



Kontrolle, Schutz und Fürsorge:

Die Ombudspersonen als Anwälte der Soldaten

Oversight, protection and welfare:

the ombudsman institutions as advocates for military personnel

Final Declaration of the International Conference of Ombuds Institutions for the Armed Forces¹

“Berlin Declaration”

Berlin, 12 May 2009

In almost all of the participating states, service personnel have the same civic rights as any other citizen. Given the requirements specific to service in the armed forces, these rights may be restricted by the law in certain circumstances. However, in all of the participating states the principle of obedience to orders is in turn constrained by the limits of the law.

The participating states have taken diverse legislative, regulatory and institutional measures to protect the rights of service personnel. Some have established independent parliamentary

¹ The First International Conference of Ombuds Institutions for the Armed Forces took place from 10 to 12 May 2009 at the German Bundestag in Berlin. It was initiated by the Parliamentary Commissioner in cooperation with the Geneva Centre for The Democratic Control of Armed Forces (DCAF).

ombuds institutions to carry out the various tasks involved, equipped with their own staff to process petitions from service personnel. Other states have created the post of a commissioner for the concerns of service personnel, attached to the defence ministry. There are also states with general ombuds institutions which are responsible for processing submissions from service personnel as well as civilians. In states without an ombuds institution, parliamentary oversight of the armed forces is generally a matter for the parliamentary defence committee. Each participating state thus has its own system for the protection of the rights of service personnel, and ultimately for oversight of the armed forces.

The increase in international and multinational operations by the armed forces has led to an expansion in the responsibilities of the ombuds institutions and other institutions involved in exercising oversight of the armed forces. During operations abroad, the duties and service conditions faced by service personnel differ significantly from those in their home country. Professional or personal problems have a much greater impact in these situations.

With the aim of sharing information and experiences regarding democratic oversight of the armed forces, the first international conference of ombuds institutions, commissioners and other institutions involved in exercising oversight of the armed forces was held in Berlin from 10 to 12 May 2009. The conference brought together the institutions responsible for oversight of the armed forces for the first time at international level.

The conferees declare

- (1) that the exercise of oversight of the armed forces in democratic states has an important function, creating transparency and fostering trust in the armed forces;
- (2) that the principle of obedience to orders must be guided by internationally recognised human rights;
- (3) that we intend to foster a common perspective which views service personnel not solely in terms of their obligation to obey orders;
- (4) that we intend to continue in future to invite states which wish to establish democratic oversight of their armed forces to participate in the dialogue and, if desired, to give them advice and assistance regarding implementation;

- (5) that we intend to continue this exchange of information and experience periodically in order to intensify future cooperation;
- (6) that we intend to hold the next conference in 2010 in Vienna.

Berlin, 12th May 2009