per week. To avoid the separation of young mothers from their children as a result of missions abroad, it would be necessary to have additional personnel permanently available that is capable of filling the anticipated gaps.

### **6.2 Career development of servicewomen**

The 2010 Annual Report addressed the small number of servicewomen in leading positions in the Medical Service. The Federal Ministry of Defence has in the meantime taken up this subject. It reported that the proportion of female Medical Service officers had only been increasing steadily since a career in the Medical Service had been opened up to female Medical Service officer cadets in 1989, and that promotion, e.g. to Pay Grade A 16, was only given after 25 years of service in accordance with the generally valid rules. Although the career had already been opened up to female applicants with an academic degree in 1975, only a small number of female Medical Service officers with the status of career soldier came from this circle, the proportion of women in

top-rank assignments being correspondingly small. Posts in Pay Grades A 16 to B 3 are currently held by ten women, and one woman has the rank of surgeon general. Disregarding the top positions, it can be noted that the proportion of women in the Medical Service in Pay Grades A 13 and A 14 has in the meantime reached a good level. In contrast, women are still far behind in Pay Grade A 15. The Parliamentary Commissioner for the Armed Forces will keep a watchful eye on developments in this sector.

### **6.3 Military Gender Equality Officers**

As part of the reorganisation of the Bundeswehr, a number of civilian major organisational elements were created that are staffed by both civilian and military personnel, or in which – as in the Federal Office of Bundeswehr Personnel Management – fundamental decisions regarding assignment planning are taken by military personnel. As in the previous structures, the participation of military Gender Equality Officers is necessary here. However, there is currently no provision for this. To put them on the necessary legal footing, the definition of 'agency' in Section 4 Para. 3 of the Act on Equal Opportunities for Female and Male Military Personnel of the Bundeswehr needs to be adapted to the changed situation resulting from the new structures. It is hard to understand why this has not yet been done.

## **7 Sexual encroachments**

Particular attention was attracted by reports concerning the rape of a servicewoman at the Army Aviation School in Bückeburg. This case was reported to the Parliamentary Commissioner for the Armed Forces as a so-called "serious incident", like all other cases coming to light in the Bundeswehr where offences against sexual self-determination could be in-

volved. The Parliamentary Commissioner has himself informed of the results of the disciplinary or criminal investigations, to ensure that there are no omissions in the Bundeswehr in the framework of the investigations. 50 cases of serious incidents of a sexual nature were reported in the year under review. They included 16 cases where servicewomen were the victims and servicemen the offenders. This year, as also in the preceding years, cases of rape were, fortunately, an absolute exception. The great majority of the offences involved inappropriate physical contact and verbal sexual harassment.

Three of the cases reported related to encroachments in which men were involved on both sides. In the other cases, the reported encroachments by male soldiers were directed at female civilians, mostly outside the Bundeswehr. Four serious incidents involving a suspicion of child pornography were reported in 2012. In these cases, the soldiers were accused of possessing, and in some instances disseminating, photographs and videos containing child pornography. Accusations of exhibitionism were involved in four cases.

The total of 50 serious incidents reported contrasts with just seven cases of petitions involving accusations of sexual encroachment. Four of these cases were already known as serious incidents. The remaining petitions predominantly related to verbal harassment.

Above and beyond the known cases, the possibility cannot be ruled out that there are also numerous undetected offences, because the affected persons, female or male, do not report them. Thus, based on an anonymous survey conducted in 2005, the 2008 study by the Bundeswehr Institute of Social Sciences, entitled "Truppenbild mit Dame", arrives at the result that sexual harassment of servicewomen in the Bundeswehr is in no way a negligible phenomenon. Insights into the current

situation can be expected from the new study by the Bundeswehr Institute of Social Sciences on the situation of women in the Bundeswehr, which has been announced, but not yet published.

Inhibitions about disclosing incidents with a sexual background are doubtless greater than in connection with other occurrences. However, a report, a talk with the Gender Equality Officer, possibly with the chaplain, or a petition to the Parliamentary Commissioner for the Armed Forces, is necessary in order to be able to stop the respective offender and prevent this kind of misconduct vis-à-vis other comrades. Superiors should make this clear time and again. An appeal must be made to the affected persons to pluck up the courage to confide in one of the persons mentioned. Any and every sexual encroachment must be condemned. In connection with verbal harassment, it is striking to note that some of the offenders totally fail to perceive that they have done wrong. Superiors should therefore also provide more information and education in this respect. Apart from this, it is also of decisive importance that the Bundeswehr react appropriately when a potential case of sexual encroachment is reported. According to the information available to me, this has been the case in instances when an encroachment of this kind was successfully proven. The acts were punished appropriately following corresponding criminal or disciplinary investigation.

## **8 Voluntary military service**

Voluntary military service was introduced more than a year ago, and the Federal Ministry of Defence has now drawn up a first review on the basis of an evaluation study by the Bundeswehr Institute of Social Sciences, parts of which are already available. On the whole, the experience acquired in the troops so far is rated positively, but there is also seen to be a need for improvement.

For example, the study by the Federal Ministry of Defence arrives at the conclusion that voluntary military service can be developed into an important instrument for personnel recruitment. However, it also says that this would make it necessary to provide corresponding posts for the change of status from military service volunteer to temporary-career volunteer. This can only be confirmed. However, reality does not do justice to this ambition, since current practice is obviously based more on the policy of preferring "new enlistment before re-enlistment".

The petitions from military service volunteers primarily related to complaints regarding the rejection of applications to be accepted into service as a temporary-career volunteer, especially in the rank and file. Likewise criticised was the excessively long time taken to process the corresponding applications. During visits to the troops, too, there were repeatedly complaints about the lack of opportunities for military service volunteers to be kept on. For example, based on a written survey conducted by him among roughly 300 recruits from four start dates regarding the advice given by the selection and induction offices, the commander of a company of recruits reported that some of the soldiers had had a false impression of the procedures and possibilities for acceptance into service. Almost half of the respondents had assumed that they first had to complete voluntary military service and could only then become temporary-career volunteers. Similarly, the remarks in the petitions from military service volunteers quite often permit the conclusion that their expectations regarding a potential career in the Bundeswehr are unrealistic. These expectations are said to be triggered not only by the advice given before entering into service, but also, and above all, by advertising.

In this context, people mainly found it hard to understand the common prac-

tice whereby "new enlistment takes priority over re-enlistment". Quite often, military service volunteers had been given the hope of being accepted into service by their superiors – such as the company commander or the senior personnel NCO – only to find later that this hope could not be realised. In some cases, this led to the curious situation that, after completing their time, military service volunteers had to apply again and go through the recruitment procedure for temporary-career volunteers. Both the bureaucratic effort and the resultant gaps in the professional curriculum vitae of the affected persons could have been avoided.

The Federal Ministry of Defence does not dispute that greater importance is attached to the enrolment of soldiers with no prior service through external personnel recruitment than to the change of status of military service volunteers already serving. Based on Personnel Structure Model 185, it essentially justifies this with a "viable, regenerative, age- and structure-oriented personnel structure", pointing out that military service volunteers had consciously decided in favour of a shorter period of service and against service as a temporary-career volunteer. Quite apart from the fact that this does not do justice to the aim of fair treatment for military service volunteers, is it surprising that the Bundeswehr passes up this excellent opportunity for recruiting young personnel.

With an eye to the motivation of military service volunteers and the attractiveness of this form of service, it is my opinion that more flexible handling of the specifications of the Personnel Structure Model would be desirable at this point. A suitable military service volunteer who has the necessary flexibility and willingness to serve at home and abroad, should not be rejected. Otherwise, it would be absolutely necessary, in the framework of counselling at the Careers Advice Centres, to provide clearer information than in the

past regarding the limited opportunities for military service volunteers to be kept on.

A lack of information – not only regarding development opportunities, but regarding the nature of service and its framework conditions in general – was a further point of criticism in petitions. It can be assumed that this is one of the reasons for the drop-out rate of roughly 30 percent, including roughly 5 percent instigated by the Bundeswehr. In the aforementioned study, the Institute of Social Sciences quite rightly recommends an intensive dialogue with the young people in order to gear their expectations of voluntary service more to the realities, and that greater consideration be given to their individual needs for personal development. This also applies in connection with the place of stationing. It appears doubtful, at the least, whether – as reported during a visit to the troops – it is absolutely necessary to station a military service volunteer from Rostock at the other end of the country, in Messstetten. Links to the home region should be preserved as far as possible in assignment planning.

## 9 Reservists

The new "Bundeswehr Reserve Concept" came into force with effect from 1 February 2012. Among other things, it strengthens homeland defence by providing additional, regional security and support forces to be set up. According to the Act on the Legal Status of Reservists in the Bundeswehr, which likewise came newly into force, the heads of the government district and government region liaison groups bearing responsibility in civilian-military cooperation, their deputies and the appointed senior officers of the Medical Service for civilian-military cooperation in the health sector, are appointed in a special form of inactive duty. They are given a certificate and swear an official oath. There is also provision for compensa-

tion of up to 160 Euros per month in recognition of this special commitment.

The lack of prospects for lateral entry for reserve officers was criticised in petitions. Up to now, lateral entry as an officer for specialist military assignments was only possible if there was a vacant military post corresponding to the university education of the applicant. As part of the amendment of the Military Career Regulation, additional options have now been created for entry with a higher rank. Accordingly, provision is made for immediate appointment as a lieutenant for assignments in operational service that do not necessitate a university education, if an officer examination was successfully passed in addition to graduating from university. This is likewise to be rated positively.

### 9.1 Deficiencies in the personnel management of reservists

The commitment of active reservists continues to be great. It is thus all the more annoying when, in isolated instances, avoidable mistakes in personnel management occur time after time, resulting in release from reserve duty, for example. If, for instance, a person's training record is not updated, resulting in repeated exclusion from planning for the ISAF mission, this is just as unacceptable as if the necessary vetting procedure is initiated too late, this again resulting in the petitioner not being able to go on the mission.

Out of respect for reservists, it is also necessary that the same importance be attached to their assessments as to those of active soldiers. It is objectionable if, as actually reported in one case, assessments of this kind are not written by the technically competent superior and evaluation regulations are disregarded.

### 9.2 Taxation of financial payments to reservists

The planned taxation of payments to reservists under military pay law, envisaged in the 2013 Annual Tax Act, led to strong criticism and numerous petitions. Right from the outset, I considered these plans in the draft of June 2012 to be a wrong signal and a breach of confidence vis-à-vis those affected, making it very clear that these financial losses bore no resemblance to appreciation and recognition of service in the armed forces. The law now adopted by the German Bundestag in October completely exempted all remuneration paid to reservists from taxation. This is a success for all concerned.

## **10 Personnel**

In the year under review, the average total force strength of the Bundeswehr was 197,880. Compared to the previous year, this is a decline of 8,211 or 4 per cent. In addition to the reorientation of the Bundeswehr, this is attributable to the suspension of compulsory military service. The rank and file was affected to an above-average degree by this decline in the total strength.

### **10.1 Acceptance of stationing decisions**

The Bundeswehr Stationing Concept, presented on 26 October 2011, caused widespread disconcertion in the year under review. This particularly applied to military personnel whose locations were to be closed. In many cases, the personnel managers were unable to offer alternative posts soon after announcement of the location closures. The affected personnel were literally sitting on packed cases and did not know where they were going. This anxiety was particularly understandable in those cases where the decision to close locations or to dissolve units had already been announced, but it was still not clear what was to happen with the affected personnel.

Apart from their disconcertion, affected personnel also expressed a lack of understanding for individual stationing decisions, such as the relocation of the long-range surveillance units from Pfullendorf to Seedorf. They felt "left out" by their employer and complained that they had not been given an understandable justification of the stationing decision.

It is in the interests of the employer to listen to the aforementioned complaints. It must, however, be borne in mind in this context that the desire of personnel affected by a necessary transfer to at least be given a "close-to-home" assignment, is understandable and only human. However, the personnel managers primarily have to give consideration to official interests when taking concrete transfer decisions. At the same time, they must take into account the impact on soldiers who have greater difficulty with a change of location owing to serious personal reasons or unusual hardship. This is not easy in view of the extent of the structural changes associated with the reorientation process. This makes it all the more necessary to make the measures to be taken transparent and to inform the affected persons as soon and as comprehensively as possible.

### **10.2 Deficiencies in the personnel management of active soldiers**

Deficiencies in personnel management continue to be the subject of numerous petitions. Complaints regarding the slow processing of applications are among the most common.

If applications are not processed for months on end, it is fallacious to believe that this impacts only the affected soldier. The Bundeswehr harms itself if, as a result of slackness and organisational deficits, it gives the impression that the personal affairs of its soldiers are of secondary importance. It must repeatedly be emphasised in this context that, with its roughly 140,000 tem-



porary-career soldiers and 55,000 career soldiers, the Bundeswehr is predominantly an army of people on limited-term contracts. Deficiencies in personnel management thus have a particularly great impact on the willingness of specially qualified persons to consider acceptance into service as a career soldier, and also of people retiring from service to report positively on their experience with the Bundeswehr as an employer in their new, civilian environment.

For example, anyone who hears nothing for six months about his application to switch to a career as sergeant, can hardly gain the impression that his employer is particularly interested in him. The soldier thereupon renounced this switch of career, although he was then rated as suitable, meaning that both sides were ultimately the losers. In view of this kind of behaviour, the affected person is bound to get the impression that the employer is, in truth, not at all interested in him continuing his service, but is unwilling to say so openly and almost hopes that the soldier will lose his patience and give up.

In this context, it is not enough to always just put the blame on overtaxed individuals or regrettable organisational mishaps. If personnel matters are of special importance, particularly in an army undergoing permanent restructuring, there must be more to it than merely emphasising priorities, but without providing the necessary resources. It appears urgently necessary to make provision for better staffing of personnel management agencies. If personnel matters become just one of numerous secondary tasks in the everyday life of the troops, then personnel management ultimately also becomes secondary. Soldiers deserve better than that. The Bundeswehr cannot afford to continue in this way.

### **10.3 Re-enlistment**

An interest in re-enlistment, particularly in the rank and file, but also among non-commissioned officers, is frequently expressed on visits to the troops. The disappointment is great when a corresponding application is rejected, mostly having been made with the support of superiors, or even on their suggestion. The Bundeswehr apparently finds it difficult to give interested soldiers a clear picture of the framework conditions under which decisions on re-enlistment have to be taken and of the decisive reasons for the decision in a particular case.

In the year under review, too, highly qualified and extremely motivated temporary-career volunteers could not be re-enlisted, despite the fundamentally open options for re-enlistment as a temporary-career volunteer for eight to fifteen years. The reason given for this was the need for an age-, experience- and training-oriented personnel structure. This is not a convincing argument. An appropriate personnel structure can most certainly also be achieved with temporary-career volunteers who serve for a longer period.

The high level of fluctuation in the troops leads to frustration among those who would like to see re-enlistment. In addition, the troops lose a variety of skills that then have to be regained by again investing large sums of money in training new personnel.

The impression sometimes arises that the employer particularly refuses longer enlistment in cases where this would establish an entitlement to vocational advancement or a major expansion of the entitlement. Current enlistment practice meets with understandable criticism among those affected and quite often results in bitterness on the part of the retiring soldiers.

### **10.4 Assignment planning following the conclusion of studies**

A number of petitions related to the information given to studying officers by the Bundeswehr Personnel Office. The officers complained that, although they were just a few months ahead of graduating from university, the location and the assignment category to which they were to be assigned had still not been decided.

On this subject, the statements from the Bundeswehr Personnel Office pointed out that the students were generally given preliminary information regarding their future assignment six months before completing their studies. The affected persons thus had sufficient time to adjust to the new duty location.

This is not a convincing argument. The information given is only preliminary and not binding. If the soldier wants to avoid the financial disadvantages of having to re-plan, then legally binding acts, such as renting accommodation, signing a removal contract, giving of notice on the spouse's employment contract or signing up for a kindergarten place, cannot be undertaken until after receipt of the assignment order.

Furthermore to be criticised is that the binding assignment notification is occasionally not sent out as long as the Bundeswehr university has not submitted formal and definitive notification regarding successful completion of the course to the Bundeswehr Personnel Office. Deficiencies in the procedures of the Bundeswehr universities are repeatedly found, but must not be allowed to be to the detriment of the soldiers. It must be possible to react to deficits in the employer's sphere of responsibility in such a way that the soldier does not have to bear the consequences.

#### **10.5 Range of fields of study at Bundeswehr universities**

Young officers frequently complain that they find it hard to understand their follow-on assignments after completing

their studies. This should be an occasion to critically examine the range of studies offered at the Bundeswehr universities.

When officer training was put on an academic footing 40 years ago, the central political idea was to give future officers an academic educational horizon for their work in the armed forces. Today, however, university studies should be geared more to the actual requirements of modern armed forces and enable officers to receive education and training that will allow them to make a successful start into civilian working life after retiring from the Bundeswehr.

There are positive approaches at the Bundeswehr University in Hamburg. Sixteen students recently started the new course in Psychology there, and their number is soon to increase to 30. It would also make sense to set up a post-graduate medical study course in Psychotherapy. The expertise of the Bundeswehr hospitals could be utilised in this context – Hamburg, in particular, would be a good location because of the vicinity of the Bundeswehr Hospital to the Bundeswehr University. It should also be examined whether the Bundeswehr hospitals can be developed into Bundeswehr University Hospitals for post-graduate medical study courses.

#### **10.6 Promotion situation**

As had already been the case in previous years, there was again dissatisfaction with the promotion situation in the year under review. The existing established posts continue to be insufficient to promote all soldiers who have achieved the personal prerequisites for promotion.

There was a particularly serious shortage of established posts in Pay Grade A 12. The affected soldiers have often already been assigned to a post classed in Pay Grade A 12 for more than two years. However, since the number of

available established posts is regularly insufficient to be able to assign all officers meeting the prerequisites and open to consideration at an assignment date, orders of promotion are created. The latest, regular assessment takes priority in this respect. Also taken into account as additional performance criteria are the assessments of eligibility for promotion or the development forecasts of past regular assessments since achieving eligibility for promotion, as well as participation in special foreign assignments and comparable deployments since 1 April 2008. The duration of assignment to a corresponding post, i.e. the time already spent performing the higher-rated activity, does not constitute a performance criterion in this context and is not taken into account when establishing the assignment sequences.

Equally unsatisfactory is the situation of staff sergeants waiting for promotion to sergeant major. Again, the number of established posts is insufficient, meaning that long waiting periods can arise before promotion to sergeant major.

It is understandable that long waiting periods lead to annoyance and are detrimental to motivation. This applies not only to the persons directly affected. Promotion backlogs impair the attractiveness of service in the armed forces in general.

Petitions relating to the promotion situation also addressed the problem of "preferential treatment of lateral entrants". For instance, a long-serving sergeant major complained about being disadvantaged in relation to a lateral entrant, who had trained as a master craftsman during his civilian working life and was thus recruited into the Bundeswehr with the rank of warrant officer Class 2. He himself had comparable training and many years of military experience. He nevertheless lost out to the lateral entrant when it came to promotion to warrant officer Class 2. This description is accurate.

Promotion to warrant officer Class 2 presupposes at least 16 years of service since appointment as sergeant, including at least three years since appointment as sergeant major. However, according to the amendment of the Military Career Regulation applicable since 2 July 2011, appointment in the rank of warrant officer Class 2 is also possible if a full-time occupational activity prior to entering service was practised for at least nine years after acquiring the necessary educational prerequisites.

This new regulation is based on the intention of significantly improving the lateral entry options for the careers of officer and senior NCO on the basis of civilian experience. This is certainly understandable for improving recruitment, especially for understaffed assignments. However, it is equally understandable that, in individual instances, the new regulations mentioned are felt to be unfair by the temporary-career volunteers and career soldiers disadvantaged by them. Even if improved lateral entry options for applicants with professional experience were politically intended, it is now time to create corresponding promotion opportunities for long-serving soldiers as well, in order to eliminate this discrimination.

### **10.7 Assessment system**

Previous Annual Reports already described the massive criticism of the current assessment system. The criticism persisted in the year under review, and I can only subscribe to it.

On the one hand, it is only human and understandable that not everyone assessed is happy with their assessment and sees their aptitude, ability and professional performance as being appropriately acknowledged. On the other hand, no assessment system can avoid this, no matter how differentiated it may be. However, it is also not the job of an assessment system to reflect the self-assessment of the persons assessed,

but to provide a basis for efficient personnel development. Against this backdrop, it remains incomprehensible that assessments still include elements of personnel tactics, the result being that aptitude and ability profiles and development forecasts are drawn up that serve less the aim of placing the best and more the optimisation of individual career prospects.

Being intentionally subjective estimates by the assessor, assessments can only be judicially reviewed within very narrow limits. This applies to the appellate instances and the administrative courts, as well as to the Parliamentary Commissioner for the Armed Forces. Not even he, with his yardstick of "violation of basic rights" or "infringement of the principles of internal leadership", can replace the freedom of assessment of the superiors. This makes it all the more important for the employer itself to ensure that superiors do not feel forced to give personnel tactics priority over truthful assessments.

Since the current assessment system fails to do this, it needs to be changed. At this point, I would like to repeat my advice that the award of assessment grades for the currently practised activity should be more clearly separated from the career-determining promotion prospects.

### **10.8 Applications for curtailment of the period of service**

The rejection of applications for curtailment of the period of service was the subject of numerous petitions in the year under review.

Applications for curtailment of the period of service are regularly triggered by the wish to turn to new career prospects, be it with an employer in the private sector or in the civil service. The desire to leave the Bundeswehr prematurely is often preceded by rejection of an application for acceptance as a career soldier.

If a further career in the Bundeswehr no longer appears possible, it is understandable that the affected persons try to find an occupational alternative. In this process, it is not always the case that the time of the soldier's envisaged retirement from service and the opportunity to take up a new occupational activity or university studies coincide.

If the application for premature retirement from service is rejected in such a case, it is understandable that the applicant is disappointed. Nevertheless, it must be pointed out that, according to invariable and established case law, the decision on an application for curtailment of the period of service is authoritatively governed by the interest of the Bundeswehr in a curtailment of this kind. After all, by assigning the soldier to a post, the Bundeswehr has incorporated her or him in a long-term personnel concept, usually already planned the successor and has no possibility for providing a replacement at short notice in the event of premature retirement.

A distinction must be made between the aforementioned constellations and cases where soldiers wish to opt out of their contracts due to fundamental dissatisfaction with their personal situation and/or a lack of career prospects. For example, this means young officers who fail to find the expected military training during their studies or cannot see secure career prospects against the backdrop of the reorientation of the armed forces. However, it also includes senior NCOs, who are transferred from post to post and sent from training course to training course with no visible assignment prospects. There is no small number of people who consider the idea of retiring from service prematurely for the above reasons.

Both situations involve personnel who were selected as qualified applicants and entered into service in the armed forces with great expectations and motivation. If they retire, the Bundeswehr

loses some of the junior leaders it selected and trained itself. It would make sense to ask these people why they want to retire from service prematurely and to try to retain them. However, this does not appear to be the rule.

### **10.9 Rejection of applicants for health reasons**

In the year under review, several petitioners complained about the rejection of their applications for health reasons. Among other things, the grounds for rejection included an excessively high Body Mass Index, allergies, poor eyesight and insufficient ability to cope with physical or mental stress.

As a rule, the rejected applicants said they subjectively felt no impairment. This may well be the case, but it is not a sufficient argument.

It must first of all be noted that the physical demands on military personnel are greater than in most other occupations. An applicant must be able to guarantee that she or he is physically capable of coping with these requirements.

If health impairments exist, it must be examined whether they have an impact on the performance and fitness of the applicant. If this is the case, it may be possible to issue an exemption. However, this presupposes that the possibility can be ruled out of the health impairment posing a threat to the individual in question or to third parties on duty. This is frequently overlooked by applicants, but also not always adequately explained to the affected individual.

In the opinion of the Bundeswehr, there is no room for exceptions if the Bundeswehr can cover its requirements elsewhere with applicants whose health is not impaired. There can be no objection to this. After all, it must be borne in mind that, while some health impairments have little or no notice-

able impact at the moment, restrictions must nevertheless be expected later on during the period of service. All this must already be considered when deciding on acceptance or rejection, also in the interests of the applicants themselves.

### **10.10 Assignment despite restricted medical fitness**

It was reported in numerous petitions that, although the fitness of the applicant had been established at the medical examination in a Recruiting Centre, the unit physician found health restrictions that cast doubt on this fitness after the applicant entered into service with the troops.

This happened to one applicant, who passed the pre-induction examination with a medical fitness category of T2 during his aptitude test in November 2011 and was assigned for duty in the Bundeswehr. However, after entering into service at the beginning of January 2012, the petitioner was discharged again after three days, because the dental examination on recruitment revealed an assignment restriction owing to dysgnathia.

A dental examination is regularly only carried out when an applicant enters into service, since no provision is made for this examination at the Recruiting Centres. Following his petition, the petitioner was reinstated at the beginning of April 2012 on the basis of an exemption granted by a military physician.

In this instance, and indeed in general, it would have been desirable for the dental status already to have been clarified during the aptitude test at the Recruiting Centre. This does not involve any major additional effort. The possibility of a medical exemption should be reviewed as soon as possible, at the latest when entering into service with the troops. The delay in the start of the military career and the substantial outlay on both sides could have been

avoided for both the petitioner and the employer in this way.

In another case, an applicant turned to the Parliamentary Commissioner for the Armed Forces because, following his recruitment at the beginning of January 2012, he had been discharged from the Bundeswehr after three days owing to an elevated Body Mass Index of more than 30 and the resultant capacity limitations. At the time of his aptitude test in April 2011, the applicant had still had a – borderline – Body Mass Index of 27. Having gained eight kilograms in weight by the time of entering into service, he was no longer found to be fit. No incorrect behaviour of Bundeswehr agencies could be identified in this instance. Nevertheless, in cases of this kind, the borderline nature of the Body Mass Index determined, and the associated risk for the applicant in the event of putting on further weight, should be pointed out more emphatically than apparently happened in this case.

A number of petitions related to questions of medical fitness for specific posts and/or university studies.

In one case, the Bundeswehr Personnel Office planned for a female naval officer cadet to study nautics. She had previously undergone several medical examinations and been found to be fit for shipboard duty. An examination for "fitness for deck service" was not performed, although it was necessary for studying. When she wanted to start her studies after three years in the troops and was examined once again, the responsible doctor told her that she was not fit to study nautics owing to her poor eyesight. In the case described here, it would have been no problem at all to perform the examination for "fitness for deck service" at the time of recruitment, or the time of assignment planning at the latest.

The impression can currently not be avoided that, as a result of an excessively narrow interpretation of compe-

tencies, the decision regarding medical fitness is deferred until the time of the assignment decision. A timely and comprehensive medical examination, geared to the envisaged or merely requested assignment, would be necessary to avoid occurrences of this kind. However, there is currently no structural provision for this. The results of an examination of this kind would make further assignment planning more reliable. This would benefit both the career and life planning of the affected persons, and also the employer's assignment planning with regard to the future staffing of posts.

### 10.11 Testimonials

According to the statutory provisions in the Act on the Legal Status of Soldiers and the pertinent Joint Service Regulation, military personnel receive a testimonial after retiring from service. Timely issue of the testimonial is indispensable for the job application phase, and thus for reintegration of these persons in civilian working life. The certificate has to be issued by the disciplinary superior. The task of ensuring this cannot be delegated to the soldier herself or himself.

The Service Regulation includes guidelines and processing notes regarding the minimum content and structure of the testimonial, as well as proposed formulations and examples. Despite these notes and aids, soldiers complained that their testimonials did not even comply with the minimum formal requirements. Moreover, despite sending repeated written enquiries to their former units, petitioners occasionally had to wait months for their testimonials. That is not acceptable.

Owing to the enormous importance of the testimonial for the affected persons, and the potential negative impact in a job application procedure, it is essential that timely issue of testimonials be ensured. In the context of processing petitions, one command informed me

that issue of the testimonial was to be included in the checklist of the soldiers to be discharged. As expressly welcome as this may be, the question remains as to why consistent use of this simple organisational option was not also made in other areas and before.

The cases coming to my notice in the year under review show that quite a few superiors consider errors and inadequacies in the issue of a testimonial to be a "side issue". Corresponding breaches of duty do not always result in an appropriately emphatic response. For example, if a superior was repeatedly requested in writing to issue the testimonial in vain, his failure cannot be dismissed as a regrettable clerical error. In view of the existential importance of the testimonial for the professional future of a retiring soldier, a stronger disciplinary reaction would be indicated in such cases.

#### **10.12 Trainee positions**

Fundamentally, the efforts must be acknowledged to get some trainee soldiers into what are known as trainee positions, so that the post can be refilled in a manner covered by the budget for the duration of their training. Up to now, however, only an insufficient number of trainee positions has been created. This is particularly true as regards special assignments. For instance, there is fundamentally no provision for deputisation for materiel management senior NCOs. This is unfortunate in two respects. First, much of the work remains undone. Second, urgent work has to be taken on by comrades who are assigned to other jobs and thus exposed to a double burden. This is neither sensible nor justifiable.

#### **10.13 Military personnel with an immigrant background**

As in the rest of society, a noteworthy proportion of military personnel have an immigrant background. The Parliamentary Commissioner for the Armed

Forces pays special attention to their situation.

No particular problems arose regarding the integration of these soldiers. It was, however, reported that ethnic German immigrants are increasingly isolating themselves somewhat from their other comrades. The superiors are thus called upon to bring the different groups closer together. There were hardly any observations of religion-based tensions.

Particularly on its missions abroad, the Bundeswehr has for some time been making use of the special abilities of personnel with an immigrant background, such as language skills or intercultural competencies. However, it is also necessary for the employer to make an effort to contribute to the integration of these soldiers and, if possible, to meet any special needs that may exist. This is already being done to the greatest possible extent as regards catering. The soldiers are also given the opportunity to comply with the prescribed rites and prayer times. The spiritual needs of non-Christian faiths are likewise to be catered to more extensively in future, as indicated in the "Chaplain Service" section. The Federal Ministry of Defence acknowledges the relevance of the subject and, in the year under review, also signed the "Charter of Diversity", initiated by business enterprises and under the patronage of the Federal Chancellor. It is intended to promote the acknowledgement, appreciation and inclusion of diversity and to contribute to also utilising this diversity for the respective organisation.

In 2011, soldiers with an immigrant background founded the "Deutscher Soldat e.V." society at the Bundeswehr University in Hamburg, with the aim of stimulating successful integration in the Bundeswehr. The Bundeswehr should continue to emphatically embrace this subject and see the recruitment of soldiers with an immigrant background as an opportunity for a

more broadly-based Bundeswehr that also reflects society.

## **11 Medical Service**

### **11.1 Impact of the reorganisation of the Bundeswehr on the Medical Service**

After introduction of the new structure (Personnel Structure Model 185), the Bundeswehr Joint Medical Service will in future only comprise roughly 19,200 soldiers, compared to the current 24,700. This corresponds to a cutback of slightly more than one-fifth of the total size. At roughly 2,700, the number of civilian employees will be about ten percent below the previous level. Estimates that reorientation will make the Medical Service more effective and efficient must be questioned. According to an in-house deficit analysis, the Medical Service will, despite the reduction in the total force strength, be short of roughly 1,000 jobs to be able to provide the necessary task- and mission-oriented medical care for the armed forces in the new structure. The figure will, in fact, probably be even higher.

The particular challenge in connection with introduction of the new personnel structure of the Medical Service lies in the internal reorganisation of the body of personnel and the associated redistribution of tasks. A slight increase in the number of Medical Service officers and a significant rise in the number of Medical Service NCOs are offset by reductions in the number of medical sergeants and massive cutbacks in the rank and file.

#### **11.1.1 Personnel situation regarding Medical Service officers**

In total, the number of Medical Service officers, i.e. all Bundeswehr doctors, dentists, veterinarians and pharmacists, was increased to 2,800 in the year under review. However, 56 Medical Service officers applied for recognition as

conscientious objectors during the same period, including 26 during their university studies.

Compared to the target of Personnel Structure Model 185, there is currently still a shortage of 500 Medical Service officers. In particular, there continues to be a significant lack of doctors. The situation is especially critical in the clinical field, mainly as regards surgeons and psychiatrists, where the shortfall is as much as 25 percent. However, the extent of the personnel shortage differs at the individual Bundeswehr hospitals. Roughly one-fifth of the posts for unit physicians are still vacant.

A significant number of these vacancies is attributable to absence for training- and family-related reasons. To permit temporary filling of these vacancies, the number of trainee positions to which post holders can be assigned during their training or family-related absence, was increased by 400. This makes it possible to temporarily compensate for vacancies, but it does not eliminate the existing personnel deficit.

As a result of dissolution of the selection and induction offices, a decision has to be taken regarding the further assignment of just under 200 recruiting organisation physicians. A major proportion of them is to be employed in the sphere of the recruiting organisation, particularly in the new Careers Centres. It would also be conceivable to assign them to the Medical Service, e.g. as unit physicians. However, since recruiting organisation physicians generally have no experience in curative medicine, and often also no specialist medical training, they would have to be offered the necessary basic and continuation training before being assigned to the Medical Service.

A contribution to compensating for personnel bottlenecks and vacancies in connection with Medical Service officers was to be made by the streamlining



of the leadership structure in the Joint Medical Service, along with the clear orientation of the new structures to tasks requiring a licence to practise. It is questionable whether this measure will suffice to significantly reduce existing deficits. The decisive factor for regeneration of the body of medical personnel will be the attractiveness of the future Medical Service.

Pleasingly, the number of applicants for a career as Medical Service officer rose by a good 20 percent in the year under review. The Federal Ministry of Defence realistically attributes this increase to the doubling of the number of school-leavers in some Federal Länder, among other factors.

Regardless of this increase, numerous active Medical Service officers reported during visits to the troops that they did not plan to re-enlist owing to the unattractiveness of service. Statements of this kind match the persistently low number of applicants for acceptance as career Medical Service officers. In view of this trend, it is regrettable that the attractiveness programme for Medical Service officers has still not been completely implemented, although it was already planned in 2009. For instance, only from the end of the year was a start made on creating new posts for Medical Service officers as the basis for the justified adjustment of the annual working time of Medical Service officers to that of line officers. The same applies to the inclusion of mission times in the life working time. In these important respects, the attractiveness programme is not yet capable of developing the anticipated positive effects on recruitment.

Another attractive feature is the basic and advanced training offered. The creation of medical courses at the Bundeswehr universities, and also the expansion of the basic and advanced training offers for specialist officers and sergeants at the Bundeswehr Medical Academy, could increase the attrac-

tiveness of the Medical Service. As already mentioned in a different context, a first step in this direction can be reported from Hamburg, where 30 places for students of Psychology are being created at Helmut Schmidt University, as suggested in the last Annual Report. In view of the demand for therapists, it would make sense to also offer a post-graduate study course in Psychotherapy in collaboration with the Bundeswehr hospital.

The fact is to be welcomed that, as I have been demanding for some time, the promotion of Medical Service officers will, according to the new concept on support groups, in future no longer be imperatively dependent on a staff assignment. Many of those affected consider this innovation to be a real improvement.

Finally, the attractiveness of the career of a Medical Service officer is also determined by the pay.

It was already pointed out on several occasions in previous years that the incentive pay for Medical Service officers working in the field of intensive-care and emergency medicine, introduced in 2009, does not appear suitable for permanently increasing the attractiveness of service for Medical Service officers. To this day, the incentive pay is considered to be unfair, owing to its one-sided orientation, and leads to dissatisfaction among those who feel they have unjustifiably been ignored.

A positive development to be reported is that attractiveness-inhibiting factors have been eliminated by the overdue harmonisation with valid EU law, in that medical stand-by duty and time on call in the Bundeswehr hospitals are now at last recognised as working time and also paid for accordingly.

#### **11.1.2 Personnel situation of NCOs and non-rated personnel in the Medical Service**

The personnel situation as regards sergeants in the Medical Service eased further in the year under review. In this sector, the Medical Service is now benefiting from the graduates from the corresponding civilian basic and advanced vocational training. However, a solution has still not been found to the problem, already addressed in previous Annual Reports, of filling key posts, especially for qualified specialist nurses. There is also a shortage of specialist nurses in civilian hospitals. The Bundeswehr can only hold its own in the competition for qualified professionals if service is made more attractive. Against this backdrop, it is impossible to understand that the nursing sector still makes no provision for appropriate compensation for extra work and financial compensation for special duties, as is in the meantime the case for Medical Service officers.

The careers of non-commissioned officers in the Medical Service were upgraded in the year under review by a marked increase in the number of posts, as well as an improved offer of basic and continuation training. However, the work-related stress of many NCOs will increase substantially as a result of the assumption of additional tasks that were previously handled by non-rated personnel. The cause of this is the reduction of the number of rank-and-file posts in the Medical Service by almost two-thirds in the framework of the reform.

Recruitment problems are emerging as a result of competition with the civilian health sector, which is affected in the same way as the Bundeswehr by the shortage of professionals, particularly rescue personnel and nursing staff. The initial effects of this shortage of professionals are clearly being felt by the Navy Medical Service. There is already a dramatic shortage of 40 percent in the rank of mate, and of 30 percent in the rank and file. Against the backdrop of this personnel deficit, operational readiness can currently only be ensured

by more frequent duty of the available mates and rank and file. This imposes an enormous strain on those affected.

### **11.1.3 Medical Service and specifically female interests**

The Medical Service has a positive image among young women. The provision of medical care would be in jeopardy without the female Medical Service officers, whose percentage in relation to male Medical Service officers is continuing to rise. It is pleasing to note the response to my demand to address specific women's topics, including the subject of "pregnancy". Having already been called for in the 2011 Annual Report, in-house specialist gynaecological competence of the Medical Service at the Bundeswehr Hospital in Westerstede is in the meantime also being developed in cooperation with the Ammerland Clinic. Competence of this kind is necessary in order to be able to judge gynaecological matters, especially in the Navy and on missions.

The Bundeswehr has no plans to create its own examination and treatment capacities in the field of gynaecology. It would be uneconomical anyway to establish ubiquitous capacities of this kind. Therefore, treatment is to continue to be provided by civilian gynaecologists. This is also what the majority of servicewomen would like.

It is hard to understand that the "unit physician principle" is being adhered to, alongside treatment by a civilian doctor. This means that servicewomen can still only be referred to a civilian gynaecologist by their unit physician. This time-consuming detour via the unit physician should be avoided and the women instead be given the opportunity to directly consult a gynaecologist of their choice.

Reference has already been made to the problem of the need to compensate for family-related vacancies. The large proportion of women in the

Bundeswehr Medical Service makes the problem particularly acute in this sector. The personnel management measures envisaged to solve the problem, such as more flexible options for part-time work according to the Specialist Personnel Recruitment Act, possibilities for sharing established posts and the use of vacant posts as teaching posts, are not new. They are also far from sufficient for satisfactorily solving the fundamental problem of family-related absence in the interests of the affected soldiers, be they female or male. Without additional personnel, it will hardly be possible to cope with this problem, given the anticipated further increase in family-related vacancies.

#### **11.1.4 Reform of the Bundeswehr hospitals**

The five hospitals currently operated in Hamburg, Berlin, Koblenz, Ulm and Westerstede will also be retained in the new structure of the Bundeswehr Medical Service. However, their structure and organisation will undergo substantial changes. In this context, the focus will be on even greater integration into civilian standard medical care.

Integration of the Bundeswehr hospitals into civilian standard care is important, because this is the only way that Bundeswehr doctors and nurses can acquire the necessary, broad-based clinical experience. At the same time, it must be remembered that the management and organisation of the Bundeswehr hospitals must primarily be geared not to economic efficiency, but to ensuring medical care for military personnel. It is doubtful whether this will continue to be guaranteed.

Against the backdrop of the intended, even greater integration into civilian standard care, the Bundeswehr hospitals are required, in cooperation with civilian hospitals, to develop interdisciplinary and interdepartmental centres of competence, such as emergency-

medicine, traumatological or internal-medicine head and psychotrauma centres with different focuses. The creation of these different key fields is no longer geared solely to the curative care of military personnel, but primarily to the positioning of the hospitals on the market.

This increases the competence of the hospitals in the respective specialist field. At the same time, however, it also entails abandonment of the previously targeted goal of "maximum care", i.e. all-round care of patients in every single Bundeswehr hospital. Depending on the medical case, military personnel will in future only be able to receive care in the Bundeswehr hospitals having the respective specialist competence. This may be hundreds of kilometres from the duty location or home of the patient. In such cases, accommodation must be provided for relatives, so that they can visit these patients. This is currently only possible to a very limited extent.

In view of the greater concentration on centres of competence, there will be an increasing number of cases where military personnel have to be treated in civilian hospitals. Even now, the Bundeswehr has only limited treatment capacities for certain injuries. Burns are one example. More than half of all soldiers suffering from burns are already treated in civilian hospitals. Since 2009, the Bundeswehr has had no capacities of its own at all for the long-term treatment of persons with very severe burns. Patients of this kind have to be treated in civilian hospitals. Corresponding cooperation agreements have to be concluded to this end. It is obvious that this system will in future make it more difficult to provide medical care and support for military patients.

As a result of the increasing referral of military patients to civilian doctors, the question of assumption of the treatment costs by the employer has become a problem for some affected persons.

Disputes arose in cases where the employer refused to bear the costs owing to mistakes in the doctor's bill or charges for medical treatment methods that are not recognised. In the cases coming to the knowledge of the Parliamentary Commissioner for the Armed Forces, most of the disputes could only be settled by way of individual decisions on the basis of a petition. Regardless of this, the employer is still called upon to create reliable principles regarding the issue of assumption of costs for civilian medical services, to apply them consistently, and to inform and advise soldiers about the prerequisites for, and the scope of, the assumption of costs.

The Bundeswehr Central Hospital in Koblenz had to admit patients with multi-resistant germs at short notice and accommodate and treat them in isolation owing to the potential threat to other patients. It was found in this context that the Bundeswehr hospitals are inadequately equipped to deal with such situations. It fortunately proved possible to prevent transmission of these germs. The doctors and nursing staff succeeded in doing so by demonstrating a real talent for improvisation and great commitment. To deal with future cases, infrastructural changes must be made at the Bundeswehr hospitals for treating patients of this kind, since a similar situation can crop up again at any time. According to in-house estimates, neither the scope, nor the standard of the facilities available for this purpose is sufficient.

As part of the organisational unification of the five Bundeswehr hospitals, a system network was set up at the level of the Headquarters of the Bundeswehr Medical Service. This system network combines hospital management in the areas of Management, Purchasing and Certification. In contrast, hospital administration is not part of the network. It remains in the sphere of responsibility of the Defence Administration at the Bundeswehr Service Centres. The net-

worked management has no decision-making power as regards civilian nursing staff and facilities management. This makes the network in itself questionable. In addition to which, hospital executives report that they would prefer to see administration left in the hands of the individual hospitals themselves.

Cutbacks on civilian personnel were repeatedly criticised in the last Annual Reports, and have still not been compensated for by medical orderlies, as originally planned. Consequently, large numbers of jobs for nursing staff are vacant. External personnel on temporary hire is sometimes called upon to close this gap. In addition to which, the age structure of the available nursing staff leads to a higher rate of lost working time. In view of this situation, it must be ensured that the standard of nursing services continues to be guaranteed in both qualitative and quantitative terms.

A satisfactory solution has still not been found regarding the IT equipment of the Bundeswehr hospitals necessary for billing hospital services for civilian patients and for medical documentation. Interim solutions are currently being tested that are intended to replace the unsatisfactory "isolated solutions" and contribute to simplifying and standardising hospital processes. However, the question arises as to why it has so far not been possible to find a uniform, user-friendly solution, despite the availability of hospital information systems on the market.

#### **11.1.5 Reorientation of unit medical care**

The situation regarding basic unit medical care in Germany continues to be tense. In the framework of reorientation, the number of regional medical facilities will be almost halved, from 216 to 126. The Federal Ministry of Defence expects this concentration of outpatient unit medical care in major medical clinics with additional staff,

and smaller medical clinics subordinated to them, to provide adequate patient care at the locations selected in accordance with the requirements of the troops and as a function of the existing infrastructure. Given the reduction in the number of medical facilities and the continuing shortage of unit physicians, it seems doubtful whether this will work.

In addition to this, the distances to be travelled to the major medical clinics and smaller medical clinics are longer. Soldiers who report sick are therefore under way for longer and thus absent from their posts for longer. That is not an improvement.

As a result of concentration on major medical clinics and smaller medical clinics, numerous smaller locations end up with no medical facility, and the distances to the remaining facilities are significantly greater. This ultimately means that the departure from provision of all-round medical care for the troops by the Central Medical Service, and the abandonment of "on-the-spot" medical care at smaller locations, has been completed. The resultant longer journeys must not be to the detriment of the soldiers. Travel to and from the medical facilities must be organised by the troops. Appropriate vehicles must be on hand for this purpose. Travelling expenses incurred may not be imposed on the military patients.

The reform of the "unit physician principle", proposed in the last Annual Report, would help to avoid long journeys and absence from work. Regardless of location, a unit physician should be able to treat every soldier and issue all necessary certificates, such as sick notes, etc.

Emergency medical care at locations where the Medical Service is no longer present must in future be provided by the civilian health system, although civilian healthcare, too, is suffering from a shortage of doctors in many rural ar-

reas. Consequently, in order to fulfil their mandate to provide medical care, the Medical Service and the civilian health system must have an interest in organising patient-oriented, outpatient medical care by way of cooperation. Reservists today working as doctors could contribute to closing this gap in healthcare provision.

In addition to the restructuring of the network of health service support institutions, the insufficient number of unit physicians also continues to be a major problem. It has so far not been possible to compensate for the losses of Medical Service officers in 2008 and 2009, which particularly affected posts as unit physician. Beyond this, topping up the pool for the Mobile Emergency Physician Teams, the shortening of unit physician assignments, and the growing number of vacancies resulting from the increase in parental leave and part-time work, have had a negative impact on the presence of unit physicians, meaning that a minimum rate at which personnel turn up for duty of 75 percent can only be secured by extensive utilisation of SHI-accredited physicians (roughly one-fifth of the rate at which personnel turn up for duty), the use of reserve-duty Medical Service officers and the delegation of former recruiting organisation physicians. The system has reached its limits in this respect, too. According to internal estimates by the Medical Service, some 300 additional posts and the corresponding personnel would be needed in order to be able to compensate for the aforementioned vacancies resulting from training- and family-related absences in the Medical Service through a standby personnel pool. The creation of a standby personnel pool of this kind would, however, greatly increase the attractiveness of the Medical Service and thus contribute to making it easier to recruit new members.

### **11.1.6 Short supply of the Bundeswehr with blood preparations**

The 2011 Annual Report already criticised the fact that the Bundeswehr did not have its own supplies of blood preparations on missions. Such supplies are still not guaranteed to this day. The process for establishing a production method for cryopreserved platelet concentrates and its statutory approval in Germany is still in progress, meaning that the Bundeswehr in Afghanistan continues to be reliant on the support of the Dutch armed forces, who can supply corresponding blood preparations.

## **11.2 Traumatization on operations**

### **11.2.1 Increase in the number of illnesses**

As was to be expected, the problem of mission-related mental illnesses became worse still in the year under review. The number of treated cases of post-traumatic stress disorder (PTSD) rose from 922 in 2011 to 1,143 in 2012, including 194 new cases. Moreover, there was an increase in the number of cases requiring multiple therapy of sufferers. Chronic traumatic illnesses were also on the rise.

Developments in the field of PTSD are illustrated by the study on undetected cases conducted by Dresden University of Technology on behalf of the Federal Ministry of Defence. According to the results, participation in a mission increases the risk of developing PTSD by a factor of four. In addition, the authors of the study assume that one case in two goes undetected and thus also untreated. All in all, the study arrives at the conclusion that one mission participant in four suffers from psychological disorders up to the point of PTSD, where more than half of the traumatised soldiers present symptoms of a psychological disorder even before

the mission, without this pre-existing condition being identified.

The Bundeswehr must respond to these results by expanding the measures taken to date. One important approach is improved prevention of mental illnesses. In particular, there is an urgent need to improve early detection by means of diagnostic screening procedures, so as to also reduce the risk of traumatising on missions. Beyond this, mission participants, commanders and unit physicians with no corresponding training could be offered instruction regarding the identification and treatment of mental illnesses and how to deal with affected personnel. Finally, the thoughts relating to addition of a psychotherapeutic component to the training at the Bundeswehr universities in the framework of the new courses in Psychology should be put into practice without delay.

### **11.2.2 Avoidance of mental stress**

The employer has recognised the importance of preventive measures for avoiding mental stress and summarised the action to be taken in a new "Framework Concept for Maintaining and Improving the Mental Health of Servicemen and Women". This is to be welcomed. Among other things, the individual measures include screening at defined times with the aim of detecting and avoiding mental illnesses at an early stage. Based on the current Personnel Structure Model, however, the personnel needed for this is not yet available.

Above and beyond this, the establishment of an "incident file" is intended to contribute to better provability of particularly stressful incidents on missions. However, it must also be ensured that all the data gathered on a mission are promptly included in the medical records of the soldiers at their home locations. Only then is a comprehensive medical assessment possible.

According to initial findings, the training course concept, described in the 2011 Annual Report, for sport therapy with a psychological element for personnel injured on operations at the Bundeswehr Sports School in Warendorf, as part of rehabilitation, is also a successful offering for restoring the constitution of traumatised mission participants. The reaction of course participants to date has been positive. I was able to convince myself of the success of the training course concept in person on the occasion of my visit to the Sports School in Warendorf in October 2012. However, this training offer must not only be retained, but also expanded. It should also be extended to cover the relatives of soldiers and the surviving dependants of the fallen, since they, too, have a statutorily guaranteed entitlement to welfare and care. Integration of the training course concept in the new mental health framework concept makes sense. Also worth considering is the suggestion by the Commander of the Sports School and the Head of the Bundeswehr Institute of Sports Medicine that mission-traumatised soldiers and persons with disabilities should be given an opportunity for sport promotion, all the way to preparation for, and participation in, the Paralympics.

Still unsolved is the problem of help for former mission participants whose illness only becomes apparent after their retirement from service. Owing to their illness, quite a few of them are no longer in a position to recognise their situation or seek help themselves, in addition to which they get into financial straits. To be able to help them, contact with them must be maintained even after their retirement from service. To this end, it is first and foremost necessary to grant all mission participants a status of their own. This could involve use of the term "deployment returnee" or also "veteran". Granting of a status of this kind could then be the starting point for recording the data of their missions and establishing a sys-

tem of preventive support and welfare assistance for retired deployment returnees and their families. This would not be an act of generosity, but an expression of the welfare and care to which the employer is committed anyway in accordance with Section 31 of the Soldiers' Act.

### **11.2.3 Involvement of relatives in treatment**

Experience shows that traumatic stress disorders affect not only the mission participants themselves, but also their social environment. The illness of the soldier also subjects family members and relatives to stress. However, since the family and social environment can make an essential contribution to the recovery of traumatised patients, there is a need to involve the corresponding circle of persons in welfare and support measures. This is the case in the pilot project "Counselling in Centres of Expertise of the Bundeswehr". This involvement has proven successful and should be maintained.

The "Centres of Expertise" are intended to ensure comprehensive counselling and support of traumatised patients, as well as general measures for mental stabilisation, and to serve as a central meeting place for the affected persons. The permanent offering of support measures of this kind would be a clear indication that the employer faces up to its responsibility towards the affected soldiers and their relatives. Assumption of the costs for participants in the pilot phase, who are not entitled to free medical care, was settled by a budget note. The current plans to regularise the project, with decentralised support programmes at various locations, and the securing of funds for operation from 2013 onwards under budget law, are to be welcomed.

### **11.2.4 Recourse to civilian therapists**

As in the past, the therapy capacities of the Bundeswehr for treating trauma-

tised soldiers are still insufficient. Therefore, recourse has to be taken to civilian capacities in order to guarantee the necessary treatment. This is not always easy. There is often a lack of suitable, local therapists in the civilian sector, too. In addition, it is not always clear which therapists are open to consideration for treatment. It thus repeatedly happens that unit physicians prescribe soldiers trial sessions with therapists, but long-term therapy is refused by the Bundeswehr as not being approvable because these therapists do not have the necessary licence. The affected persons then have to look for a new therapist. Confidential relationships that have already developed are thus destroyed. Situations of this kind are unreasonable for the soldiers, who already suffer enough stress as a result of their traumatisation, and absolutely must be avoided.

Owing to the discrimination of military patients, the charging practice of civilian psychotherapists was already criticised in the last Annual Report, but regrettably continues. When treating military personnel, psychotherapists can at the moment only charge 1.75 times the rate according to the Schedule of Fees, rather than the otherwise customary 2.3 times the rate. Even if it is possible to obtain approval for psychotherapy at a higher fee rate – based on an individual decision and in justified exceptional cases – this cannot solve the fundamental problem of different charging practices to the detriment of military patients.

The inpatient treatment of persons with PTSD in civilian clinics is occasionally criticised by persons seeking therapy as being pointless or inadequate. This is partly due to the fact that the rehabilitation rates fixed by the Bundeswehr and paid to civilian clinics for inpatient treatment, are too low for them to be able to offer appropriate trauma therapy. The possible range of acute rates to be paid to the therapy facilities ought to be exploited better in the interests of

the affected persons. If soldiers have to be referred to the civilian sector owing to capacity bottlenecks at the Bundeswehr hospitals, it should at least be financially guaranteed that they receive appropriate treatment.

### **11.3 Compensation for persons damaged by radar radiation**

Financial compensation for victims of radar radiation who have so far not received damages has at last come closer. Establishment of the Trust Foundation for the Support of Hardship Cases in the Bundeswehr and the former National People's Army under the sponsorship of the Soldatenhilfswerk der Bundeswehr e.V. (Service Relief Association) in May 2012 made it possible to pay compensation to persons damaged by radar radiation who had no claim to compensation under valid pension law. The Foundation has already received numerous applications from victims of radar radiation, some of which have already resulted in a positive decision.

The Foundation, like all others, is suffering problems as a result of the currently low interest level on the capital market. To maintain its operational capacity, despite the low income from interest on the Foundation capital, it was allocated a further 3 million Euros on the basis of an initiative of the Budget Committee and the Defence Committee of the German Bundestag. In addition, the manufacturers of radar equipment are also called upon to make a financial contribution to the Foundation.

Following new findings concerning chronic lymphatic leukaemia (CLL), cases in which recognition of CLL as a service-related disability was refused will be scientifically re-assessed by the end of 2012. This is to be welcomed. A service-related disability has already been retrospectively recognised in several of these cases.



It is less pleasing to note that the service-related disability proceedings of some victims of radar radiation have still not been concluded because the Federal Ministry of Defence lodged an appeal. This practice is hard to understand, given the age and fate of the affected persons. In the interests of the victims of radar radiation, these compensation proceedings should finally be brought to a positive end.

Children of former radar soldiers have recently begun to claim hereditary damage. Indirectly affected children fundamentally have no claim to pensions if a parent suffers from a service-related disability. Possible damage can only be claimed by way of civil-law proceedings. Proceedings of this kind are already pending. The problem in these cases lies in proving a causal relationship between the service-related disability and the hereditary damage. I shall keep an attentive eye on the relevant proceedings.

#### **11.4 Assumption of the costs for artificial insemination**

In recent times, the Office of the Parliamentary Commissioner for the Armed Forces has increasingly been receiving petitions from servicemen and women requesting that at least part of the costs for measures in connection with artificial insemination be borne in the framework of free medical care. According to the current regulations, which I consider to be unsatisfactory, free medical care does not include any measures serving family planning purposes only, particularly no artificial insemination measures. Administrative practice is based on this. The Higher Administrative Court in Mannheim has now rightly decided that the Bundeswehr must assume a service-woman's costs for artificial insemination. According to the court decision, the employer must take precautions to secure a reasonable livelihood for its personnel, even in the event of special financial burdens resulting from ill-

ness; the court said that this obligation was all-embracing.

The employer should now proceed accordingly at last. Regrettably, it has instead lodged an appeal against the decision of the Higher Administrative Court with the Federal Administrative Court. The decision of the supreme court can point the way for the future. Unfortunately, it is impossible to say when the decision will be reached. I expect the Bundeswehr to in future not close its eyes to assumption of the costs and to withdraw the appeal, because the court decision accurately describes the obligation of the employer to provide welfare and care.

#### **11.5 Financial security for personnel injured on operations**

##### **11.5.1 Improvement of financial security, and persisting gaps**

Appropriate financial security for wounded and injured soldiers is a fundamental element of the attractiveness of an operational army. Pension legislation has brought about significant improvements in recent years. Most recently, through the Accompanying Act for the Reform of the Bundeswehr, the German Bundestag changed the qualifying date for granting of the one-time compensation payment for a deployment-related accident to 1 December 2002. This is to be welcomed, as is the fact that the Federal Ministry of Defence expressly draws the attention of all mission participants suffering a deployment-related accident to the possibility of continued military or civilian employment.

Despite these improvements, there are still gaps in the current pension system. Compensation payments for personnel injured on operations between 1992 and 2002 are still not granted, while entitlements to retention according to the Act on the Continued Employment of Personnel Injured on Operations can already be claimed from 1 July 1992

onwards. These gaps need to be closed as soon as possible.

### **11.5.2 Problems when establishing a service-related disability**

A major problem of medical care on operations that remains unsolved is the separation of application of the Act on the Continued Employment of Personnel Injured on Operations from service-related disability proceedings, in order to be able to reach a timely decision in cases of personnel injured on operations regarding inclusion in the protection time according to the Act on the Continued Employment of Personnel Injured on Operations. In cases of visible physical damage, it is now possible for this decision to be reached immediately after determination of the facts and before conclusion of the service-related disability proceedings. However, this pleasingly flexible handling fails in the case of "invisible" illnesses. So far, the medical determination of a causal relationship between military service and the damaging event is still adhered to in cases of mental illness. This is a very restrictive approach, and one that I object to, since it contradicts the all-embracing duty of care arising from the Soldiers' Act. In these cases, the duration of the proceedings for establishing a deployment-related accident is dependent on the final result of the service-related disability proceedings, which can take months, or even years in individual instances.

Fundamentally disregarding pre-existing damage when examining a service-related disability sustained on an operation can contribute to accelerating the proceedings. Personnel traumatised on operations often suffer from pre-existing damage. Improved screening and assessment procedures prior to operations would make it possible to determine pre-existing damage as an obstacle to participation in an operation. If pre-existing damage is overlooked when establishing or confirming the mission fitness of a soldier, the risk of

non-detection may no longer be imposed on the person traumatised on an operation, as has so far been the practice. In this case, the consequences of non-detection must rather be ascribed to the employer in terms of pension law.

Of decisive importance for granting pension entitlements is the establishment of permanent damage to health in the framework of the service-related disability proceedings. The fact that there is no corresponding definition makes it very hard and time-consuming to do so in the case of traumatic stress disorders. Guidelines could be drawn up by the Psychological Consultant Group or the Psychotrauma Centre, for example. This would be welcome in the interests of the personnel traumatised on operations.

In the 2011 Annual Report, I drew attention to the problem that applicants in disability proceedings receive no pension benefits whatsoever until conclusion of the proceedings and can get into financial difficulties after retiring from service. Based on my suggestion, the Federal Ministry of Defence is now considering the establishment of a "provisional protection time", which is intended to relieve the burden on applicants and secure their pension entitlements during the pending proceedings in protracted cases, this particularly applying to PTSD cases. This is to be welcomed. However, being a further oppressing risk for the patient, the possibility of monetary payments being demanded back should be ruled out in this context.

Apart from the aforementioned possibilities for accelerating matters, the occasionally long duration of service-related disability proceedings could be substantially reduced by increasing the personnel available for expert medical assessment concerning pension-related issues. The call for more personnel in the medical expert sphere is not new. However, the number of posts for phy-

sicians for pension-related medicine in the Bundeswehr has been constantly reduced in recent years, to the detriment of the injured personnel. As a result, medical assessment concerning pension-related issues has become a bottleneck in service-related disability proceedings. The remaining three posts for experts in the Bundeswehr Medical Office were far from sufficient to cope with the roughly 3,600 expert opinions per year. The fact that it is predominantly necessary to take recourse to external experts has turned the original priority of in-house examinations in the Medical Service into the exact opposite. It must also be criticised that, due to lack of time, opinions are currently drawn up mainly on the basis of the records, without examining the injured party in person. Three physicians for social medicine have in the meantime been identified among the former recruiting organisation physicians, who can likewise serve as experts. However, the urgently necessary reform of the system of medical assessment concerning pension-related issues should nevertheless be taken as an occasion to provide for a need-based number of expert posts in the Bundeswehr, so as no longer to be predominantly dependent on external experts in the future. This will, however, not be possible without developing in-house specialist competence in pension-related medicine within the Bundeswehr and/or qualifying Medical Service officers in social medicine.

There are plans to gradually transfer medical assessment concerning pension-related issues from the dissolved Bundeswehr Medical Office to the new Federal Office of Bundeswehr Personnel Management, where the disablement pension tasks from the Defence Administration will in future be concentrated. As a result, a single pension authority will then be responsible for disablement pensions. This will make it possible to avoid the time-consuming splitting of proceedings in the recruiting agencies in the future. I will pay

close attention to whether and how the employer makes use of these new possibilities in the interests of those affected.

### **11.5.3 Retired personnel injured on operations**

The procedures for dealing with retired personnel injured on operations have still not been implemented satisfactorily. Following retirement from service, they come under the different competencies of civilian standard care, with its occasionally different practices in the provision of healthcare. The unification of competencies and responsibilities in the field of disablement pensions for soldiers in the Bundeswehr is the goal of "pensions from a single source". Agreement on the project has already been reached with the Federal Länder, and it should be implemented as soon as possible in the interests of personnel injured on operations.

### **11.6 Involvement of the relatives of personnel injured on operations**

For reasons of welfare, the families of personnel injured on operations also have an entitlement to support and advice for enforcing their claims. The employer offers support through the Bundeswehr Social Services to this end. There are also offers from voluntary aid networks. With its care-taking guides, the Army has moreover created a further form of assistance for injured personnel and their relatives. At the end of 2012, the Army had 22 such care-taking guides at the unit level. There are plans for 250 care-taking guides by 2016. The Parliamentary Commissioner for the Armed Forces will continue to monitor the implementation of this idea and report regularly.

The fact that the support and counselling of injured personnel is still not optimum, despite the diverse offers of support, is proven by the frequent utilisation of external aid organisations and

the increasing establishment of the Bundeswehr's own projects, and also external projects of associations and churches, for helping disabled soldiers. Relatives who look after very severely disabled soldiers are not relieved by any financial support from the employer. Financial help can only be provided by external sources. In view of the substantial burdens taken upon themselves by relatives who look after very severely disabled persons, government funds should also be made available. The employer must comprehensively guarantee welfare services for disabled soldiers and their families.

## 12 Surviving dependants

In discussions with surviving dependants in October 2012, I was able to convince myself that a largely satisfactory solution is usually found regarding the financial security of spouses and common children in the event of the death of a soldier. In contrast, unmarried partners and parents so far have no claim to a survivors' pension in the form of regular maintenance payments. Pension gaps are currently closed by foundations in individual cases. However, this is always limited to isolated instances. Against this backdrop, consideration should be given to also granting pension payments to the latter group of persons. The employer should not evade its responsibility by referring to charitable foundations, at least not in cases where the dead soldier had maintenance obligations towards these persons.

The counselling and support provided by the Bundeswehr is predominantly viewed positively by surviving dependants. The decisive point is whether and how the dead soldier's former unit looks after the dependants. Most dependants expressly wish to maintain personal contact with the troops. The dependants must also be able to commemorate their fallen relatives individually. In addition to the

Central Memorial in Berlin, surviving dependants would also like to see commemoration at the respective last location of the fallen. However, the Bundeswehr does not currently offer any financial grants for this purpose. Up to now, only private collections by soldiers have made it possible to erect memorial stones for the fallen, for example. In order to give dependants the possibility of individual commemoration, the employer should in future also be able to provide financial support for corresponding requests.

In addition, the memorials erected in the various Bundeswehr camps must be secured during the envisaged troop withdrawal and, after consulting the affected surviving dependants, solemnly re-erected in a suitable location. A space alongside the existing Bundeswehr Memorial at the Federal Ministry of Defence in Berlin has already been mentioned in this context. Other proposals included the location of the Bundeswehr Joint Operations Command or the Reichstag building. All these proposals have their advocates and their opponents, and the dependants should most certainly be closely involved in the decision.

## 13 Removal expenses law

Reference was repeatedly made in previous Annual Reports to the fact that, owing to changed social behaviour, and particularly the retention of a fixed centre of life for military families, even in the event of a transfer, the Bundeswehr has become a commuter army and that this must be taken into account by way of new developments in removal expenses law. The Federal Ministry of Defence announced a project for introducing an – albeit limited-term – choice between reimbursement of removal expenses and a claim to separation allowance, which raised hopes of a solution that does justice to the problem.

However, the corresponding amendment of the Federal Removal Expenses Ordinance is still in the process of interdepartmental coordination. The draft currently provides for a choice in the event of an anticipated duration of the assignment at the new location of up to five years. This is generally to be welcomed. What does appear problematic, however, is that the new regulation is a pilot project with a time limit of four years, and that a decision regarding its prolongation is only to be taken after an evaluation phase. The reason for this is the current position of the Ministries of the Interior and of Finance, which reject a general, permanent solution and apparently only accept the introduction of a choice for areas in which substantial structural changes lead to a major increase in transfers. Should they stick to this position, it is to be feared that the newly introduced choice will be dropped again after completion of the structural reform. This does not meet my demand for a permanent solution. The problem of the commuter army must at last be acknowledged and taken into account in removal expenses law.

A positive development for recipients of separation allowance is that, with effect from June 2012, electricity costs are reimbursed with the separation allowance even if the persons entitled to separation allowance have taken out electricity contracts themselves.

#### **14 Accommodation situation and commuter problem**

The accommodation situation must be improved in order to be able to offer military personnel adequate and attractive housing. This aim is served by the planned introduction of an improved housing standard. Based on the previous "Kaserne 2000" barracks modernisation programme, the new accommodation is to comply with the "training course standard", meaning accommodation in pairs of single rooms with a shared wet room. Realisation of this

programme is, however, dependent on the only limited infrastructure funds available, as well as on implementation of the stationing concept. This means that the accommodation of many soldiers will look much worse in reality for quite a long time yet. I also gained this insight from my visits to the troops. Many soldiers still have to resign to obsolete infrastructure and accommodation that is occupied by more persons and offers only minimum furnishings. This greatly detracts from the attractiveness of the locations.

To improve the accommodation of personnel who commute between home and their duty location, a budget note was introduced in the year under review that makes it possible to use budget funds to refurbish commuter accommodation within barracks. However, this can only be done in the context of building maintenance measures. It is so far not possible to refurbish commuter accommodation in the framework of complete renovation or new construction projects, since this requires the development of procedural guidelines that have to be coordinated with the Federal Ministry of Finance.

It appears that little attention is often paid to the Minister's promise to give priority to using vacated properties for commuter flats and improving the accommodation situation. Discussion partners repeatedly and rightly complain about this. Beyond comprehension is the abandonment of a pilot project in Munich, where an apartment building near the location was rented in order to provide recipients of separation allowance with furnished flats. This was intended to cover the demand for accommodation resulting from the closure and renovation of barracks.

Beyond this, the maximum reimbursement for recipients of separation allowance for rented accommodation in the Munich area was reduced from 900 to 600 Euros in mid-2012 – an incomprehensible step, particularly in the high-

price region of Munich and in a phase of significantly rising rents.

Thus, the problem of insufficient commuter accommodation remains unsolved. It can only be hoped that the coordination processes can be completed soon, so that commuters can at last also be provided with sufficient, low-cost housing through the employer, and not only through the personal initiative of their superiors.

### **15 Impact of the new Decree on Overtime Compensation on the troops**

The objectives of the new Decree on Overtime Compensation, which came into effect on 1 July 2012, are generally to be welcomed. However, it gives too little consideration to the needs of the troops.

Amendment was necessary in order to eliminate existing unclear points – especially in the case of automatic time recording – and also to put even greater emphasis on the priority of time off in lieu.

The old regulation already stipulated that overtime was only to be paid for if time off in lieu was impossible for operational reasons. In practice, however, precisely the opposite was the case. For lack of possibilities for taking time off in lieu, payment was in fact the rule.

The new Decree now prescribes that at least one day per month is to be taken off in lieu before payment can be considered at all. Before the new Decree was issued, there had been demands for a compulsory three days off per month in lieu of payment. These demands were, however, unsuccessful.

As welcome as the priority of time off in lieu may be from the point of view of welfare, this regulation could lead to substantial operational problems for the troops. The company commanders and

higher disciplinary superiors bearing primary responsibility for implementation of the Decree fear that, owing to the high volume of work and the increasingly tight personnel framework – also partly resulting from the missions abroad – it will hardly be possible, given the vast number of cases, for personnel to regularly take one day off per month in lieu unless fundamental organisational and personnel measures are taken to relieve the burden of work on the personnel. On the other hand, the Federal Ministry of Defence says that amendment of the Decree, which was urgently necessary and also requested by the troops, allowed no delay, this being why the pressure on the troops had been accepted. This does not solve the problem described by the troops. The targeted improvement must not lead to a situation where company commanders and disciplinary superiors are left on their own to deal with the negative consequences of the required priority of time off in lieu. In this respect, the employer is called upon to make any necessary adjustments.

Another important and positive change to the benefit of the soldiers is the clarification that soldiers receiving pay for foreign assignments are likewise covered by the Decree on Overtime Compensation. Owing to statutory provisions to the contrary, however, only time off in lieu of payment can be granted in these cases. However, even this continues to be ruled out for soldiers receiving a foreign duty allowance of Level 2 and higher since, among other things, this allowance also covers the special demands on time resulting from missions. From my point of view, this must be considered an injustice.

Additional funds amounting to 75 million Euros have been included in the budget plans in view of the approximate doubling of the remuneration rates for special time burdens in service. It is not yet possible to say whether this amount will suffice. The

funds are, however, not limited to the above amount, because the employer is obliged by law to make these payments. Therefore, the necessary volume of budget funds must be made available at all events.

It remains to be seen whether the new Decree will prove successful in practice, not least because of the practical problems involved in enforcing the priority of time off in lieu. By way of precaution, the Ministry has already commissioned a "Study on the Development of Attractive and Competitive Duty Hour and Overtime Compensation Models for Servicemen and Women of the Bundeswehr". In addition, a comprehensive and sufficiently detailed situation report is for the first time to determine and evaluate the time burden of servicemen and women. This study was overdue.

## **16 Reform of vocational advancement**

The reform of vocational advancement by the Accompanying Act for the Reform of the Bundeswehr mainly has positive aspects for the affected temporary-career volunteers, but it also has deficiencies.

In keeping with the military demand to increase the time spent in service by soldiers, all vocational advancement is to be shifted to the time after military service. To compensate for the longer overall time spent in service, the advancement period was adapted to the possible enlistment term in linear form, and in some cases greatly increased, having previously merely been divided into three rough stages. This is to be welcomed. However, the question remains as to whether, in the case of a temporary-career volunteer enlisting for four years, the future 12-month vocational advancement will suffice to permit reintegration in the civilian sector. It would appear more sensible to extend the enlistment terms.

For military personnel who enlist for a period of more than 20 years, a maintenance allowance was introduced in addition to the other advancement entitlements for the event of subsequent unemployment, in order to guarantee basic social welfare coverage independently of general social security payments. However, in view of a period of service of more than 20 years, which often also involves the aggravated conditions of missions abroad, this maintenance allowance should be well above the social security minimum.

As a result of the shifting of vocational advancement to the time after the end of the period of service, the new provisions essentially apply only to newly recruited personnel.

In the context of increased cooperation with the Bundeswehr, the Employment Agency, in particular, and also many business enterprises offer retired military personnel help with reintegration into civilian working life. One positive example is the Deutsche Bahn national railway company, which, together with its subsidiaries, offers numerous jobs for former temporary-career volunteers. The Bundeswehr Vocational Advancement Service provides valuable assistance in this context by setting up counselling centres and organising job exchanges. The placement rate of almost 94 percent of all job-seeking soldiers demonstrates the success of vocational advancement to date. Thanks for this assistance must be extended to the Bundeswehr's cooperation partners, as well as to the Federal Employment Agency and the Vocational Advancement Service.

## **17 Pensions of career soldiers with cumulative years of service in the National People's Army**

Quite rightly a recurring subject of petitions is the fact that the pensions of ca-

reer soldiers with cumulative years of service in the former National People's Army who were accepted into the Bundeswehr are below the pension level of soldiers serving exclusively in the Bundeswehr. It has so far not been possible to find a solution because of the fundamental system decision in the Unification Treaty, according to which all accrued rights acquired in the former GDR were to be transferred to the statutory pension insurance system for reasons of equal treatment. It is to be hoped that the new petition "for closing a pension gap" will indeed bring about a change in the law to the benefit of the affected persons.

#### **18 Disadvantageous equalisation of pensions for retired career soldiers**

The reason for several petitions in the year under review was the regulation under which the pension of career soldiers divorced during their active service is reduced by the extrapolated equalisation of pensions at the start of retirement, regardless of the age limit for retirement. This cut is even made independently of whether the former spouse entitled to equalisation already receives a pension from equalisation. For career soldiers – and equally for early retirees – this results in an occasionally much higher overall cut than for persons who end their active service at a higher age. The criticism expressed by the persons affected by this regulation is justified. When reforming the structure of pension equalisation, it was for this reason that the Federal Ministry of Defence also advocated a general deferment of the start of cuts in pensions according to Section 55c Military Pensions Act to the general age limit applicable to federal civil servants, or at least to career soldiers. Unfortunately, it was unable to assert itself against the other departments. I cannot understand this. I expect a change in the regulations on the equalisation of

pensions, which are disadvantageous for career soldiers.

#### **19 Reorientation of government-furnished meals and MWR food service**

As part of the reorientation of the Bundeswehr, the Federal Ministry of Defence approved the long overdue concept on "Government-Furnished Meals and MWR Food Service in the Bundeswehr" in October 2012. According to this concept, the remaining locations are to retain their existing troop kitchens. This is to be welcomed. In contrast, individual decisions are to be taken regarding the continued operation of the junior ranks', NCO and officers' clubs, giving consideration to the prevailing local conditions, in which context mergers of the existing clubs are to be examined. This is not a future-oriented concept.

The employer's duty of welfare and care also includes the provision of leisure-time offers for its personnel. According to Joint Service Regulation 10/1, recreation is the key to successful leadership and a foundation of comradeship. If the employer wants to do justice to this, it must also create the framework conditions necessary for operating the recreational facilities. That is currently not the case.

Operation of the officers' and NCO clubs managed by the soldiers themselves can today only be secured by assigning personnel that is officially scheduled for other duties, but supposedly dispensable. In this context, commanders are forced to go to the limits of what is officially permissible. This is not a sustainable solution in the long term. The employer is called upon to secure the continued operation of the junior ranks', NCO and officers' clubs by providing corresponding personnel and financial support.



## **20 State medical aid**

### **20.1 Processing times of applications for state medical aid**

Excessively long processing times were not only criticised in the personnel sector, as described in Chapter 10.2. The time taken to process applications for state medical aid was also the subject of criticism in the year under review. From the beginning of the year, there was a growing number of petitions complaining about the unreasonably long time taken to process applications for state medical aid in the sphere of the Military District Administrative Office, South.

Although the law on state medical aid contains no legal entitlement to applications for state medical aid being processed within a certain period of time, the Federal Ministry of Defence has internally defined a target of nine working days as the average processing time, but no more than 15 working days. This is appropriate, since the applicant usually has to pay in advance. This target has no longer been reached in the sphere of the Military District Administrative Office, South since the beginning of the year.

The reasons given for the occasionally far longer processing times were undeferrable changeovers in the IT equipment in the first quarter of 2012, which had had a negative impact on the computer-based medical aid accounting system, and an unusually high number of applications for medical aid, compared to the previous year. The situation was made worse by personnel bottlenecks resulting from the departure of more than 20 case managers.

The newly assigned personnel has so far not been able to work off the backlog owing to the necessary familiarisation. Consequently, every effort must continue to be made to get back to normal processing times.

## **20.2 Entitlement of relatives to state medical aid**

According to the Federal Regulations on Government Aid and Allowances, the sickness-related treatment costs of federal employees are partly reimbursed. In principle, this also applies to retired career soldiers and temporary-career volunteers during the time in which they receive transition allowance. Active soldiers usually have no claims to state medical aid, because they receive free medical care.

Eligible relatives are also entitled to state medical aid, i.e. spouses and partners up to certain income limits, as well as children. The percentage of the cost reimbursement (assessment rate) is 70 percent for former soldiers, spouses and partners, and 80 percent for children. If the eligible relatives have an independent claim to reimbursement – e.g. on the basis of statutory health insurance due to being gainfully employed – this takes priority over the claim to state medical aid, meaning that an additional claim to state medical aid is only open to consideration in exceptional cases, for instance if healthcare services are not covered by the statutory health insurance system.

Since soldiers' relatives have only a certain percentage of joint cover under the state medical aid system, in contrast to compulsory statutory health insurance, they need to additionally protect themselves by means of insurance if they do not already have health insurance cover elsewhere. Since, despite the statutory obligation to take out adequate health insurance, military families are still uncertain about optimum insurance cover, particularly in the event of foreign assignments, the employer must be reminded of its duty to provide military personnel with the necessary information on the subject.

## 21 **Residence registration regulation for unmarried military personnel**

It was reported in the previous Annual Report that unmarried military personnel must register their principal place of residence at the duty location or at the location of the home port of their ship.

This stipulation of the principal place of residence has an impact on basic rights, such as consequences for the right of the affected persons to vote and stand in local government elections. There are additionally financial effects, such as possibly dearer car insurance, double TV and radio licence fees, secondary-home tax in the actual home town, the risk of being unable to deduct journeys home from tax, and also practical aspects, such as loss of the entitlement to a place in a child day-care centre in the actual home town or the additional need to re-register the place of residence or a motor vehicle.

At the end of 2011, it looked as though the problem was going to be solved in the interests of the soldiers by the draft of an Act on the Further Development of the Registration System (MeldFortG), adopted by the cabinet in August 2011.

Unfortunately, the bill was amended during its deliberation in the German Bundestag, the exemption of military personnel from the obligation to register at the duty location being deleted. Affected soldiers expressed their annoyance about this amendment in several petitions.

The bill is currently being dealt with by the Mediation Committee for other reasons. During the deliberations there, I will continue to urge that the originally envisaged exemption of unmarried military personnel from compulsory registration at the duty location be re-included in the wording of the law, in order to guarantee the right of the af-

ected persons to vote and stand for election at their actual centre of life.

## 22 **Chaplain service**

As in previous years, the extensive chaplain service was in great demand. Particularly on missions abroad, soldiers who do not have close ties to their church at home, or do not belong to a church at all, turn to the local chaplains with their problems and worries. They consider the constantly open ear of the chaplains and the joint celebration of church services to be an enrichment.

However, the Roman Catholic and Protestant chaplains not only accompany the troops, but also provide much-praised support for relatives and surviving dependants. The events for families are particularly well attended during soldiers' absence from home on missions abroad. The chaplain service is also integrated in the Bundeswehr's Psychosocial Network, where interdisciplinary assistance is provided for soldiers and their relatives in difficult situations in life. Finally, by organising moral guidance and instruction classes for the troops, the chaplains contribute to giving the "citizens in uniform" ethical orientation.

I would like to express my thanks for this diverse range of offers and for the impressive commitment of the staff of the chaplain service to the soldiers.

The fact was already addressed in the 2011 Annual Report that a growing number of soldiers are of a different conviction or belief. Consequently, the Defence Committee of the German Bundestag has called upon the Federal Ministry of Defence to also provide representatives of these religions or confessions as contacts. The Bundeswehr Institute of Social Sciences is currently determining the need for representatives of other faiths. The results of the

survey have been announced for spring 2013.

## 23 Outlook

Each Annual Report covers a period of one calendar year. Looking towards 2013, implementation of the reorientation of the Bundeswehr will most probably continue to be the item governing the work of the Parliamentary Commissioner for the Armed Forces. It will have to be seen whether this reorientation really does make the Bundeswehr more effective and efficient.

In my view, relief of the burdens in the field of missions abroad cannot be expected. The repatriation of the troops and the materiel after the emerging end of the ISAF mandate will cause problems whose extent cannot yet be estimated. The commitment in Afghanistan will not be definitively terminated anyway, as indicated by the discussion regarding a follow-up mandate. Above and beyond this, signs of new international commitments are emerging.

At home, the attention of the Parliamentary Commissioner for the Armed Forces will continue to focus mainly on the compatibility of family and service, particularly the impact of the stationing decisions, and the pensions of military personnel and their families. Needless to say, I will observe the rights and obligations assigned to me in the constitution. Among other things, this includes the right to make unannounced visits to the troops.

In the past year, I also paid unannounced visits to civilian agencies of the Bundeswehr for the first time. Visits of this kind to military units are, however, not always a good idea, since the Parliamentary Commissioner for the Armed Forces quite often finds barracks empty owing to the troops being away on exercises or missions.

The findings obtained in the framework of visits to the troops are reflected in, among other things, assessments and statements by the Parliamentary Commissioner for the Armed Forces, e.g. on stationing decisions, equipment issues or the mood of the troops. Statements of this kind repeatedly meet with criticism. This occasions me to conclude by making a few brief remarks regarding how I understand the office of the Parliamentary Commissioner for the Armed Forces and the associated sphere of responsibility.

The understanding of the office of the Parliamentary Commissioner for the Armed Forces has always been at the centre of very different, conflicting interests, not least those of the German Bundestag, the Federal Government and the soldiers. The most frequently expressed criticism related to supposed exceeding of competences on the part of the holders of the office in the form of remarks and comments of a nature that was political, or at least felt to be political.

The constitutional position of the Parliamentary Commissioner for the Armed Forces is such that he is not supposed to comment on, and certainly not criticise, decisions taken by parliament and its bodies, particularly by the Defence Committee. He can and must, however, point out the consequences of these decisions and, where appropriate, propose supplementary measures in order to avoid or alleviate undesirable side effects.

All my predecessors in office have so far unopposedly seen themselves as being the defenders of the interests of soldiers vis-à-vis parliament and the public. Recalling the aforementioned restriction regarding the decisions of parliament and its bodies, I likewise consider this to be an apt description of the job of the Parliamentary Commissioner for the Armed Forces, and one which I shall continue to take as my guide. This defence relates to all issues

and problems associated with the service of military personnel.

Service in the armed forces has quite obviously undergone radical change in recent years. The conscript army of the Cold War has turned into a volunteer army on missions. The burdens associated with the reorientation of the Bundeswehr, both at home and on missions, intervene in the rights of soldiers in various ways. Against this backdrop, the question was raised as to whether, in view of the underlying decisions of the Federal Government and parliament, the Parliamentary Commissioner for the Armed Forces is allowed to make statements on issues relating to the training, arming and equipping of soldiers.

The answer is given by the constitution. According to Article 45b of the Basic Law, the Parliamentary Commissioner for the Armed Forces is appointed "to safeguard the basic rights and to assist the Bundestag in exercising parliamentary control". It goes without saying in this context that parliamentary control can primarily only be exercised by parliament itself and that the Parliamentary Commissioner for the Armed Forces, who is not a member of the German Bundestag, can thus only provide assistance. Regardless of this, however, protection of the basic rights of soldiers is assigned to him as a primary task. This is also reflected in the Act on the Parliamentary Commissioner for the Armed Forces. Apart from being bound by the instructions given by parliament, it assigns him an independent sphere of responsibility as regards protection of the basic rights of soldiers and of the principles of internal leadership on the basis of exercise of his best judgement.

The opposite view, which argues that this cannot be the intention of the authors of the constitution, since it deprives parliament of some of its own competencies, fails to recognise that the assignment of competencies to the Par-

liamentary Commissioner for the Armed Forces in no way leads to any restriction of the rights of parliament. In addition to which, the fact must also not be overlooked that the Parliamentary Commissioner for the Armed Forces has no executive powers of his own, meaning that he will always be reliant on the German Bundestag, as his employer, the Defence Committee, as the supervisory body with power to give him instructions, and the Federal Minister of Defence taking up his suggestions and initiating any necessary action.

In the framework of the aforementioned tasks assigned by the constitution, the Parliamentary Commissioner for the Armed Forces is not limited to addressing only general matters relating to the protection of basic rights. The protection of basic rights is also always specific. After all, soldiers' basic rights, particularly their entitlement to protection of their lives and their physical integrity in the framework of their training and their deployment, would be violated if other aspects were to take priority over soldiers' right to protection, such as questions of political expedience, industrial policy considerations or cost reasons in connection with training, equipment or deployment. In this context, the Chairman of the Advisory Council on Leadership Development and Civic Education, Prof. Reiner Pommerin, quite rightly points out that the provision of inadequate equipment is unworthy of the appropriate treatment of a "citizen in uniform" in a democracy.

In the context of protection of basic rights, the responsibility of the Parliamentary Commissioner for the Armed Forces encompasses not only matters relating to training, equipment and arms, but also the organisation of operations, be it specification of the duty location in the framework of a transfer or a secondment, determination of the hours of work, or also selection decisions regarding assignment, to name

but a few examples. All the aforementioned decisions have implications of relevance to basic rights, particularly with regard to the protection of marriage and the family. In this respect, these aspects are likewise part of the sphere of responsibility of the Parliamentary Commissioner for the Armed Forces, and I shall continue to devote my attention to them in the future.

Apart from the understanding of the office, the working methods of the Parliamentary Commissioner for the Armed Forces were also criticised, specifically the handling of anonymous petitions. This criticism is misplaced. The law says that anonymous petitions are not processed. This provision is, of course, observed. Anonymous letters are merely recorded and then filed.

Regardless of this, the Parliamentary Commissioner for the Armed Forces can, based on his own best judgement, also take action on his own decision if he becomes aware of indications of the violation of soldiers' basic rights or of the principles of internal leadership. Such indications can come from visits to the troops, communications from Members of the German Bundestag, press reports or other sources, including anonymous letters. However, this does not lead to letters of this kind being treated as petitions. Rather, the indications are examined, independently of the letter, by the Parliamentary Commissioner for the Armed Forces conducting his own investigations if other circumstances reveal that the basic rights of soldiers or the principles of internal leadership are affected.

Anonymous letters must be distinguished from petitions in which the petitioner discloses her or his name to the Parliamentary Commissioner for the Armed Forces, but requests that her or his name not be mentioned when examining the information provided. According to Section 9 of the Act on the Parliamentary Commissioner for the Armed Forces, the Parliamentary

Commissioner for the Armed Forces may comply with such a request. As a rule, I also do so.

## **24 Exemplary cases for the 2012 Annual Report**

### **24.1 Leadership and training**

#### *Tone/Compatibility of family and service*

A senior NCO applied for two days' overtime compensation in order to be able to look after his child. Since a night firing exercise was scheduled for one of the days, he was rung up by his next-higher disciplinary superior, a captain, and asked about the reasons for applying for time off. In the course of the telephone conversation, the captain stated that he would even reject an application for overtime compensation if someone wanted to holiday at home because of a sick horse. The captain's responsible disciplinary superior refrained from taking disciplinary action, making do with a caution instead. The commenting commander of the responsible operations command quite rightly considered this reaction to be inadequate.

#### *Leadership behaviour/Tone*

One petitioner complained about comments made by his deputy company sergeant major. When the company lined up, the latter had, among other things, said something to the effect that he did not apologise to anybody for anything he had said or done in the past months. If he said a soldier was an "arsehole", then that was what he meant. To emphasise his dissatisfaction with her work, he on more than one occasion said to a servicewoman "Oh, lady .... I'm growing breasts!". In the presence of a dark-skinned soldier, he asked another soldier to make him a coffee, because the "Negro" couldn't manage it. The proven misconduct of the soldier, who had in past years in

been awarded ten formal commendations by various superiors, was punished by a substantial disciplinary fine.

#### *Tone/Insult based on regional origin*

A first sergeant told his orderly room soldiers originating from the new Federal Länder that they were dependent on others and incapable of surviving on their own. According to the investigations by the Disciplinary Attorney for the Armed Forces, his words were: "That's typical of Osis [Eastern Germans], it can't possibly work like that. The corners of your mouths are always pointing down", and he said it was no wonder that they had had to wait 18 years for a Trabant car in the old days. Based on these remarks and other cases of serious misconduct, judicial disciplinary proceedings against the soldier were instigated and are still in progress.

#### *Incorrect exercise of disciplinary power*

A sergeant failed to report back to his unit following an examination by the unit physician. Thereupon, a company commander gave the sergeant a severe reprimand, although the soldier was not under his command at the time of the reprimand. Based on the appeal lodged against it, the next-higher commanding officer lifted the disciplinary measure. A reprimand subsequently given by the deputy regimental commander was similarly lifted again by the commander of the division troops for formal reasons. Finally, the regimental commander reprimanded the sergeant. The fact that the regimental commander likewise had no disciplinary power at the time of the reprimand initially went unnoticed during processing of the petition, also by the division. Once the Parliamentary Commissioner for the Armed Forces had complained about this, the disciplinary measure was lifted for the third time.

#### *Inadequate reaction to a disciplinary offence*

A chief petty officer, whose official duties gave him access to patient records, reported from them to comrades that a newly arrived comrade was homosexual and HIV-positive. The soldier concerned complained about this to his disciplinary superior. Since the disciplinary superior did not believe the affected soldier, owing to false testimony by a witness, the soldier turned to the police. The charge was confirmed in the course of the criminal investigations. Although the institution of renewed judicial disciplinary proceedings would have been indicated, owing to the seriousness of the disciplinary offence, which had major impact on routine duty, and owing to the circumstance that judicial disciplinary action had already been taken against the chief petty officer in the past, a high disciplinary fine was merely imposed in this case.

#### *Exaggerated discipline*

A staff sergeant of the airborne infantry bet that he could jump from the parachute tower of a paratrooper barracks a hundred times in one day. Another staff sergeant bet against him. Since he lost the bet, he subsequently jumped naked from the parachute tower, as promised in the wager. Numerous soldiers, including a senior officer with the rank of major, were present during the jumps. Disciplinary investigations regarding the jumps were only started following an anonymous letter to the Federal Ministry of Defence. After conclusion of the investigations, a disciplinary fine was only imposed on a captain, who was not to assume leadership of a company in the battalion until three days after the jumps, due to breach of the duty to exercise supervision. The disciplinary fine was only lifted by the competent Bundeswehr Disciplinary and Complaints Court for formal reasons in the framework of the appeal procedure instigated by the captain. Moreover, in the reasons for its judgement, the court made it perfectly

clear that it would also have considered disciplinary action to be substantively inadmissible, in view of the presence of a senior officer and the fact that the captain was superior to the staff sergeant "only" on the basis of rank. The question remained unanswered as to why the investigations were so one-sided and the reactions so inappropriate at both the battalion and the brigade level.

#### *Exaggerated training*

A lieutenant carried out a sport exercise with course participants in the framework of military fitness training. The course participants then lay in a row on their backs. Each course participant subsequently ran over the tensed abdominal muscles of his comrades. The professional assessment by the Bundeswehr Institute of Sports Medicine confirmed that the exercise was unsuitable for increasing physical performance and impermissible owing to the risk of injury. Non-judicial disciplinary action was taken against the lieutenant.

#### *Misconduct under the influence of alcohol*

In a slightly drunken state while off duty, a non-commissioned officer urinated in public between the legs of a non-rated serviceman who was also present, his urine soiling the comrade. When the serviceman defended himself against this behaviour and pushed the NCO away, the NCO punched him in the face. The serviceman's upper lip split and bled. The NCO was prematurely dismissed from the service of the Bundeswehr.

While under the influence of alcohol in a discotheque, a staff sergeant struck a comrade, breaking the latter's spectacles. Having been ejected by the security staff of the discotheque, he struck a passer-by, who wanted to help him in view of his obviously alcohol-induced helpless state. The soldier was prema-

turely dismissed from the service of the Bundeswehr on account of these incidents and two other disciplinary offences committed in the past.

#### *Misconduct and disciplinary punishment*

A staff sergeant deliberately head-butted a lance corporal during a football match, breaking his nose. The lance corporal had to be taken to hospital and underwent surgery on the following day. He was unfit for service for some time. The incident was punished as intentional bodily harm by a penal order. The responsible company commander and the battalion commander were of the opinion that, knowing the staff sergeant, the offence had been adequately punished from the official point of view by the caution given. In view of the seriousness of the offence, the divisional commander instituted judicial disciplinary proceedings against the staff sergeant.

#### *Behaviour of a superior towards a servicewoman*

A servicewoman complained about the behaviour and verbal remarks of her superior. At the start of their cooperation, he had told her that she could turn to him in confidence if she had any problems. In fact, however, he then gave her answers like "Stop getting on my nerves" and "You're the rank and file". In response to the request to enquire about the training courses necessary for the woman's planned ISAF mission, he is said to have replied: "Is it me who wants to go to that shit country, or you?". His favourite, much-used phrase for expressing his views about women at the workplace was: "Too many tits in one room always causes trouble". Since the superior repeatedly failed to satisfy the requirements of internal leadership and was moreover guilty of a disciplinary offence, disciplinary action was taken in the form of a reprimand. He was also instructed to take part in a training course on "Lead-

ership Development and Civic Education for First Sergeants".

## 24.2 Right-wing extremism

A lance corporal in civilian dress illicitly smoked in an ICE train and listened to banned right-wing extremist music over the loudspeakers of his laptop. His fellow passengers were able to identify him as a soldier, based on his Bundeswehr rucksack and his Bundeswehr bag. He also produced his soldier's identity card to the ticket inspector. The other passengers found the soldier's behaviour offensive. A voluntary breath test performed after the train journey revealed that the soldier had a breath alcohol concentration of 2.15 per mil. He was prematurely dismissed from the service of the Bundeswehr.

In a barracks, a lance corporal photographed a comrade in uniform with arm stretched out in the manner of a Nazi salute. The photo was sent to another lance corporal by mobile phone. In addition, the photo was loaded as the call image on the mobile telephone of a corporal, without his knowledge. Disciplinary action was taken against the soldiers involved in producing the image. They were moreover informed in writing, by way of an "explicit notification", that they would have to expect to be instantly dismissed from the service of the Bundeswehr in the event of a further disciplinary offence.

A court sentenced a private to a non-appealable fine for provoking hatred among the people and the use of symbols of organisations hostile to the constitution. Based on further findings, the Bundeswehr Counterintelligence Office rated him as a right-wing extremist in the Bundeswehr. He was prematurely dismissed from the service of the Bundeswehr.

## 24.3 Accidents with weapons

When a shot was accidentally fired with a P 8, a corporal on a mission shot himself in the left index finger and had to be sent back to Germany. Another corporal sustained mild tinnitus.

During gunnery training on a mission, a lieutenant colonel accidentally fired a shot from his G 36. No threat to other soldiers was determined. During the review of the incident, it was conceded that two soldiers on missions had accidentally fired a shot into a clearing box in two further cases. All three soldiers were ordered to undergo supplementary weapon training.

During a weapons inspection on a mission, a staff sergeant accidentally fired a shot from an MP 7. The shot hit a soldier in the upper body. Two other soldiers sustained mild tinnitus.

During a live-fire exercise, a staff sergeant, detailed as security officer, was hit in the right shoulder by a shot from a G 36 and severely injured. The lance corporal firing the shot had lost his orientation on the target range and mistaken the injured person and three other soldiers for targets. While the disciplinary investigations against the lance corporal were dropped, the competent Disciplinary Attorney for the Armed Forces is examining the institution of judicial disciplinary proceedings against the staff sergeant detailed as security officer, and against the officer in charge of the live-fire exercise, for inadequate analysis of the training group and massive disregard of safety regulations.

## 24.4 Personnel matters

### *Deficiencies in personnel management*

A non-rated serviceman submitted the documents necessary for applying for a change of career to his agency. Although the documents were complete, they were not further processed by his unit until two months later. As a result of this delay, it was a further four-and-



a-half months before the petitioner was invited to the responsible Recruiting Centre for the aptitude test and found to be suitable there. In the framework of processing the petition, the Federal Ministry of Defence conceded that such a long processing time is unacceptable and occasioned action at the agency in question to ensure speedier processing of applications in future.

#### *Assessment system*

A staff sergeant complained about his assessment being handed over with the comment by his disciplinary superior: "You're a quota victim, but we can talk about it". He said he had additionally been given confirmation that the average grade had not been lowered because he had deteriorated since the last assessment, but because the group of persons to be assessed had changed. Following the explanatory conversation with the next-higher disciplinary superior, the soldier found that his assessment had already been signed by this superior before the conversation. The investigations into this case have not yet been concluded.

#### *Rejection of applicants for health reasons*

One applicant was surprised that he had not been allowed to take part in the sport test during his recruitment test, because his Body Mass Index was said to be too high. He was told to lose 16 kilograms by the time of the next test. The applicant, who wanted to rejoin the Bundeswehr as a re-employed soldier, felt this treatment to be unfair, because he thought he could also lose the 16 kilograms during his service with the Bundeswehr.

#### *Testimonials*

In an overall period of a year, a staff sergeant in the Vocational Advancement Service repeatedly requested his disciplinary superior to issue a provisional testimonial. The superior is

obliged to issue a provisional testimonial of this kind before release from military service, even without being requested to do so. Only in the framework of processing of the petition did said disciplinary superior issue a testimonial, although it was far from complying with the formal requirements of the regulations and was completely lacking any kind of care. Only after the responsible brigade command stepped in did the company commander issue a formally correct testimonial. The Bundeswehr saw this as being a fundamental failure in the issue of testimonials in the unit in question and gave orders for comprehensive training measures and supervision of the issue of testimonials.

#### *Unequal treatment*

It was the experience of a temporary-career volunteer that he was refused promotion to staff sergeant on the legally correct grounds that his time in service would soon be ending. While he could quite understand the regulatory situation, he was astonished to see that two comrades in the same position had nonetheless been promoted. When the soldier was then also repeatedly requested – without being given any reasons – to submit the same documents to complete his personnel records, and additionally found that his personnel records contained incorrect assessment periods as the prerequisite for promotion, this understandably shattered his confidence in even materially correct personnel management. The constitutional principle that there is no equal treatment in wrong, was also put to a particularly hard test of acceptance in his case, because the comrades promoted in contravention of the regulations served with him every day.

#### *Delay in personnel management*

The cause of the delay in processing the application of a staff sergeant for a new post was that a statement from a disciplinary superior was missing, due

to inadequate knowledge of the regulations in his unit. Only after two months was the applicant informed of the processing status and the reason for the processing time. After having to experience this kind of thing, it is hard to make it clear to a soldier that the rejection of his application was not due to any objective error.

#### *Delay in the decision on re-enlistment*

A reserve sergeant applied for re-enlistment in the career of senior NCO in the Bundeswehr General Specialist Service. Without the applicant being informed of the situation, various Bundeswehr agencies, including a Recruiting Centre, a selection and induction office and the Bundeswehr Institute of Military Medical Statistics, attempted to compile the documents to be provided by the Bundeswehr, losing considerable time in the process. All in all, the Bundeswehr's own apparatus for recruiting volunteers then took almost nine months to invite the potential recruit to an aptitude assessment.

#### *Mistake in personnel management*

A staff sergeant had applied not to have to take part in a civilian basic and advanced training measure, since the training provided there did not reflect his duty assignment and additionally reduced his later entitlement to advancement through the Vocational Advancement Service. This application was rejected on the false assumption that the soldier had missed the deadline for an application for exclusion from planning, or re-planning. Only in the framework of examining the petition was it found that the soldier had only been informed of the deadline four months after its expiry, meaning that the deadline could not have been exceeded. Based on a remedial decision, it was then possible to grant the requested exclusion from planning for the training measure after all.

#### *Rejection of re-enlistment*

A lance corporal felt 'cheated' by the Bundeswehr in that his application for prolongation of his period of service was rejected, although the Bundeswehr had initially 'offered' him the possibility of re-enlistment.

During processing of the petition, it was confirmed that, roughly six months after applying for re-enlistment as a temporary-career volunteer in the career of non-rated serviceman for a total of eight years, he had received several job offers, one of which he had finally accepted. These new posts involved a transfer and had given him the understandable impression that they were connected with his application for re-enlistment. However, having in the meantime enquired about his application for re-enlistment, the soldier first received no reply and then, following a renewed, written application, a negative reply. This rejection was in line with the prevailing order and requirements situation, and could thus not be criticised as such.

However, since the responsible agencies also recognised, during review of the petition, that the soldier's considerable expectations had been encouraged, the application for re-enlistment was accepted after all by way of indemnification that can only be welcomed.

#### *Processing period and processing method*

The Federal Ministry of Defence was requested to examine and comment on a petition at the beginning of October 2011. Confirmation of receipt was not received until one month later. In March 2012, the Ministry reported in the framework of an interim communication that the petitioner's statement had not been confirmed. In response to an enquiry as to the state of the proceedings in July, the Ministry sent a two-page concluding letter in early August, but without enclosing the investigation records, which the Parliamen-

tary Commissioner for the Armed Forces did not receive until October. A final assessment by the Parliamentary Commissioner could then still not be given, because the investigation records related only to part of the petitioner's statement. A statement from the responsible operations command regarding a supplementary statement by the petitioner was still pending by the closing date for this Report.

#### **24.5 Compatibility of family and service**

##### *Processing time of an urgent application for transfer*

A staff sergeant applied for a transfer close to home as soon as possible, because his mother was gravely ill. The superiors showed little understanding for his situation. One of the remarks made was "he could file 200 applications for a transfer, and none of them would be approved". The application was initially not processed in the unit for two months, from the date of the informal request to the time of the formal application. After a further two months, the consultant of the Bundeswehr Enlisted Personnel Office acknowledged serious personal reasons and was particularly emphatic in supporting a close-to-home transfer in view of the deterioration of the mother's state of health. The staff sergeant, however, was only informed of this a month later. His mother had died in the meantime. Following a renewed application for close-to-home assignment because his father had likewise become seriously ill in the meantime, a close-to-home secondment was realised until the start of the entitlement to vocational advancement measures. The unreasonably long time taken to process the application for transfer must be strongly criticised, particularly because it led to consequences that cannot be made good. Disciplinary reactions regarding the superior owing to breach of the duty of care would have been indicated.

##### *Behaviour of a superior in connection with the request to plan a military couple together*

A military couple was expecting a child and attempted to have the wife transferred to her husband's location. The serviceman informed his superior of this intention, and the latter promised his support. Personnel Management tried to find a suitable post for the servicewoman. While these efforts were in progress, the superior told the serviceman's personnel manager that he was against continued assignment in the unit or at this location. However, he did not tell the serviceman this when the latter reported that, with a view to allocation of a kindergarten place, he wanted to quickly move into a shared flat with his partner and would be organising the move. After the flat had been rented, the serviceman was told by his personnel manager of the intention to transfer him. It ultimately proved possible to reunify the family in the area of the servicewoman's location. In view of the resultant additional financial expenditure and the other outlay incurred by the young family, it would, however, have been indicated for the superior or Personnel Management to inform the serviceman in good time about the intention to assign him outside the current location in future.

##### *Curtailed period of service owing to a lack of child-care options at the envisaged transfer location*

A sergeant who, owing to the nature of his wife's employment, was responsible for caring for their son, was to be transferred to a distant operational unit with high operational strain in the framework of the restructuring of the Bundeswehr. No place for the son in a child day-care centre would have been available at the envisaged location that would have been compatible with the duty times there. For lack of other assignment options, the only possibility ultimately remaining for the petitioner was to apply for curtailment of his pe-

riod of service by six years. This application was accepted. Until the start of exemption from military service to promote scholastic education and vocational training, he was given a close-to-home assignment by providing a special-duty post. This case once again clearly illustrates that the structures of service in the Bundeswehr are occasionally hard to reconcile with the reality of life in modern partnerships.

*Criticism of the behaviour of a superior on the occasion of a child's birth*

A non-commissioned officer was taking part in an advanced training measure and applied for permission to drive to the final examination in his own car, in order to subsequently get as quickly as possible to the hospital where his wife was expecting their first child. The superior sergeant major commented on this request by saying "he should be glad if the child was his", and insisted that all examinees travel together by bus. The reaction to this inappropriate comment was merely cautioning of the sergeant major. This was, however, criticised as being insufficient by the superior areas and, ultimately, also by the Federal Ministry of Defence, in concurrence with the opinion of the Parliamentary Commissioner for the Armed Forces. The decision against use of the private car was likewise to be criticised. The responsible superior could have complied with the totally understandable wish of the petitioner by ordering an official trip.

*Lack of understanding of superiors that soldiers rule out participation in the ISAF mission owing to their family situation*

Two sergeants failed to comply with the call to report for the forthcoming ISAF mission owing to health problems of their wives. A staff sergeant commented on this circumstance as follows, in front of the whole platoon: "Fulfilment of duty must be ensured, even if you have to beat your wives".

The staff sergeant was relieved of leading the platoon. Punishment of the disciplinary offence by non-judicial disciplinary action was no longer possible for reasons of time. However, the soldier was sent to the Leadership Development and Civic Education Centre for remedial training. As an educational measure, he had to write a paper and was subjected to increased supervision.

*Delayed payment of parental allowance owing to late processing of the application*

A soldier applied for parental leave in the framework of the deadlines in the Parental Leave Ordinance for Military Personnel. To avoid overpayment, the expected start of the parental leave was reported to the responsible Military District Administrative Office. The soldier's pay was stopped accordingly at this time. However, owing to processing delays, the approved application for parental leave had not been received by that time, because the birth certificate submitted in time by the soldier to the administratively responsible agency had not been forwarded to the Bundeswehr Personnel Office. The soldier could not apply for parental allowance and thus had no income.

## **24.6 Sexual encroachments**

*Sexual harassment of servicewomen*

Two servicewomen complained about being subjected to massive verbal sexual harassment by their platoon leader during their general basic training. When taking the salute, he asked one of the petitioners whether she suffered from bodily defragmentation, since she was so inclined to the left. She should weigh her breasts, one must be heavier than the other. During inspection of the recruits and examination of the prone shelter, he recommended that the petitioner dig two holes for her breasts in view of the imminent rain, so that the water could also drain away there. When the petitioner put a hand on her

stomach during physical training, because she felt unwell, he asked: "Are you pregnant? Well, it's not mine." The remark made by the other petitioner, that she had two cats, prompted him to reply: "Oh, you have three pussies!". Judicial disciplinary proceedings were instituted against the soldier.

#### *Physical attacks on, and sexual harassment of, a soldier by a comrade*

In a petition submitted after leaving the Bundeswehr, a former basic service conscript described the verbal, physical and sexual attacks of a comrade, to which he had been exposed during his basic training. The investigations confirmed physical attacks. However, since no witnesses were present in most cases and the accused could not be questioned, having likewise left the Bundeswehr in the meantime, the scope and intensity of the incidents could not be proven to the extent described by the petitioner. On the one hand, the fear that occasioned the petitioner not to reveal his story until after finishing his time in the Bundeswehr is understandable. On the other hand, the case also shows that fear of this kind leads to the situation where conduct of this kind cannot be investigated in time and ultimately goes unpunished.

### **24.7 Voluntary military service**

#### *Reinstatement in voluntary military service*

Several petitioners complained about problems with being reinstated in voluntary military service if they had previously terminated their service as military service volunteer or temporary-career volunteer at their own request during the probationary period, because this appeared expedient for their personal life planning. Although they had been assured before leaving the Bundeswehr that reinstatement was possible, applicants already serving in the past could, in accordance with the new instructions that had since come

into effect, no longer be called up again if they had not been awarded a training and job number as "guard/guard and security soldier".

It transpired that the corresponding instructions had only been made known to the recruiting agencies in an Order of the Federal Ministry of Defence dated 1 July 2011. Consequently, some selection and induction offices, and also superiors, were not able to inform applicants about the possible negative consequences of withdrawing from service. Since the petitioners were not responsible for this situation, their request to be reinstated was complied with. Beyond this, the Federal Ministry of Defence took the petitions as an occasion to review whether the regulation is to continue to be applied to applicants who revoke their formal obligation as temporary-career volunteer within the probationary period.

#### *Delayed handover of a dangerous-goods driving licence*

A former military service volunteer of a logistics battalion who served as a transport soldier had, in the framework of his billet training, successfully taken part in the theoretical "advanced training course for the transport of hazardous materials in tanks" and in subsequent practical training with testing on a road tanker. He complained that, despite multiple enquiries, his unit had not handed over his dangerous-goods driving licence ("ADR Driver Training Certificate"). As a result, he had not been able to work as a driver in the transport platoon and was – after retiring from the Bundeswehr – now at a disadvantage when looking for a job as a dangerous-goods driver. The failure of the responsible unit to hand over the ADR Driver Training Certificate on time deserved criticism. One of the causes was found to be that the head of the responsible hazardous-materials training centre had rarely been at work for reasons of illness and in the framework of training in preparation for a mission. It

must nonetheless be ensured that certificates of this kind are handed over to soldiers in good time. The responsible battalion commander had the corresponding personnel cautioned regarding the correct preparation and hand-over of documents.

#### *Subsequent preparation of a testimonial*

An applicant for reinstatement in the Bundeswehr had lost the testimonial as a military service volunteer that was needed for reinstatement. It was also no longer to be found at the responsible selection and induction office.

Up to now, the personnel records have been sent to the responsible selection and induction office following retirement from the Bundeswehr, where they have then remained. Apparently, in the petitioner's case, no copy of the testimonial had been enclosed with the personnel records. Although an enquiry at the Recruiting Centre responsible for reinstatement revealed that the petitioner would not suffer any disadvantage in the recruitment procedure because of the testimonial being missing, he also wanted to use the testimonial for civilian job applications. In the context of processing the petition, the responsible operations command was therefore requested to examine whether it would be possible to have the testimonial prepared by a former superior in retrospect. This suggestion was accepted.

#### **24.8 Reservists**

##### *Exclusion from planning for the Afghanistan mission at short notice*

A female reservist, who was assigned as a kitchen accountant and had already been on missions abroad several times, was asked during her mission abroad in Kosovo whether she would prematurely terminate this mission and then immediately go to Afghanistan for four months. She thereupon waived her

leave, messing allowance, pay and the reintegration seminar. Since the new draft notice and baggage tags for the new country of deployment, Afghanistan, had already arrived when she returned from Kosovo, she made all the necessary preparations and sent her baggage to Afghanistan. One week before the planned outward flight, she was informed by telephone that she could not go on the mission because of preparatory training courses that first needed to be completed. Based on the petitioner's existing mission experience, a shorter training period would have sufficed. However, the documentary evidence necessary for the application for exemption was not available, meaning that she had to be excluded from planning. This could have been avoided if her attention had been drawn in good time to the need to submit this documentary evidence. The Bundeswehr took this incident as an occasion to instruct the responsible parties to optimise information management between all concerned, particularly in instances where time is critical. The petitioner received compensation for the loss sustained by her as a result of premature termination of the KFOR mission. Moreover, she was included in the planning for the ISAF mission at a later time.

#### **24.9 Medical Service and welfare**

##### *Assumption of the costs for journeys to the unit physician*

Soldiers complained in several cases about rejection of the reimbursement of costs for journeys to appointments with and/or treatment by the unit physician when official transport was not possible. This rejection was in keeping with the valid legal situation. In the framework of free medical care, soldiers are only entitled to reimbursement of the costs for journeys to private doctors and institutions, if they are occasioned officially and a corresponding certificate is issued, but not for journeys to appointments with a unit physician.

### *Inadequate examination*

A petitioner complained that, during an examination for fitness for parachuting and foreign assignment, the responsible doctor had failed to follow up signs of a possible thyroid illness of the petitioner and that he had suffered career disadvantages as a result. This statement was confirmed. The soldier did indeed suffer from hyperthyroidism that had to be treated surgically. The soldier was accepted as a career soldier after the operation. Had the doctor followed up the signs at the aforementioned examination, the soldier could have been treated immediately and probably accepted as a career soldier a year earlier. Based on this incident, a procedure was installed that is intended to ensure the consideration and evaluation of laboratory findings in future.

### *Failure to inform a barred blood donor*

A soldier donated blood in the framework of a blood donation campaign in November 2009. In January 2010, complications possibly attributable to the transfusion occurred in a patient who had received, among other things, an erythrocyte concentrate from the aforementioned donor, the result being that the soldier was barred from donating further blood, and the taking of a blood sample for testing was ordered. The soldier was not informed of this, nor was a blood sample taken for testing. The soldier donated blood once again in the following period. Not until August 2010 was he informed about the bar. The reason for the late notification of the soldier was a data processing problem when updating the file of barred donors, as well as the missing documentation on the soldier's health card. In response to the incident, orders were given to improve quality management in connection with blood donation campaigns, to instruct blood donation groups regarding how to deal with barred donors, to ensure informa-

tion of the barred donors, and to improve the medical documentation of blood donations.

### *Claim to compensation due to incorrect medical treatment*

The existential plight of a former soldier occasioned the Parliamentary Commissioner for the Armed Forces to champion his cause in the top echelons of the Federal Ministry of Defence. Having become ill while a soldier, the petitioner suffered permanent damage to his health during external clinical treatment occasioned by the Bundeswehr, making it impossible for him to continue the career he had begun in the Bundeswehr. He had to finance the necessary professional reorientation without state benefits, meaning that he got into financial straits. A legal review revealed that the petitioner could not successfully raise claims for compensation for pain and suffering, or for damages, either against the hospitals and doctors treating him or against the Federation because of the treatment occasioned by the Bundeswehr, as there were no indications of intent on the part of the attending physicians. However, had he made private claims on the hospitals and doctors, the petitioner would have had better prospects of successful enforcement of his claims because, according to existing expert opinions, medical malpractice had contributed to the damage to the petitioner's health. The outcome of this case – no rights of recourse – is not satisfactory. Since the soldier had no claims whatsoever to compensation, the counsellors at the Bundeswehr Social Services referred him to the "Trust Foundation for the Support of Hardship Cases in the Bundeswehr and the former National People's Army". It is to be hoped that his application for support will be successful there.

### *Special foreign assignments benefits and continued employment of a person injured on operations*

While driving a Bundeswehr bus, a soldier was traumatised in a bomb attack in Afghanistan in June 2003 and has since been suffering from a severe post-traumatic stress disorder (PTSD). For the purpose of health-related and vocational rehabilitation, the former reservist was given the service status of a temporary-career volunteer in the framework of an exceptional decision. Since his service status as a temporary-career volunteer ended during the protection time he had applied for under the Act on the Continued Employment of Personnel Injured on Operations, he entered into a special service status. He thus continued to be entitled to payment as a temporary-career volunteer. In the framework of service-related disability proceedings, which had been in progress since 2006, the petitioner repeatedly applied for recognition of a deterioration of the PTSD caused by the attack. In April 2012, following several specialist medical and pension-related assessments, the responsible Military District Administrative Office recognised a PTSD with a degree of impairment of 60 percent. The damage to health was rated as a deployment-related accident under pension law. Based on the special foreign assignments benefits he applied for, he was granted the statutorily defined one-time compensation payment in October 2012. No decision has yet been reached regarding his application for continued employment.

#### *Recognition of a service-related disability due to PTSD*

A soldier complained about the rejection of his application for recognition of a service-related disability owing to a PTSD that developed after several missions abroad, and also about the duration of the opposition proceedings. The investigations revealed that the neurological-psychiatric expert opinion on which the negative decision of the Military District Administrative Office was based did not document the full extent of the petitioner's illness. This was at-

tributed to the fact that the petitioner had been unable to establish a sufficiently confident relationship with the expert and had therefore not been able to be completely open with him. Moreover, no detailed findings were available from the attending physician. Based on a stressful event named by the petitioner and verified in the opposition proceedings, and the detailed findings of the attending psychiatrist which were then available, as well as an additional assessment requested from the petitioner's attending unit physician, the Bundeswehr Medical Office arrived at the recognition of a PTSD with a degree of impairment of 30 percent in its expert statement. In view of the unequivocal statement by the Medical Office, the Military District Administrative Office waived the renewed supplementary expert report it had initially demanded and fell in with the assessment. This made it possible to accelerate the opposition proceedings and remedy the petitioner's objection.

#### **24.10 Accommodation**

##### *Unreliable heating system*

A training course participant complained that, in winter, the heating system in the lecture theatres and the accommodation regularly broke down and the temperature sometimes dropped to as little as 10 degrees, because there were significant delays in elimination of the defects by the responsible Bundeswehr Service Centre. The installation of fan heaters, at least in the lecture theatres, had been rejected because of the risk of overloading the system. The Federal Ministry of Defence confirmed the repeated problems with the heating system, stating that a specialist company had in the meantime been commissioned with eliminating the problem and that, in view of the wintry weather, the daily presence of a member of the technical staff of the Bundeswehr Service Centre on the site had been ordered, so as to be able to react immediately to break-



downs of the heating system. It would appear that only the petition led to an appropriate reaction to the unacceptable conditions caused by the regular failure of the heating system.

#### *Missing cleaning agents*

A servicewoman undergoing general basic training complained about serious hygiene problems in the sanitary facilities and the accommodation at her location, reporting that insufficient cleaning agents were provided. The soldiers had to make do with old, worn-out cleaning cloths that they had to use both for their rooms and for the toilets. She herself had already contracted an infection with the *Helicobacter* gastric bacterium as a result. The statement requested from the Federal Ministry of Defence essentially confirmed the deficiencies, these being attributable to the fact that the supply sergeant had requested the cleaning agents too late and that the responsible Bundeswehr Service Centre provided too little of the materials requested. The head of the medical clinic was instructed to draw up proposals for hygienic prevention for the units in the sphere of the garrison surgeon. Although the petitioner's suspicion that she had contracted an

infection because of the deficiencies could not be ruled out, it was medically quite unlikely in view of the transmission routes of the *Helicobacter* bacterium. Consistent supervision would have made it possible to eliminate the previously ascertained deficiencies with only little effort.

#### *Unlawful ejection from accommodation*

A servicewoman working at a Bundeswehr hospital complained that the hospital sergeant had called upon her to leave her accommodation, although she was obliged to live in the communal accommodation, being under the age of 25. She said that she felt forced to sign a rental agreement as a result of his behaviour. Similar pressure was also applied to other soldiers. As indicated in the statement by the Federal Ministry of Defence, the wrongful ejection of the petitioner from the accommodation in the barracks has since been retracted. The commander of the Bundeswehr hospital gave the hospital sergeant a written caution regarding the careful examination of files.

Hellmut Königshaus

**25 Appendices****Article 45b****25.1 Statutory foundations of the office and tasks of the Parliamentary Commissioner for the Armed Forces and of service personnel's right of petition****Parliamentary Commissioner for the Armed Forces**

A Parliamentary Commissioner for the Armed Forces shall be appointed to safeguard basic rights and to assist the Bundestag in exercising parliamentary oversight of the Armed Forces. Details shall be regulated by a federal law.

Page

**Excerpt from the Basic Law for the Federal Republic of Germany of 23 May 1949 (Federal Law Gazette I, p. 1), last amended by the Act of 11 July 2012 (Federal Law Gazette I, p. 1478)**

Article 17

Right of petition

Every person shall have the right individually or jointly with others to address written requests or complaints to competent authorities and to the legislature.

Article 17a

Restriction of basic rights in specific instances

(1) Laws regarding military and alternative service may provide that the basic right of members of the Armed Forces and of alternative service freely to express and disseminate their opinions in speech, writing and pictures (first clause of paragraph (1) of Article 5), the basic right of assembly (Article 8), and the right of petition (Article 17) insofar as it permits the submission of requests or complaints jointly with others, be restricted during their period of military or alternative service.

(2) Laws regarding defence, including protection of the civilian population, may provide for restriction of the basic rights of freedom of movement (Article 11) and inviolability of the home (Article 13).

**Act on the Parliamentary Commissioner for the Armed Forces (enacted pursuant to Article 45b of the Basic Law – WBeauftrG) in the version of the Announcement of 16 June 1992 (Federal Law Gazette I, p. 677), last amended by Article 15 Para. 68 of the Act to Restructure Civil Service Law of 5 February 2009 (Federal Law Gazette I, p. 160)**

Section 1

**Constitutional Status; Tasks**

(1) In the exercise of parliamentary oversight, the Commissioner shall perform his or her duties as an auxiliary organ of the Bundestag.

(2) The Commissioner shall investigate specific matters upon instructions from the Bundestag or the Defence Committee. Instructions can only be issued if the Defence Committee does not make the matter a subject of its own deliberations. The Commissioner may request that the Defence Committee issue instructions to investigate specific matters.

(3) The Commissioner shall, on his or her own initiative and at his or her due discretion, take action when, in the exercise of his right pursuant to Section 3(4), through information received from Members of the Bundestag, through petitions pursuant to Section 7 or in any other way, circumstances come to his or her attention that suggest a violation of the basic rights of service personnel or of the principles of *Innere Führung*. The Commissioner shall not take action under the first sentence of this paragraph if the Defence Committee has made the matter the subject of its own deliberations.

Section 2

**Reporting Duties**

(1) The Commissioner shall submit to the Bundestag a written overall report for the calendar year (annual report).

(2) He or she may, at any time, submit individual reports to the Bundestag or the Defence Committee.

(3) When the Commissioner acts upon instructions, he or she shall, upon request, submit an individual report on the results of his or her investigation.

Section 3

**Official Powers**

In performing the tasks assigned to him or her, the Commissioner shall have the following powers:

1. He or she may demand information and access to records from the Federal Minister of Defence and all the Minister's subordinate agencies and personnel. These rights can only be denied to him or her when this is required for compelling reasons of secrecy. The decision to deny these rights shall be taken by the Minister of Defence personally or his or her permanent official deputy; the Minister of Defence shall state the reasons for any such decision before the Defence Committee. On the basis of instructions pursuant to Section 1(2) and in the case of a petition based on a complaint by the petitioner, the Commissioner shall have the right to hear the petitioner as well as witnesses and experts. These persons shall be reimbursed pursuant to the Judicial Remuneration and Compensation Act.
2. He or she may give the agencies concerned the opportunity to settle a matter.
3. He or she may refer a matter to the authority competent for the institution of criminal or disciplinary proceedings.
4. He or she may, at any time, visit any units, headquarters, agencies and authorities of the Federal Armed Forces, and their installations even without prior announcement. This right shall be vested exclusively in the person of the Commissioner. The second and third sentences of paragraph (1) of this section shall apply *mutatis mutandis*.
5. He or she may request both summary reports from the Federal Minister of Defence on the exercise of disciplinary power in the armed forces and statistical reports from the competent federal

and *Land* authorities on the administration of criminal justice whenever the armed forces or their service personnel are affected.

6. In the case of criminal or disciplinary proceedings, he or she may attend court proceedings even when the public is excluded. He or she shall be given access to records to the same extent as the public prosecutor or the representative of the initiating authority. The right pursuant to the first sentence of this paragraph shall also apply in matters of request and complaint proceedings under the Military Disciplinary Code and the Military Complaints Regulations before courts that have jurisdiction over military disciplinary offences and in proceedings before administrative courts that relate to his or her area of responsibility; in such proceedings, he or she shall have the same right of access to records as a party to the proceedings.

#### Section 4

### **Administrative Assistance**

Courts and administrative authorities of the Federation, the *Länder* and the municipalities shall be obliged to render the Commissioner administrative assistance in the conduct of necessary investigations.

#### Section 5

### **General Guidelines; Exemption from Instructions**

(1) The Bundestag and the Defence Committee may issue general guidelines for the work of the Commissioner.

(2) Notwithstanding Section 1(2), the Commissioner shall not be subject to instructions.

#### Section 6

### **Obligation of Presence**

The Bundestag and the Defence Committee may at any time demand the presence of the Commissioner.

#### Section 7

### **Service Personnel's Right of Petition**

Every member of the armed forces shall have the right to contact the Commissioner directly without going through official channels. He or she shall not be disciplined or discriminated against because of his or her petition to the Commissioner.

#### Section 8

### **Anonymous Petitions**

Anonymous petitions shall not be dealt with.

#### Section 9

### **Confidentiality of Petitions**

Where the Commissioner takes action in response to a petition, it shall be left to his or her discretion to disclose the fact of a petition and the name of the petitioner. He or she shall refrain from their disclosure if the petitioner so wishes and compliance with this wish is not barred by legal duties.

#### Section 10

### **Obligation of Secrecy**

(1) The Commissioner is obliged, even once his or her term of office has ended, to maintain secrecy regarding matters that have come to his official knowledge. This does not apply to official communications or to matters that are known to the general public or that do not require secrecy (in view of the level of importance accorded to them).

(2) The Commissioner shall not, even once his or her term of office has ended, give any evidence on such matters before a court or out of court, or make statements without permission. This permission shall be given by the President of the Bundestag in agreement with the Defence Committee.

(3) Permission to give evidence as a witness shall not be denied unless it would be to the detriment of the public good of the Federation or of one of the German *Länder*, or it would severely jeopardise or considerably impede the performance of public duties.

(4) This shall not affect the statutory

obligation to report criminal offences and to advocate the preservation of the free democratic basic order where it is jeopardised.

Section 11

**(repealed)**

Section 12

**Obligation of Federal and *Land* Authorities to Inform the Commissioner**

The judicial and administrative authorities of the Federation and the *Länder* shall be obliged to inform the Commissioner about the institution of proceedings, the preferment of a public charge, any investigations ordered in disciplinary proceedings and the outcome of such proceedings, when the matter has been referred to one of these authorities by the Commissioner.

Section 13

**Election of the Commissioner**

The Bundestag shall elect the Commissioner by secret ballot with a majority of its Members. Candidates may be put forward by the Defence Committee, by the parliamentary groups and by as many Members of the Bundestag as are required for the formation of a parliamentary group pursuant to the Rules of Procedure. No debate shall take place.

Section 14

**Eligibility; Term of Office; Ban on Practice of another Profession; Oath; Exemption from Military Service**

(1) Every German who is entitled to be elected to the Bundestag and has attained the age of 35 shall be eligible for the office of Commissioner.

(2) The term of office of the Commissioner shall be five years. Re-election shall be admissible.

(3) The Commissioner may not hold any other salaried office, engage in any trade, practise any profession, belong to the management or the supervisory board of any enterprise carried on for profit, or be a

member of a government or a legislative body of the Federation or a *Land*.

(4) On assuming office, the Commissioner shall take the oath of office as laid down in Article 56 of the Basic Law.

(5) For the duration of his term of office, the Commissioner shall be exempt from military service.

Section 15

**Legal Status of the Commissioner; Beginning and End of Term of Office**

(1) Pursuant to the provisions of this Act, the Commissioner holds an office under public law. The President of the Bundestag shall appoint the person elected.

(2) The Commissioner's term of office shall begin when his or her letter of appointment is handed over or, should the oath be taken at an earlier date (Section 14(4)), at the time when the oath is taken.

(3) The Commissioner's term of office shall end, apart from the termination of his or her tenure pursuant to Section 14(2) or through death,

1. upon his or her dismissal,
2. upon his or her resignation.

(4) Upon the request of the Defence Committee, the Bundestag may instruct its President to dismiss the Commissioner. This decision shall require the approval of the majority of the Members of the Bundestag.

(5) The Commissioner may resign at any time. The President of the Bundestag shall announce the resignation.

Section 16

**Seat of the Commissioner; Chief Administrator; Staff; Budget**

(1) The seat of the Commissioner shall be attached to the Bundestag.

(2) The Commissioner shall be supported by a Chief Administrator. Additional personnel shall assist the Commissioner in the execution of his or her duties. The civil servants attached to the Commis-

sioner shall be civil servants of the Bundestag pursuant to Section 176 of the Act on Federal Civil Servants of 3 January 1977 (*Federal Law Gazette I*, pp. 1, 795, 842), most recently amended by Section 27 of the Act of 26 June 1981 (*Federal Law Gazette I*, p. 553). The Commissioner shall be the superior of the personnel assigned to him or her.

(3) The necessary personnel and equipment made available to the Commissioner for the performance of his or her functions shall be detailed in a separate chapter of the Bundestag budget.

#### Section 17

##### **Representation of the Commissioner**

(1) If the Commissioner is prevented from performing his functions, and from the end of his term of office to the beginning of the term of office of his successor, the Chief Administrator shall exercise the rights of the Commissioner except for the right pursuant to Section 3(4). Section 5(2) shall apply *mutatis mutandis*.

(2) If the Commissioner is prevented from exercising his or her office for more than three months, or when more than three months have elapsed after the end of the Commissioner's term of office without the term of office of a successor having commenced, the Defence Committee may authorise the Chief Administrator to exercise the right pursuant to Section 3(4).

#### Section 18

##### **Official Emoluments; Other Payments**

(1) From the beginning of the calendar month in which he or she takes office to the end of the calendar month in which his or her term of office ends, the Commissioner shall be paid official emoluments. Section 11(1)(a) and (b) of the Federal Ministers Act shall apply *mutatis mutandis* with the proviso that the Commissioner's salary and local allowance shall be 75 per cent of the salary and local allowance of a Federal Minister. The emoluments shall be paid monthly in advance.

(2) In all other respects, Section 11(2) and (4), and Sections 13 to 20 and 21a of the Federal Ministers Act shall apply *mutatis mutandis* with the proviso that, instead of a two-year term of office (Section 15(1) of the Federal Ministers Act), a five-year term shall apply. The first sentence of this paragraph shall apply *mutatis mutandis* to a career soldier or temporary-career volunteer who has been appointed Commissioner with the proviso that, in the case of temporary-career volunteers where Section 18(2) of the Federal Ministers Act applies, the date of retirement shall be replaced by the termination of service.

(3) The provisions of the Federal Travel Expenses Act as published in the Notification of 13 November 1973 (*Federal Law Gazette I*, p. 1621), most recently amended by the Ordinance of 31 May 1979 (*Federal Law Gazette I*, p. 618), regarding the highest travel expense category, and the provisions of the Federal Removal Expenses Act of 13 November 1973 (*Federal Law Gazette I*, p. 1628), most recently amended by Article VII of the Act of 20 December 1974 (*Federal Law Gazette I*, p. 3716), regarding removals necessary as a result of appointment or termination of office, shall apply *mutatis mutandis*.

#### Section 19

##### **(repealed)**

#### Section 20

##### **(Entry into Force)**

**Excerpt from the Rules of Procedure of the German Bundestag in the version of the Announcement of 2 July 1980 (Federal Law Gazette I, p. 1237), last amended by the Announcement of 7 May 2012 (Federal Law Gazette I, p. 1119 f.)**

Rule 113

**Election of the Parliamentary Commissioner for the Armed Forces**

The Parliamentary Commissioner for the Armed Forces shall be elected by secret ballot (Rule 49).

Rule 114

**Reports of the Parliamentary Commissioner for the Armed Forces**

(1) The President shall refer the reports of the Parliamentary Commissioner for the Armed Forces to the Defence Committee unless a parliamentary group or five per cent of the Members of the Bundestag de-

mand that they be placed on the agenda.

(2) The Defence Committee shall report to the Bundestag.

Rule 115

**Debates on reports of the Parliamentary Commissioner for the Armed Forces**

(1) The President shall grant leave to speak to the Parliamentary Commissioner for the Armed Forces in the debate on reports submitted by the Commissioner if a parliamentary group so demands or five per cent of the Members of the Bundestag, who shall be present, so demand.

(2) Upon the demand of a parliamentary group or the demand of five per cent of the Members of the Bundestag, who shall be present, the Parliamentary Commissioner for the Armed Forces shall be summoned to attend sittings of the Bundestag; paragraph (1) shall apply *mutatis mutandis*.

**Procedural principles for cooperation between the Petitions Committee and the  
Parliamentary Commissioner for the Armed Forces of the German Bundestag**

1. The Petitions Committee shall notify the Parliamentary Commissioner for the Armed Forces of a petition if it relates to service personnel of the Bundeswehr. The Parliamentary Commissioner for the Armed Forces shall inform the Petitions Committee whether he has opened a case file in the same matter and whether he will be taking action.
2. The Parliamentary Commissioner for the Armed Forces shall notify the Petitions Committee of a case if the Petitions Committee has recognisably received a petition in the same matter.
3. If the Petitions Committee and the Parliamentary Commissioner for the Armed Forces both deal with the same matter, the case shall generally first be processed by the Parliamentary Commissioner for the Armed Forces. If the Petitions Committee takes action, it shall notify the Parliamentary Commissioner for the Armed Forces of such. The Parliamentary Commissioner for the Armed Forces and the Petitions Committee shall regularly notify each other in writing of the progress of processing and its outcome.



## 25.2 Order: 'Service Personnel and the Parliamentary Commissioner'

### - Revised Version -

No. 7, Federal Ministry of Defence,  
Fü S I 3, of 20.12.2011

#### A.

### Constitutional status of the Parliamentary Commissioner for the Armed Forces

#### 1.

The German Bundestag shall appoint the Parliamentary Commissioner for the Armed Forces as an auxiliary organ in exercising oversight of the armed forces. His or her tasks shall be to protect the basic rights of service personnel and to monitor compliance with the principles of *Innere Führung*.

Upon instructions from the Bundestag or the Defence Committee, the Parliamentary Commissioner may also investigate matters that serve neither the protection of basic rights nor the monitoring of compliance with the principles of *Innere Führung*. Details shall be regulated by the Act on the Parliamentary Commissioner for the Armed Forces (enacted pursuant to Article 45b of the Basic Law) as published in the Notification of 16 June 1982 (Federal Law Gazette I, p. 677 and Federal Ministry of Defence Gazette, p. 193), which entered into force on 24 June 1982.

#### B.

### Tasks and powers of the Parliamentary Commissioner

#### 2.

The Parliamentary Commissioner shall take action:

- upon instructions from the Bundestag or the Defence Committee to examine certain matters;
- on his or her own initiative and at his or her due discretion if matters come to his or her attention that suggest a violation of the basic rights of service personnel or of the principles of *Innere Führung*.

#### 3.

In carrying out the tasks assigned to him or her, the Parliamentary Commissioner shall have the following powers:

- a) He or she may demand information and access to records from all agencies and personnel subordinate to the Federal Ministry of Defence. He or she may be denied this right only on compelling grounds of secrecy.
- b) If instructed by the Bundestag or the Defence Committee to investigate a certain matter, and in the case of petitions based on a complaint, he or she may hear the petitioner as well as experts and witnesses.
- c) He or she may, at any time, visit any units, headquarters, agencies and authorities of the Federal Armed Forces and their installations, even without prior notice. The right to make such visits shall be vested exclusively in the person of the Parliamentary Commissioner. The Chief Administrator shall also exercise this right if authorised to do so by the Defence Committee. This right may only be denied on compelling grounds of secrecy.
- d) He or she may attend proceedings of criminal courts, administrative courts and military service courts that are concerned with his area of activity, even if they are not open to the public; in such cases, he or she has the same right of access to records as the parties involved in the proceedings.
- e) He or she may give the agencies concerned an opportunity to settle the matter.
- f) He or she may refer a matter to the authority responsible for the institution of criminal or disciplinary proceedings.

With the exception of the right to make unannounced visits pursuant to Section 3(c), the powers of the Parliamentary Commissioner may be exercised by his or her staff. Fact-finding visits by his or her staff shall be announced in advance.

#### C.

### Procedural arrangements

4.

Matters relating to the Parliamentary Commissioner shall be dealt with as matters of urgency. Should an extended period of time be required to deal with such matters, the Parliamentary Commissioner shall be informed of progress at regular intervals by the agencies responsible for commenting on the matter.

Should, in the case of requests by the Parliamentary Commissioner for information or access to records, doubts arise as to:

- whether the matter in question suggests a violation of basic rights or the principles of *Innere Führung*, or whether instructions have been issued by the Bundestag or the Defence Committee;
- whether compelling reasons of secrecy stand in the way of compliance with his requests;

or should, in the case of a visit by the Parliamentary Commissioner, doubts arise as to:

- whether compelling reasons of secrecy stand in the way of the visit;

a decision of the Federal Ministry of Defence shall be sought immediately. The Parliamentary Commissioner shall be informed of this decision.

5.

The following arrangements shall apply for dealing with requests submitted by the Parliamentary Commissioner:

- a) If the Parliamentary Commissioner writes to service personnel of the Federal Armed Forces personally, the latter shall respond themselves.
- b) If the Parliamentary Commissioner contacts an agency, the head of the agency shall be responsible for responding to the request; he or she shall sign the final comments himself. The investigations shall be conducted by the disciplinary superior responsible in each case. Any deficiencies identi-

fied shall be remedied.

- c) If higher superiors are asked to comment, they shall arrange for the matter in question to be examined and shall convey the findings, together with their own comments, to the Parliamentary Commissioner.
- d) Command headquarters from division-level upwards and corresponding agencies shall, in the case of matters of fundamental or far-reaching importance, submit their comments to the Federal Ministry of Defence, together with the principal records compiled, through official channels once they have been dispatched.
- e) Furthermore, once they have been dispatched, all the comments made by agencies of the Federal Armed Forces shall be submitted to the Federal Ministry of Defence, together with the main records compiled, through official channels, if:
  - the matter is of political or public significance or
  - disciplinary or criminal proceedings have been or are to be initiated in the given case.
- f) Insofar as service personnel release doctors or medical experts from their duty to observe confidentiality in connection with petitions submitted by the personnel to the Parliamentary Commissioner, this shall in case of doubt apply exclusively to comments made directly by them to the Parliamentary Commissioner.

Copies of these comments, as well as annexes to them, which shall be submitted to other authorities, including the Federal Ministry of Defence, should therefore as a rule contain no facts or opinions that are subject to medical confidentiality.

If need be, comments to be submitted to the Parliamentary Commissioner should be drafted in such a way that statements subject to medical confidentiality are contained in a separate annex and conveyed directly to the Parliamentary Commissioner alone to-

gether with the original copy of the letter.

- g) With regard to petitions, their contents and the comments upon them, all concerned shall have a duty to observe confidentiality in accordance with Section 14 of the Legal Status of Military Personnel Act<sup>1</sup> insofar as this does not concern the direct processing of petitions. The case may only be used for instruction purposes once the procedure has been completed. The names of those involved may not be divulged.

The procedure shall as a rule be deemed to have been completed if within two months of submitting a report no reply is received from the Parliamentary Commissioner. If the Parliamentary Commissioner provides notification that the procedure has been completed, this as well as the findings of his or her examination shall be made known to the agencies involved and to those persons affected by the petition.

- h) As a matter of principle, petitions transmitted by the Parliamentary Commissioner to agencies with a request for their comments may not be construed as constituting complaints within the meaning of the Military Complaints Regulations<sup>2</sup>, unless the petitioner expressly so requests.

## 6.

If the Parliamentary Commissioner exercises his or her right to hear petitioners, experts and witnesses (Section 3(b)), he or she shall be given every support in doing so. The Parliamentary Commissioner shall advise the petitioners, experts or witnesses as to their rights at the hearing; there shall be no obligation to give evidence. If necessary, service personnel shall be granted exemption from duty or special leave to attend the hearing in accordance with Section 9 of the Leave Regulations for Service Personnel (SUV)<sup>3</sup>, in conjunction with Section 72 of the implementing provisions re-

<sup>1</sup> Federal Ministry of Defence Gazette 2001, p. 72

<sup>2</sup> Not published in the Federal Ministry of Defence Gazette

<sup>3</sup> Federal Ministry of Defence Gazette 1997, p. 286

lating to the SUV (Joint Service Regulation 14/5 F 511).

Insofar as subjects are dealt with at the hearing that are subject to confidentiality, the person being heard may give evidence on matters up to classification level 'restricted' (VS-NfD). In the case of matters with a higher security classification, the Parliamentary Commissioner must obtain permission for the person in question to give evidence from the latter's disciplinary superior.

If the competent disciplinary superior cannot grant permission, he or she shall request a decision by his or her superior. The right to deny permission shall rest ultimately with the Federal Ministry of Defence.

The persons heard shall be reimbursed in accordance with the Act on Compensation of Witnesses and Experts (as published in the Notification of 1 October 1969 (Federal Law Gazette I, p. 1756), most recently amended by Article 11 of the Act of 26 November 1979 (Federal Law Gazette I, p. 1953 and 1980, p. 137)). Witnesses shall file their requests for reimbursement with the Parliamentary Commissioner within three months after the hearing; experts shall do so within the time limit set by the Parliamentary Commissioner.

## 7.

If the matter dealt with in a petition to the Parliamentary Commissioner is also the subject of a complaint lodged in accordance with the Military Complaints Regulations or the Military Disciplinary Code<sup>4</sup>, the following shall apply:

- a) If a member of the Armed Forces lodges a complaint in accordance with the Military Complaints Regulations, including a disciplinary complaint pursuant to Section 38 of these regulations, and submits a petition in the same matter to the Parliamentary Commissioner, the Parliamentary Commissioner shall be informed of the current status and progress of the measures taken to deal with the complaint. A copy of the decision shall be

<sup>4</sup> Federal Ministry of Defence Gazette 1973, p. 7

conveyed to him or her immediately. He or she shall be informed separately of any recourse to legal remedies or of the non-appealability of a ruling.

- b) If the petition submitted to the Parliamentary Commissioner by a member of the armed forces also refers to matters that are not a subject of the complaint, this part of the petition shall be dealt with in the same way as other petitions.
- c) The Parliamentary Commissioner shall be informed if disciplinary investigations are initiated as a result of the submission of a petition to the Parliamentary Commissioner. On completion of the investigations, he or she shall be informed of the findings. In the case of proceedings before a disciplinary court, he or she shall also be informed of any significant interim rulings.

#### 8.

With regard to the processing of cases that are referred by the Parliamentary Commissioner to agencies of the Federal Armed Forces with a request for them to deal with these cases on their own responsibility, the following shall apply:

- a) If the case involves action against a member of the armed forces, it shall be referred to his or her immediate disciplinary superior. Other cases shall be referred to the agency responsible for assessing their content.
- b) The agency specified in Section 8(a) shall notify the person who made the submission of any decision through official channels. The decision may be disclosed orally by the disciplinary superior of the person who made the submission. The Parliamentary Commissioner shall be informed of the way in which the matter has been dealt with.
- c) A petition to the Parliamentary Commissioner shall not be a substitute for legal remedies pursuant to the Military Complaints Regulations and the Military Disciplinary Code. Even if a petition to the Parliamentary Commissioner is to be regarded as a complaint

or a request in accordance with the Military Complaints Regulations or the Military Disciplinary Code, the time limits stipulated therein shall be deemed to have been observed only if the petition is received by the agency responsible for the receipt of complaints and requests within the given time limit.

#### 9.

The Federal Ministry of Defence shall be informed by fax of any field visits to be made by the Parliamentary Commissioner on special grounds (e.g. in connection with special incidents, or if several identical or similar petitions are submitted concerning the same unit). Such notifications shall take the following form:

Address:

Federal Ministry of Defence – FÜ S I 3

Copy to: Staff of the service or organisational area concerned

(FÜ H I 1, FÜ L I 2, FÜ M I 1, FÜ San Pers Z, FÜ S I 3)

Re: field visit by the Parliamentary Commissioner on special grounds

- date and time,
- unit,
- location and living quarters,
- reason.

#### D.

#### Notification of service personnel

#### 10.

All service personnel shall be informed about the tasks and powers of the Parliamentary Commissioner by their disciplinary superior at the beginning of their basic training and again following their transfer to their units. They must be informed of the following in particular:

- a) All service personnel have the right to submit petitions to the Parliamentary Commissioner directly without having to go through official channels.

Petitions/letters from members of the Federal Armed Forces to the Parlia-

mentary Commissioner for the Armed Forces of the German Bundestag shall also be carried by the internal postal service, they may be posted in the unit/agency.

The address of the Parliamentary Commissioner is:

The Parliamentary Commissioner for the Armed Forces of the German Bundestag,  
Platz der Republik 1,  
11011 Berlin.

In accordance with Section 230 of Joint Service Regulation 10/5, 'Life in the military community', the address shall be displayed on the unit/agency information board.

- b) Service personnel may only submit individual petitions to the Parliamentary Commissioner.
- c) Anonymous petitions shall not be dealt with (Section 8 of the Act on the Parliamentary Commissioner for the Armed Forces).
- d) If, before submitting their petitions, service personnel contact their disciplinary superiors, they shall receive advice and assistance. It shall be considered a disciplinary offence and a punishable act pursuant to Section 35 of the Military Penal Code if superiors seek by means of orders, threats, promises or gifts, or in any other way that runs counter to service regulations, to persuade a subordinate not to submit a petition or to suppress petitions. Any attempt to do so shall also be punishable and may be deemed to constitute a disciplinary offence.
- e) Service personnel may not be disadvantaged in any way for submitting petitions to the Parliamentary Commissioner. If a petition contains insults or libellous remarks, for example, this may be punishable as a disciplinary offence or prosecuted before the criminal courts (see also Joint Service Regulation 14/3 B 127).
- f) Documents with a security classification higher than 'restricted' may not be appended to petitions to the Parlia-

mentary Commissioner. Nor may facts with security classifications higher than 'restricted' be included in petitions to the Parliamentary Commissioner. If the petitioner is of the opinion that the Parliamentary Commissioner should be made aware of such circumstances, he or she may bring them to the Commissioner's attention.

## E.

### Final remarks

#### 11.

All superiors are expected to cooperate with the Parliamentary Commissioner in a spirit of mutual trust and thus to enable him or her to gather any information he or she requires quickly and thoroughly.

This can help to foster service personnel's understanding of our country's constitutional and legal system, as well as their confidence in democracy and in the Federal Armed Forces.

#### 12.

All disciplinary superiors are called upon to report on their experiences through official channels to the Federal Ministry of Defence.

#### 13.

The Order: 'Service Personnel and the Parliamentary Commissioner' in the version published in the Federal Ministry of Defence Gazette, 1984, p. 59, is hereby rescinded.

Federal Ministry of Defence, 28 May 2001

Fü S I 3 – Ref. 39-20-00



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### 25.3 Statistical overviews

Page

Overview of cases processed in 2012

Breakdown of processed cases by content

Breakdown of processed cases by senders and other sources of information

Breakdown of processed cases by major organisational elements of the Bundeswehr

Breakdown of processed cases by rank categories of the personnel

Development of the number of petitions and other cases between 1959 and 2012

Visits, meetings, discussions of the Parliamentary Commissioner for the Armed Forces and his staff

Overview of the Annual Reports for 1959 to 2012 and their deliberation by the German Bundestag

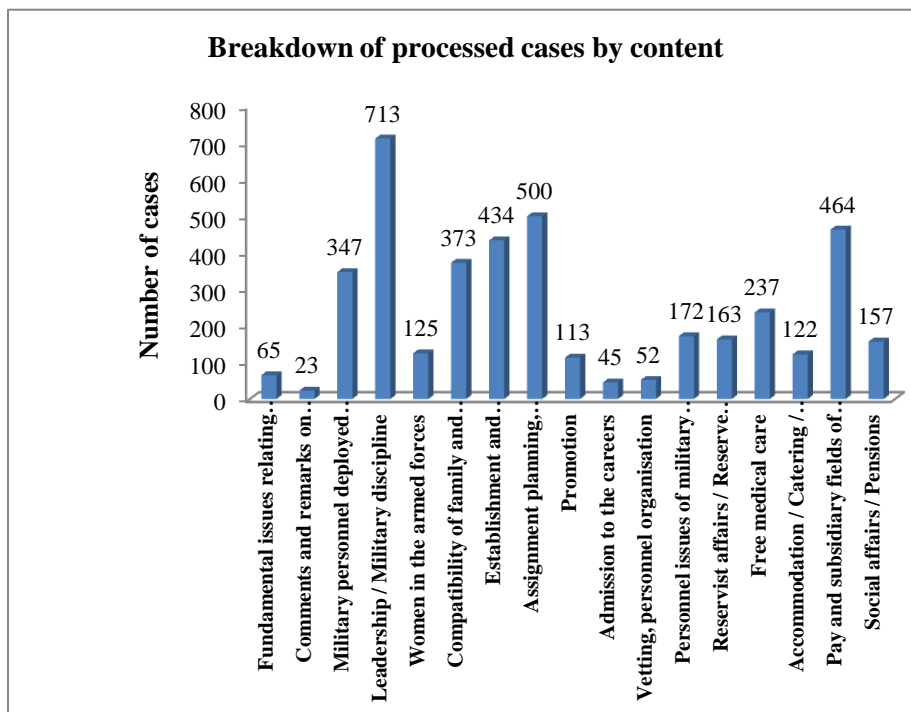
<b>Overview of cases processed in 2012</b>				
<p>In total, <b>4,309</b> cases were recorded in the period under review. 204 cases did not concern the sphere of responsibility of the Parliamentary Commissioner for the Armed Forces, were received anonymously or not pursued further owing to their content, or were enquiries relating to the statutory mandate of the Parliamentary Commissioner. Accordingly, <b>4,105</b> processed cases remain for the period under review.</p>				
Cases recorded in the period under review				4,309
<u>Thereof:</u>				
Cases not concerning the sphere of responsibility of the Parliamentary Commissioner	83			
Anonymous cases	37			
Cases not pursued further owing to their content	4			
Enquiries relating to the statutory mandate of the Parliamentary Commissioner	80			
	204 <sup>*)</sup>			
Processed cases				4,105
Cases not yet finalised				1,570
<b>Number of finalised cases from the period under review</b>				<b>2,535</b>
<p>*) Petitions whose processing was not the responsibility of the Parliamentary Commissioner were either forwarded to the responsible agencies, or the</p>				
Finalised cases from previous years (backlogs)				
2000				2 <sup>*)</sup>
2001				1 <sup>*)</sup>
2002				3 <sup>*)</sup>
2003				1 <sup>*)</sup>
2004				1 <sup>*)</sup>
2005				3 <sup>*)</sup>
2006				10 <sup>*)</sup>
2007				17 <sup>*)</sup>
2008				27 <sup>*)</sup>
2009				64 <sup>*)</sup>
2010				176
2011				1,490
<b>Total number of finalised cases from previous years</b>				<b>1,795</b>
<p>*) In these cases, judicial proceedings on the same matter were often pending and only finally concluded in the course of the year under review.</p>				
<b>Grand total of finalised cases</b>				<b>4,330</b>



**Breakdown of processed cases by content**

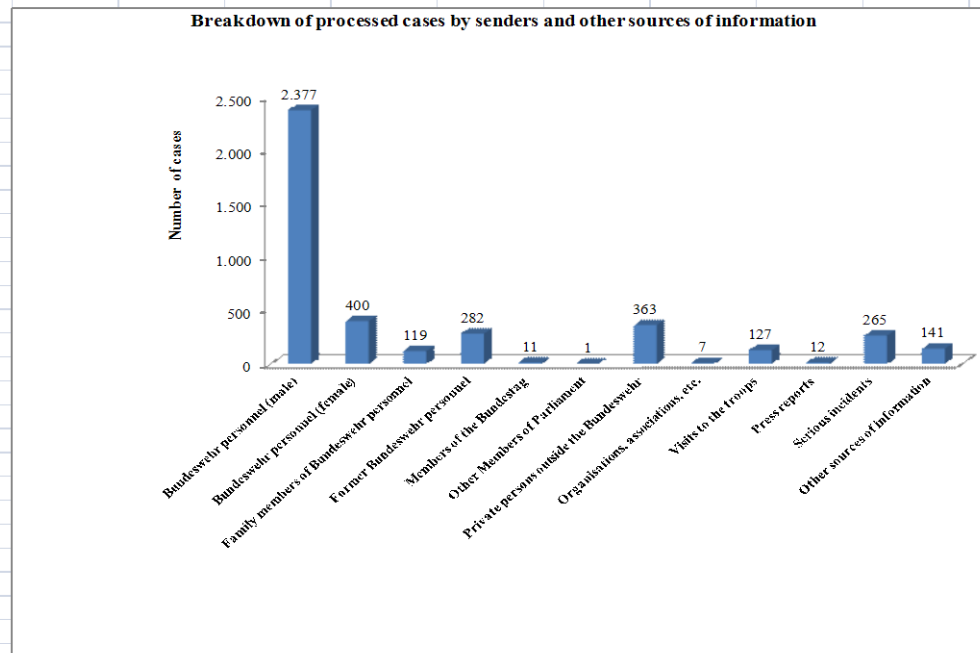
Content	Number	%
Fundamental issues relating to internal leadership, the Bundeswehr in the state and society, restructuring	65	1,58
Comments and remarks on the work of the Parliamentary Commissioner	23	0,56
Military personnel deployed abroad	347	8,45
Leadership / Military discipline	713	17,37
Women in the armed forces	125	3,05
Compatibility of family and service	373	9,09
Establishment and amendment of service relationships	434	10,57
Assignment planning, deficiencies in personnel management, leave	500	12,18
Promotion	113	2,75
Admission to the careers	45	1,10
Vetting, personnel organisation	52	1,27
Personnel issues of military service volunteers	172	4,19
Reservist affairs / Reserve duty training	163	3,97
Free medical care	237	5,77
Accommodation / Catering / Clothing / MWR	122	2,97
Pay and subsidiary fields of pay regulations	464	11,30
Social affairs / Pensions	157	3,82
<b>Total</b>	<b>4.105</b>	<b>100,00</b>

\*) Independently of the military personnel deployed abroad, 113 soldiers stationed abroad turned to the Parliamentary Commissioner.



<b>Breakdown of processed cases by senders and other sources of information</b>													
<b>Sender/ Source of information</b>	<b>Bundeswehr personnel</b>	<b>Bundeswehr personnel</b>	<b>Family members of Bundeswehr personnel</b>	<b>Former Bundeswehr personnel</b>	<b>Members of the Bundestag</b>	<b>Other Members of Parliament</b>	<b>Private persons outside the Bundeswehr</b>	<b>Organisations, associations, etc.</b>	<b>Visits to the troops</b>	<b>Press reports</b>	<b>Serious incidents</b>	<b>Other sources of information</b>	<b>Total</b>
<b>Content</b>													
Fundamental issues relating to internal leadership, the Bundeswehr in the state and society, restructuring	30	0	0	3	0	1	23	0	1	1	0	6	<b>65</b>
Comments and remarks on the work of the Parliamentary Commissioner	12	1	0	0	1	0	6	0	0	0	0	3	<b>23</b>
Military personnel deployed abroad	223	15	12	9	0	0	10	0	24	3	17	34	<b>347</b>
Leadership / Military discipline	347	35	10	10	2	0	15	1	12	5	244	32	<b>713</b>
Women in the armed forces	16	91	1	1	0	0	7	0	0	1	1	7	<b>125</b>
Compatibility of family and service	216	72	36	5	2	0	8	0	15	0	0	19	<b>373</b>
Establishment and amendment of service relationships	287	33	15	22	2	0	57	1	12	0	0	5	<b>434</b>
Assignment planning, deficiencies in personnel management, leave	424	41	4	5	2	0	13	1	8	0	0	2	<b>500</b>
Promotion	105	5	1	0	0	0	0	0	2	0	0	0	<b>113</b>
Admission to the careers	38	5	1	0	0	0	1	0	0	0	0	0	<b>45</b>
Vetting, personnel organisation	48	1	1	0	0	0	0	0	2	0	0	0	<b>52</b>
Personnel issues of military service volunteers	81	10	12	26	0	0	25	0	4	1	0	13	<b>172</b>
Reservist affairs / Reserve duty training	6	5	1	129	1	0	13	0	3	0	0	5	<b>163</b>
Free medical care	126	42	11	11	0	0	33	2	5	1	3	3	<b>237</b>
Accommodation / Catering / Clothing / MWR	84	8	2	2	0	0	9	0	16	0	0	1	<b>122</b>
Pay and subsidiary fields of pay regulations	258	23	11	39	1	0	104	1	19	0	0	8	<b>464</b>
Social affairs / Pensions	76	13	1	20	0	0	39	1	4	0	0	3	<b>157</b>
<b>Grand total</b>	<b>2.377</b>	<b>400</b>	<b>119</b>	<b>282</b>	<b>11</b>	<b>1</b>	<b>363</b>	<b>7</b>	<b>127</b>	<b>12</b>	<b>265</b>	<b>141</b>	<b>4.105</b>

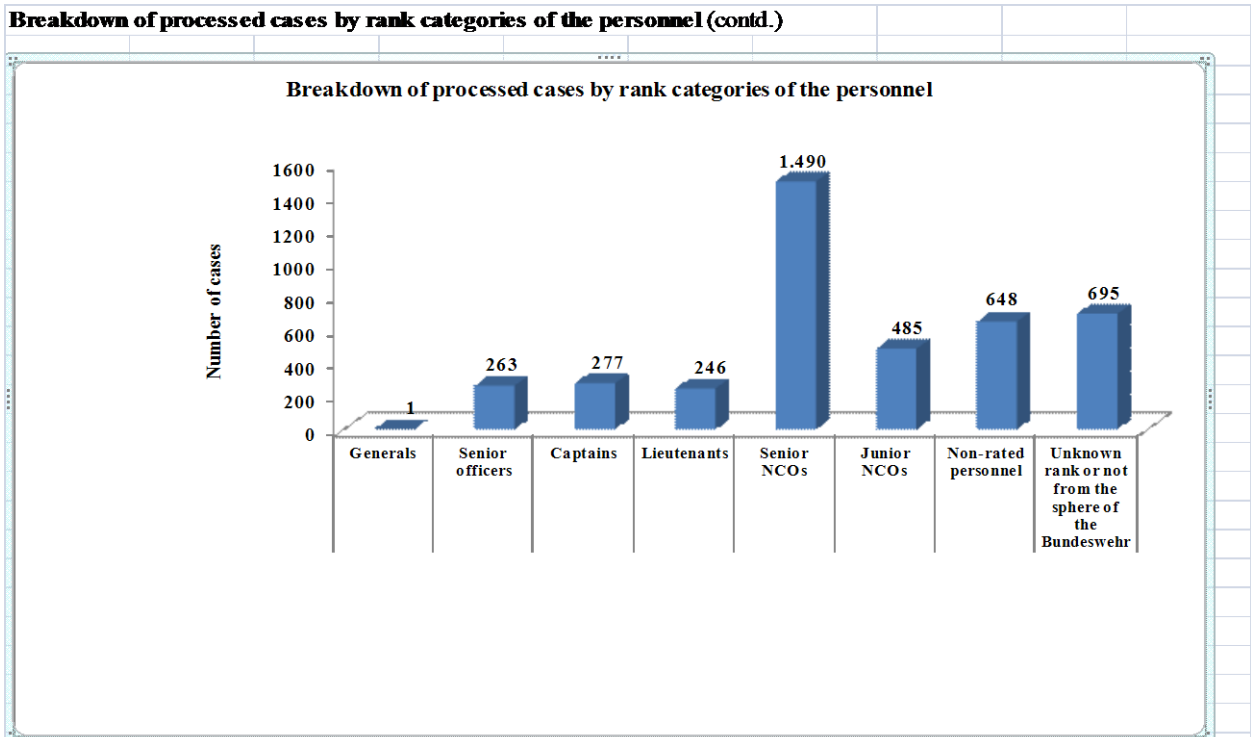
**Breakdown of processed cases by senders and other sources of information (contd.)**



<b>Breakdown of processed cases by major organisational elements of the Bundeswehr</b>									
<b>Major organisational elements</b>	<b>Federal Ministry of Defence</b>	<b>Central Medical Agencies of the Bundeswehr</b>	<b>Army</b>	<b>Air Force</b>	<b>Navy</b>	<b>Not identifiable or not from the sphere of the Bundeswehr</b>	<b>Federal Defence Administration</b>	<b>Joint Support Service</b>	<b>Total</b>
<b>Content</b>									
Fundamental issues	1	3	8	4	4	36	1	8	65
Military personnel	0	18	41	30	27	61	1	169	347
Comments and remarks on	1	0	4	1	1	11	0	5	23
Leadership / Military	2	56	248	90	66	62	1	188	713
Women in the armed forces	1	31	24	14	9	18	1	27	125
Compatibility of family and	0	51	94	56	24	64	2	82	373
Establishment and	0	57	114	54	15	98	2	94	434
Assignment planning,	1	48	160	85	29	32	4	141	500
Promotion	1	29	33	11	4	4	0	31	113
Admission to the careers	0	7	14	5	2	4	0	13	45
Vetting, personnel	0	2	19	12	5	2	0	12	52
Personnel issues of military	0	12	46	18	4	69	0	23	172
Reservist affairs / Reserve	0	6	12	4	1	116	5	19	163
Free medical care	0	57	57	14	13	60	3	33	237
Accommodation / Catering	0	10	44	9	13	17	2	27	122
Pay and subsidiary fields	3	34	93	43	21	178	6	86	464
Social affairs / Pensions	0	16	18	18	6	62	3	34	157
<b>Grand total</b>	<b>10</b>	<b>437</b>	<b>1.029</b>	<b>468</b>	<b>244</b>	<b>894</b>	<b>31</b>	<b>992</b>	<b>4.105</b>

**Breakdown of processed cases by rank categories of the personnel**

Rank categories, incl. reservists Content	Generals	Senior officers	Captains	Lieutenants	Senior NCOs	Junior NCOs	Non-rated personnel	Unknown rank or not from the sphere of the Bundeswehr	Total
Compatibility of family and	1	21	22	25	181	38	34	51	373
Establishment and	0	13	18	25	152	56	101	69	434
Assignment planning,	0	43	36	51	219	90	34	27	500
Promotion	0	13	20	11	57	9	3	0	113
Admission to the careers	0	0	2	1	16	15	8	3	45
Vetting, personnel	0	9	10	7	18	3	5	0	52
Personnel issues of military	0	4	7	9	10	2	93	47	172
Reservist affairs / Reserve	0	15	9	11	60	15	33	20	163
Free medical care	0	25	17	9	78	24	35	49	237
Accommodation / Catering	0	10	9	8	38	8	22	27	122
Pay and subsidiary fields	0	41	57	27	143	36	46	114	464
Social affairs / Pensions	0	11	12	5	47	20	15	47	157
Fundamental issues	0	10	3	5	11	4	4	28	65
Comments and remarks on	0	7	0	1	6	0	0	9	23
Military personnel	0	20	22	17	150	20	24	94	347
Leadership / Military	0	18	28	26	261	124	166	90	713
Women in the armed forces	0	3	5	8	43	21	25	20	125
<b>Grand total</b>	<b>1</b>	<b>263</b>	<b>277</b>	<b>246</b>	<b>1.490</b>	<b>485</b>	<b>648</b>	<b>695</b>	<b>4.105</b>



**The petitions are broken down among the following groups as follows:**

Career soldiers	995
Temporary-career volunteers	1.977
Basic service conscripts	2
Reserve duty trainees / Reservists	324
Unknown or no specification possible	695
Basic service conscripts, 9 months +... / Military service volunteers	112
<b>Grand total</b>	<b>4.105</b>

### Development of the number of petitions and other cases between 1959 and 2012

Year of Report	Total number of petitions received	Types of petition					Average annual strength of military personnel	Petition rate per thousand military personnel
		Petitions not concerning the sphere of responsibility of the Parliamentary Commissioner	Class-action petitions	Anonymous petitions	Petitions concerning the sphere of responsibility of the Parliamentary Commissioner	Other cases		
1959	3.368	336	4	3	3.025	0	248.800	13,5
1960	5.471	254	17	10	5.190	0	258.080	21,2
1961	3.829	250	11	13	3.555	0	316.090	12,1
1962	5.736	170	16	13	5.537	0	374.766	15,3
1963	5.938	502	0	34	4.736	666	401.337	14,8
1964	5.322	597	0	26	4.047	652	424.869	12,5
1965	4.408	400	0	18	3.424	566	437.236	10,1
1966	4.353	519	0	24	3.810	0	454.569	9,6
1967	4.503	487	0	19	3.997	0	456.764	9,9
1968	6.517	484	0	16	6.017	0	472.070	13,8
1969	7.033	606	0	22	6.405	0	455.114	15,5
1970	7.142	550	0	16	6.576	0	468.484	15,2
1971	7.891	501	0	9	7.381	0	466.889	16,9
1972	7.789	344	12	21	7.412	0	492.828	15,8
1973	6.673	264	6	8	6.395	0	472.943	14,1
1974	6.748	249	4	4	6.491	0	490.053	13,8
1975	6.439	341	0	9	6.089	0	486.206	13,2
1976	7.319	354	0	3	6.962	0	488.616	15,0
1977	6.753	347	0	3	6.403	0	491.424	13,7
1978	6.234	259	0	10	5.965	0	491.481	12,7
1979	6.884	276	0	13	6.595	0	492.344	14,0
1980	7.244	278	0	23	6.943	0	490.243	14,8
1981	7.265	307	0	15	6.943	0	493.089	14,7
1982	6.184	334	0	9	5.841	0	490.729	12,6
1983	6.493	397	0	49	6.047	0	495.875	13,1
1984	6.086	301	0	16	5.755	14	487.669	12,5
1985	8.002	487	0	28	7.467	20	495.361	16,2
1986	8.619	191	0	22	8.384	22	495.639	17,4
1987	8.531	80	0	22	8.419	10	495.649	17,2
1988	8.563	62	0	38	8.441	22	494.592	17,3
1989	10.190	67	0	9	10.088	26	486.825	20,9
1990	9.590	89	0	26	9.449	26	458.752	20,9

Development of the number of petitions and other cases between 1959 and 2012 (contd.)								
Year of Report	Total number of petitions received	Types of petition					Average annual strength of military personnel	Petition rate per thousand military personnel
		Petitions not concerning the sphere of responsibility of the Parliamentary Commissioner	Class-action petitions	Anonymous petitions	Petitions concerning the sphere of responsibility of the Parliamentary Commissioner	Other cases		
1991	9.864	183	0	24	9.644	13	476.288	20,7
1992	8.084	69	0	13	7.973	29	445.019	18,2
1993	7.391	49	0	18	7.309	15	399.216	18,5
1994	5.916	66	0	21	5.810	19	361.177	16,4
1995	5.979	94	0	23	5.493	369	344.690	17,3
1996	6.264	63	0	20	6.112	69	342.870	18,3
1997	6.647	80	0	14	6.509	44	332.013	20,0
1998	6.122	84	0	11	5.985	42	330.914	18,5
1999	5.885	66	0	20	5.769	30	331.148	17,8
2000	4.952	58	0	8	4.856	30	318.713	15,5
2001	4.891	115	0	12	4.741	23	306.087	16,0
2002	6.436	110	0	13	6.270	43	294.800	21,8
2003	6.082	124	0	6	5.958	85	283.723	21,4
2004	6.154	134	0	16	6.020	80	263.990	23,3
2005	5.601	49	0	12	5.436	0	251.722	22,3
2006	5.918	67	0	16	5.727	108	249.964	23,7
2007	5.276	81	0	25	5.052	118	248.995	21,2
2008	5.474	67	0	27	5.190	186	247.619	22,1
2009	5.779	80	0	46	5.454	247	249.900	23,1
2010	4.993	81	0	43	4.748	121	245.823	20,3
2011	4.926	60	0	62	4.612	192	206.091	23,9
2012	4.309	83	0	37	4.105	84	197.880	21,8
<b>Total</b>	<b>346.060</b>	<b>12.546</b>	<b>70</b>	<b>1.038</b>	<b>328.562</b>	<b>3.971</b>		

## Visits, meetings, discussions of the Parliamentary Commissioner for the Armed Forces

### 1. Visits of the Parliamentary Commissioner to the troops

Location	Agency
Aachen	School of Land Systems Engineering
Alamogordo/Holloman Air-force Base, USA	Air Force Flying Training Centre
Bayerisch Eisenstein	Detached Technical Platoon 133
Beelitz	Logistic Battalion 172
Berlin	3rd Air Transport Squadron of the Special Air Mission Wing of the Federal Ministry of Defence
Bremerhaven	Gorch Fock sail training ship
Brück	Light Infantry Battalion 291
Calw	Special Forces Command
Camp Novo Selo, Kosovo	German KFOR Contingent
Celle	Army Aviation School, Training Centre C
Cham	Signal Battalion 4
Djibouti	German ATALANTA Contingent
Donaueschingen	Light Infantry Battalion 292
El Paso/Fort Bliss, USA	German Air Force Tactical Command USA/CAN German Air Force Air Defence Centre USA
Flensburg	Mürwik Naval Academy
Goodyear, USA	3rd German Air Force Training Squadron
Hamburg	Helmut Schmidt University Bundeswehr University, Hamburg
Illkirch-Graffenstaden, France	Light Infantry Battalion 291
Juba, Sudan	German UNMISS Contingent
Cologne	Bundeswehr Counterintelligence Office
Kunduz, Afghanistan	German ISAF Contingent
Laupheim	Medium Transport Helicopter Regiment 25
Leer	Rapid Medical Response Forces Command
Mazar-e-Sharif, Afghanistan	German ISAF Contingent
Mayen	Psychological Operations Centre
Müllheim	French-German Brigade
Niederstetten	Transport Helicopter Regiment 30
Oberndorf	Bundeswehr Quality Assurance Office
Oldenburg	Airborne Brigade 31, Airborne Support Battalion 272
OP North, Afghanistan	German ISAF Contingent
Pfullendorf	Special Operations Training Centre, Long-Range Reconnaissance



	Demonstration Company 200
Pristina, Kosovo	German KFOR Contingent
Prizren, Kosovo	German KFOR Contingent
Regen	Armoured Infantry Battalion 112
Schönnewalde	Helicopter Wing 64
Stadtallendorf	Special Operations Division, Airborne Signal Battalion
Warendorf	Bundeswehr Sports School
Wunstorf	Air Transport Wing 62

## 2. Meetings/discussions of the Parliamentary Commissioner

Beyond this, I had the opportunity to exchange information and experience at 103 meetings, e.g. with the Minister of Defence and the diplomatic corps.

I additionally took part in 133 conferences, discussions and other events in connection with the statutory mandate of the Parliamentary Commissioner for the Armed Forces.

## 3. Visits to the troops and fact-finding visits by staff of the Parliamentary Commissioner

In the year under review, my staff and I made a total of 55 fact-finding visits. Units, headquarters, agencies and authorities of the services in Germany and abroad were visited. The meetings and conferences listed below were likewise attended.

The detailed picture is as follows:

<b>Fact-finding visits/participation in meetings and conferences by staff</b>		
<b>Date</b>	<b>Location</b>	
<b>January 2012</b>		
19.01.	Berlin	Inaugural lecture, Dr. Zimmermann, Charité campus
<b>February 2012</b>		
02.02.	Bonn	Official meeting at the Federal Ministry of Defence, Annual Reception of the General Spokespersons' Committee
07.-08.02.	Berlin	Conference of military Gender Equality Officers
08.-09.02.	Georgsmarienhütte	Presentation and discussion at a conference of "aktion kaserne" (an initiative of German Catholic youth associations to support and represent military service volunteers)
22.02.	Leipzig	Federal Administrative Court
28.02.	Berlin	Federal Ministry of Defence, Mr. Kossendey's office
<b>March 2012</b>		
29.2.-02.03.	Munich	Participation at the Company Sergeant Major Conference, Bundeswehr Medical Academy
07.-09.03	Damp	Working Conference of Officers in the Medical Service of the Northern Military District Command
12.-13.03	Rostock	57th General Conference of Protestant Military Chaplains

13.03.	Berlin	International Parliamentary Scholarship Programme, presentation
15.03.	Bonn	Information visit, Federal Ministry of Defence, Personnel, Social Services and Central Affairs Directorate/Medical Service Staff
21.03.	Dresden	Event at the Museum of Military History at the invitation of the Federal Ministry of Defence
27.03.	Delitzsch	Army Staff Conference
<b>April 2012</b>		
16.-17.04.	Damp	Presentation, G1 Conference, Military District Command I "Coast"
17.04.	Bonn	Federal Ministry of Defence, discussion of petitions and meeting with Personnel, Social Services and Central Affairs Directorate III 2
18.-19.04.	Georgsmarienhütte	Presentation and discussion at the conference of the "aktion kaserne" spokespersons
<b>May 2012</b>		
01.-05.05.	Quebec, Canada	Participation in the Conference of the International Society for Military Law
03.05.	Berlin	Annual General Meeting, Konrad Adenauer Foundation
08.05.	Dresden	Presentation and discussion at G1/S1 Conference of the Army Office, Army Officer School
16.05.	Berlin	Meeting at the Federal Ministry of Defence, Directorate-General for Forces Policy II 4
17.-18.05.	Mannheim	Participation in the 98th Katholikentag, Day of Military Chaplaincy
21.-22.05.	Berlin	Working Conference, Commander Bundeswehr Medical Office
21.-24.05.	Munster	Evaluation meeting on defence materiel at Armour Demonstration Brigade 9
22.05.	Stausberg	Bundeswehr Academy for Information and Communication
24.05.	Berlin	8th Job and Education Fair, Bundeswehr Vocational Advancement Service Berlin, Julius Leber Barracks
29.-31.05.	Dresden	Participation in the General Conference of the Military Legal System Personnel of the Bundeswehr
<b>June 2012</b>		
31.05.-01.06.	Hamburg	Solidarity Run of the Bundeswehr University, Hamburg
12.06.	Bremerhaven	Presentation for judges of the Bundeswehr Disciplinary and Complaints Courts; visit to the Gorch Fock sail training ship
12.-13.06.	Homberg-Hülsa	Working Conference, Soldatenselbsthilfe gegen Sucht e.V. (self-help group of military personnel with addictions)
18.06.	Koblenz	Presentation "Orientation Course for Legal Advisors of the Bundeswehr"

25.06.	Cologne	Bundeswehr Personnel Office, Bundeswehr Enlisted Personnel Office
<b>July 2012</b>		
02.07.	Cologne	Army Office
10.-11.07.	Koblenz/Bonn	Leadership Development and Civic Education Centre
11.07.	Bonn	Federal Ministry of Defence, information meeting
25.07.	Berlin	Discussion of the "Military Family" study
25.-26.07.	Karlsruhe	Bundeswehr Disciplinary and Complaints Court
<b>August 2012</b>		
20.-24.08.	Koblenz	Seminar "Leadership Development and Civic Education for Battalion Commanders"
27.-29.08.	Wilhelmshaven	Participation and presentation at the conference of legal advisors and administrators of justice of the Navy/Medical Service
29.-30.08.	Wilhelmshaven	Conference of legal advisors and administrators of justice of the Navy
29.-30.08.	Volkach	Presentation and discussion at the conference of company sergeant majors and company commanders
<b>September 2012</b>		
02.-07.09.	Israel	Seminar for German political and civic leaders of the American Jewish Committee
24.-26.09.	Munich	Bundeswehr Medical Academy
28.09.	Bonn	Federal Ministry of Defence
<b>October 2012</b>		
02.-03.10.	Koblenz	Parade and reception, Medical Command, ceremony and reception, Federal Office of Bundeswehr Materiel, Information Technology and Equipment Management
16.10.	Cologne	General Conference of Catholic military chaplains, Pontifical Mass and reception
19.-20.10.	Hamburg	Participation at PTSD Congress (Bundeswehr University, Hamburg)
<b>November 2012</b>		
06.-10.11.	Afghanistan	Accompaniment of a visit of the Chief Administrator and Deputy to the troops
07.-09.11.	Homberg/ Efze-Hülsa	Participation at the Working Conference of Soldatenselbsthilfe gegen Sucht e.V.
12.-16.11.	Croatia	IPS selection trip
13.-14.11.	Wiesbaden	Autumn Conference of the Federal Criminal Police Office on right-wing extremism
13.11.	Steinheim a. d. Murr	Participation at the "Bundeswehr and Industry Forum"
19.-21.11.	Skopje, Macedonia	Conference participation and presentation at the "Round Table on Human Rights and Fundamental Freedoms in the Armed Forces" of the OSCE

22.11.	Koblenz	Presentation at the Leadership Development and Civic Education Centre
<b>December 2012</b>		
03.12.	Cologne	Visit to the Bundeswehr Counterintelligence Office
05.-07.12.	Teisendorf	Presentation and discussion at the "aktion kaserne" conference

#### 4. Visitor groups

The agency was visited by 101 groups with a total of 2,289 participants.

The detailed picture is as follows:

<b>Visitor groups</b>		
<b>Date</b>	<b>Visitor group</b>	<b>Number of participants</b>
<b>January 2012</b>		
17.01.	Military personnel, NCO School	20
<b>February 2012</b>		
01.02.	German-Estonian delegation	25
08.02.	Military personnel, Naval Office	25
08.02.	Tunisian delegation	8
09.02.	Military personnel, Officer Training School	10
13.02.	South African delegation	5
15.02.	Indian delegation	4
22.02.	German-Lithuanian delegation	25
27.02.	Course participants	10
28.02.	Military personnel, Airborne Brigade	30
29.02.	Military personnel, Command Support Battalion	35
<b>March 2012</b>		
05.03.	Military personnel, Naval Office	30
05.03.	Military personnel, Federal Ministry of Defence	15
06.03.	Military personnel, Naval Office	25
07.03.	German-Latvian delegation	25
14.03.	German-Bosnian delegation	15
15.03.	German-Vietnamese delegation	22
15.03.	Military personnel, Arbeitsgemeinschaft Staat und Gesellschaft e.V. (Working Group on State and Society)	35
19.03.	Military personnel, disabled military personnel foundation	12
20.03.	Military personnel, Tank Division	7
21.03.	German-American delegation	25
22.03.	Military personnel, Garrison Command Berlin	5

26.03.	Military personnel, Bundeswehr Logistics School	22
<b>April 2012</b>		
03.04.	Military personnel, Naval Office	25
12.04.	Military personnel, Karl-Theodor Molinari Foundation	25
16.04.	Studying officers and officer candidates	30
18.04.	Military personnel, Hermann Ehlers Foundation	22
18.04.	Military personnel, Arbeitsgemeinschaft Staat und Gesellschaft e.V.	22
18.04.	German-British delegation	25
24.04.	Military personnel, Konrad Adenauer Foundation	17
24.04.	Military personnel, Air Force Weapon Systems Command	12
25.04.	Military personnel, Schwerin Academy	25
25.04.	German-Belgian delegation	25
<b>May 2012</b>		
02.05.	Military personnel, 2nd Logistics Battalion	50
09.05.	German-French delegation	25
15.05.	Military personnel, Association for Defence and Security Policy	30
16.05.	Thai military delegation	10
21.05.	Military personnel, Naval Office	25
22.05.	Military personnel, Federal Ministry of Defence	100
23.05.	German-Dutch delegation	25
23.05.	Military personnel, Federal Ministry of Defence	14
<b>June 2012</b>		
06.06.	Military personnel, Hermann Ehlers Foundation	25
06.06.	Military personnel, Hermann Ehlers Foundation	25
07.06.	Military personnel, Hermann Ehlers Foundation	20
12.06.	Military personnel, Air Force Training Command	9
13.06.	German-Polish delegation	25
19.06.	Military personnel, Hermann Ehlers Foundation	19
20.06.	Military personnel, Hermann Ehlers Foundation	15
22.06.	German-Chinese delegation	35
26.06.	Military personnel, Bundeswehr Academy	33
27.06.	German-American delegation	23
28.06.	Military personnel, Medical Clinic	20
<b>July 2012</b>		
03.07.	Volkach Maintenance Team	25
03.07.	NATO officers	87
04.07.	German-Kosovar delegation	15

04.07.	Headquarters staff, Military District Command IV	16
05.07.	Military personnel, Naval Office	25
06.07.	Senior officers from Central and Eastern Europe	4
10.07.	Military personnel, via the office of a Member of Parliament	45
10.07.	German-Belgian delegation	25
19.07.	Military personnel, Air Force Officer School	11
<b>August 2012</b>		
01.08.	Military personnel, Naval Office	25
01.08.	Military personnel, Weissenfels Medical Clinic	20
08.08.	Military personnel, Schwerin Academy	25
09.08.	Military personnel, Naval Office	25
10.08.	Military personnel, 2nd Field Hospital Regiment 41	47
22.08.	Officer cadets	19
28.08.	Military personnel, Medical Service	15
29.08.	Military personnel, Hermann Ehlers Foundation	15
29.08.	German-British delegation	25
30.08.	Military personnel, Naval Office	25
<b>September 2012</b>		
05.09.	German-Armenian delegation	15
06.09.	Military personnel, Headquarters, Fleet Command	15
06.09.	Military personnel, Naval Office	25
12.09.	Military personnel, Naval Office	25
12.09.	German-American delegation	25
12.09.	Military personnel, Bundeswehr Personnel Office	15
13.09.	Military personnel, Association for Defence and Security Policy	41
18.09.	Military personnel, Appen Officer Training School	16
25.09.	German-Philippine delegation	10
27.09.	Military personnel, Naval Office	25
<b>October 2012</b>		
05.10.	Officers from the Military Academy at ETH Zurich	23
10.10.	Military personnel, Arbeitsgemeinschaft Staat und Gesellschaft e.V.	30
10.10.	German-French delegation	25
11.10.	Military chaplains	10
29.10.	Military personnel, Strategic Reconnaissance School	8
31.10.	Military personnel, Naval Office	25
<b>November 2012</b>		
01.11.	German-Tajik delegation	10

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07.11.	Military personnel, Naval Office	25
07.11.	German-Czech delegation	25
19.11.	Military personnel, Naval Office	25
21.11.	Military personnel, Hermann Ehlers Foundation	25
27.11.	Military personnel, Bundeswehr University, Hamburg	20
28.11.	Military personnel, Schwerin Academy	19
29.11.	Military personnel, 2nd Squadron of the Protection Regiment	17
<b>December 2012</b>		
05.12.	Military personnel, Hermann-Ehlers-Akademie GmbH	15
05.12.	Military personnel, Air Force Officer School	16
07.12.	Delegation from the Korean Office of Military Procurement	4
13.12.	German-Uzbek delegation	10
13.12.	Military personnel, Naval Office	25
17.12.	Military personnel, Medical Regiment 32	35

## 25.4 Overview of the Annual Reports for 1959 to 2012 and their deliberation by the German Bundestag

Annual Report			Recommendation for a decision and Report of the Defence Committee (Bundestag printed paper)	Deliberation by the Bundestag		
Year of Report	Submission date	No. of the Bundestag printed paper		Date	Plenary Session No.	Source reference in the Stenographic Report
1959	8 April 1960	1796 3rd electoral term	2937 3rd electoral term	29 June 1961	165	p. 9670 ff.
1960	14 April 1961	2666 3rd electoral term	2937 3rd electoral term	29 June 1961	165	p. 9670 ff.
1961	27 April 1962	IV/371	VI/477	27 June 1962	36	p. 1555 ff.
1962	11 April 1963	IV/1183	IV/1377	21 February 1964	117	p. 5359 ff.
1963	4 June 1964	IV/2305	IV/2795	11 December 1964 and 21 January 1965	153	p. 7585 ff.
1964	4 June 1965	IV/3524	V/1641	11 May 1967	109	p. 5179 ff.
1965	7 July 1966	V/820	V/1641	11 May 1967	109	p. 5179 ff.
1966	31 May 1967	V/1825	V/1926	29 June 1967	117	p. 5903 ff.
1967	22 May 1968	V/2948	V/3422	15 January 1969	207	p. 11207 ff.
1968	19 February 1969	V/3912	V/4425	27 June 1969	244	p. 13603 ff.
1969	26 February 1970	VI/453	VI/800	11 March 1970 and 2 June 1970	36 54	p. 1743 ff. p. 2813 ff.
1970	1 March 1971	VI/1942	VI/2168	12 May 1971	122	p. 7073 ff.
1971	9 February 1972	VI/3232	VI/3499	14 April 1972 and 23 June 1972	181 196	p. 10522 ff. p. 11511 ff.
1972	15 March 1973	7/334	7/1208	29 November 1973	67	p. 3997 ff.
1973	7 March 1974	7/1765	7/2726	5 December 1974	134	p. 9160 ff.
1974	13 February 1975	7/3228	7/3762	18 April 1975 and 8 April 1976	165 235	p. 11555 ff. p. 16487 ff.
1975	27 February 1976	7/4812	7/5342	8 April 1976 and 25 June 1976	235 254	p. 16487 ff.. p. 18102 ff.
1976	3 March 1977	8/153	8/968	20 October 1977	50	p. 3765 ff.
1977	6 March 1978	8/1581	8/2224	17 November 1978 and 7 December 1978	118 123	p. 9184 ff. p. 9591 ff.
1978	6 March 1979	8/2625	8/2986	18 May 1979 and 27 June 1979	155 163	p. 12391 ff. p. 12968 ff.



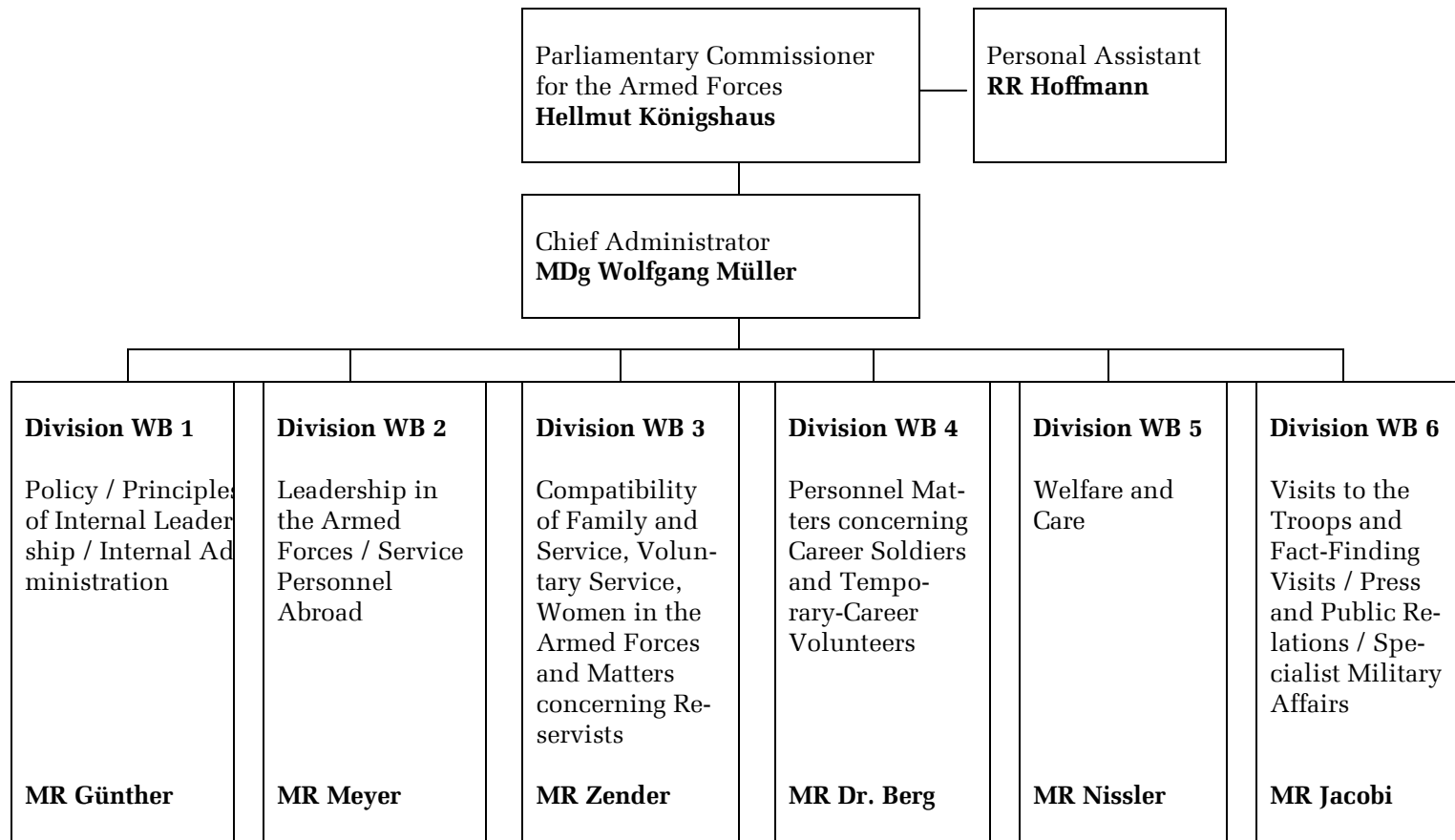
## 25.4 Overview of the Annual Reports for 1959 to 2012 and their deliberation by the German Bundestag (contd.)

Annual Report			Recommendation for a decision and Report of the Defence Committee (Bundestag printed paper)	Deliberation by the Bundestag		
Year of Report	Submission date	No. of the Bundestag printed paper		Date	Plenary Session No.	Source reference in the Stenographic Report
1979	18 March 1980	8/3800	8/4374	26 June 1980 and 3 July 1980	226 229	p. 18309 ff. p. 18676 ff.
1980	17 March 1981	9/240	9/1399	14 May 1981 and 12 March 1982	37 92	p. 1864 ff. p. 5552 ff.
1981	3 March 1982	9/1406	9/1695	9 June 1982	105	p. 6317 ff.
1982	3 March 1983	9/2425	10/136	29 September 1983	25	p. 1714 ff.
1983	24 February 1984	10/1061	10/1611	4 October 1984	88	p. 6473 ff.
1984	28 February 1985	10/2946	10/3779	14 March 1985 and 27 September 1985	126 160	p. 9261 ff. p. 11983 ff.
1985	28 February 1986	10/5132	10/5722	15 May 1986 and 25 June 1986	216 225	p. 16669 p. 17405 ff.
1986	9 March 1987	11/42	11/1131	10 December 1987	49	p. 3491 ff.
1987	21 March 1988	11/2034	11/2528	21 April 1988 and 23 June 1988	74 87	p. 5015 p. 5935 ff. p. 5943 ff.
1988	15 February 1989	11/3998	11/4809	22 June 1989	152	p. 11426 ff.
1989	14 February 1990	11/6522	11/7798	13 September 1990	224	p. 17731 ff.
1990	21 March 1991	12/230	12/1073	19 September 1991	41	p. 3359 ff.
1991	12 March 1992	12/2200	12/2782	8 October 1992	110	p. 9418 ff.
1992	23 March 1993	12/4600	12/6322	18 June 1993 15 April 1994	164 220	p. 14110 ff. p. 19068 ff.
1993	8 March 1994	12/6950	12/8465	21 September 1994	243	p. 21690
1994	7 March 1995	13/700	13/2649	29 February 1996	89	p. 7876 ff.
1995	5 March 1996	13/3900	13/5400	7 November 1996	135	p. 12139 ff.
1996	11 March 1997	13/7100	13/8468	30 October 1997	200	p. 18021 ff.
1997	3 March 1998	13/10000	13/11067	24 June 1998	244	p. 22740 ff.
1998	16 March 1999	14/500	14/1807	21 January 2000	82	p. 7595 ff.

## 25.4 Overview of the Annual Reports for 1959 to 2012 and their deliberation by the German Bundestag (contd.)

Annual Report			Recommendation for a decision and Report of the Defence Committee (Bundestag printed paper)	Deliberation by the Bundestag		
Year of Report	Submission date	No. of the Bundestag printed paper		Date	Plenary Session No.	Source reference in the Stenographic Report
1999	14 March 2000	14/2900	14/4204	6 April 2000 and 26 October 2000	98 127	p. 9117 p. 12186 ff.
2000	13 March 2001	14/5400	14/7111	31 May 2001 and 15 November 2001	173 201	p. 16995 ff. p. 19734 ff.
2001	12 March 2002	14/8330	--	19 April 2002	231	p. 23000 ff.
2002	11 March 2003	15/500	15/1837	3 April 2003 and 13 November 2003	37 75	p. 3055 ff. p. 6506 ff.
2003	9 March 2004	15/2600	15/4475	6 May 2004 and 16 December 2004	108 148	p. 9837 ff. p. 13808 ff.
2004	15 March 2005	15/5000		20 January 2006	12	p. 825 ff.
2005	14 March 2006	16/850	16/3561	30 June 2006 and 14 December 2006	44 73	p. 4298 ff. p. 7300 b ff.
2006	20 March 2007	16/4700	16/6700	21 June 2007 and 13 December 2007	105 133	p. 10812 ff. p. 13953 ff.
2007	4 March 2008	16/8200	16/10990	19 June 2008 and 4 December 2008	169 193	p. 17923 D ff. p. 20818 A ff.
2008	24 March 2009	16/12200 17/591 No. 1.6	17/713	23 April 2009 26 February 2010	217 25	p. 23552 D ff. p. 2221 ff.
2009	16 March 2010	17/900	17/3738	6 May 2010	40	p. 3891 A ff.
2010	25 January 2011	17/4400	17/6170	22 September 2011	127	p. 15048 A ff.
2011	24 January 2012	17/8400	17/11215	27 September 2012 and 16 January 2013	195 216	p. 23439 A ff. p. 26693 B ff.
2012	29 January 2013	17/12050				

**25.5 Organisational chart**



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