

## **Information**

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

**Annual Report 2013 (55th Report)**

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## Foreword

Following a lengthy period without losses of life, the Federal Armed Forces ("Bundeswehr") again suffered a fatality in the past year. This demonstrates once again that the protracted and challenging mission in Afghanistan cannot be considered to have been completed for a long time yet. It will continue to make demands on our soldiers this year, and probably even after that, and keep their relatives in a state of worry until their safe return home. Even in this phase of upheaval, we owe it to the soldiers to provide them with all the necessary resources to rule out avoidable risks for life and limb. I am very pleased that the Federal Minister of Defence has expressly committed herself to doing so.

2013, the year under review here, was a year of upheaval, not only for the soldiers, but equally for their relatives. The reorientation of the Bundeswehr placed the current structure alongside the future structure. Despite substantial cutbacks, the available personnel had to fill out both structures under the full burden of the ongoing missions, some of which have been in progress for years, while others began only recently. The tension associated with this situation was compounded by the uncertainty of many soldiers, civilian employees and their families regarding whether and, if at all, where and with what duties they will find their place in the new Bundeswehr in the future. This has left deep marks of dissatisfaction and disappointment that are still far from being overcome.

Not everything that caused disappointment can be undone. And there is also often no need to, because the affected persons have adapted to the new situation, despite all their annoyance. However, that should not rule out the possibility of the concept being amended, at least in cases where particularly serious problems have been identified and the situation can still be changed.

Although the missions abroad will continue to demand our special attention, we must again begin to focus more on the situation at home. The equipment required for missions quite rightly took priority in procurement in recent years, tying up substantial funds. It is to be hoped that the reduced scope of the Afghanistan mission will reduce the associated financial burden in the near future, meaning that the funds can then be used to renew the neglected infrastructure at many locations and to replace the massively overused or obsolete equipment and weapons in some areas.

However, beyond considerations relating to organisational procedures, the "new" Bundeswehr must above all create the necessary basis today for also being able to recruit enough, sufficiently qualified young personnel tomorrow. This is an issue of vital importance for the armed forces, given demographic developments and growing competition from the civilian labour market. Service in the armed forces is very challenging, simply in terms of the tasks and duties involved. Deciding in favour of it presupposes *esprit de corps*, stress resistance and a willingness to perform that only few other occupations demand. That makes it all the more important now to structure service in such a way that it nevertheless makes it possible to maintain a satisfying family life and a normal social environment. This calls for more than mere lip service, it calls for the willingness to also make additional financial resources available for these tasks, if needs be. The Members of the 17th German Bundestag were always receptive in this respect and willing to create their own focuses in this area, even above and beyond the concrete demands of the executive, and to increase budget estimates accordingly. The Bundestag was always aware of its position as mandator of the parliamentary army that is the Bundeswehr. I very much thank the Members for that, especially those of the Defence and Budget Committees. I am certain that the newly constituted Bundestag will prove to be equally receptive when it comes to giving help where help is needed.

I would like to thank Federal Minister Dr. de Maizière for the friendly cooperation between his Ministry and my Office at all times. I wish Minister Dr. von der Leyen good luck in her difficult office and thank her even now for her encouraging statements on urgent topics, such as the compatibility of family and service or the guaranteeing of the greatest possible safety for our women and men on missions.

My special thanks go to our soldiers and their families, who bear substantial burdens for our country, both on missions abroad and at home.

In the year under review, for example, the Bundeswehr supported the civilian forces in fighting the floods at the request of the Federal Länder of Bavaria, Saxony, Thuringia, Saxony-Anhalt, Brandenburg, Lower Saxony, Mecklenburg-Western Pomerania and Schleswig-Holstein. This was the biggest flood relief operation in the history of the Bundeswehr. Up to 20,000 members of the Bundeswehr, including 520 reservists, from all services and major organisational elements stood side-by-side with the public to combat the consequences of the floods.

The Bundeswehr helicopters were in the air for more than 1,400 hours to protect the public. This is an impressive record and an achievement for which I express my great respect.

My wish is that soldiers in future also gain the public recognition they deserve. I would like to express my deepest sympathy to the surviving dependents of our fallen and to those who have suffered accidents in service. I wish a speedy recovery to all those who have sustained physical or mental injuries.

### The year under review in brief

2013 was a year of major upheavals for the Bundeswehr, both in terms of its participation in international missions and as regards the reorientation of the armed forces.

The focus of German missions was once again on the commitment in Afghanistan in the context of the International Security Assistance Force (ISAF). However, the German ISAF contingent was reduced substantially in the year under review.

Such a reduction and the return of military personnel and materiel from a mission area is always a particularly unstable phase, because it brings up the issue of maintaining the security of the remaining forces. In the year under review, the OP (Observation Post) North and the Kunduz Camp were vacated in the Regional Command North, operated under German responsibility. Regardless of this, the number of attacks on both Afghan and German forces in the area of the Regional Command North remained high. For the first time in almost two years, a German soldier was killed in a gun battle with insurgents in early May 2013, a second being wounded. This incident illustrates just how dangerous the situation on the ground continues to be. Against this backdrop, particular attention must be paid to maintaining the security of the remaining forces.

In addition to its ongoing missions, the Bundeswehr began new missions in Senegal, Mali and Turkey in the year under review. The stationing of the German contingents there revealed substantial deficiencies in the planning and preparation of stationing. The Report goes into this matter at length. Above and beyond this, the new missions make it clear that the structure currently existing can still not be regarded as sustainable as regards missions. Concrete examples of this relate to the aspect of structural overtaxing. And the examples given are only the tip of the iceberg. The ongoing missions are continuing to stretch the Bundeswehr to its capacity limits in terms of both manpower and material. This has in the meantime come to apply not only to specialists of all services and major organisational elements, but also to the infantry forces of the Army and equally the tactical air transport and the operational forces of the Navy.

The closing of the camps in Feyzabad and Kunduz, and of the OP North, raised the question as to the future of the memorials set up there in honour of the soldiers who lost their lives on the mission. Following a decision by the Federal Ministry of Defence, the memorial stones and plaques will be transferred to a new grove of honour to be created at the Bundeswehr Joint Operations Command in the Henning von Tresckow Barracks in Potsdam-Geltow. This grove of honour will also be open to relatives and visitors. In the opinion of the Parliamentary Commissioner for the Armed Forces, the grove represents a dignified way of continuing remembrance, and one that also meets with the approval of the relatives and the soldiers.

At home, attention in the year under review focused on implementing the future structure of the armed forces and the Federal Defence Administration, to be assumed after reorientation. Two changes of a fundamental nature give occasion to once again raise the question of their admissibility.

The first change is the direction of military personnel in mixed agencies on the basis of instructions under civil-service law. According to the Dresden Directive of Federal Minister of Defence de Maizière, there is no longer to be any administrative subordination of military personnel in mixed agencies. Regardless of this, military personnel retain their status, even in mixed agencies, and are thus subject to disciplinary law according to the Military Disciplinary Code and are to be assessed by military superiors. In future, both are to be handled by superiors commissioned with these duties. There are doubts as to whether this is admissible. Both the exercise of disciplinary powers and the right to give assessments are expressions of the position as superior, but cannot in themselves establish a position of this kind. From this point of view, it remains to be seen whether the current practice will stand up to a legal review.

The second change is the implementation of the Interdepartmental Agreement of November 2012 between the Federal Ministry of Defence, the Federal Ministry of the Interior and the Federal Ministry of Finance, and the transfer, decreed therein, of responsibilities of the Federal Defence Administration to the portfolio of the Federal Ministry of the Interior or the Federal Ministry of Finance. Details relating to the Agreement, as well as to its content and the very stressful consequences of its implementation for the persons affected, can be found in the chapter on "Transfer of tasks of the Federal Defence Administration". There are doubts regarding the admissibility of the Interdepartmental Agreement. Even if it should prove to be admissible, it raises far-reaching questions regarding the responsibility of the Defence Committee and the control rights of the Parliamentary Commissioner for the Armed Forces in the framework of parliamentary control of the armed forces. These questions need to be carefully considered once again and then answered.



The most important thing for the soldiers was that their applications for state medical aid, separation allowance and reimbursement for vocational advancement measures were processed correctly and promptly, even after the transfer of responsibility. This was not the case. In summer 2013, there was a backlog of 60,000 applications just from recipients of pensions and benefits applying for state medical aid. The Report explains how this came about and what provisional measures were taken in order to get to grips with the backlog that had developed. Success had not been achieved by the end of the year. This is another reason why the transfer in itself, and also its implementation, should once again be subjected to thorough scrutiny.

Leadership behaviour and training are topics that the Annual Report regularly addresses, and again this year. The relevant chapters give concrete examples of misconduct on the part of individual superiors. It is particularly unfortunate when misconduct of this kind is encountered during basic training. It not infrequently occasions young soldiers to turn their back on the Bundeswehr again.

Attacks on the Bundeswehr and on military personnel at home give occasion to go into the security situation of the Bundeswehr. Details can be found in the chapter headed "Domestic security situation". Against the backdrop of these attacks, there is a need for a fundamental review of the safeguarding of Bundeswehr barracks and other premises.

The processing of petitions in the agencies and commands of the Bundeswehr is of decisive importance for the work of the Parliamentary Commissioner for the Armed Forces. Swift processing can only be guaranteed if the troop posts envisaged for this purpose are staffed. This was not the case in wide areas in the year under review. As a result, there were major delays in the processing of petitions. Former Minister of Defence de Maizière had promised to remedy this situation.

In addition, numerous petitioners again expressed concerns about suffering discrimination as a result of appealing to the Parliamentary Commissioner for the Armed Forces. In this respect, superiors remain called upon not only to pay attention to compliance with the ban on discrimination, but also to create an atmosphere of trust that eliminates worries about possible discrimination in the first place. The Parliamentary Commissioner will also continue to enforce observation of the ban on discrimination in future, using all the means at his disposal.

In the personnel sector, too, substantial delays arose in the processing of applications, complaints and petitions. One of the causes of this was a massive increase in the volume of complaints and actions. This was hardly surprising. The implementation of reorientation at the unit and group level began in the year under review. Many of the affected persons disagreed with the decisions taken. They took action against them or turned to the Parliamentary Commissioner for the Armed Forces. Implementation of the release of over 600 helicopter pilots from their flying assignment triggered particular anger among those affected. In addition, the transfer of helicopter transport capabilities was the understandable occasion for numerous actions. The Report goes into this issue.

In view of the criticism of numerous transfer decisions, the question arises as to why the employer does not try – as proposed by me – to adopt new approaches, e.g. by inviting applications for posts. Corresponding experience in other countries has been positive. Among other things, inviting applications for posts could lead to a marked improvement in the compatibility of family and service. Instead of the personnel management agencies, the soldiers themselves would then judge which of the posts to be filled best suit their career planning and their family environment, then applying for these posts. This could take much of the tension out of transfer decisions.

The key to enhancing the attractiveness of service lies in improving the compatibility of family and service. The compatibility of family and service is a multi-faceted issue. In addition to reducing the workload, this also includes greater transparency of mission and assignment planning, reduction of the distance between duty location and home, and also better child care. The Report discusses all these aspects in detail. It becomes clear in this context that – despite announcements to the contrary – the measures taken by the Bundeswehr in this context to date have been restricted to attempts to optimise the existing structures, rather than breaking out of them and looking for new approaches.

Disturbing reports concerning sexual encroachments have again drawn greater attention to the situation of women in the armed forces. Against this backdrop, it is incomprehensible that the study entitled "Truppenbild ohne Dame?" ("Troop Portrait without Lady?") has still not been published, although it was completed almost a year ago. This could give rise to suspicions that the results do not meet up to the Ministry's expectations. Numerous women complained about specifically anti-female discrimination at meetings during visits to the troops. Details can be found in the chapter on "Women in the armed forces".

The provision of healthcare services for military personnel by the Medical Service continues to be a major concern. The reorientation of the Bundeswehr hospitals includes concentration on specialist skills, although the required personnel is so far not available and the necessary clinical system network has not yet been created. In addition to which, there is a lack of infrastructure for providing accommodation for outpatients and relatives of inpatients who cannot return to their duty location or their place of residence on the same day owing to its distance from the hospital.

The provision of healthcare services by unit physicians likewise continues to suffer from a substantial personnel shortage. Only by exhausting all resources – including falling back on civilian SHI-accredited physicians, the delegation of former recruiting organisation physicians and the involvement of reservists – was it possible to achieve the necessary rate of 75 percent for the number of unit physicians turning up for duty. It ultimately remains to be noted that, despite all endeavours, the measures taken to date have still not led to a sustainable solution to the existing problems.

The range of therapy available to traumatised soldiers and their relatives was expanded in the year under review. Nonetheless, the available capacities are still not sufficient to do justice to the continuing growth in demand. More detailed information can be found in the chapter on "Mission-related mental illnesses".

## **1 Leadership behaviour**

Military leadership has been subject to the principles of Internal Leadership ("Innere Führung") ever since the Bundeswehr was established. Among other things, these principles include mutual regard and respect. Not all superiors do justice to this demand, as illustrated by negative examples under the heading "tone and manners". Similarly, the reaction to breaches of official duties was not always appropriate. Particular attention continues to be paid to all occurrences showing signs of political extremism, anti-Semitism and xenophobia.

### **1.1 Tone and manners**

The principles of Internal Leadership include appropriate interpersonal manners. The relationship between superiors and subordinates is characterised by the tone and manner in which they deal with each other. It reflects mutual regard and respect.

Regard and respect for subordinates is lacking in superiors who address them not by rank, as expressly prescribed in Joint Service Regulation 10/8, No. 626, but only by name. According to statements by affected persons, this is widespread practice in the Bundeswehr. Gender Equality Officers reported that, in some offices, female soldiers were, unlike their male comrades, generally addressed only by name. They quite rightly feel this to be a special form of discrimination. The above-mentioned form of address is impermissible. Higher superiors are obliged to take action against it in the context of supervision.

Disrespect begins with flippancy and a supposedly relaxed atmosphere. They are the breeding ground for arrogance that can go as far as insulting and threatening subordinates. For instance, this applied to an officer who, among other things, shouted the following words at his subordinates: "I'll tear you to pieces if you disobey me again. I can do what I please in this battalion. You're worthless."

More serious are insults involving the most primitive formulations, lapsing into sexism. For example, superiors used such terms as "slut", "whore" or "fairy". *Faux pas* of this kind must be countered with all appropriate means of disciplinary and criminal law.

### **1.2 Reaction to breaches of official duties**

Breaches of duty by military personnel must be investigated with the necessary diligence and punished appropriately. This presupposes sound knowledge of the law regarding disciplinary law and the right of complaint. Not all superiors met this prerequisite.

In view of the deficiencies emerging, the employer remains called upon to ensure the necessary basic and continuing training of superiors in this field. Worthy of positive mention in this context is the appointment of a "Commissioner for Legal Training in the Armed Forces" at the Leadership Development and Civic Education Centre. The appointment of this Commissioner is an important contribution towards ensuring a high standard of legal training.

The responsible disciplinary superior bears special responsibility when investigating and punishing disciplinary offences. Exercising his own best judgement, he decides whether and how he will react to breaches of official duties. His decision had a direct impact on the bonds between the soldiers subordinated to him. They expect fair treatment. Inappropriate punishment of breaches of official duties offends the sense of justice of the soldiers and damages their feeling of solidarity. In the past year, too, there were cases where misconduct was ascertained, but did not result in an appropriate reaction. For example, in cases where imposition of a non-judicial disciplinary measure would have been indicated, either this was not done, or the investigations had not been completed after a period of six months, meaning that imposition of a non-judicial disciplinary measure was ruled out according to Section 17 Para. 2 Military Disciplinary Code. In some of these cases, the impression arose that expiry of the time limit had deliberately been awaited. In other cases, a decision was taken against the indicated initiation of judicial disciplinary proceedings, or a less substantial disciplinary measure was imposed. This, too, contradicts the principles of disciplinary law and violates the principle of equality, which is intended to safeguard the rights of all military personnel.

Inappropriate reactions to breaches of official duties are a threat to the solidarity and discipline of the troops. One example of this can be found in the section on "Leadership behaviour". Within the framework of supervision, superiors are called upon to monitor the exercise of disciplinary powers and encourage their fair application.

### **1.3 Political extremism, anti-Semitism and xenophobia**

The Parliamentary Commissioner for the Armed Forces continues to pay special attention to reports of incidents involving a suspicion of political extremism, anti-Semitism and xenophobia in the Bundeswehr. 58 such incidents were reported in the year under review, the figure for the previous year having been 67.

By far the majority of cases involved "illegal propaganda activities", such as using corresponding slogans, using symbols of organisations hostile to the constitution and disseminating propaganda material, as well as possessing, bringing into Bundeswehr premises or using audio media containing corresponding music.

A disciplinary offence could not be proven, or the offender(s) not ascertained, in roughly 22 percent of the suspected cases. If the offenders were apprehended, they were rank and file personnel (55 percent) or NCOs (40 percent), and even officers in isolated instances.

Three reports in the year under review were particularly shocking. Three Navy soldiers are accused of differing involvement in the consumption of substantial quantities of alcohol that they had themselves brought to the pool area of a hotel in an Arabian country, subsequently giving the Nazi salute and insulting the hotel staff by making discriminatory remarks. In two other cases, two officers are suspected of denying the Holocaust in the presence of military personnel. Disciplinary investigations have been commenced in all these cases, and the responsible departments of public prosecution have been brought in.

It is not always possible to clarify or prove what prompts soldiers to behave in such a way. Regardless of that, conduct of this kind cannot be tolerated on any occasion. Anyone who, consciously or thoughtlessly, uses National Socialist gestures and utters corresponding remarks, listens to extremist music, or even denies the Holocaust, departs from the foundations of our common legal order and must consistently be called to account for doing so. That has indeed been done in the cases known to the Parliamentary Commissioner for the Armed Forces that have been concluded. This is to be welcomed.

All soldiers remain called upon to oppose political extremism, anti-Semitism and xenophobia in all clarity and with the necessary resoluteness.

### **1.4 Domestic security situation**

There have always been isolated attacks on the Bundeswehr at home. The nature and scope of the attacks in the year under review give occasion to look into the matter more closely in this Report.

Particular headlines were made by an incendiary attack on a barracks in Havelberg and the break-in of an unauthorised person into an aircraft of the Bundeswehr Special Air Mission Wing at Cologne-Wahn Airport. In addition, the wheel nuts of both military and private vehicles were loosened at numerous Bundeswehr locations.

An incendiary attack on the Elb-Havel Barracks in Havelberg was perpetrated at about 2 o'clock in the morning on 27 July 2013, causing 19 Bundeswehr vehicles to go up in flames. Fortunately, no one was injured. The

property damage caused by the attack is estimated at several million Euros. The fire was triggered by several interconnected incendiary devices with delayed-action fuses. It has so far not been possible to identify the perpetrators.

In early August, a young man succeeded in gaining access to the military part of Cologne-Wahn Airport, where he broke into an aircraft of the Special Air Mission Wing. The incident was only noticed because the offender triggered an emergency signal inside the aircraft, resulting in the guards being alarmed and the offender ultimately arrested. Apart from the damage caused, amounting to roughly € 50,000, the break-in itself and the fact that the offender initially went undetected, gave rise to questions regarding the security of the grounds and the aircraft.

Independently of the two incidents described above, military personnel increasingly mentioned problems relating to the guarding of Bundeswehr premises to the Parliamentary Commissioner for the Armed Forces during visits to the troops. They complained about the fact that military guards were being increasingly thinned out and that it was impossible to cope with the workload on guards in view of the Bundeswehr's mission situation and the low personnel levels. Both of these things, the above-mentioned incidents and the comments from the troops, give occasion to thoroughly examine the guarding of Bundeswehr properties. This has been done in Cologne-Wahn, where the guards have been reinforced. A corresponding reaction is also necessary at other locations.

A different kind of threat emanates from attacks in which wheel nuts were loosened on military or private vehicles. The number of such incidents is worrying. Several hundred incidents of this kind were reported in both 2011 and 2012. The Federal Ministry of Defence was unable to give any definitive figures for the year under review. However, the trend in the first half of the year suggests that the numbers will be comparably significant. It has not yet been possible to identify the perpetrators in a single instance.

In view of these cases, the situation concerning the guarding of the affected locations should be reviewed. One step towards improving security could be to offer even more parking facilities on the guarded barracks grounds. From my point of view, it would additionally be absolutely permissible, in order to protect military personnel, to issue a command requiring that wheel nuts be checked for tightness before setting off on any journey. Everyone involved should be able to understand this in the interests of their own safety.

## **2 Training**

### **2.1 Basic training**

The object of the three months of basic training is to introduce recruits to service in the armed forces. This first stage of training focuses on imparting the necessary basic military skills and increasing the performance of the recruits in such a way that they are in a position to cope with the mental and physical demands of service. All in all, this basic training is very demanding training that can very well take the soldiers to their capacity limits. That is all part of the soldier's profession and is accepted as such by the recruits.

In contrast, unreasonable, exaggerated training contradicts the principles of Internal Leadership and occasions more than a few recruits to prematurely leave the Bundeswehr again. In the past year, too, there were again complaints about exaggerated harshness and poor leadership behaviour in basic training.

In reaction to an error made by a servicewoman when using a P8 pistol during practice firing in the framework of basic training, a gunnery trainer grabbed a P8 pistol and fired into the ground five times at a distance of about two-and-a-half metres from himself and the servicewoman. While shooting with the G36 rifle, he vociferously replied to an objection of the servicewoman by shouting: "I don't give a damn!". Only a non-judicial disciplinary measure in the lower end of the range was imposed on the trainer in early March 2013.

In a recent case, two trainers are strongly suspected of breaching their official duties through degrading treatment of the soldiers entrusted to them. Among other things, the following remarks are said to have been made: "The platoon is worse than performing monkeys – after all, you can at least still teach *them* something!", "If you treat us like the lowest of the low as trainers, we'll treat you like the lowest of the low, too, as some of you already are!". Moreover, one soldier is said to have fainted several times and no longer to have been able to march on by himself. Because of a remark he made, another soldier is said to have been grabbed by the battle-dress blouse and dragged out of the marching formation with the words "Shut your trap and keep marching!". Pre-

liminary disciplinary investigations have been commenced. The matter has been forwarded to the criminal prosecution authorities.

Maltreatment or degrading treatment of subordinates has nothing in the least to do with militarily necessary toughness. It destroys the authority of the superior, mutual trust and the willingness to stand up for each other. Apart from which, it encourages more than a few soldiers to decide to leave the forces again as soon as possible.

## 2.2 Equipment for training

In view of the burdens and dangers associated with missions, priority was given to the equipment of contingents in recent years. This was the right thing to do. The equipment available on missions has meanwhile reached a high standard that is quite rightly appreciated by the soldiers. Moreover, as a result of reduction of the contingent size and the redeployment of vehicles and materiel from Afghanistan, it was also possible to close numerous gaps in equipment in the deployment training sector in the year under review. This is to be welcomed.

In the meantime, the equipment for routine operations at home has suffered as a result of the prioritisation of missions. However, missions abroad would be impossible without routine operations at home. Basic and continuing training in routine operations lays the foundations for the abilities that are later required on missions.

It was found during visits to the troops at home that the training in the parent units and formations is suffering greatly as a result of obsolescence and a lack of training material. For instance, a visit to the troops in Freyung clearly revealed that Reconnaissance Battalion 8 was unable to implement training on the LUNA and KZO drone systems for lack of corresponding training material. In detail, it was found that training of the reconnaissance sections was only possible within limits owing to the complete lack of suitable group vehicles of the FUCHS armoured transport vehicle type. It was explained that, at the moment, the Battalion had borrowed two armoured transport vehicles of this type from other units. According to the structure, there was provision for six such vehicles for training operations. In addition, the Battalion currently has only 28 of the envisaged 61 vehicles of the WOLF type.

It was established on the occasion of a visit to the troops that Medical Regiment 22 "Westfalen" in Ahlen had only four MG3 machine guns. To be able to implement the envisaged training on the machine gun, corresponding weapons were borrowed from neighbouring units. The soldiers referred to this procedure as "backpack logistics".

Upon assuming its new structure, the Army also substantially reduced the provision of the troops with large-scale equipment for budgetary reasons. This reduction impairs exercise operations. To compensate for this impairment, the Army has introduced what is known as "dynamic availability management" for large-scale equipment. This management method is intended to make additional large-scale equipment available to units and formations for exercises. "Dynamic availability management" is thus nothing more than an expression of the acceptance of systemic scarcity management. As a rule, the additional large-scale equipment is only to be made available for mission preparation. Consequently, continuous training and keeping in practice is only possible within limits.

The above examples show that the reorientation of the Bundeswehr fails to satisfy its own ambitions in terms of mission orientation, sound financing and personnel recruitment. It remains to be seen what adjustments will be made in the framework of the evaluation of the implemented reorientation, which is scheduled for 2014.

A special problem found during many visits to the troops was the excessive use and age of Type G36 assault rifles. One particularly affected unit is the Special Forces Command (KSK). Many of the first-generation Type G36k assault rifles used there have exceeded the forecast service life many times over. Two of these first-generation assault rifles have already failed during practice firing as a result of material fatigue. Weapons of this generation were thereupon generally banned from use for gunnery training. Equipment of the KSK with the latest generation of Type G36k assault rifles has since been initiated. This is not yet the case for many other units and formations that are likewise battling with the problem of weapons that are too old and over-used. There is a need for action in this respect.

Another special material problem arose in the Navy, where a malfunction occurred on the corvette BRAUN-SCHWEIG during practice firing with the turret. In the course of the subsequent troubleshooting – which was performed by specialist personnel in compliance with the regulations – an ordnance artificer, who had been called in to eliminate the malfunction, was hit by so-called "rammer accelerators" and sustained a severe injury on the back of the head. Based on the ensuing investigation of the accident, the Federal Ministry of Defence ar-

rived at the conclusion that a fault of this kind had never before occurred on the weapon and that no corresponding training could be provided either, owing to the complexity of the mechanical and hydraulic equipment. This cannot be the final word. It is unacceptable that one of the Navy's standard guns can develop malfunctions that not even a trained, experienced ordnance artificer can be familiar with. In view of the potential threat to life and limb for the gunners, there is a need for action. The Parliamentary Commissioner for the Armed Forces will keep a very close eye on the implementation of the recommendations issued by the Federal Office of Bundeswehr Materiel, Information Technology and Equipment Management regarding the future avoidance of comparable incidents.

### **2.3 Handling of small arms**

Reports of accidents with small arms and unintentional shots being fired give occasion to again draw attention in this Annual Report to the dangers emanating from the incorrect or careless handling of weapons. One particular incident occurred just before Christmas in Mazar-i-Sharif, where 170 shots were fired when unloading a machine gun mounted on a German vehicle.

Inattentiveness and carelessness are the most common causes of unintentional shots being fired. This happened on a firing range where, following firing practice, a sergeant sat down on a stool behind the yeoman's and munitions hut with a loaded and armed G36, triggering a shot that went into the ground about a metre away. On a mission, a soldier was sitting on his bed checking the functioning of his P8 pistol, which was loaded with a full magazine. On pressing the trigger, a shot was fired which, after going through a door and a wall, ended up in the pillow of a bed in which a comrade was sleeping. It was pure chance that the latter was not injured.

Incidents of this kind make it clear how important it is to teach soldiers to show respect for their weapons and to enforce compliance with safety regulations as an indispensable prerequisite for safe handling of weapons. That, however, cannot be done by superiors who themselves set a bad example. For example, soldiers on missions reported that officers, including their commander, failed to participate in the weekly weapon cleaning session in the corridor, but instead cleaned their weapons in their quarters – even though, for safety reasons, the order had been issued to observe the two-man rule during weapon cleaning and safety checks.

It is particularly dangerous when soldiers deliberately abuse weapons. For instance, to startle the comrade sitting in front of him, a corporal fired a shot into the floor of the office of a fuelling station with a G36 that was loaded with blank ammunition. The comrade suffered an acoustic shock. The offender was put in disciplinary confinement and sentenced to a fine.

In view of incidents of this nature, I can only urge that the correct handling of firearms and compliance with the safety regulations be strictly monitored, also by higher superiors, and that infringements be punished with the necessary consistency.

## **3 Processing of petitions and conducting of disciplinary investigations**

### **3.1 Processing time of requests for inspection from the Parliamentary Commissioner**

In the year under review, serious delays in processing by the agencies involved were found in connection with a not inconsiderable number of petitions.

For example, regarding the processing status of requests for inspection from the Parliamentary Commissioner for the Armed Forces, the Headquarters of the Joint Support Service reported in mid-year that the cases in question were being processed in chronological order of their receipt. It was said that the oldest case, which had gone unprocessed for three months, could not be expected to be processed within the next four weeks. There were also similarly long processing times in other commands and agencies.

The delays were caused either by personnel vacancies, particularly in newly created formations, or by the fact that the planned manpower levels were simply insufficient for coping with the flood of work.

Neither is acceptable. If statements are not processed within a reasonable period of time, the Parliamentary Commissioner for the Armed Forces cannot fulfil his statutory mandate to protect the basic rights of military personnel and support the German Bundestag in exercising parliamentary control. If appropriate, more personnel must be organised in the cases mentioned. The Chief of Staff of the Joint Support Service promised to do this for the area under his command, and has already partly done so. The existing processing backlog had already been noticeably reduced by the end of the year.

### 3.2 Violations of the ban on discrimination

Under the law, no petitioner may be officially reprimanded or subjected to discrimination for invoking the Parliamentary Commissioner for the Armed Forces. Superiors who restrain subordinates from submitting petitions, reports or complaints, or suppress such submissions, can even be given a prison sentence of up to three years according to Section 35 Military Penal Code. Despite these clear statutory regulations, petitioners increasingly expressed a fear of suffering disadvantages as a result of their submitting a petition. They consequently requested that their names not be given when examining their petitions. The Parliamentary Commissioner takes such fears extremely seriously and examines very closely whether there are signs of possible discrimination or other duty-breaching conduct of superiors towards petitioners.

According to Section 9 of the Act on the Parliamentary Commissioner for the Armed Forces, the Parliamentary Commissioner may comply with the request of a petitioner not to mention his or her name when examining the petition. This is also the usual procedure in such cases.

One commander criticised this, pointing out that, as a result of it, soldiers could use the protection afforded by anonymity to "almost publicly" question official affairs and decisions, without having to discuss the matter with their superiors. I must contradict this view. A petition submitted to the Parliamentary Commissioner is not public, but always treated confidentially. Beyond this, in the interests of protecting the petitioner, the Act makes express provision for the possibility of making petitions anonymous in appropriate cases.

On this subject, it should be added that the request for a petition to be examined anonymously is often based on a lack of trust in superiors. A subordinate will only turn to his or her superior with problems if he or she has the impression that the latter will deal with the matter objectively and fairly. Superiors remain called upon to create the atmosphere of trust necessary to this end. This has obviously not been achieved in cases where subordinates are afraid of possible discrimination.

### 3.3 Duration of disciplinary investigations

Delays due to a lack of personnel also occurred in disciplinary proceedings, in the 1st Armoured Division, for example. The Division's Disciplinary Attorney for the Armed Forces reported that, owing to a lack of personnel, it had not been possible to promptly pursue disciplinary proceedings from 1 January to 18 November 2013. The four posts at the office of the Disciplinary Attorney for the Armed Forces had never all been staffed simultaneously during this time. Three of the four posts had not been staffed at all, or only on a hourly basis, from 7 January to 8 February 2013 and from 21 May to 17 July 2013, while this had even applied to all four posts from 8 April to 4 May 2013. This understaffing also had a negative impact on legal counselling, which requires a major effort in view of the size of the Division and its deployment.

The Federal Ministry of Defence announced in August 2013 that the number of legal counsellors and Disciplinary Attorneys for the Armed Forces in the 1st Armoured Division would be increased. It took a long time to put this into practice. Only as of 18 November 2013 were all four posts staffed. Assumption of the tasks of a lead division will further increase the burdens, since legal counsellors from the Division must be expected to be seconded to missions.

The problems with staffing the posts were partly home-made. According to information from the responsible section of the Federal Ministry of Defence, too few legal counsellors were appointed to fill the existing posts. In addition, senior officers qualified for holding judicial office are so far not being employed in legal counselling, although this would be possible, given their legal training.

It remains to be noted that excessively long investigation proceedings can be a massive burden for soldiers, and also violate the principles of Internal Leadership. Beyond this, it is not justifiable to subject individual legal counsellors and Disciplinary Attorneys for the Armed Forces to the burden of permanently deputising for several posts without the necessary support.

## 4 Missions abroad

The focus of the Bundeswehr's involvement in international missions in the year under review was again on Afghanistan. The mission of German military personnel in the framework of ISAF was characterised by the progressive reduction and redeployment of personnel and material. The camp in Feyzabad had already been dissolved in the previous year and was followed by the "Observation Post North (OP North)" outpost in early 2013 and by the camp in Kunduz in mid-October.

For the first time in almost two years, a German soldier was killed, and a second soldier wounded, on 5 May 2013 when insurgents opened fire on Afghan and ISAF forces to the north of the OP North.

Even following the assumption of responsibility for security by Afghan forces, the security situation remains tense. This view is also shared by the Federal Ministry of Defence, which referred to the security situation as unstable following a suicide attack on a German convoy in Kabul in December 2013. A number of relatively large-scale attacks show how dangerous the local situation still is. Against this backdrop, top priority must continue to be given to the security of Bundeswehr military personnel when redeploying personnel and equipment.

Military personnel from the German ISAF contingent drew attention to one particular security aspect during visits to the troops in April and October of the year under review. They expressed concerns that Afghan interpreters and their families could be under threat after the withdrawal of the Bundeswehr and that this could influence their loyalty towards the Bundeswehr and its soldiers. The Federal Government has taken up this problem and promised to offer interpreters admission to the Federal Republic of Germany. All that is needed is proof of a latent threat to the applicant. This is to be welcomed. It can only be hoped that the affected persons will be granted a visa within a reasonable period if a latent threat of this kind is recognised.

In the year under review, the easing of the burden resulting from the start of redeployment of personnel and material from Afghanistan was offset by three new missions in which the Bundeswehr is participating in the framework of multinational formations:

In view of the conflict in Syria, roughly 300 German soldiers are taking part in the Active Fence Turkey (AF TUR) mission to strengthen the integrated air defence of NATO in Kahramanmaraş, Turkey. Since early 2013, German soldiers have also been serving as part of the European Union Training Mission in Mali (EUTM). The mission is designed to support the Malian defence and security forces in stabilising the country. In this context, the tasks of German military personnel at the camp in Koulikoro include engineer training and, with the support of Hungary and Austria, the provision of medical services for the mission. Likewise to improve the security situation in Mali, the Bundeswehr supported the African-led International Support Mission to Mali (AFISMA) by providing air transport and in-flight refuelling from the French Air Force base in Dakar in Senegal. Since July 2013, this operation has been continuing in the framework of the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA).

German military personnel continue to be transported to the mission in Afghanistan via Termez Airport in Uzbekistan, although it would now be possible to fly to Mazar-i-Sharif Airport. The soldiers deployed in Termez complained about their provisioning with fresh food. It was reported that food of this kind was not allowed to be purchased locally for reasons of hygiene. Instead, they were delivered from third countries, which sometimes took several days. Significant quantities of food perished in transit. In view of these descriptions, the question arises as to why fresh food is not carried on the regular flights from Germany to Termez.

#### **4.1 Mission planning**

Careful planning is the prerequisite for timely and adequate stationing of military personnel in the country of deployment. This was not always the case in the year under review. In particular, the stationing of the German contingent in Kahramanmaraş revealed weaknesses in planning that led to unnecessary strain on the soldiers.

If stationing in the framework of international missions takes place with the consent of the country of deployment, it must be coordinated with that country. This includes agreements on the status of the military personnel to be dispatched, the law to be applied to them, and the possible utilisation of premises and facilities provided by the country of deployment. In the case of the stationing of German forces in Kahramanmaraş, there were major discussions, following the transfer of the soldiers, regarding the accommodation of the soldiers on site. Details can be found in the next chapter but one.

The discussions, and the measures taken to remedy the deficiencies at Germany's request – including problems with the accommodation buildings – clearly show how important it is to examine the situation and reach the most precise contractual agreement possible between the dispatching nation and the host country regarding the status and the stationing of military personnel. This is particularly true if, as in the case of AF TUR, it is a question of a mission in a NATO country. In such instances, the NATO Status of Forces Agreement is applicable, among other things, and must be taken as the basis for the bilateral agreement or comparable provisions for the protection and welfare of the military personnel deployed.



In retrospect, it can be noted that a "modus vivendi" was found for Kahramanmaras, although it leaves the fundamental questions unanswered, as became apparent in Trabzon, for example.

Not all the problems associated with the mission in Turkey were of an intergovernmental nature – some were also home-made. For example, following the Bundestag Resolution of 14 December 2012, no lead unit for the first AF TUR contingent had been agreed upon between the troop contributors and the Bundeswehr Joint Operations Command by mid-March 2013. In view of the heterogeneous composition of the contingent, comprising Air Force soldiers, military police, NBC defence forces and medical personnel, this would have been necessary for coordinating stationing. The Ministry conceded this point.

Finally, the current procedure for requesting operational requirements has also proved to be unsuitable. The requirements had already been estimated in the framework of initial reconnaissance in December 2012, and the availability of the material in Germany had been checked. Nonetheless, the material could not yet be shipped to Turkey. This was because, according to the currently valid provisioning procedure, requests for requirements cannot be made by the initial reconnaissance team, but only by the contingent. It is obvious that, if this procedure is applied, important weeks are lost between initial reconnaissance and the request from the contingent, which could have been used for the timely provision of equipment for the contingent.

In view of the inadequacies found, the Federal Ministry of Defence announced that the aforementioned procedures would be improved. However, no concrete action has yet been taken.

#### **4.2 Mission duration and structural overtaxing**

In the year under review, there were again complaints about excessively frequent missions and excessively short recuperation times between missions. In this context, particular mention must be made of the mission strain of personnel with key qualifications. The areas described as examples below show that, while the Bundeswehr has a wide range of capabilities at its disposal, the corresponding manpower levels are insufficient. The resultant demand for the future is thus that further missions abroad only be approved if the Bundeswehr can sustainably provide the necessary personnel. This is currently not the case as regards the areas described below.

The military Air Traffic Services include the Air Traffic Control Service and the Aeronautical Information Service (AIS). The Air Traffic Control Service is manned by officers. The staffing of the corresponding posts is currently suffering from a shortfall of roughly 20 percent. The same applies to the posts for AIS sergeants. The situation is particularly precarious at the AIS Centre in Frankfurt am Main, where 19 posts for AIS sergeants are currently staffed by just 10 men. This understaffing leads to a high, occasionally borderline level of operational strain on the available personnel. There are no prospects of improvement in this area in the short and medium term, since new personnel for the Air Traffic Control Service cannot be trained at short notice. The waiting time for training of the candidates for Military Air Traffic Services at the Air Force School of Engineering in Kaufbeuren is currently up to three years.

This situation has particularly serious effects on the Army's Combat Controllers. According to information from the Federal Ministry of Defence, the Air Force and the Army have agreed that training for the Air Traffic Control Service is in future no longer to be necessary for the Combat Controllers of the airborne infantry and the Special Forces Command. The tasks of the Combat Controllers include the reconnoitring, setting-up and operation of opportunity airfields in the context of airland operations. This means that no Air Traffic Control Service would be possible on opportunity airfields until the air effort arrived. This would endanger provisioning of the airborne troops. In addition, the question also arises as to which personnel is supposed to provide the Air Traffic Control Service if, for example, German citizens need to be evacuated from crisis countries by the military and opportunity airfields have to be used for this purpose.

Likewise critical is the situation of the air cargo transshipment forces. According to estimates by the Bundeswehr Logistics Command, staffing of the posts at ISAF, KFOR, ATALANTA, AF TUR and the Logistical Transshipment Point in Trabzon in Turkey requires five air cargo transshipment sergeants simultaneously. To be able to sustainably staff the aforementioned missions, there is a requirement for 30 air cargo transshipment sergeants fit for foreign assignments. This requirement results from what is known as the 4/20 deployment planning and implementation system, according to which the planning target is four months on a mission and 20 months of service in Germany between missions. The requirement for quasi-operational commitments, such as the NATO Response Force or the EU Battlegroups, is not included in this figure. Of the current 11 post incumbents in the sphere of the Bundeswehr Logistics Command, only eight are fit for foreign assignments. Consequently, sustainability can already not be achieved on the basis of the 4/20 deployment planning and implemen-

tation system. This situation cannot be permanently improved by the slight increase in the number of posts for air cargo transshipment sergeants to 14.

The situation is similarly tense as regards the naval air wings. According to information from Navy Headquarters, for example, success was achieved in getting a break of six months between two assignments in the P-3C Orion sector in 2013, and also for the shipborne helicopter squadron of Naval Air Wing 5 in 2014. This formulation shows that, from the point of view of those affected, a short recuperation phase of just six months between two assignments is already seen as being an improvement of the situation. That is not enough for the affected soldiers and their families. There is again a need for action in this area.

There were also signs of dramatic personnel bottlenecks regarding firemen in the year under review. Simply as a result of implementing the EU Working Time Directive, so many working hours of civilian personnel of the airport fire brigades had to be compensated for in time off that flight operations had to be briefly suspended, as happened at Air Transport Wing 62 in Wunstorf and at Tactical Air Force Wing 33 in Cochem/Büchel. According to information from the Federal Ministry of Defence, this situation will not improve in the short term owing to the duration of training of firemen.

During a visit to the troops at Reconnaissance Battalion 8 in Freyung, it was reported that the entire unit had been burdened by regular, and occasionally long, foreign assignments since 1998. One dramatic example was a sergeant with a total of 1,399 mission days. The great mission strain was said to already be leading to health impairments. For instance, a total of 47 soldiers from the Battalion had lost their fitness for foreign assignment (BA 90/5) in 2013. In view of these sobering figures, the Battalion can in no way be considered to be capable of sustaining missions.

Against the backdrop of the examples given above, the Federal Ministry of Defence was requested for information regarding the mission strain and recuperation times of the assignment categories that the Parliamentary Commissioner for the Armed Forces considered to be the most severely stressed. It was not possible for this information to be provided by the copy deadline for this Report. One of the reasons given for this by the Ministry was that the Bundeswehr personnel management system was geared to service branches and that the examination of individual assignment categories was not possible at short notice with the current data acquisition and processing system. In effect, the Ministry was thus forced to concede that it did not itself have an overview of the mission strain of specific units and that it could also not give any forecast regarding future developments in this respect. However, the Federal Ministry of Defence did at least concede that, owing to operational requirements and structural planning, the target of a 20-month recuperation period between missions could not be achieved for the special engineers of the Joint Support Service and the Army field HUMINT forces. In this respect, operational requirements and structural planning will continue to diverge for the foreseeable future.

### **4.3 Accommodation on missions**

At most of the locations of deployment visited in the year under review, the accommodation provided for the military personnel was appropriate. This was particularly the case at locations where the Bundeswehr operated premises and camps under its own national responsibility, such as the camp in Kunduz, which has since been handed over to the Afghan military forces, or had them operated by civilian providers, such as Camp Qasaba in Kabul. With certain reservations owing to the extreme dust and sand problem, this positive assessment also applied to Kilagay. Only the temporary accommodation of the military personnel returning from Kunduz in communal tents in Camp Marmal in Mazar-i-Sharif deserved criticism. Also inadequate is the accommodation in Dushanbe, the intermediate stop for German military personnel transported to operations by French aircraft.

In contrast, significant problems, all the way to discontinuation of use of a building, occurred where German military personnel were accommodated in premises and camps provided by the host country, i.e. at Gazi Barracks in Kahramanmaraş, Camp Eggers in Kabul and in Koulikoro/Mali.

#### **4.3.1 Gazi Barracks, Turkey**

At the start of the mission in Turkey in January of the year under review, the German soldiers were initially accommodated in hotels. Following preparation by the Turkish side, they were supposed to move into one newly constructed and one renovated, existing building in Gazi Barracks. It was found during a visit to the mission area in February 2013 that the building to be renovated was badly infested with mildew. Examination by a construction biologist thereupon revealed that, despite being renovated, the building as a whole would be uninhabitable. Particularly in the area of the sanitary facilities, the exposure levels found were even several times higher

than the limits applicable at German refuse disposal companies. Following the move of the German contingent to Gazi Barracks in May 2013, the fact that the existing building was uninhabitable led to more people being accommodated in the rooms in the newly constructed accommodation building. Over a period of several months, there were additionally inadequate numbers of tables, chairs, lockers, and also sufficiently long mattresses, in the rooms of the first two contingents. Above and beyond this, major deficiencies in the electrical installations and the sanitary facilities were also already found in the new accommodation building.

The deficiencies described have in the meantime largely been remedied, apart from the occupancy density. However, they do show that special attention needs to be paid to the utilisation of third-party premises and facilities in mission planning and missing preparation.

#### **4.3.2 Camp Eggers, Kabul**

A small number of German soldiers were also accommodated in the US-operated Camp Eggers in Kabul in the year under review. The hygienic state of the sanitary facilities in the greatly overcrowded camp was hardly tolerable as a result of rust and black mould infestation. In view of the fact that the camp was to be vacated at the end of 2013, the Federal Ministry of Defence said it was unlikely that the USA would make any further investments in improving the accommodation situation. It was reported that the soldiers had been provided with additional disinfectants and cleaners to alleviate the overall situation. The German soldiers originally remaining in Camp Eggers are now accommodated at Headquarters or in a nearby new accommodation facility known as the New Kabul Compound.

#### **4.3.3 Camp Koulikoro, Mali**

There were also complaints at the start of the mission of German military personnel at Camp Koulikoro in Mali. Among other things, there was a lack of mosquito nets for protecting the soldiers during their night rest. It should be noted in this context that the camp is only a few hundred metres away from a riverbank and that Mali is classified as a permanent malaria region. The mosquito nets have in the meantime been provided.

In the view of German and Polish explosive ordnance disposal experts, an even greater threat emanated from obsolescent ammunition and explosives of the Malian armed forces, which were inappropriately stored on the camp grounds and at an insufficient safety distance from the accommodation of the soldiers. Following inspection of the stocks and consultation with the French commander of the mission forces in the context of a visit to the troops, the accommodation was provisionally secured by building a gabion wall, the ammunition storage sites subsequently being completely cleared by the Malian Army.

#### **4.4 Logistical Transshipment Point Trabzon**

Since March 2013, roughly 200 soldiers have been serving in Trabzon on the Black Sea in Turkey, where the Bundeswehr has set up a Logistical Transshipment Point. Material to be returned from Afghanistan is transported to Trabzon by air and then transferred to ships for the onward journey to Germany.

To the regret of many soldiers deployed in Trabzon, they are not part of the German ISAF contingent, but instead deployed in the framework of limited-term, general foreign duty. The consequence of this is that the deployment of the soldiers is subject to other statutory regulations and instructions than in the case of members of mandated missions abroad. Thus, these soldiers do not receive a foreign duty allowance and they are also not subject to the provisions of pension law applicable to soldiers on missions. Finally, the deployment rhythm of four months on a mission and 20 months of service at home, targeted for members of mission contingents, also does not apply to them. In this context, the employer is called upon to apply the principles applicable to contingent members to the military personnel deployed in Trabzon to the greatest possible extent.

A particular problem for the military personnel deployed in Trabzon is that of compensation for overtime. For persons receiving pay for foreign assignments, such as those in Trabzon, compensation of this kind is only permissible in the form of granting time off in lieu. In Trabzon, however, time off in lieu cannot be granted due to the limited duration of deployment. For this reason, the Federal Ministry of Defence has introduced a regulation specifically for the soldiers deployed in Trabzon, exceptionally allowing them to take their claim to overtime compensation with them when they return to their parent units and then take time off in lieu as compensation. However, this does not solve the problem. In view of the mission situation and personnel shortages, overtime compensation can usually also not be ensured in the parent units by granting time off – and if it is granted, it puts an additional burden on comrades, who then have to do correspondingly more work. Moreover, the transfer

of overtime compensation claims to the parent units contradicts the sensible principle, advocated by the Federal Ministry of Defence, that overtime compensation claims be settled at the point where they arise. Against this backdrop, consideration should be given to monetary compensation or some other form of compensation.

#### **4.5 Equipment**

In the course of the Bundeswehr's missions abroad, it soon became clear that the existing equipment planning, which is geared to the medium and long term and involves time-consuming procurement procedures, is not always suitable for guaranteeing appropriate and timely covering of the varied and dynamic operational requirements. Therefore, an accelerated procurement procedure was created for what are known as Urgent Operational Requirements (ESB). The procedure has proven successful. In the year under review, for example, it was at last possible to procure the rear wall for the MG mount on the FUCHS armoured transport vehicle, known as the crow's nest, and to commence the retrofitting work.

Despite the positive experience gained, the Federal Ministry of Defence issued directions in the year under review that ESB procurement be replaced by a new procedure by the name of "Fast-Track Initiative for Operations". It remains to be seen whether the new procedure will be as successful in practice as the old one. The Parliamentary Commissioner for the Armed Forces will evaluate the new procedure and report on the results.

##### **4.5.1 Securing of the German ISAF contingent and a follow-up mission**

In view of the expiry of the ISAF mandate at the end of 2014, the size of the German contingent in Afghanistan has been substantially reduced. According to information from the Federal Ministry of Defence, the aim is to concentrate the remaining German forces in Mazar-i-Sharif and Kabul and to dissolve all other outposts and camps. Thus, the OP North was already abandoned in June 2013, the Kunduz camp being cleared and handed over to the Afghan security forces in October. No security-related incidents were reported in this context. Nonetheless, the speed and extent of the redeployment of vehicles and weapons from Afghanistan also gives rise to concern. During a visit to the troops in October 2013, for example, the Parliamentary Commissioner for the Armed Forces heard about several security-related incidents in Kilgay. Above and beyond concern about safe redeployment, consideration should ultimately also be given to protection of the members of a possible ISAF follow-up mission. So, when steering this redeployment, one of the greatest challenges continues to be a careful assessment that guarantees the security of the remaining military personnel.

##### **4.5.2 CH-53 transport helicopter**

The need to equip the CH-53 transport helicopter with a rescue and recovery winch was mentioned several times in the Annual Reports of recent years. This gap has in the meantime been closed, following approval of the envisaged winch for training and deployment by the responsible Bundeswehr Technical Centre. In contrast, the retrofitting of ballistic protection for vital components of the helicopter is still outstanding. According to current plans, five helicopters per year are to be retrofitted in the years 2014 to 2017. Among the reasons given by the Federal Ministry of Defence for the long duration of the work is the limited industrial capacity of the company commissioned with retrofitting. This gives rise to the question of whether it can really be left to private contractors to define the rate at which protective measures for military personnel are produced, and what options for action the Federal Ministry of Defence possibly has for accelerating the process.

##### **4.5.3 Personal equipment**

The year under review saw improvements in the personal equipment of soldiers. For instance, a long-familiar capability gap was closed as regards the night vision and night combat capability of the special forces: 60 sets of binocular and modular night vision goggles were procured in the framework of an ESB measure. Procurement of a further 20 night vision goggles for available-light amplification with a large field of view for special-command missions was supposed to be completed in November 2013 but, according to the latest information from the Ministry, will probably take until January 2014 owing to delivery delays.

In contrast, there are still gaps in the equipment for the crews of the TIGER support helicopters. They still have no laser protection. This is unacceptable against the backdrop of the threat to aircraft and their crews on the mission in Afghanistan resulting from the use of lasers.

According to a communication from the Federal Ministry of Defence, a laser protection visor for the integrated flight helmet system will not be available before 2016. Directions have been given to find an interim solution. The Parliamentary Commissioner for the Armed Forces will monitor whether and to what extent this suffices.

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

Insufficient air transport capacities continue to put a strain on the transfer of military personnel to missions. The Special Air Mission Wing of the Bundeswehr, and apparently also the European Air Transport Command (EATC), lack sufficient redundancies for transporting troops to the places of deployment. This ultimately results in frequent flight deferments and delays. It proved particularly difficult to transport the German soldiers deployed in Kandahar in Afghanistan. They reported that the transfer to Kandahar took between two and four days. In one case, a soldier had even been under way for nine days. Given this situation, it would appear necessary to increase national air transport capacities.

Military personnel find it hard to understand why soldiers on their way to Mazar-i-Sharif are still first taken to Termez in Uzbekistan and flown on from there to Mazar-i-Sharif in a C-160 Transall, instead of being transferred directly to Mazar-i-Sharif. The security reasons previously given for the current, time-consuming and complicated route via Termez appear no longer to apply. Mazar-i-Sharif Airport is nowadays being used by numerous airlines for scheduled flights. Aircraft of the Special Air Mission Wing likewise landed at the airport on several occasions in November and December 2013. This option should also be used for the deployed soldiers.

There were again complaints about the plannability of inward and outward flight dates and the implementation of the flights in the year under review. The reasons for the planning and implementation problems include the non-granting of landing or overflight clearance, weather conditions at the airport of departure or arrival, technical faults in aircraft, and operational aspects arising from changes in the situation.

It will never be possible to completely avoid flight plan changes for the above reasons. Nevertheless, everyone involved should aim for maximum dependability. If changes are unavoidable, they must be promptly communicated and explained to the soldiers and their relatives.

#### **4.7 Foreign duty allowance**

In the year under review, numerous soldiers again complained about problems regarding the granting of the foreign duty allowance (AVZ).

On the subject of the AVZ, the Federal Audit Office criticised in its report on budget year 2013 that the Federal Ministry of Defence was unable to submit complete data on payment of the AVZ and that the envisaged review thus had to be restricted. The Federal Audit Office found numerous overpayments and underpayments in the cases reviewed.

Petitions on the subject of the AVZ particularly came from members of the crews of the fleet service ships operating with their units in the Eastern Mediterranean, and from military personnel in Trabzon. They complained about not receiving an AVZ.

The legal prerequisite for granting of a foreign duty allowance according to Section 56 Para. 1 Civil Servants' Remuneration Act is deployment abroad or outside German sovereign territory, on ships or aircraft, in the framework of a humanitarian or support measure passed by the Federal Government. This prerequisite is fulfilled for the duration of participation in the ACTIVE ENDEAVOUR and UNIFIL operations, for example. The fleet service ships, in contrast, operate in the Mediterranean in the framework of national crisis prevention and under national command. The crews of these ships do not belong to contingents of mandated missions, just like the military personnel at the Logistical Transshipment Point in Trabzon, who are not members of the German ISAF contingent.

According to the current legal situation, a claim to granting of the foreign duty allowance does not arise from the fact that the personnel deployed on the ships are doing duty in a mission area and are thus exposed to the same hazard situation. Consequently, the crews of the fleet service ships, and equally the military personnel in Trabzon, only receive financial compensation in accordance with the incentive pay provisions and the remuneration rules for overtime. The statement by the Federal Ministry of Defence that these additional payments compensate for the AVZ is inaccurate, since they are significantly lower in most cases, depending on tax bracket.

Given the great factual similarity of their deployment situations, many soldiers quite rightly find it very hard to understand the unequal financial treatment of the crew members of fleet service ships and members of the German UNIFIL and ACTIVE ENDEAVOUR contingents. In this context, the Federal Ministry of Defence draws attention to the fact that the financial difference is ultimately not very great. This makes it all the more difficult to understand why it insists on clinging to the current legal situation. Those affected suffer from the lower esteem for their service that this distinction expresses.

Worthy of emphatic praise in this context is the fact that the Federal Ministry of Defence has, in appreciation of the special situation of those affected on the fleet service ships, recognised their national deployment as being comparable to a mandated mission from the point of view of personnel management (promotion, assessment, Foreign Duty Medal). Given the similar stress and dangers on board the fleet service ships and in the units operating in the framework of mandated missions, it is the duty of the employer to further pursue the demand for the creation of appropriate compensation.

## **4.8 Morale and welfare telecommunications on missions**

### **4.8.1 General situation**

In late 2010, the Federal Ministry of Defence signed a framework agreement on morale and welfare telecommunications in mission areas up to mid-2015. According to this agreement, members of the Bundeswehr are given a weekly 30 free minutes for telephone calls to German land lines or, alternatively, 17 free minutes for calls to the German mobile telephone network or for video telephony. Since the second half of 2013, this regulation has also applied to the members of contingents of mandated Bundeswehr missions, who were previously not covered by the existing agreement on securing morale and welfare telecommunications, such as the Bundeswehr support mission in Mali. This improvement is to be welcomed.

Other services are currently chargeable for the members of contingents. However, the company commissioned with providing the services has repeatedly granted limited-term, or also permanent, price discounts during the term of the agreement. Regardless of these concessions, it has not been possible to fulfil the soldiers' demands for free Internet access and free telephone calls in the mission areas during the term of the existing agreement.

The Federal Ministry of Defence has promised to consider the exemption of military personnel from costs when inviting new tenders for morale and welfare telecommunications for the follow-up contract as of 2015. The Parliamentary Commissioner for the Armed Forces will see to it that the matter is not merely considered. The granting of free telephone calls to Germany is a requirement of welfare and care. The German Bundestag is obviously also of the same opinion, already calling upon the Federal Government in a cross-party resolution in March 2012 to ensure comprehensive, modern morale and welfare telecommunications, including the possibility of making free telephone calls to Germany.

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

The inadequate morale and welfare telecommunications on the seagoing units of the Navy were already a subject of last year's Annual Report. As a result of the mandated ATALANTA, UNIFIL and ACTIVE ENDEAVOUR missions abroad, and also due to commitments in the framework of the multinational Standing NATO Maritime Groups, the crews of Navy units are regularly affected by lengthy periods of absence from home. This makes it all the more important to have a functioning system of morale and welfare telecommunications on board all units. However, provision of the necessary satellite communication facilities is only making sluggish progress, especially on the smaller units. There are no longer any plans at all to install morale, welfare and recreation networks on the F122 frigates, since they are scheduled to be decommissioned in the medium term. This planning target is particularly stressful for those crew members whose units will still be going to sea for several more years before being decommissioned, such as the frigate Karlsruhe (until 2017), the frigate Lübeck (until 2018) or the frigate Augsburg (until 2019). There is an urgent need for action in this quarter.

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

Previous Annual Reports already drew attention to the insufficient provision of sports equipment on seagoing units of the Navy. Although the installation studies initiated by the Federal Ministry of Defence on all Navy units were already completed in April 2013, there have so far been no noticeable improvements because realisa-

tion of the installations will not commence until corresponding funds have been made available in the 2015 budget. It is very difficult to explain this delay in installing the sports equipment to the persons affected.

#### **4.10 Mazar-i-Sharif Airport**

Having already been addressed in the 2012 Annual Report, the problems relating to air traffic control at Mazar-i-Sharif Airport were confirmed in the framework of a visit to the troops. In particular, the Airport Surveillance Radar (ASR) system is still missing. It has already been installed, but not yet cleared for use.

The new control tower called for has in the meantime been built, although it cannot be put into service until the first quarter of 2014. At the moment, the new building even makes the work of the air traffic control personnel more difficult, since it obstructs the view of the final approach of the landing aircraft from the old control tower still in use. Similarly, the old control tower would impede the view from the new tower once it has been put into service.

Although the responsibility and strain borne by the air traffic controllers is very great, owing to the existing structural and technical deficiencies, as well as the substantial volume of traffic, the Federal Ministry of Defence continues to rate the conditions for providing the Air Traffic Control Service as tenable. The affected personnel are of a different opinion. Every effort must be made to reduce the strain on the air traffic controllers and improve the safety of air traffic at Mazar-i-Sharif Airport.

#### **4.11 Military post**

As in the previous year, individual soldiers again complained in 2013 that military post consignments from Afghanistan had been open, damaged or incomplete upon reaching the addressees in Germany. According to a communication from the Federal Ministry of Defence, the possible cause of the damage to postal items and the associated losses could, even in these cases, be inappropriate packing, as well as mechanical damage due to automated sorting of the consignments. Criminal activities of third parties on the way from the military post office to the recipient can also not be entirely ruled out. The investigations held revealed no misconduct of the military post personnel or Bundeswehr agencies.

It was also reported from the ATALANTA mission area that parcels from the German Support Group in Djibouti reaching the mail sorting office of the Wilhelmshaven Naval Base Command had been opened and rummaged through. It was found at the end of the investigations that items of clothing, uniform parts and civilian clothes with a value of roughly € 50 had been stolen. The offenders could not be determined. According to the tracking forms of the commissioned shipping company, the parcels were transshipped several times, meaning that it could no longer be established where and when the consignments had been opened without authorisation.

The employer remains called upon to see to the safe transport of consignments from and to military personnel on operations, by using its own means of transport if necessary.

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

As in the previous year, soldiers again reported in 2013 that Foreign Duty Medals were often not presented in the field, but only handed over or sent by post following return to the home stations, and not rarely after a delay of several months. The reason for this was apparently the procedure on which the decision regarding award of the medal is based.

The material prerequisite for award of the Foreign Duty Medal is completion of a certain number of mission days. In procedural terms, however, award has to be applied for by the disciplinary superior and submitted to the Federal Ministry of Defence for approval via the Bundeswehr Joint Operations Command. This is incomprehensible. While the company commander is entrusted with the lives of his soldiers on missions, he is not thought to be capable of correctly counting their mission days. The result is unjustifiable delays in awarding the medal.

It is regrettable that the Federal Ministry of Defence so far sees no need to change the relevant procedural approach, despite the obviously over-bureaucratic nature of the current procedure.

Soldiers are quite rightly proud when they receive their Foreign Duty Medal. Award in the framework of a presentation ceremony or "Medal Parade" at the end of an operation is a dignified setting for this. It is all the more frustrating when soldiers are excluded from it due to bureaucratic obstacles.

#### 4.13 Handling of alcohol

According to the findings of the Parliamentary Commissioner for the Armed Forces, the handling of alcohol on operations generally presents no problems. This does not rule out transgressions of existing regulations on alcohol consumption, such as when military personnel have alcohol sent to them by mail order.

As a rule, the handling of alcohol on operations is regulated by camp regulations or policy directives on an operation-specific basis. For example, there are orders regarding bar closing times for the sale of alcohol in the recreational facilities, the sale and consumption of spirits are regulated, or the drinking of alcohol is limited by specifying maximum quantities. Action is taken without delay if existing regulations are ignored, all the way to repatriation of the personnel concerned.

Problems relating to the policy directive arose in connection with the UNIFIL mission in the year under review. The applicable regulation on the handling of alcohol only covered guards, but not the remaining members of the contingent. Only as a result of several incidents was a general regulation on alcohol consumption added to the rules for shore leave on Cyprus and in Beirut.

Special attention needs to be paid to the handling of alcohol on missions abroad. This applies not only with a view to the reputation of the German troops in the host country and in multinational units. It particularly also serves to protect the soldiers.

#### 4.14 Regulatory situation in the event of criminal investigations

According to Joint Service Regulation 20/7, military personnel who are the subject of criminal and disciplinary investigations are not to be promoted. The persons affected by this regulation include, among others, both soldiers on missions and soldiers who have returned from missions and against whom investigations are being held owing to use of their weapons. Investigations of this kind are regularly commenced when third parties are harmed by this use of weapons.

A petition from an officer gave occasion to more precisely word Joint Service Regulation 20/7, No. 135 b. This provision regulates the circumstances under which military personnel may exceptionally be promoted, despite criminal investigations being held against them. If the regulation was interpreted strictly, it was previously the case that only soldiers who were still on foreign assignments benefited from the exception from the ban on promotion. The exception now also benefits soldiers whose special foreign assignment has already come to an end. This represents a pleasing improvement in legal protection, particularly for military personnel previously deployed in Afghanistan.

It should be noted in this context that the Bundeswehr cannot accelerate investigations by departments of public prosecution. It thus appears all the more important that the armed forces draw the attention of the relevant investigating authorities to the career-related consequences for the accused in every individual instance.

### 5 Handling of social networks on the Internet

The Internet has developed into a global communication forum in recent years, particularly as a result of the creation of social networks. However, the associated dissemination of information and views also gives rise to numerous questions regarding the possible infringement of rights. Military personnel are also affected by this.

One soldier turned to the Parliamentary Commissioner for the Armed Forces because a photograph of him was to be found on the Facebook site of the Regional Command North of the ISAF protection forces, although he had not given permission for it to be published. Another petitioner complained that comrades and superiors had posted defamatory comments about him in a blog on Facebook. Criminal acts and disciplinary offences are also committed in social networks. They range from the attempt to sell items of officially supplied equipment via Facebook, all the way to the exchange of image files with content hostile to the constitution in a WhatsApp user group.

The use of social networks on the Internet by military personnel, and also by the employer, is based on a multi-faceted legal situation and occasionally conflicting interests. Personal rights of the soldiers, copyright and data protection, the interest of the employer in expedient press and public relations work, military security and secrecy, and also criminal and disciplinary law, are just a few of the aspects that need to be taken into account and reconciled in connection with the use of corresponding social networks. The existing instructions regrettably fail to keep up with this development. In view of the growing practical importance and complexity of the subject,



the concise, abstract nature of the guidelines published by the Federal Ministry of Defence on 14 May 2012 under the title "Recommendations for the Use of Social Media" appears insufficient for giving all users certainty regarding their actions. These guidelines should be revised without fail.

## **6 Personnel**

The Bundeswehr recorded a decline in the average total force strength in the year under review, from 197,880 to 184,012. This is a drop of seven percent. This reduction in the force strength, together with the parallel structures emerging during the transitional phase of the reorientation of the Bundeswehr, led to substantial personnel shortages, especially in the Army and the Navy. Particularly in the rank and file, there were not enough soldiers to cushion the transition to the new structures. The petitions in the year under review moreover documented that, as regards the personnel situation, deficits in restructuring also negatively impacted premature retirement, curtailment of the period of service and the promotion situation. Further grounds for criticism were the transfer of helicopter transport capabilities, occasioned in the framework of restructuring, and the circumstances surrounding the release from duty of helicopter pilots. The same applies to the deferment of the selection procedures for acceptance into service as a career soldier, which became necessary as a result of a judgement of the Federal Administrative Court.

### **6.1 Promotion situation**

The number of petitions in which military personnel expressed their dissatisfaction with their promotion situation remained high in the year under review. They referred to cases where the individuals involved met the personal prerequisites necessary for promotion, but could not be promoted for lack of a sufficient number of established posts. The consequence of this situation was the creation of orders of promotion, these leading to promotion backlogs and waiting times of several years in some instances. Particularly affected by this were staff sergeants waiting for promotion to sergeant major, and officers, specifically captains and majors, who could be promoted to major or lieutenant colonel.

Beyond this, soldiers pointed out, during visits to the troops and in petitions, that they were unable to meet the prerequisites for promotion through no fault of their own, because of mission periods, foreign assignments or also a lack of training course places.

These problems have been acute for years, with no sign of a solution. That is demotivating not only for the affected persons, but for the troops as a whole.

### **6.2 Deferment of the selection procedure for acceptance into service as a career soldier**

When it comes to acceptance into service as a career soldier, there are regularly more applicants than needed according to the structural targets. It is for this reason that corresponding selection procedures are held once per year.

Up to now, selection has always been based on the year of birth. To this end, only persons born in a certain year, as well as certain speciality and assignment series, were considered for selection. If an applicant did not belong to the invited group of applicants, his or her application was rejected from the outset.

The Federal Administrative Court declared this procedure to be unlawful. Among other things, the Court stated in its decision that, according to currently valid law, only aptitude, qualification and professional performance may be used as selection criteria. In contrast, it said that selection based on year of birth was unlawful because it lacked a basis in law.

In view of the Court's decision, the selection procedures for 2013 were initially suspended. Applications for acceptance into service that have already been submitted for selection year 2013 remain valid and will, where appropriate, be included in the 2014 selection procedures. Applicants whose period of service will foreseeably expire before the end of the 2014 selection conference can apply for extension of their period of service, in order to still be able to participate in the 2014 selection procedures.

Regarding its further action on the matter, the Ministry stated in October 2013 that it in future intended no longer to implement selection procedures on the basis of years of birth and was devising a corresponding model for a new selection procedure. Since the Federal Ministry of Defence rated the need as urgent, the selection procedure for officers in late 2013 was no longer based on years of birth, but otherwise implemented in accordance with the existing procedure one more time. For sergeants, the procedure suspended in 2013, the year under re-

view, is not to be held until mid-2014. Not surprisingly, the affected soldiers find this hard to understand. In many cases, soldiers are leaving the services now and being integrated into vocational advancement measures in order to possibly be re-enlisted at a later date.

Ten months after the decision, in the interests of the large number of affected persons and in view of the consequences for the soldiers, a speedy decision must now be reached regarding the decisive criteria for the new selection procedure, so that applicants can gear their further career and life plans to it. In addition to which, the longer the selection procedure is delayed, the greater is the risk that the best applicants will already have decided to pursue their career elsewhere.

### **6.3 Premature retirement and curtailment of the period of service**

In the year under review, many career soldiers asked the Parliamentary Commissioner for the Armed Forces to support their application for premature retirement. According to the Act on the Adaptation of the Armed Forces' Personnel Structure, career soldiers have, within the framework of reorientation of the Bundeswehr, since last year had the possibility of taking early retirement after reaching the age of 52. The aim of the early retirement option created by the legislature is to achieve a younger age structure in the body of personnel.

The basis for approval of an application for premature retirement is always a service-related interest. An interest of this kind generally does not exist in the case of officers whose regular period of service ends before 31 December 2017, even without premature retirement.

The above regulation can lead to older officers having to serve until the regular end of their period of service. In contrast, younger officers who have reached the age of 52 and would not regularly be retiring by 31 December 2017 are given the option of taking early retirement. Considering the aim of achieving a younger age structure in the body of personnel, this outcome would seem to be contradictory.

Owing to the cutback of posts in the Bundeswehr, temporary-career volunteers likewise hoped to be able to leave the Bundeswehr early by curtailing their period of service. As in the previous year, there was again a large number of petitions on this subject in the year under review. They often involved curtailments of just a few weeks or months with a view to starting training or employment in a civilian occupation.

However, a request for curtailment of the period of service can only be granted if there is a service-related interest in doing so. There is so far no provision for considering interests of the applicant. It would, however, be desirable if soldiers wanting to leave the Bundeswehr prematurely, in order to take up training or employment in a civilian occupation, were also given the possibility of curtailing their period of service to this end.

### **6.4 Testimonials**

As in previous years, the Parliamentary Commissioner for the Armed Forces again received numerous petitions from soldiers in 2013, in which they described failings relating to the writing and handing-over of testimonials at the end of the period of service. The complaints of the petitioners ranged from criticism regarding the inadequate or inaccurate content of the testimonial, or uncertainties relating to how it was to be dispatched, all the way to the problem of no testimonial being written.

The 2012 Annual Report gave a detailed description of how important it is to the retiring soldier to be issued with a testimonial. It is no longer tolerable that a satisfactory solution has still not been found, even though the Ministry has repeatedly announced that the situation will be remedied.

### **6.5 Civilian initial and follow-on occupational training**

Problems in the field of civilian initial and follow-on occupational training were reported in the year under review. Civilian initial and follow-on occupational training is part of specialist military training. It primarily serves to improve military mission accomplishment and effectiveness. Generally, all temporary-career volunteers serving for a lengthy period are given either training that can be used in a civilian occupation or the opportunity to improve their civilian occupational qualifications during their period of service. Civilian initial and follow-on occupational training is provided in cooperation with Chambers of Crafts and associations, and in close cooperation with trade and industry.

Reports were received concerning deficiencies in organisational and technical aspects of civilian initial and follow-on occupational training measures, such as poor coordination of the curriculum of the training institution

with the framework curriculum or the examination requirements of the Chamber of Industry and Commerce. There were also complaints about lacking qualifications of individual instructors and frequent changes of teaching staff. In isolated cases, the deficiencies were so serious that the contract with the education provider had to be terminated prematurely and a new education provider engaged in the framework of a new contract award decision.

If deficiencies of this kind have been found, it is incumbent upon the competent Vocational Advancement Service to negotiate with the education provider in order to remedy these deficiencies. If this proves unsuccessful, the valid civilian examination regulations, e.g. those of the Chamber of Industry and Commerce, are such that the affected soldiers cannot obtain deferment or repetition of the examination, meaning that they have to live with their poor examination results. This is extremely unfortunate for those concerned. From the point of view of the Parliamentary Commissioner for the Armed Forces, the only advice that can be given to the affected soldiers is that they report deficiencies and deficits in training as soon as possible, so that the competent Vocational Advancement Service can take action.

## **6.6 Processing of applications, complaints and petitions**

The time taken to process applications, complaints and petitions to the Parliamentary Commissioner for the Armed Forces at the Federal Office of Bundeswehr Personnel Management (BAPersBw) occasioned major criticism. It was not infrequently the case that no decision on soldiers' applications was reached for months. This is particularly unacceptable if the reason for the application – such as an application for curtailment of the period of service or extension of the period of service – becomes obsolete as a result of slow processing. In September 2012, for instance, having been told by his personnel manager that there was nothing to stand in the way of curtailing his period of service, a captain applied for curtailment of his period of service to 31 December 2012. As he had still not received a reply from the BAPersBw by the end of November 2012, he turned to the Parliamentary Commissioner for the Armed Forces with his petition. Only on 19 December 2012 did the petitioner receive a refusal, against which he appealed on 10 January 2013. The BAPersBw finally rejected the appeal on 8 July 2013. The BAPersBw did not send the Parliamentary Commissioner its decision until 17 September 2013. The reasons given for the delays were a massive increase in the volume of complaints and actions, and numerous vacant posts in the responsible sections.

The increased volume of work cannot justify the delays, and the existing vacancies certainly cannot. Even in the reorientation phase, the employer must ensure that applications and complaints are processed within a reasonable length of time. If necessary, a higher volume of complaints – which must always be expected in the event of such comprehensive reorientation – must be catered to by temporarily increasing personnel levels. Soldiers have an entitlement to actually be able to effectively exercise their statutory right of complaint.

The processing of requests for inspection from the Parliamentary Commissioner for the Armed Forces, arising from petitions, was likewise affected by the delays mentioned. Processing times of one year and more are not rare. This makes it impossible for the Parliamentary Commissioner to appropriately fulfil his mandate to ensure that petitioners receive a qualified reply to their petitions within a reasonable period of time.

## **6.7 Transfer of helicopter transport capabilities**

In the context of reorientation of the Bundeswehr, the Federal Ministry of Defence decided, by way of the transfer of helicopter transport capabilities to in future concentrate light tactical air transport in the Army and all other air transport capacities in the Air Force. In practice, this means that all Type NH-90 helicopters will be based in the Army, the Type CH-53 helicopters being handed over from the Army to the Air Force.

It goes without saying that such a radical organisational change also has a significant impact on the personnel. Therefore, a joint guideline for personnel planning and personnel measures in the framework of the transfer of helicopter transport capabilities was put into force to coordinate the transfer. This guideline calls for holistic consideration of the affected Army and Air Force personnel when filling the posts in the new structure, regardless of their previous affiliation to a service. Not only aptitude, qualification and professional performance, the status of the necessary training already completed and the individual level of knowledge and experience are to be taken into account in this context, but also the end of the respective period of service and the personal interests of the soldiers. So much for the theory. In practice, however, many affected persons did not think that their interests had been considered.

### **6.7.1 Transfer of personnel common to all arms and areas"**

The locations affected by the transfer of helicopter transport capabilities include Laupheim, where Army Aviation Regiment 25 will be dissolved and the greater part of the newly formed Air Force Helicopter Regiment 64 stationed. In the context of the associated personnel transfer, a distinction was made between weapon system-specific personnel, which was to be taken over by the Air Force, and personnel common to all arms and areas, including staff and flight operations personnel, who were to remain with the Army. For the personnel common to all arms and areas, remaining in the Army means the need for transfer to other Army locations. Corresponding orders were already implemented in the year under review. The transferred Army soldiers were replaced by Air Force soldiers, who had been released elsewhere and were then transferred to Laupheim. This entailed a lasting upheaval in the inner structure of the units in Laupheim. This procedure also led to significant strains on the families.

The affected Army soldiers could in no way understand the decision taken. They saw their transfer as totally unnecessary and senseless ousting by the Air Force. That is understandable. It is incomprehensible why there was no consideration and filling of posts across major organisational elements in the case of personnel common to all arms and areas. This would have spared more than a few soldiers an unnecessary change of location and the associated need to commute.

### **6.7.2 Announcement of transfer decisions, particularly when closing locations**

The transfer of helicopter transport capabilities also did not go smoothly at another location. Lastingly affected were the soldiers of the dissolved Medium Transport Helicopter Regiment 15 in Rheine. Following announcement of the decision to close the Rheine location and dissolve Medium Transport Helicopter Regiment 15, the soldiers hoped to receive clear information as soon as possible regarding their future deployment and their next duty location. This hope was nurtured by the announcement by the Ministry that every soldier was to have received an assignment order by mid-2012.

Regardless of this announcement, dozens of soldiers had still not received their assignment orders by the time Medium Transport Helicopter Regiment 15 was dissolved on 30 June 2013, for lack of an organisational basis for the new helicopter regiments to be formed. This uncertainty puts a great strain on the soldiers and their families. Together with the ongoing operational commitments and the resultant periods of absence, this uncertainty regarding their future duties quickly strained the affected personnel and their families to the limits.

## **6.8 Release of helicopter pilots from duty**

In addition to the transfer of helicopter transport capabilities, Army Aviation was burdened in the year under review by the drastic cutbacks in flying personnel envisaged as part of the reorientation process. Over 400 helicopter pilots were taken off active duty in the cockpit, or "released from duty" to use the technical term, with effect from 1 July 2013. A further 200 pilots followed during the second half of the year. The implementation of this release from duty led to massive complaints from the affected personnel.

None of the pilots involved questioned the actual reduction of the cockpit crews. Rather, their criticism targeted the selection criteria, which they found incomprehensible, the failure to involve the General Spokespersons' Committee at the Federal Ministry of Defence and the inconsistent application of the given criteria.

In its statement, the Ministry replied that the criteria had been set up by the Director of Army Aviation and that involvement of the General Spokespersons' Committee had thus not been necessary. The Ministry said it had no information regarding inconsistent application of the given selection criteria. In addition to which, every affected pilot was free to take legal action.

A response of this kind, which does not even attempt to listen to the soldiers' concerns, is incompatible with the principles of Internal Leadership. This already applies to the use of the term "personnel for the future" to refer to the soldiers selected for further flying duty. All the others must have seen this as a personal insult. In addition to which, the statement from the Ministry regarding supposedly consistent application of the selection criteria was inaccurate. Thus, in proceedings before the Federal Administrative Court instituted by an affected pilot, the representative of the Ministry had to concede that three of the selected pilots were not fit for tropical assignments, although this was a prerequisite for selection of the "personnel for the future".

In view of these facts and circumstances, all selection decisions should be reviewed again, and any demonstrable errors corrected.

## 6.9 Air traffic controllers

The situation of officers of the Officer Specialist Service envisaged for future assignments in the field of Military Air Traffic Services/Military Air Traffic Control, continues to be difficult. They are prepared for their future assignments in joint, multi-service training.

However, the available training capacities are currently not sufficient for promptly training all candidates. At the moment, the waiting time for soldiers until the start of training averages 36 months. The possible time of promotion is also delayed as a result of this waiting time.

The training of officer candidates for a career as officers in the Officer Specialist Service for Military Air Traffic Services and Air Traffic Control is generally designed in such a way that the prerequisites for promotion to senior officer cadet are met after 24 months, and those for promotion to lieutenant after 36 months. Deviating from this, the Directive on the Admission, Training and Promotion of Candidates in the Military Air Traffic Services of the Army and the Air Force stipulates that promotion to senior officer cadet only takes place after obtaining the first licence, and promotion to lieutenant only after obtaining the second licence. This does not apply in the Navy.

The result of these different regulations in practice is that future Navy officers of the Officer Specialist Service in the field of air traffic services are promoted within the standard times, while their comrades from the Army and the Air Force only get their turn much later, owing to the above-mentioned delays in training and the associated later acquisition of licences.

The Federal Ministry of Defence replied to complaints from soldiers regarding this unequal treatment by referring to the responsibility of the different uniformed services for organisation and established posts, and to the associated lack of comparability. Independently of the formalistic approach, which is in no way convincing, no affected soldier can understand this different promotion practice. Quite apart from the fact that all candidates go through the same training and face the same adversities, they all have the same employer, who is responsible for ensuring equal treatment in all uniformed services. The employer has so far failed to do so. Owing to the numerous complaints and petitions, the Federal Ministry of Defence recognised the problem and announced in mid-December 2013 that consistent promotion practice across all services had now been decreed.

## 7 Compatibility of family and service

The compatibility of family and service is a key topic for the armed forces, because all areas of the Bundeswehr are affected by it and the Bundeswehr will be unable to compete with other employers if no sustainable solutions are found to remedy the existing deficits.

Concentration of this topic at the office of the Commissioner for Work Life Balance in the Bundeswehr in the Personnel Department of the Federal Ministry of Defence is very much to be welcomed, although the associated increase in personnel in the area does not yet appear to be sufficient. The great commitment of the Commissioner and her staff, and the stimuli they provide regarding the improvement of the compatibility of family and service in the armed forces, are giving positive signals.

There is still a need for major improvement as regards the compatibility of family and service in the armed forces. One sign of this is the increase in the number of petitions complaining about the lacking compatibility of family and service. The main subject of the petitions in the year under review was problems concerning assignment planning, as well as the wish for planning security and close-to-home assignment. The problems coming to light in this context were diverse and could not always be resolved. In most cases, however, better communication and the involvement of the soldiers in the decision-making processes would have been able to make the occasionally difficult circumstances comprehensible and thus create at least a little understanding for the decisions.

### 7.1 Assignment planning and personnel decisions in the course of restructuring

Soldiers continue to demonstrate great willingness to bear the strains on family life associated with a military career. For many, however, the limit of what they can tolerate has in the meantime been reached, and it has already been exceeded for more than a few. The separation of place of residence and duty location is mentioned time and again in this context.

A staff sergeant put it like this: "Me and many of my comrades are in pretty low spirits when we have to get into the car on Sunday to drive to our duty locations with the prospect of having to do so for another five years, as in my case. Yet again, my current relationship is in the process of breaking down as a result of this decision. A private life and the compatibility of family and service are unimaginable in this Army. I suffer from sleep disorders and wake up covered in sweat every other night. I'm afraid I won't be able to stand up to the mental strain of another five years of Bundeswehr."

A career soldier, who had taken part in six missions abroad and moved house several times, gave some figures: "Adding up all weekends and leave, I spent a total of just six months with my family in the last 22 months. The constant separation has brought me to my physical and mental limits – at the age of just 42." He applied to be discharged.

A 35 year-old general staff officer with the rank of major, who had moved house six times and still did not know, at the beginning of the year, where his daughter was to start school, summed up the situation by saying that, as a young soldier, he had not realised how difficult it was to move house with two young children.

Apart from planning the move and looking for new kindergartens or schools and a new house or flat, a suitable job for the wife or husband also has to be found. In most cases, the car has to be re-registered and the change of address reported to insurance companies, the health insurance fund and for subscriptions, as well as for the collection of TV and radio licence fees. Club memberships have to be cancelled, gas, water, electricity and waste disposal have to be signed up for at the new place of residence. Trips have to be made to numerous authorities, such as the Residents Registration Office. All this also has to be coped with when civilians move house. However, the particular strain in the case of soldiers results from the fact that their duty locations change frequently. In addition to which, the loss of their private social environment, and of friends and neighbours, is particularly stressful for many of the affected persons.

The Bundeswehr must give some fundamental thought to how it can sustainably reduce these strains. Among other things, this includes extension of the duration of assignment, i.e. the period spent in a post, and the reduction of what are known as compulsory milestones, i.e. assignments that generally have to be completed in order to reach higher command functions.

Owing to structural changes and the closure of installations, the reorientation process entails numerous personnel changes. The petitions strongly criticised the employer's communication style and the manner in which information was provided regarding further assignment planning following the announcement of location closures or the dissolution of units. Many soldiers noted a lack of timely and comprehensive information, and had the impression that their concerns regarding their professional future and the impact on the family were not being taken seriously enough. It is understandable that soldiers were angry when it was the radio that informed them that their own installations were to be closed. Months of waiting for concrete plans and personnel interviews wore them down.

There was annoyance in one case where more time was earmarked for personnel information meetings with officers than for meetings with non-commissioned officers. The responsible agency stated that the duration of the meetings was merely indicated as a planning guideline. In practice, the meetings had been held in accordance with the prevailing need, and every soldier had been given as much time as necessary. Regardless of this explanation, it could be noted that the planning guideline alone had created the impression that less attention was paid to the assignment planning of lower-ranking careers, even though the consequences were the same for everyone affected.

Long periods of uncertainty regarding future assignment, or the decision on applications for a change in service status or curtailment of the period of service, extensively dampened spirits in the troops.

For example, the wife of a career soldier wrote: "We've now been waiting 18 months for the timely and dependable personnel planning that we were promised following closure of the agency."

A captain complained: "No one can tell me today, how long my current post will remain at the location. But I need planning security for my family, by the time my eldest son starts school at the latest."

An officer's wife wrote: "We've been struck by the same fate as two years ago. How can it be that a family with two young children is expected to move its centre of life within three months. It's an almost impossible task."

According to the current regulations, the affected soldier must be informed of the change of garrison administration no later than three months before the start of duty at the new unit/agency. This period is often even undercut

and is insufficient, especially for military families with children who want to move to the new duty location, and must be substantially extended in view of the aforementioned strains associated with moving house. Longer-term assignment prospects, such as already demanded in previous Annual Reports, and the fixing of transfer dates to coincide with the start of the school year, likewise called for by the Parliamentary Commissioner for the Armed Forces in the past, continue to be unexploited opportunities that would contribute to improving the situation of the affected military personnel.

The involvement of military personnel in further assignment planning by asking about location requests is an obvious and thoughtful measure. However, it may not – as has happened in the past – lead to a situation where a number of soldiers, who have just been transferred to a mission, are contacted by their parent units by telephone and called upon to immediately make a statement on preferred locations in the context of assuming the target structure, without having sufficient opportunity to discuss the matter with the family. This procedure led to pronounced insecurity among the affected soldiers. It would have been more thoughtful to have the statements coordinated by the company commander on the mission and to give the soldiers sufficient time to consult their families beforehand.

Bitterness was caused by decisions when, in cases where a transfer was necessary, previously raised hopes of consideration of a preferred location were disappointed.

For instance, a sergeant major wrote: "Ultimately, I was taught once again, as during previous structural changes in the armed forces, that soldiers are just post-fillers and that nobody is interested in whether a soldier has a happy family and is motivated."

A staff sergeant, who could not comprehend the personnel decision taken in his case, asked: "Did anybody actually read our personnel questionnaires, or even evaluate them? Why can't I be a soldier and the father of a family at the same time?"

In both cases, no reasons were given as to why the preferred locations could not be taken into account. Often, the affected persons are only given the reasons – which are not infrequently questionable – in the framework of a review resulting from a petition to the Parliamentary Commissioner for the Armed Forces.

In view of the problems described above, the Federal Ministry of Defence referred, in its statement on the previous Annual Report, to a package of measures already presented to the German Bundestag in 2011 for improving the attractiveness of service in the armed forces. According to information from the Ministry, the measures very largely implemented in the meantime also includes successful strategies for avoiding commuting between the place of residence and the duty location.

Petitions, and also discussions with affected persons on the occasion of visits to the troops, most recently to the Air Force in Nörvenich, painted a different picture and confirmed the findings of past years. According to this information, the number of commuters has in no way declined, tending rather to rise, partly as a result of transfers in the context of restructuring.

At any rate, the package of measures alone is an insufficient solution for the necessary relief of the strain on military personnel. Contrary to official statements by the Federal Ministry of Defence, there is not sufficient commuter accommodation at all locations. This applies both to commuters receiving no financial support at all, such as separation allowance and travel allowance, and to commuters entitled to separation allowance, who look for inexpensive accommodation.

It was already suggested last year that thought be given to changes in the assignment concepts of the individual careers in order to permit a longer or long-term duration of assignment at one location. In this context, the Federal Ministry of Defence announced that it would at least make the assignments, typical assignment sequences and the resultant training requirements transparent for those affected. As already described, communication and transparency are essential elements of assignment planning and indeed still capable of improvement. However, transparency and awareness of the plans for the future alone do not lead to long-term durations of assignment. Other concepts are called for in this respect.

### **7.1.1 Phases of life when starting a family**

For soldiers, the start of a career and occupational promotion are increasingly coinciding with the time of starting a family. Finding a balance between career and family in this phase of life is a major challenge in terms of mobility, flexibility and availability, especially in the armed forces.

It is perfectly understandable that, for example, a young father would like to spend as much time as possible with his family following the birth of his child. It hardly does justice to the understandable desire for more family life if, as the father of a young child, a lance corporal has to take two days' leave for a journey home and back to the duty location in order to be effectively at home for two days at the weekend, and can only do so once or twice per month at most, not least because of the high price of fuel.

Another frequent disadvantage for commuters in this context is the absence of links of individual Bundeswehr locations to the public local transport network. In many cases, the Federal Ministry of Defence could alleviate this structural disadvantage of individual locations by occasioning bus companies to provide these locations with traffic links, or by creating corresponding links itself.

Career and assignment decisions should generally give greater consideration to the need of soldiers for a family life, regardless of the nature and legal form of a relationship.

### **7.1.2 Recognition of serious personal grounds**

In the event of recognition of "serious personal grounds" within the meaning of the "Guidelines on the Posting, Change of Billet and Temporary Assignment of Military Personnel", a soldier is generally given a close-to-home assignment, utilising what is known as a "non-established post" (DPäK). This is a fictitious post, where the soldier is employed as though this post already existed. However, the term "non-established post" creates the impression that the person in question is no longer needed.

Among other things, serious personal grounds include the state of health of the soldier, the spouse or a child. The provision of care for relatives can also be recognised as serious personal grounds. According to the above-mentioned Guidelines, however, grandparents are not included in the group of persons open to consideration, although their care is occasionally also provided by soldiers. In contrast, the Manual on the Compatibility of Family Life and Service in the Armed Forces ("General Handout 1/500") does consider grandparents to be part of the family.

Unmarried couples likewise do not belong to the eligible group of persons, even if they have common children. However, a serious illness of a partner that requires care is just as much a strain for a soldier deployed far from home as in the case of a spouse. In some cases, these relationships are partnerships that have been entered into following the breakdown of a previous marriage under the strain of a military career. Without detracting from the protective purpose of Article 6 of the Basic Law, consideration should be given to at least including people living together on a long-term basis without being married or in a civil partnership, including the children brought into the relationship, in order to do justice to the human and social responsibility also existing in this respect.

### **7.1.3 Married military couples and other military couples**

As regards the compatibility of family and service, married military couples and other military couples face the particular difficulty of coordinating two career developments and two assignment plans in the Bundeswehr, and of reconciling them with family life to the greatest possible extent. Additional problems arise if and when children from previous marriages or relationships also have to be taken into account. Cases of this kind call for special commitment on the part of the respective personnel managers.

It remains a puzzle why it is not possible – given the consent of both soldiers – to include a corresponding note of the soldier's status in the personnel files, together with the concrete future assignment plans for the respective partner. This is a misinterpretation of data protection.

The soldiers involved can be asked to give their consent, as already demanded in the past. In the event of planned changes, this would permit the respective personnel manager to consult the personnel manager of the soldier's partner in order to jointly look for solutions and avoid, or at least minimise, strains on family life.

## **7.2 Compatibility of family and service from the point of view of child care**

The care, raising and support of children confronts parents serving in the Bundeswehr with major challenges. This applies at home, and even more so in the event of foreign assignments and on missions.

### **7.2.1 Child care in Germany**



### **7.2.1.1 Close-to-location care**

Close-to-location child care is an essential prerequisite for the compatibility of family and service. This kind of child care is not guaranteed in the existing public infrastructure at all locations.

It is pleasing to note that the construction of a number of Bundeswehr-operated kindergartens is making progress. The first two facilities are to open in spring and autumn 2014, at the Bundeswehr University in Munich and the Bundeswehr Central Hospital in Koblenz. Construction work on the kindergarten at the Bundeswehr Hospital in Ulm has started, and it is scheduled to be commissioned in early 2015. The further realisation of the planned establishment of a kindergarten at the Bundeswehr Hospital in Berlin is still subject to the proviso of acknowledgement of the need for child care by the Federal Ministry of Finance. The current demand of the Bundeswehr's Helmut Schmidt University in Hamburg has for the time being been covered by acquiring 18 rights to places. Rights to places were also acquired at a number of other locations in the year under review, including Dresden, Nienburg, Leipzig, Berlin and Fassberg. The demand surveys have been completed at a further ten locations. According to information from the Federal Ministry of Defence, Erfurt and Wilhelmshaven will be the next locations at which rights to places are acquired.

A need for child care particularly also arises in connection with training courses. A pilot project scheduled to run for three years was launched in the north of Munich to avoid personnel being unable to start training courses at the Medical Academy in Munich for lack of child care. The project provides for the acquisition of five rights to places at existing child day-care facilities. Based on the experience gained, a concept is then to be drawn up regarding the provision of care for children of participants in training courses at the Medical Academy.

The 2010 Annual Report already criticised the procedure for determining the Bundeswehr-specific demand for child care places. There is still a need for action in this respect. The procedure is too complicated and hard for the responsible persons to handle on top of their normal duties. This is primarily a task for the employer. Beyond this, certain reserve child care capacities must be kept available, regardless of the actual demand determined, in order to be able to immediately cover any emerging demand for care. According to the Federal Ministry of Defence, the problem is known, but this knowledge has so far produced no results.

### **7.2.1.2 Family-friendly planning of advanced training and training courses**

The planning of advanced training and training courses proved to be hardly family-friendly in various cases. The annoyance of an officer with four children under the age of twelve and a working wife, regarding the fact that a training course necessary for his career was postponed three times, is understandable, when the wife's working hours had to be altered and the booking of child care deferred on each occasion.

The training courses of military personnel with children of school age are occasionally held during the school holidays. When planning training courses, the responsible persons are called upon to specifically include those soldiers in their planning whose children do not have school holidays at the time of the training courses.

A positive development to be noted is that the foundations have been laid for parts of training measures for soldiers with responsibilities as parents, and also as carers, to be implemented by distance training. Its feasibility must be examined in each individual instance by the disciplinary superior and the training establishment, in co-ordination with the agency responsible for the training course. In this context, disciplinary superiors are called upon to inform the soldiers accordingly and to initiate the necessary measures, if needs be. However, the distance training option is dependent on, among other things, access to the necessary media, such as the Internet or the intranet. The technical prerequisites for this are, however, not met at all locations and must be provided as quickly as possible.

The cases in which these measures are applied for and actually implemented should first be statistically recorded and documented by the Bundeswehr. This is the only way to judge whether and to what extent the relief targeted by the measure really is achieved.

### **7.2.1.3 Family-friendly working times, compensation for family-related vacancies**

Telework and part-time work are continuing to gain importance in the context of improving the compatibility of family and service. It is pleasing that the follow-up contract for the provision of teleworkplaces has in the meantime been signed. This contract departs from the previous exclusive status of the provider and envisages the use of telephone connections of other providers for telework. This eliminates the past problems when setting up approved teleworkplaces.

Another option for making work more family-friendly lies in the expansion of mobile work, which has so far only been possible under strict prerequisites. The essential difference between telework and mobile work is that the workplace can be selected freely in the case of mobile work. Telework, in contrast, is tied to a single location, or possibly several locations.

Beyond this, another possibility for improving the compatibility of family and service, and one that is little known and often neglected in the experience of the Gender Equality Officers, is flexibilisation of the workplace, i.e. temporary relocation of official work to the family environment. This option can be found under No. 305 in General Handout 1/500, the Manual on the Compatibility of Family Life and Service in the Armed Forces.

There is the possibility in individual instances of relocating official work to the family environment of the soldier for a temporary period or in the form of telework and participation in distance training measures. The decision on the matter is taken by the disciplinary superior upon request. The attention of the affected persons should be drawn to this option by personnel officers, Gender Equality Officers or company sergeants. Disciplinary superiors should make more use of it. This creates an opportunity to react to family emergencies at short notice and flexibly.

Compensation for vacancies arising as a result of parental leave or part-time work continues to be an unsolved problem. According to a communication from the Federal Ministry of Defence, a solution is currently being jointly devised by the Organisation, Personnel Planning and Personnel Management sections, and will be realised in 2014 at the earliest. The Ministry states that it will not be possible to remedy the situation in every single instance, but the aim is to guarantee that all tasks can be performed by the time of assuming the target structure at the latest, especially in areas with particularly high levels of family-related absences.

Parents have a statutory claim to take parental leave. Consequently, the employer must ensure that it really can be taken. Potential claimants must not – also not due to social pressure applied by comrades – face the conflict of having to decide whether to feel they are poor comrades or to refrain from submitting an application, because taking parental leave means that their comrades have to bear an even greater workload or mission strain. Although the need to accomplish the mission is understandable, considerations of this kind should not tempt superiors to question the taking of parental leave in any way whatsoever and to exert a corresponding influence on the soldiers in question.

## **7.2.2 Child care and missions abroad**

### **7.2.2.1 Children under the age of three as an impediment to deployment**

Concern regarding the welfare of the children involved gives occasion for this Annual Report to once again critically address the subject of missions abroad of servicewomen and single servicemen with children under the age of three. So far, the Federal Ministry of Defence has refused to define the provision of care for children under the age of three as a fundamental impediment to deployment, although this has repeatedly been suggested by the Parliamentary Commissioner for the Armed Forces. Instead, the Ministry prefers to rely on mutual agreement being reached between the servicewoman or serviceman and the superior taking the decision. According to a statement by the Ministry, it relies on the responsible supervisors and the affected soldiers discussing the intended assignment and reaching a sustainable solution that is acceptable to both sides, both in the event of the affected soldier expressing a preferred assignment and in the event of rejection of a planned assignment.

This procedure does not convince me. The principle whereby soldiers themselves decide puts many servicewomen in a dilemma: they risk being accused of being either a poor mother, or a poor comrade. The same applies to single fathers. The petition from a female staff sergeant can serve as an example: her disciplinary superior told her that only a renewed pregnancy or a psychiatric expertise could save her from a mission abroad. Contrary to the call for responsible conduct, the superior did not have his eye on the child's welfare in this case. However, superiors not infrequently also lack alternative personnel options, this leading to the child's welfare quickly being forgotten.

### **7.2.2.2 Family and domestic helps**

Even if one parent is available to care for an infant, the absence of the other parent can still cause problems. Thus, one soldier, who was once again sent off on a mission abroad shortly after the birth of his third child, expressed the wish that his family be supported by a family or domestic help financed by the employer.

Based on the applicable rules and regulations, it was not possible to comply with this wish, as understandable as it was. The Federal Ministry of Defence is called upon to take the initiative for creating the corresponding legal foundations, and not to wait until Parliament takes action itself.

### **7.2.2.3 Child care and foreign assignments**

Military personnel are usually accompanied by their families on foreign assignments. Children who cannot accompany the family, e.g. because of their education or training, are granted school and travel allowances for children by the employer for visits. Petitions revealed that stepchildren have so far suffered discrimination in this context. At the suggestion of the Parliamentary Commissioner for the Armed Forces, it was examined whether the legal situation needed to be changed. The examination showed that the non-consideration of stepchildren was based on incorrect interpretation of an administrative regulation by the Federal Ministry of Defence. The Federal Ministry of Defence has now altered its legal practice with retroactive effect from 1 September 2012. Costs for visits after this time can now be claimed.

### **7.3 Unresolved commuter problem**

In view of the stress involved in moving house, most soldiers decide to retain their place of residence and instead commute to their duty location in the event of a transfer. According to an estimate by the General Spokespersons' Committee at the Federal Ministry of Defence, well over 50 percent of military personnel currently commute between their place of residence and their duty location, 38 percent of them commuting at the weekend. These people need accommodation during the week, be it in the barracks or in a rented flat at the duty location.

I cannot agree with the estimate of the Federal Ministry of Defence that the demand for commuter accommodation can be met at over 90 percent of locations. The accommodation possibilities for commuters were not considered to be sufficient at any of the locations I visited during the year under review.

For one thing, there is a lack of suitable buildings at the barracks. The intention of using buildings cleared in the context of the reorientation process as accommodation for commuters has proven not to be viable. Budget funds for the continued use of such buildings may only be spent in the framework of building maintenance. In contrast, the renovation of buildings is not permissible, although it would be necessary in most cases. For another thing, when it comes to renting suitable accommodation on the private housing market, there is a lack of affordable offers for soldiers at many locations.

This is a challenge for the employer. Its duty of welfare and care alone requires that appropriate accommodation be ensured, also for commuters. That is a matter of both the quantity and the quality of the accommodation offered. The accommodation issue is an attractiveness factor. If success cannot be achieved in also offering commuters appropriate accommodation in the medium and long term, they will quite rightly complain about the conditions under which they serve and ultimately decide against staying in the Bundeswehr.

## **8 Women in the armed forces**

The absolute number of women in the Bundeswehr rose slightly in the year under review, totalling 18,535. This included 1,728 career soldiers, 16,016 temporary-career volunteers and 791 military service volunteers.

As in the previous year, the petitions received show no signs of fundamental, gender-specific problems in the armed forces. However, discussions made it clear that there are certainly a number of situations where servicewomen do not file a complaint or a petition, but nonetheless experience unequal treatment. It was reported, for example, that there are areas in the Bundeswehr where it is normal to address servicemen by rank and surname, while servicewomen are addressed only by their surname. This distinction is disparaging and unacceptable. Moreover, this kind of distinction in the form of address infringes the forms of military salute and address in the Bundeswehr, as regulated in Joint Service Regulation 10/8.

It still appears to be a common view that women are not up to physically demanding functions, e.g. in the field. This could be one of the reasons for the observation that the percentage of female platoon leaders in training companies is very low. This, too, is rightly felt by servicewomen to be discrimination.

It is regrettable that the "Truppenbild ohne Dame?" study of the Bundeswehr Centre of Military History and Social Sciences has still not been submitted to the German Bundestag, although it was completed almost a year

ago. After all, it promises a more in-depth analysis of the situation of the women in the Bundeswehr. So far, no reasons have been given for keeping the study secret.

Regardless of this, the Bundeswehr is still called upon to be an attractive employer for women in all rank categories. For servicewomen, this also means the opportunity to reach top positions. This presupposes that they are given the chance to prove themselves in posts that involve leadership responsibility and permit further promotion to higher positions, such as platoon leader, commanding officer, commander or their deputies. This is so far not ensured to a sufficient extent. For instance, there has so far been virtually no further increase in the percentage of female medical officers in Pay Grade A15, which was a mere 16 percent in 2010, although even the Federal Ministry of Defence noted that there was a pent-up demand in this respect. The Parliamentary Commissioner for the Armed Forces will keep an eye on further developments.

### **8.1 Discrimination specific to women**

Servicewomen complained about discrimination in connection with pregnancy and maternity in petitions received in the year under review. Derogatory remarks were the main subject of the complaints. For example, one superior said: "You decided on a career as an NCO, so you should have thought about whether you want to get pregnant beforehand." Just as unacceptable as this remark was the ban – even if it was said only to be meant as a joke – on getting pregnant until the superior went into retirement. Also a complete failure as a responsible leader was a disciplinary superior who, in response to an application for curtailment of parental leave from a servicewoman who had become pregnant again, replied: "Based on her character and basic attitude, the soldier was not seriously interested in returning to service, but rather wanted to pocket her pay in 'sick at home' status." Fortunately, cases of this kind are exceptions.

The employer's aim in launching the "Pregnant in the Bundeswehr" campaign is to inform pregnant women, breast-feeding mothers and their superiors about the regulations on occupational safety and health, health care and maternity protection, and to contribute towards providing optimum protection. The progress and expansion of the campaign demonstrate that superiors are also increasingly coming to see pregnancies of servicewomen as a natural part of the daily work of the Bundeswehr.

### **8.2 Military Gender Equality Officers**

Since 2005, Military Gender Equality Officers have been ensuring that the rules of the Act on Equal Opportunities for Female and Male Military Personnel in the Bundeswehr are implemented. According to their statutory mandate, they are involved in all personnel, organisational and social measures of their agency that relate to the compatibility of family and service, protection against sexual harassment at the workplace, and equal opportunities for female and male military personnel. Above all, this also includes the elimination of existing, gender-based discrimination and the prevention of such discrimination in the future. Consequently, the Military Gender Equality Officers are also important contacts when servicewomen feel disadvantaged or discriminated against by superiors or find themselves exposed to mobbing. With a view to the subjects mentioned, they are additionally the contacts for transsexual and homosexual military personnel.

According to the Act on Equal Opportunities for Female and Male Military Personnel in the Bundeswehr, still only servicewomen are entitled to vote and eligible for election to the office of Gender Equality Officer. Many people would like to see a change in this legal situation, such that servicemen are likewise entitled to vote and eligible for election. The discussion is in progress.

The structural and organisational changes brought about by the reorientation of the Bundeswehr have led to individual Gender Equality Officers being responsible for an even larger group of persons. To do justice to this situation, and also to ensure complete exercise of their functions, it is important that they be elected and appointed without delay.

A head of agency who comprehensively involves and supports the Gender Equality Officer assigned to him, and makes sure that she can perform her function without being subject to instructions, as prescribed by the law, not only makes it clear that gender equality is an important concern to him, but also fulfils his function as a role model and sets standards for his subordinates as regards behaviour towards the Gender Equality Officer.

Of particular importance for gender equality is participation of the Gender Equality Officers in assessment procedures, also in relation to the promotion prospects of female and male candidates. Otherwise, it is hard to determine how servicewomen are to be rated in a performance comparison with their male comrades.

In addition, comprehensive involvement of a Military Gender Equality Officer is necessary in proceedings relating to accusations of sexual harassment or encroachment. She must be able to exert an influence to ensure that appropriate and deterring sanctions are imposed and that the matter is not belittled. She can otherwise not adequately fulfil her task of prevention.

Above and beyond this, the appropriate and targeted support of female and male military personnel presupposes that the Gender Equality Officer can, if so requested by the persons concerned, also take part in their interviewing as witnesses. Owing to the small percentage of women in superior positions, these interviews are primarily held by male soldiers. Given the sensitive nature of the subject, experienced, female support is desirable, especially in the case of female soldiers. A concession of this kind would sustainably breathe life into the "zero tolerance limit" regarding the problem of sexual harassment and sexual encroachments, as endorsed by former Federal Minister of Defence de Maizière.

As described, the Parliamentary Commissioner for the Armed Forces monitors all cases involving sexual harassment and encroachments in the framework of the observation of Serious Incidents. If the Military Gender Equality Officer is involved in these cases, her assessment of the matter is of particular interest to the Parliamentary Commissioner.

The tasks of a Military Gender Equality Officer are demanding and diverse. Standing for this office will only be attractive for suitable servicewomen if they do not feel that they will suffer career disadvantages, despite statutory regulations to the contrary. To verify this, the Federal Ministry of Defence has been requested to compile statistics on the careers of these servicewomen.

## **9 Mobbing, sexual harassment**

There have repeatedly been complaints about mobbing, also in the year under review. Beyond the fact that this accusation could usually not be proven, despite thorough investigations, the cases reviewed frequently revealed deficits in tone and manners, interpersonal conflicts, and atmospheric disturbances that had disrupted routine duty and put a lasting strain on those affected. This also led to consequences for the superiors.

Sexual harassment remains a topic for the troops, and thus also for the Parliamentary Commissioner for the Armed Forces. Appalling reports came out of the USA late in the year. Within a year, the number of cases of sexual harassment and encroachments in the troops reported there rose from just under 3,400 to 5,000. Fortunately, there are not such figures in the Bundeswehr. The number of petitions in which female and male soldiers describe sexual harassment continues to be small. Nonetheless, there are occurrences of this kind, and the possibility cannot be ruled out that a large number of incidents go unreported.

It is irresponsible if a superior initially reacts with laughter to a servicewoman's report of being secretly filmed in the changing room by a male comrade, and then fails to ensure that the servicewoman and the accused serviceman are kept separate at the workplace during the criminal and disciplinary investigations against the comrade, as happened at a major medical clinic with specialty services. Disciplinary action regarding this conduct was no longer possible owing to the retirement of the superior. A ban on promotion, in conjunction with a cut in his pay, was imposed on the comrade who had secretly filmed the servicewoman.

An instructor to whom a servicewoman had given her private telephone number for use only in an emergency, sent her text messages and images aimed at becoming more closely acquainted. It is understandable that the servicewoman felt the advances of the superior to be disconcerting, annoying and ultimately threatening. She could not judge whether and how the rejection of such an attempt to make contact would affect her in service. As regards the conduct of the superior, just the abuse of the telephone number to make private contact constituted a disciplinary offence. The superior was severely reprimanded for his misconduct.

It became clear in discussions with affected persons that they often have inhibitions about reporting mobbing and cases of sexual harassment and sexual encroachments. The reasons given were negative effects on the person's assessment or career disadvantages, but also fears that the facts and circumstances would not be properly clarified because personal friendships frequently exist between the offender and the persons entrusted with examining the case. While these reservations are understandable, they are also regrettable, since they protect the offenders. In such instances, it is certainly helpful – and has occasionally also been the case – if a report or a petition is filed by third parties who hear of such incidents.

If a report or a petition is filed, any discrimination or disciplinary measure against the author is forbidden. Nevertheless, one case came to light where superiors and comrades clearly demonstrated their rejection of the af-

fectured servicewoman and there were anonymous attacks on her. Behaviour of this kind is likewise not only not comradely, but also in breach of duty.

Where the cases of sexual harassment or encroachments reported to me could be proven, it was seen that they resulted in appropriate disciplinary action. Regardless of this, an act of this kind must, to my mind and depending on its nature, also be taken into account in the assessment of a serviceman, particularly in the assessment of the promotion prospects. In this way, a subsequent superior can be put in the picture and similar breaches of duty counteracted.

The same also applies in cases where concrete mobbing of subordinates cannot be proven, but the investigations reveal that the accused demonstrates fundamental deficits in interpersonal relations and his personality structure.

Finally, in cases where the results of the investigations indicate that the parties involved need to be separated at work, it should preferably be the offender who is transferred, unless the victim specifically requests to be transferred. Otherwise, this will only increase the fear of other affected persons of exposing themselves by filing a report.

## **10 Offences against sexual self-determination, child pornography**

In addition to processing petitions concerning sexual encroachments, the Parliamentary Commissioner for the Armed Forces also monitors all reports on Serious Incidents involving a suspicion of criminal offences against sexual self-determination. 64 such cases had been reported by 19 December 2013, where servicewomen were victims of encroachments by male comrades or unknown persons. Outside the services, female civilians were victims of sexual encroachments and exhibitionist acts by servicemen. The investigations have not yet been concluded in many of these cases.

Suspected cases of criminal offences under Section 184 b Penal Code, relating to the dissemination, acquisition or possession of child pornography, were reported on a total of eleven occasions in the year under review. The charge was dropped in one case, and the investigations are still in progress in the other cases. In the four Serious Incidents in this area reported in 2012, not only were penal sanctions imposed on the soldiers, insofar as the offence was proven, but they were also dismissed from the Bundeswehr as a consequence of the disciplinary investigations.

According to Joint Service Regulation 10/13, incidents involving a suspicion of criminal offences against the right to sexual self-determination must be reported. They are recorded and evaluated centrally. It is not permissible – as happened in one instance – to refrain from filing a report because prosecution authorities request that military investigations be deferred for the time being. This can be done despite a report being filed. Failure to report contributes to falsifying the overall picture of Serious Incidents and leads to inappropriate results in assessments. Complete findings are indispensable, especially in this sensitive area, if conclusions are to be drawn and corresponding action taken.

The initiative of the Federal Ministry of Defence is to be welcomed, as part of which a survey on the subject of "Sexual self-determination/Sexual harassment" is currently being conducted and evaluated throughout the Bundeswehr. It should be ensured that the results become available as soon as possible, so that action can be taken on this basis.

## **11 Appearance/Directive on Grooming Standards for Hair and Facial Hair**

For 13 years now, the Annual Reports have, based on corresponding petitions, been drawing attention to the different interpretation of the existing regulations regarding the appearance of military personnel and the need to revise the regulations. Most recently announced for 2013, the revision and rewording of the separate chapter on "Appearance" in Joint Service Regulation 37/10 has still not materialised. This deprives superiors of the necessary certainty and makes everyday military life unnecessarily more difficult.

It will be hard to find a regulation in this field that really caters to all circumstances in life. Nevertheless, it must be possible to design the regulations in such a way that, based on concrete specifications and examples, a standard is set that can serve as a guideline and no longer permits a wide range of possible interpretations, as has so far been the case. Certain gender-specific special features are an expression of the difference between the sexes and cannot be standardised – a fact that should also be taken into account. After a reasonable period, there would then be a need to evaluate whether and where there are still gaps in the regulations and to what extent there is a need for further improvement.

Time and again, military personnel complain about being reprimanded for breaching the regulations on appearance. It is both permissible and necessary to intervene in the event of such breaches. This makes it all the less comprehensible when superiors show no regard for a consistent appearance. Particularly the lower ranks cannot understand why specifications are only enforced in their case and not in the case of superiors as well. Behaviour of this kind destroys faith in the consistency of the issuance of orders.

One aspect of appearance is the uniforms. The Dress Regulations for Military Personnel of the Bundeswehr (Joint Service Regulation 37/10) and the Technical Specifications of the former Federal Office of Defence Technology and Procurement, which are authoritative both for the free uniforms issued and for self-suppliers, currently offer room for interpretation regarding the colour "light grey" for the service dress of Army servicemen and women. Despite instructions to the contrary, issued by the Army Chief of Staff in 1980, there is still no consistent definition of the colour, this leading to an inconsistent appearance in practice.

The Instruction of 30 April 1980 (Fü H I 3 - Az 49-01-00) states that the inconsistent appearance creates a negative impression on occasions where units line up in a closed formation in their service dress. According to the Instruction, it was to be ensured by 1 April 1982 at the latest that a consistent appearance was guaranteed when lining up in formation. By that time, self-suppliers and partial self-suppliers were to have service dress matching the Army Grey of the uniform jackets supplied officially from 1968 onwards.

This Instruction has obviously been forgotten. The appearance is currently not consistent. This should be corrected. The easiest thing would be to prescribe a standard uniform. This would eliminate the problems.

## 12 Voluntary military service

In the past, voluntary military service suffered from a strikingly high drop-out rate. The figure for volunteers starting service in 2012 was roughly 28.8 percent. 24.7 percent terminated their voluntary military service at their own request, 4.1 percent being dismissed by the Bundeswehr. The drop-out rate was even higher in the January of the year under review, although it was declining noticeably by May 2013. An analysis of the overall figures for 2013 will not be available before the end of February 2014 at the earliest.

According to a report by the Federal Ministry of Defence to the Defence Committee of the German Bundestag, the reasons most commonly named for quitting service are better alternatives in civilian occupations or a lack of future prospects in the Bundeswehr. Reference is also frequently made to inadequate assignment planning.

The criticism contained in the reasons mentioned coincides with the content of petitions from military service volunteers who stay in the Bundeswehr. One of the main points of criticism is the complaint that the selection and induction offices – today's Bundeswehr Careers Centres – gave only inadequate advice. The advisers in the Careers Centres are said to be more interested in filling existing vacant posts, regardless of the qualifications and wishes of the applicants. For instance, one military service volunteer, who had successfully completed vocational training as a media designer, said the selection and induction office had initially recommended her a job as driver. Only on her own initiative was she employed at a Media Centre. Something similar was reported by a trained musician, who wanted to become a military musician. The military service counsellor told her he had no idea about "such exotic things" and instead recommended a job with the paratroopers or the Special Forces Command (KSK).

Other military service volunteers reported that they had been given false hopes of assignment to certain locations and certain units, and that they were not informed of possibilities for switching to other careers in the event of re-enlistment. A final point of criticism was that Careers Centres were unable to give applicants a guarantee for a particular post or location, whereas candidates who applied for a particular post directly at a barracks could be given a concrete promise there. The advice given in the Careers Centres should be reviewed as regards this criticism.

Independently of references to what was considered to be inadequate advice from the Careers Centres, recruits quite often said, immediately after the start of general basic training, that they felt overtaxed by the new circumstances, the physical and mental demands of service, and the unaccustomed situation of living together in the barracks. They criticised the strict commanding tone of superiors, their manners, and the high demands on sporting performance.

This criticism was not justified in the majority of cases. Appropriate action was taken in the few instances where training was found to be exaggerated. Regardless of this, it remains to be noted that basic training entails major physical and mental strain that is, however, indispensable for successful military training.

A number of military service volunteers asked for help in leaving the Bundeswehr prematurely, even after the end of the six-month probationary period, because they had been offered a unique opportunity in the form of an attractive vocational training or higher education place. Although these requests are understandable, military service volunteers must clearly realise that not only the Bundeswehr has bound itself by contract, but also they themselves, and this obligation is binding on both sides. The Parliamentary Commissioner for the Armed Forces will not help in these cases. Premature withdrawal is only possible in cases of particular hardship. Young recruits should be informed of this in good time.

There were again complaints in 2013 regarding the rejection of applications from military service volunteers for acceptance into service as temporary-career volunteers. Particular points of criticism in this context were the long time taken to process the corresponding applications and the poor chances of acceptance of applicants from voluntary military service. It continues to be my opinion that no suitable military service volunteer applying for initial enlistment as a temporary-career volunteer should be rejected and referred to the possibility of re-enlistment.

One young military service volunteer drew attention to a special aspect at the end of the year. He calculated that, given a regular working time of 45 hours per week and a wage of € 1,000 per month, the hourly wage of a military service volunteer was € 6 per hour and thus much lower than the minimum wage of € 8.50 stipulated in the Coalition Agreement. The letter was sent to the Federal Ministry of Defence for comment.

### 13 Reservists

The petitions from male reservists – only one female reservist turned to the Parliamentary Commissioner for the Armed Forces in the year under review – again revealed their great motivation and commitment to the Bundeswehr. Many reservists expressed a wish to be included in the planning for reserve duty at home or abroad, or to be assigned to a specific post that they thought was unoccupied and matched their qualifications. They moreover demanded greater recognition of their work, e.g. in the form of promotion.

Recognition is an important factor when it comes to the appreciation of the services of reservists. Consequently, complaints about restrictions on wearing decorations, such as the Award Pin of a Federal Land, on the Bundeswehr uniform are just as understandable as disappointment regarding the failure to present the Bundeswehr Foreign Duty Medal. Regarding the aforementioned Award Pin, Joint Service Regulation 37/10 "Dress Regulations for Military Personnel of the Bundeswehr" has in the meantime been amended. It is inappropriate when senior officers or other superiors make derogatory remarks about unemployed reserve duty soldiers. The same applies to disparaging comments about soldiers who continue to serve as reservists after reaching the special age limit. Without these reservists, some areas would not be in a position to fulfil their commission and their tasks. Therefore, they deserve thanks, not criticism.

It repeatedly became clear in the numerous individual instances that the reservists wanted to make an active contribution to the life of the Bundeswehr. The petitions therefore revolved around general deficits in the organisation and design of reserve duty training, or the fitness of reservists, e.g. the Body Mass Index, high blood pressure or other health-related restrictions, and cancelled continuing training measures, such as the cancellation of sergeants' training courses for reserve sergeant candidates. Among other things, the assignment of a reservist to Afghanistan was terminated prematurely, disregarding the pertinent regulations, which would have demanded that the affected man be heard.

At this point, praise should be given to employers who exempt employees from work for reserve duty training. In this context, consideration should be given to whether the Federal Minister of Defence could not show special appreciation for unusually cooperative employers in future.

The subjects of military pay, travelling expenses, merit bonuses or assurance of a livelihood continued to play a role, where complaints were raised regarding the long processing times of corresponding applications, or the amount of the payments. Although long-planned, the reform of the Conscripts and Dependents Maintenance Act did not materialise in the past, 17th electoral term. It remains to be hoped that amendment of the Conscripts and Dependents Maintenance Act will be tackled swiftly and put into force in the new, 18th electoral term, so that, for example, better justice can be done to the justified financial claims of reservists for the services rendered during reserve duty training within the shortest possible processing time. In this context, the payments for self-employed persons should also be scrutinised, and also their obligations to furnish proof.



Physical fitness is a prerequisite for the acquisition and maintenance of the individual basic skills, and is also an obligation for reservists, especially those who are intended to take part in special foreign assignments. As one petition revealed, the current regulations impose restrictions on reservists' free use of the training and fitness facilities of a barracks outside reserve duty. Given the current requirements of the Bundeswehr Reserve Concept, these regulations should be changed.

## **14 Medical Service**

In the process of reorientation, the Medical Service is once again to be substantially reduced in size and restructured. In addition to modernisation of the infrastructure and improvement of the technical medical equipment, the aim of its reorientation is a structure with an allocated number of posts doing justice to the military/civilian mandate to provide medical care, as well as filling of these posts with qualified specialist personnel. Neither could be achieved in the year under review.

Initiated in the previous year, the extensive dissolution and reorganisation of the agencies, formations and units of the Joint Medical Service took place without interrupting routine duty, with an unchanged workload and mission strain, and accepting substantial personnel bottlenecks. This led to great disconcertion and worries about the future of the Medical Service among parts of the medical personnel. These worries were primarily based on the substantial shortage of specialist personnel – both physicians and nursing staff – and problems with recruiting young personnel.

A look at the personnel situation of the Medical Service, the position of the Bundeswehr hospitals and the regional medical facilities underlines the soldiers' justified worries.

### **14.1 Medical Service officers**

The precarious personnel situation as regards Medical Service officers again did not improve significantly in 2013, although study places were made available for just under 300 newly recruited Medical Service officer candidates. In addition, the large number of students meant that the number of applications as Medical Service officer candidate rose for the fourth time in succession in 2012, by 12 percent. Moreover, 70 licensed "lateral entrants" were recruited as Medical Service officers, as well as 30 former recruiting organisation physicians for the Medical Service. Nevertheless, in relation to the new Personnel Structure Model, roughly 400 posts specialising in the clinical intensive-care and emergency medicine of relevance for missions, and also in the specialist fields of otorhinolaryngology and radiology, were not occupied.

The Federal Ministry of Defence sees the above-mentioned new recruitments as a positive trend. At the same time, it also concedes that a substantial number of Medical Service officers and Medical Service officer candidates left service by exercising their right to conscientious objection. The figure in the year under review was 43. Thus, roughly 20 percent of the annual replenishment rate for Medical Service officer candidates is in fact not available for service as Medical Service officers. This is already having a negative impact, particularly in the field of unit medical care.

Another objection to be raised to the positive assessment of the Federal Ministry of Defence is that the personnel in the Bundeswehr hospitals indicated in the Tables of Organisation and Equipment (TOE), which are decisive for setting up the budget, still reflects the status of the patient volume and cases of illness in 2007. The increase in the patient volume as a result of integration of the hospitals in increasingly comprehensive civilian standard medical care and the emergency services, as well as the associated further technical medical developments and the restructuring of operational workflows and processes, have not yet been given adequate consideration in the staffing plan. The personnel requirements for certain specialist areas in the Bundeswehr hospitals would need to be increased in order to remedy this deficit.

Finally, increasing bureaucracy, personnel management tasks and the training of a growing number of assistant house physicians, as well as missions abroad and exercises, put a strain on the available specialists and reduce the amount of time available for their actual curative work. The aforementioned general framework conditions are hard to reconcile with family life for many Medical Service officers, especially younger ones. Consequently, more and more of them are deciding against becoming career officers. Not even the 2009 attractiveness programme has so far been able to stop this trend. From the point of view of the Parliamentary Commissioner for the Armed Forces, the personnel situation regarding Medical Service Officers must generally be rated far more critically than seen by the Federal Ministry of Defence.

In view of this, it would be welcome if at least the incentive pay for medical specialists, introduced in 2009 for areas with a particular personnel shortage, were to be prolonged beyond 2014. However, as repeatedly called for in previous Annual Reports, the group of persons eligible for incentive pay should be expanded to include dentists, pharmacists and veterinarians, and the granting of incentive pay should be designed more fairly by defining plausible, transparent qualifying conditions.

#### **14.2 Non-physician medical personnel in Bundeswehr hospitals**

Occasionally substantial personnel bottlenecks exist at the Bundeswehr hospitals, as regards not only physicians, but also medical laboratory assistants and specialist nurses. There is a particular shortage of professionals for the surgical and intensive-care sector, as well as paramedics and emergency medical technicians.

This leads to an extremely high workload on the available personnel, not only in terms of time. As a result, the personnel shortage is further aggravated by sickness-related absence due to burn-out or depression, as was repeatedly reported during visits to the troops at Bundeswehr hospitals.

Specialist nursing professionals complained about also suffering career disadvantages as a result of the enormous workload, because they were unable to attend necessary career courses at the right time. These complaints must be taken seriously.

In view of the depressing framework conditions, an additional attractiveness programme is the only way to relieve the burden on the existing personnel and strengthen the recruitment of new staff. Among other things, this includes compensation for overtime, especially time on call and stand-by duty, as is nowadays normal for physicians. Above and beyond this, the extra pay for difficult working conditions, to be granted to certain nursing personnel as compensation for special physical and mental strains, should be expanded to include nursing personnel subject to comparable burdens, but not so far taken into consideration.

The recruitment of new staff from the existing personnel has become much more difficult as a result of the suspension of compulsory military service and the decline in the number of military service volunteers. Moreover, given the general "nursing emergency", it is also hard to recruit nursing staff with completed vocational training on the labour market. The creation of new training capacities within the Medical Service is thus expressly to be welcomed in order to strengthen internal regeneration.

As a result of the massive personnel cutbacks in the rank and file, there is also a shortage of ancillary medical personnel. Improved re-enlistment options for rank and file personnel can only partly compensate for the personnel bottlenecks. It is therefore regrettable that the successful initiative of individual Bundeswehr hospitals for recruiting ancillary personnel via Federal Voluntary Services or the Voluntary Social Year had to be cancelled, despite the interest shown in this kind of activity, because the Federal Ministry of Defence stopped providing budget funds for it. Nor have any budget funds been requested for this purpose for the current budget year. This is unfortunate. From the point of view of the Bundeswehr hospitals, more personnel for ordinary service would noticeably relieve the personnel situation.

Compliance with occupational safety and health regulations is a further problem. According to the EU Working Time Directive (Directive 2003/88/EC), breaks and rest times must be observed in the event of shift and night duty. In addition, a maximum weekly working time may not be exceeded. The applicability of this Directive to civilian personnel is acknowledged. In contrast, the Bundeswehr has so far refused to apply the Directive to military personnel. In practice, this means that the working hours not done by civilian personnel have to be redistributed to the detriment of the military personnel. According to a decision of the Federal Administrative Court of 15 December 2011, however, the Directive also applies to the personnel of the Bundeswehr. Nonetheless, the Directive is still not being applied to them. That is incomprehensible. The employer remains called upon to also implement the Directive for military personnel without delay. It can already be seen that this will result in a need for more hospital personnel.

#### **14.3 Bundeswehr hospitals**

The aforementioned personnel shortage, among not only specialists, but also assistants and nursing staff, once again extensively impaired routine duty in the Bundeswehr hospitals. In 2013, too, wards and day hospitals had to be closed for lack of personnel. This endangers the high medical quality standard of the Bundeswehr hospitals, as documented by the certification of the Traumatology and Emergency Medicine Centres that have been set up. Moreover, expensive medical capacities are going unused.

One answer to this situation is supposed to be the reform of the Bundeswehr hospitals, involving further specialisation and the creation of Centres of Expertise. This means abandonment of the previous principle of clinical care: "everything from a single source under one roof". This does not improve on-site clinical care. In addition, the concentration of expertise is so far suffering from the fact that there is still no concept for the clinical system network to be set up for the remaining hospitals.

However, this concept must not be primarily geared to the needs of civilian standard care. The provision of medical care for military personnel must remain the decisive factor. Civilian capacities will not be able to cover the medical needs of military personnel on missions. The Bundeswehr itself must have the necessary resources available in this respect. This has not been the case for years in the field of care for patients with very severe burns. The facilities still available for treating them at the Bundeswehr hospital in Koblenz are currently unused, because there is a lack of personnel qualified to treat patients with very severe burns.

In addition, attention must be paid to two special aspects in this context: first, the concentration of expertise in individual hospitals will greatly increase the distances to be travelled by military patients, also in the event of examinations and outpatient treatment. Second, accommodation capacities must be made available in case one day is not enough for the inward and outward journey. The same applies to the accommodation of relatives wanting to visit patients in distant hospitals. Neither is yet guaranteed. Beyond this, telemedicine capabilities, which are already used on missions, should also be expanded in Germany. Not patients should travel, but data.

A special challenge in the year under review was again the accommodation of patients with multi-resistant germs. Since no special isolation wards have been set up for this purpose, normal wards had to be temporarily closed and used to accommodate these patients. This had an impact on hospital operations, since the closed wards were thus no longer available for other patients. There is a need to consistently further pursue the infrastructural measures for raising hygiene standards that have been introduced to improve the isolation of patients with multi-resistant germs, but not yet completed.

The core tasks of the Bundeswehr hospitals in the framework of mission preparation include the training of soldiers for the emergency medical service. The soldiers get practical training at the ambulance stations set up at the Bundeswehr hospitals, which are integrated in the emergency care for the civilian population. The basis is the applicable emergency medical service laws of the Federal Länder. To be able to continue to guarantee the mission-relevant training of medical orderlies in the emergency service, the forthcoming amendment of the emergency medical service laws must make provision for participation of the Bundeswehr in the emergency medical service, as up to now. medical orderlies told the Parliamentary Commissioner for the Armed Forces that they were worried about this being overlooked.

Finally, it should be pointed out that the users of the Hospital Information System introduced at the Bundeswehr hospitals in Koblenz, Ulm, Berlin and Hamburg do not consider it to be particularly user-friendly. These complaints should be examined, and the system improved where necessary. Even more urgent is networking of the information systems, so that patient data can be utilised across all hospitals. A system network of this kind is not to be realised before 2014. However, the Bundeswehr hospital in Westerstede is still excluded from this network. It is essential that networking with the other Bundeswehr hospitals be targeted.

#### **14.4 Unit medical care in Germany**

The personnel problems in the field of outpatient unit medical care in Germany are even more apparent than in the Bundeswehr hospitals.

One-quarter of the unit physician posts was not occupied in the year under review, meaning more than a hundred vacant jobs. In one case that came to light, only one of five unit physician posts at a medical clinic was actually occupied. Similarly massive personnel bottlenecks were reported during many visits to the troops and in petitions.

One reason for the inadequate staffing of the posts is the lack of appreciation of the work of unit physicians, who are regarded as being the "GPs" of the military personnel. In addition, the filling of a post as unit physician is also dependent on the location of the medical facility. It is difficult to fill posts at remote installations. Action is necessary to counter this situation. It must be made clear to Medical Service officers that unit medical care and clinical care complement each other and that an exchange of personnel between the two should be regular practice. However, this also means eliminating disadvantages resulting from an assignment as unit physician, such as the lack of options for specialist medical training.

Since numerous unit physicians were absent from their posts as a result of basic and advanced training, deputising for other unit physicians, operational commitments and family reasons, the target of a rate at which personnel turn up for duty of 75 percent could, as in previous years, only be achieved in 2013 by exploiting all available resources. This included the utilisation of roughly 150 SHI-accredited physicians and the delegation of 39 former recruiting organisation physicians or their permanent assignment to alternate positions in medical facilities. Individual vacancies could additionally be compensated for with the help of the "Medical Service Officers, Emergency Medicine" personnel pool, which has in the meantime been staffed. Finally, former Medical Service officers with reservist status also helped out as unit physicians. Many members of the Medical Service are of the opinion that the provision of medical care could no longer be guaranteed without using reservists.

There was also a personnel shortage among the directors of the regional medical facilities. Only about three-quarters of the corresponding posts were staffed, although the posts for directors and specialists are better paid and now offer more attractive career prospects. The internal view is that this is a threat to the command and control capability of the medical facilities.

Unit medical care in Germany also includes the provision of a suitable Medical Service infrastructure. This is not always guaranteed. For example, it was found during a visit to the troops at the German-Netherlands Corps in Münster that the dental medical facility there, which can be reached on foot and is well-equipped, is to be closed and replaced by a facility that is farther away, harder to reach and less well-equipped. For the soldiers, this means longer journeys and poorer dental care. Moreover, the Dutch side of this binational Corps is only incompletely fulfilling its contractually stipulated obligation to provide medical assistance. For instance, Bundeswehr personnel is currently not allowed to make use of the Dutch dispensary in Eibergen.

There were also occasionally major gaps in the staffing of the non-physician permanent staff at the regional medical facilities. Roughly 15 percent of the posts for medical sergeants (paramedics) were unoccupied, and as many as 30 percent were not available for normal daytime duty. About one-quarter of the posts for Medical Service NCOs and rank and file personnel could not be filled. The recruitment of new personnel for these rank categories is also not secured.

Like the Joint Medical Service, the Navy Medical Service is also suffering from massive personnel bottlenecks as regards its non-physician medical personnel. In particular, there was a shortfall of up to one-third of the target number of NCOs and rank and file personnel, meaning that manning of the boats and ships could only be ensured with effort and by accepting great strain on the available medical personnel.

Owing to the enormous shortage of personnel, the occasionally well-equipped regional medical facilities can only make limited use of their capacities for curative and diagnostic treatment of military personnel. As in the Bundeswehr hospitals, the medical facilities also have idle resources that could be used for unit medical care.

In addition, the work of the regional medical facilities suffers from the fact that computer-aided practice software, such as is customary in civilian medical practices, has not been introduced to this day. The resultant need for manual issue of prescriptions, hospital referrals and other forms is outdated and imposes an unnecessary burden on the personnel.

The consequences of the personnel bottlenecks and equipment inadequacies described included avoidable waiting times and errors in documentation and the issue of prescriptions.

Given that unit medical care is just about adequately ensured, it can generally only be said that it is a case of managing existing shortages. It has so far not been possible to resolve the fundamental structural problems in the provision of medical care in Germany. It is also not at all clear how the Federal Ministry of Defence intends to solve these problems.

#### **14.5 Cost reimbursement in the framework of Medical Service care**

The new structure of the Bundeswehr Joint Medical Service means that military patients have to travel farther. These journeys are usually organised officially. Should this not be possible, the question arises as to the reimbursement of costs for using public or private transport. The duty of welfare and care calls for reimbursement of the costs if the employer cannot ensure transport using its own means. The employer must create the necessary legal foundations for this.

The last Annual Report already pointed out that a reform of the primary physician principle could help avoid long journeys for patients. Against this backdrop, it should be made easier for military personnel to be treated by the nearest unit physician, and he should be allowed to write sick reports.

As in the previous year, affected persons again complained in the year under review about problems relating to the reimbursement of costs for civilian medical services of which they had availed themselves in the framework of free medical care. In view of these complaints, it must be ensured that unit physicians and SHI-accredited physicians, as well as the clearing agencies, are familiar with the regulations regarding referral procedures and the assumption of costs for civilian medical services provided for military patients. If necessary, the corresponding training must be repeated. Should errors occur, they may not be to the detriment of the soldiers. Regulations to the contrary should be amended accordingly.

## **15 Mission-related mental illnesses**

For years now, an increase has been recorded in the number of mental disorders, ranging from depression and anxiety all the way to severe post-traumatic stress disorders, in deployment returnees and soldiers who have retired from active service. Dealing with the associated consequences continues to be a particular challenge for the Bundeswehr.

2013 once again saw a marked increase in mental illnesses in mission participants. Based on internal estimates, the treated cases of post-traumatic stress disorders reached the 1,500 mark in 2013, including roughly 200 new cases. According to the study on undetected cases conducted by Dresden University of Technology, the actual number of cases is probably twice as high. Moreover, this figure does not include former temporary-career volunteers undergoing treatment in civilian facilities following their retirement.

According to the latest study results from the Psychotrauma Centre in Berlin, roughly one-quarter of all deployment returnees suffer from mission-related mental disorders. The study also shows that slightly less than one in five sufferers seeks psychosocial treatment. In individual cases, appropriate treatment additionally suffers from lacking willingness of the affected persons to cooperate.

The increase in complex post-traumatic stress disorders is demonstrably a consequence of participation in stressful combat action and/or multiple traumatisation owing to repeated participation in missions. In such cases, the affected persons suffer from severe disorder symptoms and tend to be chronically ill. The treatment of these patients quite frequently necessitates lengthy stays in hospital with inpatient trauma therapy. The employer must promptly provide the necessary treatment capacities or ensure treatment in suitable, civilian facilities.

### **15.1 Early detection, training and therapy offers**

The Bundeswehr has developed various screening procedures for early detection of mission-related mental illnesses. These procedures are to be applied prior to missions in order to test the mental stress-bearing capacity of military personnel going on a mission and detect any existing mental damage. According to the results of the study on undetected cases conducted by Dresden University of Technology, almost one-fifth of all traumatised deployment returnees were sent on the mission with an existing mental condition, although their fitness for foreign assignment had previously been attested. In view of their existing condition, this should not have happened. Following their return, the same soldiers will in future be examined once again in order to be able to detect and treat potential mission-related mental damage at an early stage.

However, a greater number of military psychologists is necessary for the extended screening procedures and the regular participation of psychologists at post-deployment briefings that is now envisaged. Since the recruitment of trained psychologists on the labour market presents major problems, the Bundeswehr has created its own training courses. The Faculty of Human Sciences of the Bundeswehr University in Munich has been offering a bachelor course in Psychology since October 2013 and, building on this, will be introducing a master course in Clinical Psychology as of January 2016. It is to be hoped that young officer candidates will actually take up this offer.

Likewise to be rated positively is the training course on "Sports therapy following mission-related injury" offered by the Institute of Sports Medicine of the Bundeswehr Sports School in Warendorf, which was already mentioned in recent Annual Reports. The training courses are also open to persons suffering mental harm on missions. Their holistic approach for restoring the physical and mental fitness of persons harmed on missions and improving their quality of life has proved successful. Based on the positive experience to date, the concept

of the courses is to be further developed, and the number of participants increased. Beyond this, assumption of the costs by the employer should at last be ensured. At the moment, the Soldatenhilfswerk der Bundeswehr (Service Relief Association) and the Protestant and Catholic Association for the Welfare of Military Personnel still pay part of the costs.

It is pleasing that various sources of information with multi-stage offers of help are now available to soldiers seeking help regarding a psychological reaction following an assignment. On the one hand, information and offers of help of the Federal Ministry of Defence and external organisations are available to affected persons, also anonymously, via a permanently manned telephone number and the Internet. On the other hand, unit physicians, social workers, chaplains and military psychologists have joined forces in "Psychosocial Networks" and offer help at almost 80 locations in Germany and on missions. In addition, the care-taking guides provided in the troops for personnel harmed on missions can be important first points of contact for obtaining help. There are currently some 150 guides. However, only the Army has full-time care-taking guides at the moment, while the Air Force and the Navy only provide them as a secondary function.

### **15.2 Involvement of relatives in the therapy offered**

The last Annual Report already drew attention to the importance of involving relatives in the treatment of personnel injured on operations. On the one hand, it is a question of the relatives accompanying and supporting the treatment of the affected personnel. On the other hand, however, it is also a question of involving them in therapeutic measures, insofar as they have themselves been traumatised as a result of the soldier's injury and treatment. Against this backdrop, it is to be welcomed that relatives are now integrated in the aftercare of personnel injured on operations and can take part in post-deployment briefings.

One positive example of the integration of relatives is the "Body, Soul and Spirit" seminar project, initiated by the former Deputy Commander, Military District Command IV. The seminar targets military police and explosive ordnance disposal personnel subject to particular mission strain, and their families. Up to now, the costs for these seminars have been borne by the Catholic Chaplain Service. As reported at the beginning of November last year by then Federal Minister of Defence de Maizière, the Federal Ministry of Defence will in future bear the costs of the seminar and initially ensure its continuation until the start of 2015. This time limit should be lifted, and members of other assignment categories should also be given the possibility of participating in the seminars.

Also worthy of positive mention are the professional counselling seminars entitled "Support and Care Under One Roof". In one-week seminars, stabilised personnel injured on operations can, on a voluntary basis and with their relatives and the surviving dependents of fallen soldiers, take up offers of individual and joint counselling by professional Bundeswehr personnel, exchange experience and support each other. All-round child care is ensured during these seminars. It should be ensured that this offer is continued and expanded.

Finally, attention should also be drawn to further therapy-supporting measures in the form of seminars for families and relatives, provided by the Berlin Psychotrauma Centre in cooperation with the Protestant Chaplain Service. Beyond this, help for affected personnel and their families is also offered by the "Network of Mutual Assistance", in which voluntary and charitable organisations collaborate with the Psychosocial Networks and the Chaplain Service. The offers can be accessed via the new Internet portal at "bundeswehr-support.de". All the above-mentioned establishments and institutions make an important contribution to providing care and support for traumatised soldiers. They deserve our thanks for their work.

### **15.3 Safeguarding therapeutic care**

It continues to be the case that the capacities of the Bundeswehr Medical Service are insufficient to guarantee the treatment and care of mentally ill deployment returnees. This is partly due to the fact that the personnel level of some Bundeswehr hospitals does not permit the establishment of day hospitals for the outpatient care of personnel injured on operations. At the same time, it is also attributable to persistent, substantial personnel vacancies in the area of clinical psychiatrists and psychotherapists. So far, outpatient treatment is offered in five hospitals. That is not enough.

To compensate for the lack of its own treatment capacities, the Bundeswehr falls back on civilian offers of therapy, among other things. It has in the meantime been possible to solve the problem, arising in this context, that the civilian therapists felt that the remuneration paid by the Bundeswehr for their services was too low. An agreement between the Federal Ministry of Defence and the Federal Chamber of Psychotherapists entered into

force on 16 September 2013, increasing the remuneration for private psychotherapeutic services to the rate paid to the Bundeswehr's SHI-accredited physicians. The Federal Chamber of Psychotherapists will additionally hold seminars to support the Bundeswehr in the search for suitable psychotherapists for treating military patients.

The Bundeswehr is expecting a further improvement in treatment capacities in Westerstede. There, the Karl Jaspers Clinic of Bad Zwischenahn will set up a specialist facility for psychosomatic medicine and psychotherapy on the campus of the Westerstede Bundeswehr Hospital, where ten soldiers with post-traumatic stress disorders are to be treated. The Cooperation Agreement signed to this end also regulates the basic, advanced and continuation training of medical and non-medical specialist personnel of the Bundeswehr in the new facility. This is a trend-setting project.

#### **15.4 Entitlements of retired military personnel, especially deployment returnees**

Up to now, the employer merely offers information and contact addresses in leaflets via the Internet for military personnel who only display mission-related mental disorders after retiring from active service. These offers do not satisfy the duty of care defined in Section 31 of the Soldiers' Act. This duty obliges the employer to also provide welfare and care in the time after termination of their service status. Here, there is a need for direct pension and benefit entitlements, in order to give former military personnel greater security. The United States of America could serve as a model in this respect, where former soldiers are entitled to free preventive healthcare and advanced training measures at the government's expense.

The prerequisite for providing corresponding benefits would be the granting of a status of their own to deployment returnees, which could be circumscribed by the term "veteran". The proposals developed in this context by the former Federal Minister of Defence, Dr. de Maizière, were limited to contributions to the discussion. Minister de Maizière had proposed that soldiers be referred to as Bundeswehr veterans if they "... have honourably retired from active service in the Bundeswehr and, as members of the Bundeswehr, participated in at least one mission or one special assignment abroad in the framework of humanitarian, peacekeeping or peacemaking measures". This definition is to be welcomed, because it unbureaucratically create the necessary prerequisite for granting concrete benefits to military personnel with this status – which is, incidentally, also documented by the Bundeswehr Foreign Duty Medal – and their relatives. The new Minister of Defence must now swiftly reach a decision on this matter.

There are some first signs of an improvement in the care and security of former soldiers. For instance, the Psychotrauma Centre in Berlin has made the offer to retired, traumatised mission participants, who are no longer entitled to unit medical care, and also to mentally ill relatives of such soldiers, to integrate them in outpatient treatment at the day hospital set up at the Psychotrauma Centre in Berlin. An offer of this kind is to be welcomed. However, it would be more important for this to be regulated as an entitlement for soldiers with mission-related traumas and mentally ill relatives of such soldiers. Anything else is a gross breach of the duty of care.

The legislature has taken one important step towards the desirable provision of care for veterans "from a single source". The German Bundestag adopted the Act Governing the Transfer of Länder Responsibilities in the Field of Pensions for Disablement and Surviving Dependents in Accordance with Part Three of the Military Pensions Act of 15 July 2013. Accordingly, responsibility for pension payments and for therapeutic treatment and patient care is to be transferred from the Länder to the Federation with effect from 1 January 2015, and responsibility for welfare for war victims from 2016 onwards. This is, however, only the start of the road to providing care for former soldiers "from a single source". The corresponding personnel and material prerequisites now need to be promptly created in order to do justice to this aim.

#### **16 Foundation for Hardship Cases**

Traumatised former soldiers can receive financial support through the Trust Foundation for the Support of Hardship Cases in the Bundeswehr and the former National People's Army. This Foundation (known as the Foundation for Hardship Cases) was set up under the sponsorship of the Soldatenhilfswerk der Bundeswehr e.V. (Service Relief Association). It is currently not yet a non-profit organisation, but the Ministry is endeavouring to have the Foundation recognised as such.

However, the benefits provided by the Foundation are no substitute, and must not be allowed to become a substitute, for the welfare and care that is the duty of the employer. They are merely intended to help persons whose

circumstances differ greatly from the normal case envisaged by the law, or who are dependent on this help in the current legal situation.

Provision for former military personnel damaged by radar radiation has already repeatedly been addressed in the Reports of the Parliamentary Commissioner for the Armed Forces. The Foundation was primarily established to provide for these victims and has been able to help in many cases. However, several proceedings in which affected persons claimed to have been damaged by radar radiation have still not yet been able to be concluded because the Federal Ministry of Defence lodged appeals. In this context, claimants pointed out that time was a particularly critical factor for them in view of their ongoing illness.

In the framework of relief of the burden of proof in recognition proceedings, under which the circumstance is taken into account that the employer put the affected persons into this situation, only cancerous diseases are so far recognised as a typical consequence of exposure to radar radiation. This is contradicted in some of the professional literature. The latest scientific findings on non-cancerous illnesses permit the conclusion that they, too, can be a consequence of radar radiation. As in the case of cancerous diseases recognised as a consequence of radar exposure, thus causality must in future also be recognised for non-cancerous illnesses of affected persons.

The problem of recognition of hereditary damage in children of former radar technicians was described in the last Annual Report and has likewise not yet been solved. The main obstacle continues to be estimating the genetic risk of the offspring in the event of a parent being exposed to radiation, in order to document the probability of a corresponding causal relationship. Consequently, an attempt is also made in these cases to help through the Foundation for Hardship Cases, at least if it cannot be ruled out that the offspring could have suffered damage as a result of a parent working as a radar soldier.

## **17 Medical care on operations and disablement pensions**

Despite significant progress being made in providing security for personnel injured on operations, there are still gaps in medical care on operations and disablement pensions, which continue to be characterised by known deficits in the framework of the processing of proceedings and the enforcement of pension entitlements.

Particularly unsatisfactory are the regulations concerning the retroactive effect of the compensation granted for damage caused in the performance of duty. The one-time compensation is currently granted in cases after the cut-off date of 1 December 2002. Mission-related accidents occurring before this time, e.g. during assignments in former Yugoslavia, are not eligible for compensation. Not only because the number of cases disregarded as a result of this would probably be relatively small, but mainly also from the point of view of equal treatment, the one-time compensation should also apply to all cases from 1 July 1992 onwards, in line with the regulation concerning the entitlement to retention. There have also been repeated calls for this from the parliamentary sector. The Federal Minister of Defence remains called upon to correspondingly take the initiative, so that the legislature takes action.

To accelerate the decision regarding granting of one-time compensation, the proceedings have at last been simplified, as demanded by the Parliamentary Commissioner for the Armed Forces. When assessing the degree of impairment in the framework of service-related disability proceedings, it will in future be examined whether the state of health can be expected to improve in the next two years. If no improvement is to be expected, the compensation can be granted immediately. Otherwise, the applicant will continue to have to wait – as in the framework of compensation practice to date – for the result of a follow-up examination, usually after two years. The new, more favourable administrative practice is, however, not yet convincing.

The focus of the one-time compensation is not on the prospects of healing, but on the idea of compensation. It would therefore appear to make more sense to in future grant the compensation generally and immediately, independently of the prognosis regarding the state of health.

There are still also grounds for complaints as regards the enforcement of benefits under the Act on the Continued Employment of Personnel Injured on Operations. Although not legally obligatory, application of the Act on the Continued Employment of Personnel Injured on Operations is still made contingent on the outcome or the findings of the usually simultaneous service-related disability proceedings. Because of the long duration of the proceedings, this frequently leads to problems, e.g. when determining the protection time for non-career soldiers before the end of their period of service, or when re-enlisting former soldiers. I have repeatedly suggested that the introduction of a provisional protection time be examined in order to solve these problems. It is high time that progress was made in this quarter.



There are likewise still unsolved problems regarding realisation of the entitlement to continued employment of personnel injured on operations with a degree of impairment of at least 30 percent, as guaranteed by the Act on the Continued Employment of Personnel Injured on Operations. This entitlement is dependent on the possibility of assignment in the troops. As there are no corresponding military service billets, it is of decisive importance for planning the assignment of personnel injured on operations that the unit physicians specifically indicate the duties for which they can be assigned. Otherwise, the way to reintegration in routine duty is virtually blocked.

Despite individual successful cases, step-by-step reintegration into military service is still practised too seldom, although it could promote the healing process. In my opinion, when it comes to personnel planning and development, personnel injured on operations can expect not only that they will not be subjected to discrimination, but also that their health-related limitations will be taken into account. Concepts must at last be formulated in this context. Where possible, they must focus on complete reintegration of the injured personnel.

Exemplary in this context are the efforts of the US Army regarding optimum assignment of deployment returnees and veterans. Among other things, there are programmes for finding jobs and supporting the transition of former soldiers to civilian life, and the integration of returning soldiers. For instance, the soldiers are given a Veteran Affairs Card, which provides a "picture" of the soldier on the basis of his personnel file, his medical records and his pay records. An optimum, individualised aftercare programme is developed for each affected soldier on the basis of these data.

The continued employment of a non-career soldier injured on operations in the Bundeswehr is ruled out if the goal of reintegration into duty can no longer be achieved. This is the case if serving as a soldier is impossible as a result of the severity of the mission-related injury, or also if a gradual return to work on the basis of the "Hamburg Model" has no prospect of success. The severity of the mission-related injury then leads to permanent unfitness for service, the inevitable consequence being dismissal. In this case, the only entitlement is to the limited benefits for very severely disabled persons under the Federal War Victims' Compensation Act. For reasons of welfare and care, I consider it indicated to ensure appropriate benefits for this small group of affected persons that also provides for compensation for the permanent, mission-related health damage. Where appropriate, possibilities for continued employment should also be sought in the civilian sector of public administration, and priority should be given to them in this respect.

The main obstacle to the rapid, sometimes existentially important, granting of pension benefits for injured soldiers is still the far too lengthy duration of service-related disability proceedings, which occasionally take several years. The expert medical assessment concerning pension-related issues, which is of decisive importance for establishing a service-related disability, has so far been performed by the Bundeswehr Medical Service and is being transferred to the Federal Office of Bundeswehr Personnel Management, where it will be merged with the disablement pension tasks previously handled by the Military District Administrative Offices.

One problem in this context is the expert determination of possible pre-existing conditions. This is certainly necessary as part of recording the case history. However, it must not result in exclusion of a service-related disability. The criterion of a pre-existing condition meets with fundamental concerns. The fitness of every soldier for foreign assignment is certified prior to a mission. This positively establishes the fitness of the soldier. Any pre-existing conditions must be appropriately treated and the treatment completed successfully if the soldier is to be sent on a mission. Anyone who is sent on a mission must be legally deemed to be healthy at that time. Seen from this angle, unnecessary expert opinions when determining a service-related disability prolong the suffering of the affected persons. This is even more true if soldiers are in future subjected to a screening procedure before a mission in order to detect pre-existing mental conditions.

It is absolutely impossible to understand why the excessively long processing times have for two years primarily been attributable to the insufficient number of physicians for social medicine. Having been repeated for years, the Federal Office must at last implement the demand for an increase in personnel for expert social-medicine opinions. The associated personal requirements are currently being determined. According to the latest information, the number of experts is to be increased to as many as twelve, including one psychiatrist. However, it would appear to be difficult to staff the posts, owing to the obvious lacking inclination of physicians to go into social medicine. There are currently just five trained physicians for social medicine in the Bundeswehr. In view of this situation, the employer must arouse greater interest in social medicine in the Bundeswehr, so that the existing posts can actually be filled. In addition to which, additional posts must also be created.

Despite my reference to a decision of the Higher Administrative Court in Mannheim, the Federal Ministry of Defence last year again rejected responsibility for providing welfare and care, and the associated assumption of costs for artificial insemination. The Federal Administrative Court likewise decided against the Federal Ministry of Defence in October 2013. The Bundeswehr must pay a servicewoman the costs for artificial insemination. The reason for this decision is a lack of statutory provisions. The judgement has retroactive effect for all cases back to June 2004. Accordingly, the free services of unit medical care may not be regulated solely by internal administrative regulations. Rather, the Court stated that the legislature was called upon to regulate the scope of services of medical care by means of an ordinance or a law. Until such a regulation is introduced, the administration was entitled to use the existing freedoms, but not to introduce any new exclusions of benefits.

I assume that the costs for in-vitro fertilisation will then be borne in future. The future regulation must not fall short of the regulations of the statutory health insurance funds. Military personnel may not be put in a poorer position than the insureds of statutory health insurance funds. This is required by the all-embracing duty of care pursuant to Section 31 of the Soldiers' Act.

## **19 Loss of child allowance during voluntary military service**

Parents of military service volunteers are not granted child allowance, whereas it is granted in the event of a Voluntary Social Year, a Voluntary Ecological Year, or Federal or European Voluntary Service.

The reason given by the Federal Ministry of Finance for exclusion from child allowance is that the military pay is substantially higher than the € 300 pocket money paid to persons joining other voluntary services and, together with the other special benefits, completely covers the maintenance requirements of military service volunteers. This reasoning is not convincing. The higher income of persons in voluntary military service, compared to that of persons in other voluntary services, is partly a result of special allowances, such as double pay for foreign assignments, the foreign duty allowance, the increased pay in cases of particularly long working times, the special remunerations comparable to the extra pay for difficult working conditions, and the service bonus, which cover special burdens and demands and can therefore not be taken into account when comparing incomes.

## **20 Transfer of tasks of the Federal Defence Administration**

As a result of an Interdepartmental Agreement between the Federal Ministry of Defence, the Federal Ministry of the Interior (BMI) and the Federal Ministry of Finance (BMF), which was reached without any formal involvement of the German Bundestag, responsibilities of the Federal Defence Administration were transferred to the sphere of the BMI or the BMF in the year under review. Applications for state medical aid of active career soldiers and their relatives, and also of former temporary-career volunteers, have had to be processed at the Federal Office of Administration since 1 July 2013. In contrast, applications of former career soldiers are the responsibility of the Federal Office of Central Services and Unresolved Property Issues. The Ministries involved hoped for synergistic effects in the processing of the administrative procedures. This hope was dashed. Nor was there much reason for it – after all, processing of the applications was not centralised, but distributed across different departments. The ultimate outcome was a processing backlog that took on previously unknown dimensions and could not be sustainably reduced by the end of the year.

### **20.1 Admissibility and consequences of the Interdepartmental Agreement for parliamentary control**

Constitutional concerns regarding the admissibility of the Interdepartmental Agreement were raised in an expert opinion by public law specialist Professor Wolff of the European University Viadrina in Frankfurt/Oder, commissioned by the Bundeswehr Civil Servants Association. Former Federal Minister of Defence de Maizière did not share these concerns.

However, even if the Interdepartmental Agreement is considered to be admissible, the associated transfer of administrative responsibility affects the special control rights of the Defence Committee and the Parliamentary Commissioner for the Armed Forces.

As far as the control rights of the Defence Committee are concerned, it is questionable whether the administrative agencies now responsible are at all subject to parliamentary control by the Defence Committee, which has a closer affiliation to the subject and is endowed with special rights. According to parliamentary practice and the current understanding of the constitution, the committees of the German Bundestag are, in the framework of the parliamentary control of the executive, respectively responsible for the Federal Ministry that they reflect. This

would mean that control of the processing of applications for state medical aid of active and former military personnel has now passed to the responsibility of the Committee on Internal Affairs or the Finance Committee. Military personnel would thus lose the Defence Committee as the contact for their problems, at least in this respect.

This would not apply to the Parliamentary Commissioner for the Armed Forces in the same way. However, his control rights are severely restricted by the transfer of administrative responsibility.

In the year under review, over 600 soldiers turned to the Parliamentary Commissioner for the Armed Forces in connection with the delayed processing of applications for reimbursement. There is no doubt that he is responsible for processing petitions from active and former military personnel. However, in cases where the petitions related to the processing of applications for state medical aid, he no longer had any direct entitlements to demand information or access to records from the responsible authorities since, according to Section 3 (1) of the Act on the Parliamentary Commissioner for the Armed Forces, these direct entitlements exist only in relation to the Federal Minister of Defence and his subordinate agencies and personnel. Instead, the rights of the Parliamentary Commissioner vis-à-vis the agencies now responsible were restricted to support in the framework of administrative assistance (Section 4 Act on the Parliamentary Commissioner for the Armed Forces). Moreover, the right of the Parliamentary Commissioner to visit pursuant to Section 3 (4) of the Act on the Parliamentary Commissioner for the Armed Forces – which also includes all civilian agencies, authorities and installations of the Bundeswehr – does not apply to the newly responsible agencies. In this context, Federal Minister de Maizière said that the Parliamentary Commissioner could nevertheless visit the agencies. In view of the legal situation outlined above, this does not appear to be very helpful.

Regardless of the new responsibilities, the Federal Ministry of Defence continued to process and reply to the pertinent requests for inspection from the Parliamentary Commissioner in the second half of the year under review. However, this must not be allowed to disguise the fact that the Parliamentary Commissioner's control rights, which he exercises on behalf of parliament, were restricted in these cases, as described above.

The most important thing for the soldiers in the year under review was that their applications for reimbursement were processed swiftly and correctly. That was, however, not the case.

## **20.2 Processing of applications for state medical aid**

The excessively long time taken to process applications for state medical aid in the sphere of the Military District Administrative Office, South already gave occasion for justified criticism in the last Annual Report. The processing times ubiquitously rose to as long as three months in the course of the year under review.

At the peak of the crisis, there was a processing backlog of roughly 60,000 applications for state medical aid from recipients of pensions and benefits, the most severely affected group of persons. In some cases, persons eligible for state medical aid had to advance as much as € 20,000, and were forced to take out corresponding loans as a result, because medication has to be paid for immediately and doctors' bills usually within four weeks. The situation is particularly critical for the chronically ill, such as cancer patients, who are dependent on expensive medication.

One petitioner reported in tears on the telephone that he had already had to ask his children for money and been unable to give them any birthday presents. According to some petitioners, they also refrained from necessary visits to the doctor for fear of being unable to pay the costs. One petitioner was so disgruntled that he even returned his Cross of the Order of Merit through the Parliamentary Commissioner for the Armed Forces.

The background to this unacceptable situation is the previously mentioned transfer of the processing of applications for state medical aid submitted by active military personnel and recipients of pensions and benefits to the sphere of responsibility of the BMI or the BMF with effect from 1 July 2013 as part of the restructuring of the Bundeswehr. In view of this transfer, it could have been expected that, as is a matter of course for private health insurers, every affected person would be informed of his or her new account manager and the corresponding address and telephone number. This was not done, and the result was major confusion, even as regards the simple question of responsibility. On top of which, there was the incredible processing backlog already mentioned above.

Even before processing was transferred to the BMI or the BMF, processing times had been steadily increasing as a result of inadequate organisational preparation and approvingly accepted personnel bottlenecks brought

about by personnel migration and sickness. The evaluation of more than 450 petitions shows that personnel measures to counteract the situation were not taken in time and not energetically enough.

After I myself, and also the German Bundeswehr Association, had repeatedly called on former Federal Minister of Defence de Maizière to remedy the situation, he announced that applications for reimbursement would be handled by a simplified procedure until the backlog had been worked off, accepting the possible risk of later claims for recovery in this context. The BMI and the BMF initially rejected a general procedure of this kind, which entailed risks for the employer.

In the sphere of the BMF, agreement was ultimately reached on a three-level procedure for the most severely affected group of recipients of pensions and benefits. Since August 2013, the accelerated, risk-oriented examination procedure is applied to applications for small sums of less than € 1,000. For applications for state medical aid between € 1,000 and € 2,500, a payment on account of 75 percent of the invoiced amount is granted towards the state medical aid to be expected – although this also presupposes an initial examination. Applications in excess of € 2,500 are to be processed by the normal procedure, but given priority.

The Federal Ministry of Defence hopes that this limited-term procedure, in conjunction with, among other things, increased personnel levels, administrative assistance from medical aid assessors from the Health Insurance Fund for Post Office Civil Servants and the use of former Bundeswehr medical aid assessors, will make it possible in the medium term to again achieve the average processing time of nine working days, or 15 at the most, previously defined as the target. Unfortunately, this was not yet the case by the closing date for this Report. It is also impossible to predict whether and when such processing times can be achieved again, especially since all provisionally processed applications will have to be examined again before a final decision is reached.

In view of the situation that had arisen, affected active military personnel and recipients of pensions and benefits accused the employer of disinterest and a major breach of the duty of care in their petitions. I, too, am of this opinion. The obviously poorly prepared transfer of the processing of applications for state medical aid to other Ministries, and its resultant, serious consequences, can no longer be excused as being caused solely by unavoidable problems caused by reorientation. This kind of organisational failure is home-made. The President of the Federal Office of Administration, now responsible for processing the applications of active soldiers for state medical aid, sharply criticised the personnel management of the Federal Ministry of Defence ahead of the transfer, accusing the Ministry of failing to keep promises. In my view, the causes of this breakdown need to be thoroughly examined and rectified.

### **20.3 Processing of applications for severance allowance**

Complaints about the processing of applications for severance allowance taking up to three months show that the changes in responsibility introduced as part of the reorientation of the Bundeswehr have also led to problems in this area. Among other things, petitioners complained that it was impossible to get in touch by telephone, or that enquiries went unanswered, and also about unclear information regarding responsibility during the transitional period until establishment of the Bundeswehr Centres of Expertise for Travel Management, which will in future be responsible for processing additional allowances.

Most petitions related to the currently responsible Bundeswehr Centre of Expertise for Travel Management, Leipzig Accounting Office, where clearing activities had been stopped completely for several weeks in preparation for transfer of the tasks. The Federal Ministry of Defence conceded that waiting times of up to three months for reimbursement of severance allowance claims could occur in Leipzig, and also at other locations with a particularly heavy workload.

This situation is intolerable. Severance allowance payments are not additional income, but compensation for increased costs already incurred. As a result of the long processing times, some applicants are several thousand Euros in arrears on the rent for their commuter accommodation. If necessary, payments on account must also be made in these cases to ensure that the affected persons receive their money quickly. Moreover, there are also already signs of major personnel bottlenecks in the field of Travel Management. In the framework of restructuring, the number of posts available for processing applications has been cut from 1,200 in the old structure to just 700 in the new structure. The posts in the new organisation are to be gradually filled by the end of 2015. That will not suffice to process the applications received by that time.

### **20.4 Processing of applications for reimbursement for vocational advancement measures**

Likewise unsatisfactory is the processing of applications for reimbursement of costs, such as rent and travel costs, as well as course fees, for vocational advancement measures. Numerous petitioners complained that processing times well in excess of one month had occurred in the context of the transfer of the task of cost reimbursement from the former Vocational Advancement Services of the dissolved selection and induction offices to the Bundeswehr Careers Centres. Before its dissolution, the Vocational Advancement Service in Munich held the sad record, with processing times of occasionally up to 22 weeks. In isolated instances, affected persons had to advance several thousand Euros. One petitioner reported that he could only continue to finance his studies by taking on a part-time job.

It was obviously bad planning to transfer the tasks of the successively dissolved Military District Administrative Offices to a new Bundeswehr authority on a fixed date. The situation was aggravated by the fact that the number of jobs for accounting officers was reduced as a result of the simultaneous adoption of the target structure for 2017, which is based on a far smaller body of Bundeswehr personnel. So, an authority that was not yet fully functional had its body of personnel reduced at the same time. As a result, there were isolated instances where a single desk officer was responsible for deciding on several thousand applications.

The delayed reimbursement of costs in connection with vocational advancement must be brought to an end urgently. It not only leads to financial burdens, but is also a threat to the training itself. In addition to which, the Vocational Advancement Service functioned reliably in the past and used to be one of the essential, attractive features of the armed forces as an employer.

## **21 Incorrect calculation of pay**

The Act Governing the Transition Scheme for the Remuneration of Civil Servants of 5 February 2009 provisionally transferred career soldiers and temporary-career volunteers to a new pay grade or preliminary pay grade with effect from 30 June 2009. The definitive classification mostly became effective on 30 June 2013.

Starting in July 2013, I was approached by an increasing number of soldiers facing demands for recovery of overpaid amounts of as much as € 2,000 and more. In many cases, the affected persons also complained that part of their military pay had been retained to repay the amount to be recovered.

Despite transitioning, the old pay continued to be paid in numerous cases, particularly in view of the pay grade reached to date. This was mostly only noticed in the context of promotion and re-determination of the corresponding grade or the definitive determination of the pay grade with effect from 30 June 2013. It was hard to communicate that fact that, in the framework of re-classification, a lower pay grade was often determined than that previously reached.

The affected persons relied on the personnel administration offices working carefully. In addition, slightly higher pay payments are hardly noticed, because the monthly income of many soldiers varies as a result of incentive pay or payments for special work done. Consequently, the affected persons were taken by surprise by cumulative claims for recovery and pay reductions.

In a statement on a petition, the BMI, which is now responsible for recovering the excess pay, stated that, having evaluated the latest court decisions, it could frequently be assumed in cases of overpayment not that there was stricter liability of the recipient of the pay, but usually, in his or her favour, that there was no unjust enrichment. It remains to be hoped that appropriate solutions can be found for the affected soldiers, based on these court decisions.

As the Federal Audit Office found in the context of a review, almost 2,000 newly recruited soldiers received too little pay in 2013. This was caused by incorrect entries being made in the corresponding data processing program. The employer remains called upon to ensure that all soldiers receive the correct pay.

## **22 Transitional regulation in vocational advancement**

The new law on vocational advancement shifts vocational advancement to the end of the enlistment term. Owing to the cut-off date regulation, the new law only applies to soldiers newly recruited after the entry into force of the act. There is currently no transitional regulation.

Since, under the old law, vocational advancement already begins before the end of the enlistment term, soldiers with corresponding entitlements are only available to serve in the troops for a shorter period. Consequently, if

they wish to apply for re-enlistment, they could be at a disadvantage compared to comrades subject to the new law.

Against this backdrop, the suggestion came from the General Spokespersons' Committee at the Federal Ministry of Defence and other quarters that the cut-off date regulation be replaced by an elective regulation that allows soldiers a once-only choice between the old law and the new.

The Federal Ministry of Defence has promised to increase the flexibility of the transition from the old law on vocational advancement to the new. Application of the new law is to be generally obligatory in cases of re-enlistment of temporary-career soldiers still subject to the old law. Moreover, currently active temporary-career soldiers are to be given the opportunity to switch to the new law in the framework of their existing contracts, if there is a service-related interest in them performing their tasks for a longer period. The general introduction of a unilateral right to choose for active temporary-career volunteers without a service-related need is rejected. The necessary amendment of the law is to be initiated in early 2014.

### **23 Criticism of the current equalisation of pensions**

Once again a subject of justified criticism in the year under review was the regulation according to which the pension of career soldiers divorced while in active service is reduced by the extrapolated equalisation of pensions at the start of retirement, regardless of the age limit for retirement. This regulation applies even if the former spouse entitled to equalisation is not yet receiving a pension.

This is not plausible for the affected soldiers. They quite rightly complained about having to tolerate deductions that did not yet even benefit the divorced spouse. They consider this to be unjustified enrichment on the part of the state. In addition to which, more than a few of the affected persons also consider the circumstances of a military career as being the reason for the failure of their marriages.

The fact is to be welcomed that the Federal Ministry of Defence at least advocated general deferment of the start of the reduction of the pension according to Section 55 c Military Pensions Act to the general age limit applicable to federal civil servants or at least to career soldiers. It is all the more disappointing that not even this improvement has been achieved so far. I will continue to urge that the disadvantageous regulation on pension equalisation for career soldiers is amended.

### **24 Chaplain Service**

For more than 50 years now, the Chaplain Service has been guaranteeing the constitutionally documented right of freedom of religion in the armed forces, additionally engaging in pastoral activities. The Chaplain Service enables soldiers and their relatives to practise their religion under the special circumstances of military service. This also applies on missions abroad. The associated accompanying of missions by the responsible military chaplains calls for a high degree of empathy and knowledge regarding the particular circumstances of these operations. Thus, military chaplains not only provide moral and ethical orientation, are not only available to the soldiers as trusting contacts, but they are also, and not rarely, the first source of support following extremely stressful mission experiences. Finally, military chaplains also offer support and stability for relatives of soldiers, as well as surviving dependents.

Military bishops Dr. Franz-Josef Overbeck and Dr. Martin Dutzmann, the Chief of the Protestant Military Chaplains, Matthias Heimer, the Vicar-General of the Catholic Church, Reinhold Bartmann, who took over the office from Walter Wakenhut in the year under review, all military chaplains and the entire staff of the Chaplain Service deserve thanks and recognition for their commitment.

Among other things, the wide range of offers of the Chaplain Service of the Protestant and Catholic churches caters to the growing demand for measures in the framework of post-deployment follow-up. These offers also include rehabilitation measures for soldiers with their relatives, particularly after lengthy missions abroad. Unfortunately, participation in measures of this kind is often not possible because the costs for soldiers' relatives cannot be paid for from the budget item of the Federal Ministry of Defence envisaged for this purpose. The affected persons themselves, however, find it impossible, or at least very difficult, to raise the money to pay the costs. Consequently, the intended purpose of the corresponding budget item should in future be expanded to also include soldiers' relatives. The Parliamentary Commissioner for the Armed Forces wrote to the Chairman of the Budget Committee of the 17th German Bundestag, suggesting that expansion of the intended purpose be examined with this aim in mind.

The increasing number of soldiers of other religious convictions in the Bundeswehr was addressed in recent Annual Reports. In the year under review, soldiers told the Parliamentary Commissioner for the Armed Forces that they would like to see contact points for soldiers of other religions. In this context, it is very pleasing to note that the Parliamentary Commissioner did not receive any complaints about it being impossible to observe religious rules or holidays in the troops.

The Bundeswehr Centre of Military History and Social Sciences has in the meantime presented a study examining the need for chaplains of other religious beliefs. Although the results of the study do not permit any conclusions to be drawn regarding how the various expectations of pastoral support can best be met in terms of organisation and content, the study does confirm that the creation of contact points for soldiers of other beliefs in the Bundeswehr is indicated. The Federal Ministry of Defence says it has already begun to elaborate concepts to this end.

## **25 Exemplary cases for the 2013 Annual Report**

### **25.1 Leadership behaviour**

#### **Disparaging remarks**

A senior officer and battalion commander is accused of making insulting and xenophobic remarks to subordinate soldiers. Occasionally under the influence of alcohol and among other things, he is alleged to have said to one soldier, who also holds Italian nationality, something along the lines that he was not Arian and not worthy of wearing this uniform. In another instance, he is said to have referred to the soldiers present as "fairies". He is said to have behaved impudently or improperly towards female civilians on various occasions. Judicial disciplinary proceedings relating to further charges have in the meantime been initiated. The officer was removed from his position of leadership. A concluding assessment of the charges is still outstanding, since only 15 out of 40 witnesses have so far been able to be heard.

#### **Unsatisfactory exercise of disciplinary power**

An improvised explosive device (IED) was found during a vehicle patrol in the Kunduz region in autumn 2012. On the instructions of an attending senior officer with the rank of colonel, the IED was shot at with G36 rifles and rifle grenades. The senior officer himself subsequently took a sample of the explosive from the main charge, gathered up components of the IED, took them with him and only handed them over to the local explosive ordnance disposal team upon returning to Kunduz. The senior officer's conduct leaves me speechless, not only because of the breach of existing safety regulations, but mainly because of the associated threat to his own person and his subordinate soldiers. The reaction of his disciplinary superior was also incomprehensible. After completing the investigations, the superior determined that no disciplinary offence had been committed and refrained from disciplinary punishment. Such absence of a disciplinary reaction to obvious and major breaches of official duties shatters the confidence of subordinates in their disciplinary superiors. This is particularly hard for the soldiers to understand, because breaches of safety regulations are most certainly, and quite rightly, punished severely in subordinate areas. This example shows that conscientious and objective exercise of disciplinary power by the next-higher disciplinary superior was not guaranteed, at least in this case.

#### **Physical attack on a superior**

A physical attack on a superior occurred on a fast patrol boat during a time in the port of Beirut/Lebanon in the context of the UNIFIL mission in February. Several petty officers ganged up to teach their superior boatswain a lesson. The boatswain had previously said, in front of the whole crew, that the "mongers" lived on the decks. By "mongers", he meant the rank and file and the junior NCOs. The petty officers tied up the boatswain with stable adhesive fabric tape and secured him on a table. One of the perpetrators then took a water-insoluble pen and wrote the words "The mongers live here" on the boatswain's calf. Rostock Local Court considered this to constitute the offences of bodily injury and deprivation of liberty in coincidence with a physical attack on a superior, but, after weighing up the overall circumstances of the deed, dropped the prosecution in return for payment of a sum of money in accordance with Section 153 a Code of Criminal Procedure. From the point of view of the Parliamentary Commissioner for the Armed Forces, the boatswain had himself already seriously breached his official duties, simply by using the term "mongers", which is hostile to handicapped persons, and through the associated insulting of the soldiers referred to in this way.

#### **Hardly exemplary conduct of a superior**

Owing to bad weather over the destination airport of Termez/Uzbekistan, an Airbus belonging to the Air Force had to be redirected to Urgench Airport in Uzbekistan in March 2013. Since the flight could not be continued immediately for various reasons, the military personnel booked on the flight had to spend roughly 36 hours in the transit area of the airport terminal. A senior officer with the rank of colonel consumed half a litre of wine and a whisky during the opening hours of the Duty-Free Shop. He thus contravened the command regulating the consumption of alcohol in the German ISAF contingent, which also applies to German military personnel in Uzbekistan, and, as the highest-ranking officer present and the superior, gave a bad example in terms of his attitude and fulfilment of his duty. The colonel was cautioned by the then responsible Senior German Officer of the German Element at ISAF Headquarters. The Bundeswehr Joint Operations Command considered this to be insufficient. I can only agree with that.

## **25.2 Violation of the ban on discrimination**

A soldier wrote a petition to the Parliamentary Commissioner for the Armed Forces, in which he described three disciplinary offences, committed by senior officers in his surroundings, that had received insufficient or no disciplinary punishment, asking for the facts and circumstances to be reviewed. The petitioner himself knew of the cases only from hearsay, although he did not mention this in his petition. In one of the cases described by the petitioner, the accusation raised could not be confirmed, because the superior disputed it and no proof could be furnished. The disciplinary superior thereupon began investigations against the petitioner and imposed a severe reprimand on him for making untrue allegations in a petition to the Parliamentary Commissioner for the Armed Forces. The Bundeswehr Joint Operations Command was requested to review the disciplinary measure, finding that two of the accusations raised by the petitioner had proved to be largely accurate, meaning that the accusation of making false allegations could not be upheld in these cases. For this reason, the commander requested the competent Bundeswehr Disciplinary and Complaints Court to quash the severe reprimand. The Bundeswehr Disciplinary and Complaints Court, South complied with this request and quashed the disciplinary action taken against the soldier.

## **25.3 Right-wing extremism**

### **Giving of the Nazi salute**

During a company excursion to the "Haus der Geschichte der Bundesrepublik Deutschland" in Bonn in civilian dress, a lance corporal stood in front of a swastika flag on display and asked a private whether he could take a photo of him. He gave the private his mobile phone, clicked his heels and moved his outstretched arm in front of his body to at least shoulder height, in order to suggest the Nazi salute. He grinned while doing so and said: "That would be the right thing to do here". He then lowered his arm again. The soldier was prematurely dismissed from the service of the Bundeswehr.

### **Thoughtless remarks**

On at least three or four occasions, at times between June 2011 and July 2012 that can no longer be determined, a lieutenant colonel greeted the soldiers present in the orderly room of his agency with the words "Saluti Fascisti". Although intended ironically, the greeting irritated the soldiers concerned. The preliminary disciplinary investigations against the lieutenant colonel were discontinued in February 2013, it being found that a disciplinary offence had been committed. Imposition of a non-judicial disciplinary measure was no longer open to consideration, as more than six months had already passed since the disciplinary offence was committed.

### **Inappropriate communication in social media**

In a current case, an identified WhatsApp group is accused of using pseudonyms to post texts and images with misanthropic, racist, anti-Semitic and right-wing content, insults and threats of violence. The identified members are one junior NCO and nine non-rated men. The content found to date rules out any doubts regarding the truth of the accusation raised. The matter has been handed over to the competent department of public prosecution. The Bundeswehr Counterintelligence Office has been called in. There are plans to dismiss several of the offenders from the Bundeswehr. Moreover, disciplinary investigations are in progress. The case came to light because one of the soldiers showed his mobile phone with corresponding content to another soldier, who thereupon turned to his security officer.

### **Misconduct abroad**



Three Navy soldiers are accused of, among other things, consuming substantial quantities of alcohol that they had themselves brought to the pool area of a hotel in an Arabian country. They are said to have given the Nazi salute. In reference to the hotel staff, they are moreover accused of making insulting comments, including something along the lines of: "Ask the Negro whether the pizza's ready". In view of these and other accusations, the matter was handed over to the competent department of public prosecution, judicial disciplinary proceedings were initiated, and the Bundeswehr Counterintelligence Office was brought in. The soldiers were recalled from the mission immediately after the accusations became known. The disciplinary investigations and the investigations of the competent department of public prosecution are still in progress.

## **25.4 Accommodation**

### **Poor hygiene in various properties**

Damp-induced damage caused by leaks in the flat roof was determined in a building of the Artillery School at Rilchenberg Barracks in Idar-Oberstein as long ago as in 2005. Despite renovation of the roof, severe mould infestation occurred in 2008, as a result of which the affected rooms were closed. A renovation concept drawn up in the same year was not implemented, initially because of a surplus of classrooms, and later because of a pending stationing decision and an expert appraisal of Rilchenberg Barracks that was necessary for preparing the stationing decision. The damp-induced damage in the building in question was found to have spread in the year under review. The result of an examination by an expert is not yet available. Soldiers criticised that an attempt had been made to "eliminate" the mould in the building with the help of brooms and overpainting. This is just one of various cases in which the acute control of structural damage to preserve existing buildings was dreadfully neglected.

A soldier transferred to Boelcke Barracks in Kerpen complained that, although he had already reported it in July 2012, the mould infestation in his room and those of other soldiers had still not been eliminated. He, too, criticised an attempt to counteract the mould by overpainting. He additionally pointed out that an examination of the mould infestation was only commissioned a year after his report, and that the result was still not available. As the petitioner reported by telephone, the building in question was cleared in mid-November 2013. A statement from the Federal Ministry of Defence had not yet been received by the time this Annual Report went to press.

On the occasion of a visit to the troops at Niederauerbach Barracks in Zweibrücken, complaints were raised that the renovation of sanitary facilities in an accommodation building for young, trainee soldiers had been going on for six months and that the affected persons had to use other buildings owing to the absence of partition walls in the toilets, dismantled basins and cut-off water pipes. The Federal Ministry of Defence confirmed these impairments. The cause was a dispute between the commissioned company and the Construction Administration of the Land, which had led to the company temporarily discontinuing work.

## **25.5 Personnel**

### **Curtailment of the period of service**

A senior officer cadet applied for curtailment of his period of service to 28 February 2013. He had been unable to complete his study of economics due to inadequate performance and had since been employed in what is known as a "non-established post". This is a fictitious post, where the soldier is employed as though this post already existed. He had no training whatsoever, no training and job number (ATN) and no Bundeswehr driving licence. No change in his assignment was envisaged up to the fixed end of his period of service on 30 June 2015. Since he no longer saw any future for himself in the Bundeswehr, he applied to the police force and was offered an appointment by the police in Saxony-Anhalt and Saxony with effect from both 1 March 2013 and 2 April 2013.

His application for curtailment of his period of service of October 2012 was rejected in December 2012. No decision on his appeal had been reached by the time it was withdrawn at the end of May 2013.

If a young man cannot expect a future in the Bundeswehr, it is impossible to understand why his civilian future should also be ruined. Moreover, it is incompatible with the concept of welfare and care that the decision on the appeal is put off for such a long time that the matter settles itself with the passing of time and the soldier is no longer interested in curtailment of the period of service because the dates for starting work have been missed.

### **Civilian initial and follow-on occupational training**

One petitioner complained about the implementation of his civilian initial and follow-on occupational training measure. In his petition, he criticised what he considered to be poor-quality training and the circumstance that he merely had to learn examination questions by heart. He already knew the examination questions. It was found in the framework of a review that the soldiers in the classroom really did learn on the basis of examination questions from a previous examination. Precisely the same questions were then asked in the current examination. This kind of procedure debases civilian initial and follow-on occupational training measures and, in the long term, impairs the value and recognition of the final certificates.

## **25.6 Compatibility of family and service**

### **Close-to-home transfer**

Following several unsuccessful applications for a close-to-home transfer, a soldier and father of a family, who had been commuting between home and duty location at weekends for roughly 13 years and had been on two assignments in Afghanistan, was transferred to a location in Thuringia, roughly 120 kilometres from his home. This transfer would have enabled him to spend time with the family in the week and to contribute to child care. On taking up his duties, it was found that the new agency had not been informed of the transfer. It subsequently also transpired that the envisaged activity did not involve work at the location, but was a field job requiring constant travel throughout the west of Germany. It was understandable that the petitioner was annoyed about Personnel Management not informing him in advance of the nature of the post, and disappointed about still having to work a long way from home. The information and communication deficits coming to light here, and particularly the decision that disregarded the soldier's obvious interests, are unacceptable. In addition to which, a wrong decision of this kind could have been avoided if applications for the post had been invited.

### **Granting of leave to accompany a child as carer on a course of treatment**

A staff sergeant applied for family care leave under Section 28 Para. 5 Soldiers' Act, in order to be able to accompany his child on a course of treatment for four weeks. The application was rightly rejected, because the law does not make provision for this form of granting of leave for such short periods. However, the soldier's attention was not drawn to the fact that there was the possibility of applying for special leave in such cases. Given that the employer has a duty of care, a hint of this kind would have been indicated. The situation was remedied in this way in the framework of the petition procedure.

## **25.7 Women in the Bundeswehr**

### **Sexual harassment**

A petty officer repeatedly insulted female comrades in the nastiest, sexist way. One of the more harmless insults was calling one comrade "Double D" in reference to her chest size. He showed another comrade his genitals. This permanently misogynous and sexist behaviour involved serious breaches of several provisions of the Soldiers' Act and was punished in judicial disciplinary proceedings in 2013 by imposition of a ban on promotion and a pay cut.

The action of the direct official superior in relation to the complaint in the same matter must be criticised: he effectively suspended the complaint proceedings, commenced in February 2010 by the written complaint of the affected servicewomen, until the complainant and the accused returned from a work placement six months later. This was a breach of the Military Complaints Regulations, which require that disciplinary matters be processed in a timely manner. Only eight months after receipt of the complaint did the official superior issue a complaint notice, in which he stated that the complaint was an inadmissible collective complaint, because it was signed by two servicewomen. Independently of this, the complaint notice did not contain the result of the prescribed review under the law on supervision. In September 2010, the affected servicewomen turned to the garrison chaplain, who informed the commander of the incidents. Only then was the servicewomen's complaint correctly dealt with by the commander. Quite apart from the nasty, sexist insults of a comrade to which the servicewomen were exposed, the conduct of the direct official superior – whose unacceptable action failed to result in appropriate consequences under disciplinary law – contributed to lastingly shattering their confidence in their superiors. In addition to which, the matter was not handed over to the department of public prosecution, despite a review.

### **Observation of privacy**

A female staff sergeant, who was stationed with the 29th Contingent in Mazar-i-Sharif, complained that, when handing in her laundry bags, she had to count out her items of underwear to the staff of a laundry service com-

pany in front of male comrades from various nations, so as to have rights of recourse in the event of loss. As a result of the petition, the protection of privacy when handing in underwear was improved by setting up a screen in the hand-over area and providing opaque laundry bags. This is to be welcomed.

## **25.8 Voluntary military service**

### **Exemption from basic training to attend the school-leaving ball**

A military service volunteer applied for exemption from basic training in order to attend the certificate presentation ceremony and school-leaving ball of her year. The superior granted exemption for the presentation of the certificates in the morning, but not for the ball in the evening of the same day. The soldier used a sick note in order to nevertheless be able to attend the ball. Through photos of the ball published on Facebook, the superior found out about this and threatened to initiate disciplinary proceedings with the aim of dismissal. To avoid this, the soldier made use of her right of withdrawal and left the Bundeswehr. Disregarding the attendance of the ball despite having reported sick, which justifies disciplinary investigations, the Bundeswehr should not adopt this unfeeling attitude towards such a unique event in the life of a young person as the school-leaving ball, although there is an understandable need for a swift and disciplined sequence of training, especially at the start of military service. Exemption would also have been desirable from the point of view of the attractiveness of voluntary military service.

Naval Command ultimately agreed with this view. The Directive cited by the superior did not stand in the way of exemption for the school-leaving ball, which could have been granted through the general principles of the Leave Regulations for Military Personnel regarding administrative leave. The Navy has sensitised school and instruction group commanders, directing them – wherever possible – to give consideration to events of such great importance for the newly recruited soldiers when planning training, and to exhaust the existing possibilities for exemption/granting leave. This is to be welcomed.

### **Conduct of a superior in connection with a military service volunteer reporting sick**

A military service volunteer fell ill at the weekend and had his mother ring his unit to report him sick on the Sunday evening. He went to the nearest Medical Service location on the Monday morning, where he was put on the sick list and declared to be unfit for transport. While he was at the medical clinic, the superior rang his home and demanded that the soldier report in at the barracks immediately, threatening legal consequences otherwise. He repeated this to the soldier in a telephone call after the latter had returned home. He was not interested in the fact that the soldier had been medically certified as not fit either for transport or to travel. The soldier thereupon set off by car to the barracks 340 kilometres away. While he was on the road, the superior again phoned the petitioner's mother and demanded the soldier's mobile phone number. This incident prompted the military service volunteer to make use of his right of withdrawal on the very same day and retire from the Bundeswehr. The results of the review revealed gross negligence in the way the company commander had breached the regulations concerning how to deal with sick personnel. This case is a perfect example of why some military service volunteers want to leave the Bundeswehr.

## **25.9 Medical appraisal and Medical Service care**

### **Inadequate testing of fitness for service at a Careers Centre**

Before taking up her duty, a petitioner was examined for fitness for service twice at a Careers Centre and found to be fit with restrictions for certain types of employment (T 2). In contrast, when examined on the occasion of her enlistment as a temporary-career volunteer, she was classified as not fit for service (T 5) and dismissed again. The reason for this dismissal was the assessment of pre-existing, surgically treated spinal damage. The Careers Centre had failed to request the associated findings and evaluate them with respect to the woman's fitness for service. Understandably, the applicant was deeply disappointed.

## **25.10 Processing of applications**

### **Excessively long processing time of service-related disability proceedings**

A soldier who had been severely injured in a road traffic accident while on duty, claimed pension benefits under the Military Pensions Act in February 2011. The competent Military District Administrative Office already concluded its investigations into the facts and circumstances of the case in July 2011. The case subsequently went unprocessed for six months. Processing began again in late January 2012. It took over a year for the Medical Of-

office to prepare a requested statement relating to aspects of pensions law, which could only be completed in late January 2013 after obtaining an opinion from an expert on accident surgery and orthopaedics. Personnel bottlenecks were the reason for the long processing time at the Medical Office. Throughout the entire processing procedure, the petitioner had to live with the uncertainty as to whether and to what extent his severe injuries would be recognised as a service-related disability. The Federal Ministry of Defence apologised to the petitioner for the processing delays that had occurred at the Military District Administrative Office and the Medical Office.

#### **Long waiting time of a patient**

A petitioner who went to see a doctor about ear-ache and a suspected sudden hearing loss during the regular surgery hours, complained that he had had to wait for more than six-and-a-half hours and was called in as the last patient. There were 188 contacts with patients in this dispensary on that day. By the time he was called in to be examined, the ENT specialist of the medical clinic was already no longer present. The patient was therefore referred to a civilian specialist and treated there. The patient's long waiting time was partly attributable to the large number of patients, and partly to the small number of unit physicians available that day. The Headquarters of the Bundeswehr Medical Service regretted the patient's waiting time.

**Hellmut Königshaus**

**26 Appendices****26.1 Statutory foundations of the office and tasks of the Parliamentary Commissioner for the Armed Forces and of service personnel's right of petition**

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**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).

**Article 45b**

**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.

**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 Commissioner 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 demand 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.

- 26.2 Order: 'Service Personnel and the Parliamentary Commissioner' - Revised Version -**  
No. 7, Federal Ministry of Defence Gazette 2001, p. 149,  
with amendments as per the telex from the 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 identified 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 together 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.

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

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 relating 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 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:

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

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

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

- 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 Parliamentary 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 re-

ceive 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 Parliamentary 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



**26.3 Statistical overviews**

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### Overview of cases processed in 2013

In total, **5,095** cases were recorded in the period under review. 253 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 **4,842** processed cases remain for the period under review.

Cases recorded in the period under review	5,095
<u>Thereof:</u>	
Cases not concerning the sphere of responsibility of the Parliamentary Commissioner	128
Anonymous cases	56
Cases not pursued further owing to their content	4
Enquiries relating to the statutory mandate of the Parliamentary Commissioner	65
	253 *)
Processed cases	4,842
Cases not yet finalised	1,620
<b><i>Number of finalised cases from the period under review</i></b>	<b>3,222</b>

\*) Petitions whose processing was not the responsibility of the Parliamentary Commissioner were either forwarded to the responsible agencies, or the sender was informed that the Parliamentary Commissioner could not take action in the matter.

Finalised cases from previous years (backlogs)	
2002	1 **)
2006	2 **)
2007	8 **)
2008	15 **)
2009	28 **)
2010	45 **)
2011	155 **)
2012	1,315 **)
<b><i>Total</i></b>	<b>1,569</b>

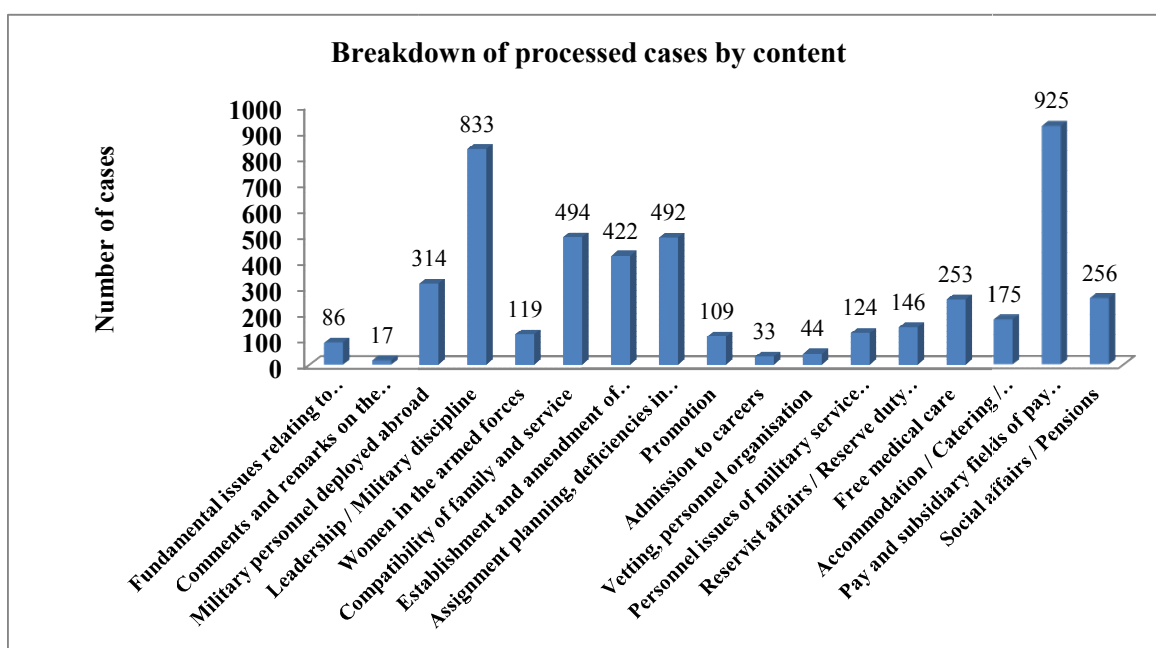
\*\*\*) In these cases, judicial proceedings in the same matter were often pending and only finally concluded in the course of the year under review.

<b><i>Grand total of finalised cases</i></b>	<b>4,791</b>
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**Breakdown of processed cases by content**

Content	Number	%
Fundamental issues relating to internal leadership, the Bundeswehr in the state and society, restructuring	86	1,78
Comments and remarks on the work of the Parliamentary Commissioner	17	0,35
Military personnel deployed abroad	314 <sup>1)</sup>	6,48
Leadership / Military discipline	833	17,20
Women in the armed forces	119	2,46
Compatibility of family and service	494	10,20
Establishment and amendment of service relationships	422	8,72
Assignment planning, deficiencies in personnel management, leave	492	10,16
Promotion	109	2,25
Admission to careers	33	0,68
Vetting, personnel organisation	44	0,91
Personnel issues of military service volunteers	124	2,56
Reservist affairs / Reserve duty training	146	3,02
Free medical care	253	5,23
Accommodation / Catering / Clothing / MWR	175	3,61
Pay and subsidiary fields of pay regulations	925	19,10
Social affairs / Pensions	256	5,29
<b>Total</b>	<b>4842</b>	<b>100,00</b>

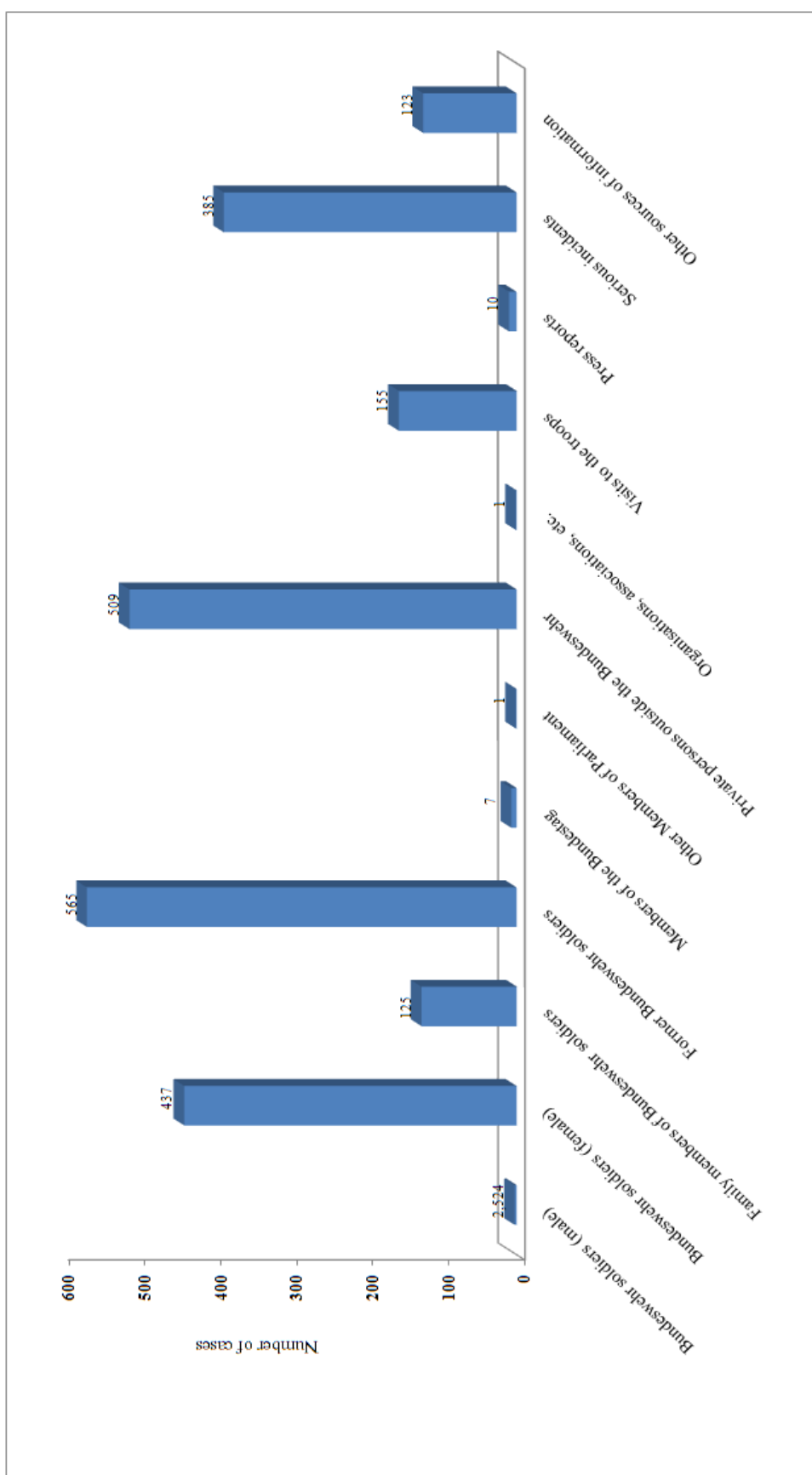
<sup>1</sup> Independently of the military personnel deployed abroad, 120 soldiers stationed abroad turned to the Parliamentary Commissioner.



Breakdown of processed cases by senders and other sources of information

Sender / Source of information	Bundeswehr soldiers		Former Bundeswehr soldiers	Members of the Bundestag	Other Members of Parliament	Private persons outside the Bundeswehr	Organisations, associations, etc.	Visits to the troops	Press reports	Serious incidents	Other sources of information	Total
	Male	Female										
Fundamental issues relating to internal leadership, the Bundeswehr in the state and society.	21	3	7	0	0	48	0	0	0	1	5	86
Comments and remarks on the work of the Parliamentary Commissioner	3	0	4	0	0	8	0	1	0	0	1	17
Military personnel deployed abroad	163	8	6	0	0	6	0	67	3	32	22	314
Leadership / Military discipline	338	42	8	1	1	24	0	23	7	349	29	833
Women in the armed forces	13	81	1	0	0	12	0	1	0	1	8	119
Compatibility of family and service	319	105	0	1	0	5	0	10	0	0	16	494
Establishment and amendment of service relationships	304	35	22	0	0	53	0	2	0	1	1	422
Assignment planning, deficiencies in personnel management, leave	395	53	12	0	0	18	0	5	0	0	2	492
Promotion	96	11	1	0	0	1	0	0	0	0	0	109
Admission to careers	30	3	0	0	0	0	0	0	0	0	0	33
Vetting, personnel organisation	38	2	0	0	0	0	0	3	0	0	1	44
Personnel issues of military service volunteers	61	11	13	0	0	23	0	0	0	0	4	124
Reservist affairs / Reserve duty training	2	1	116	0	0	19	0	0	0	0	8	146
Free medical care	123	40	19	0	0	44	0	10	0	1	7	253
Accommodation / Catering / MWR	141	1	3	0	0	5	0	17	0	0	6	175
Pay and subsidiary fields of pay regulations	324	25	330	5	0	194	1	13	0	0	9	925
Social affairs / Pensions	153	16	23	0	0	49	0	3	0	0	4	256
<b>Total</b>	<b>2,524</b>	<b>437</b>	<b>565</b>	<b>7</b>	<b>1</b>	<b>509</b>	<b>1</b>	<b>155</b>	<b>10</b>	<b>385</b>	<b>123</b>	<b>4,842</b>

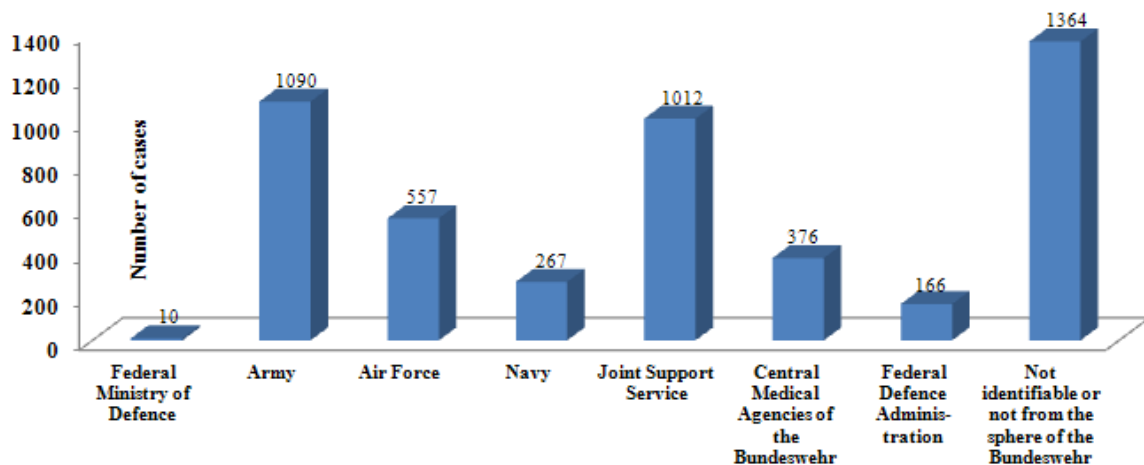
Breakdown of processed cases by senders and other sources of information (contd.)



**Breakdown of processed cases by major organisational elements of the Bundeswehr**

Major organisational elements	Federal Ministry of Defence	Army	Air Force	Navy	Joint Support Service	Central Medical Agencies of the Bundeswehr	Federal Defence Administration	Not identifiable or not from the sphere of the Bundeswehr	Total
Fundamental issues relating to internal leadership, the Bundeswehr in the state and society, restructuring	0	5	1	5	11	2	2	60	86
Comments and remarks on the work of the Parliamentary Commissioner	0	2	0	0	2	0	1	12	17
Military personnel deployed abroad	0	27	17	14	175	14	2	65	314
Leadership / Military discipline	1	283	117	54	204	71	24	79	833
Women in the armed forces	0	21	7	6	22	36	1	26	119
Compatibility of family and service	1	110	84	29	144	47	15	64	494
Establishment and amendment of service relationships	1	105	75	18	91	38	10	84	422
Assignment planning, deficiencies in personnel management, leave	1	156	91	33	114	48	22	27	492
Promotion	0	35	15	7	21	19	5	7	109
Admission to careers	0	6	12	2	6	5	1	1	33
Vetting, personnel organisation	1	8	10	11	8	2	1	3	44
Personnel issues of military service volunteers	0	33	6	11	23	3	10	38	124
Reservist affairs / Reserve duty training	0	14	4	1	15	2	2	108	146
Free medical care	1	56	21	20	39	32	8	76	253
Accommodation / Catering / Clothing / MWR	0	94	14	10	21	9	10	17	175
Pay and subsidiary fields of pay regulations	4	102	58	32	74	32	36	587	925
Social affairs / Pensions	0	33	25	14	42	16	16	110	256
<b>Total</b>	<b>10</b>	<b>1090</b>	<b>557</b>	<b>267</b>	<b>1012</b>	<b>376</b>	<b>166</b>	<b>1364</b>	<b>4842</b>

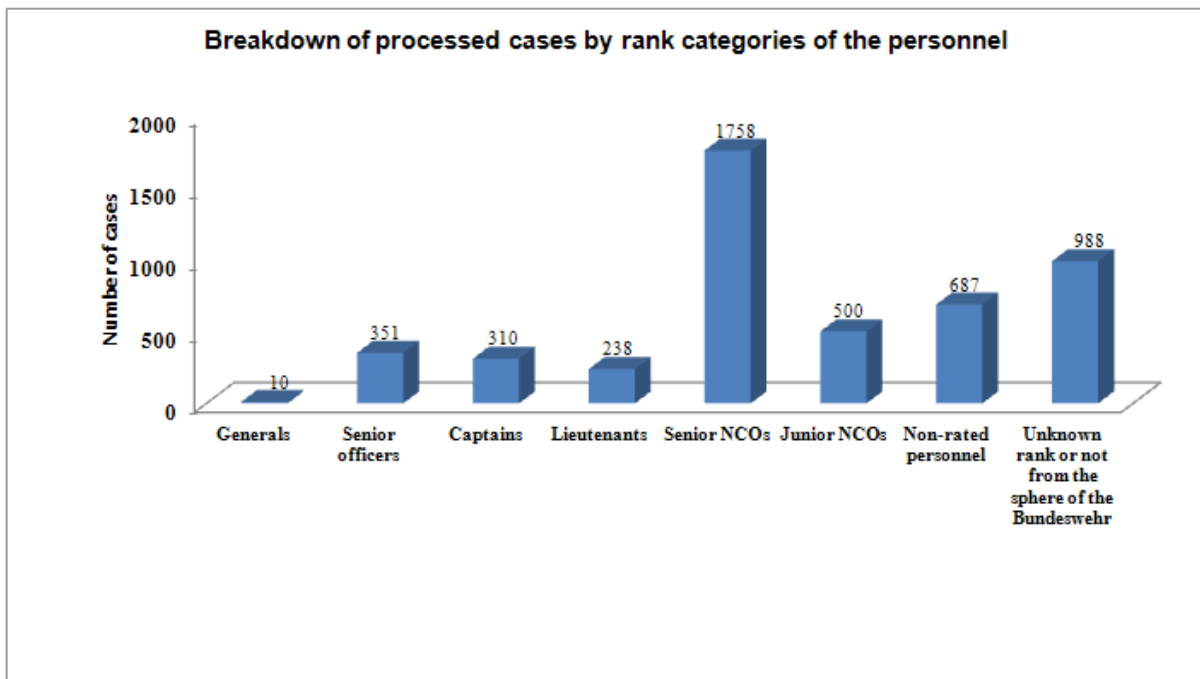
**Breakdown of processed cases by major organisational elements of the Bundeswehr**



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

Rank categories, incl. reservists	Generals	Senior officers	Captains	Lieutenants	Senior NCOs	Junior NCOs	Non-rated personnel	Unknown rank or not from the sphere of the Bundeswehr	Total
Fundamental issues relating to internal leadership, the Bundeswehr in the state and society, restructuring	0	5	3	4	12	6	2	54	86
Comments and remarks on the work of the Parliamentary Commissioner	1	1	2	1	3	0	0	9	17
Military personnel deployed abroad	1	14	15	9	113	26	17	119	314
Leadership / Military discipline	1	33	24	36	251	115	187	186	833
Women in the armed forces	0	5	4	3	40	19	28	20	119
Compatibility of family and service	1	25	30	22	292	51	28	45	494
Establishment and amendment of service relationships	0	16	21	20	155	51	100	59	422
Assignment planning, deficiencies in personnel management, leave	1	23	38	52	242	71	46	19	492
Promotion	0	8	13	13	53	5	17	0	109
Admission to careers	0	0	3	1	10	8	10	1	33
Vetting, personnel organisation	0	3	5	4	14	5	9	4	44
Personnel issues of military service volunteers	0	7	3	16	7	1	50	40	124
Reservist affairs / Reserve duty training	0	24	13	7	42	13	20	27	146
Free medical care	1	18	15	13	71	33	44	58	253
Accommodation / Catering / Clothing / MWR	0	9	13	8	53	10	49	33	175
Pay and subsidiary fields of pay regulations	4	158	92	20	295	57	55	244	925
Social affairs / Pensions	0	2	16	9	105	29	25	70	256
<b>Total</b>	<b>10</b>	<b>351</b>	<b>310</b>	<b>238</b>	<b>1758</b>	<b>500</b>	<b>687</b>	<b>988</b>	<b>4842</b>

**Breakdown of processed cases by rank categories of the personnel (contd.)**



The total for all categories is broken down as follows:	
Career soldiers	1065
Temporary-career volunteers	2121
Basic service conscripts	2
Reserve duty trainees / Reservists	571
Unknown or no specification possible	1005
Military service volunteers	76
<b>Total</b>	<b>4842</b>



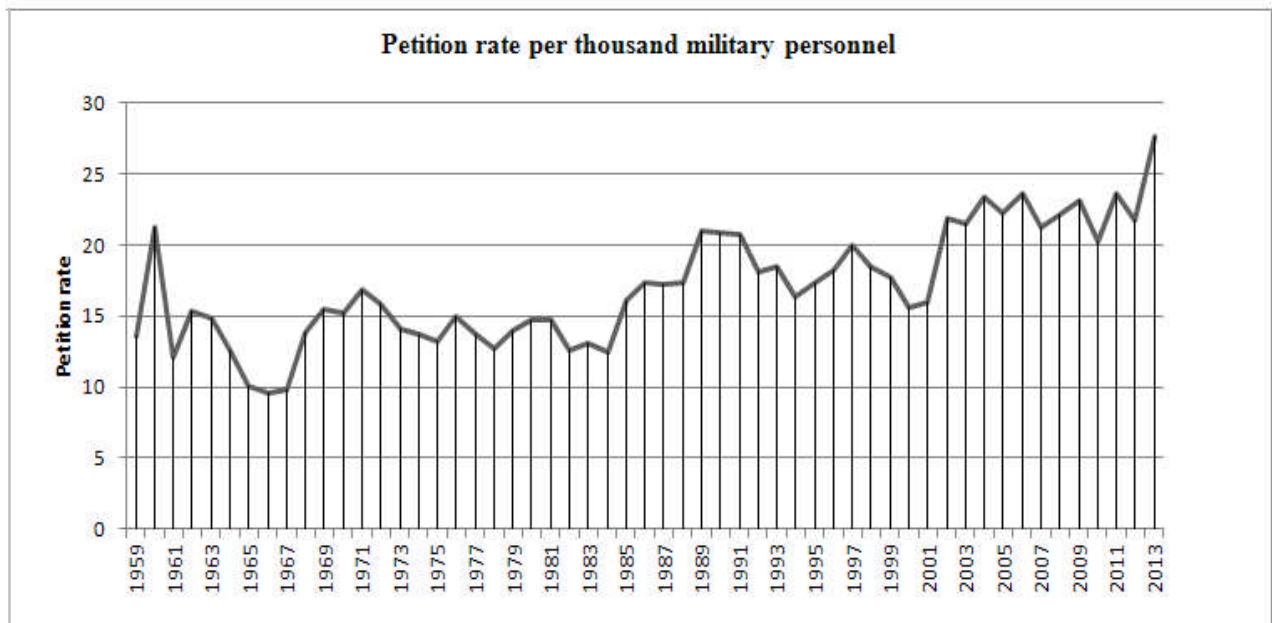
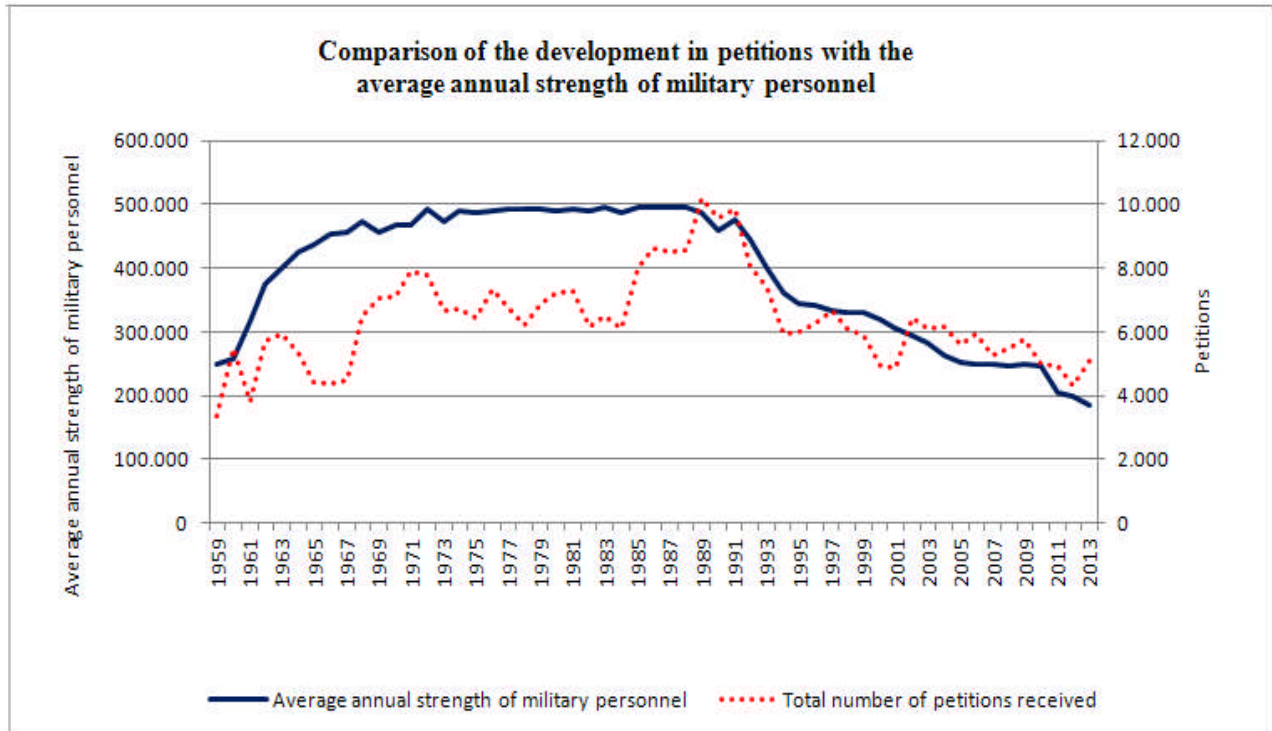
## Development of the number of petitions and other cases between 1959 and 2013

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 2013 (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
2013	5.095	128	0	56	4.842	69	184.012	27,7
<b>Total</b>	<b>351.155</b>	<b>12.674</b>	<b>70</b>	<b>1.094</b>	<b>333.404</b>	<b>4.040</b>		

Development of the number of petitions and other cases between 1959 and 2013 (contd.)



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

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

Location	Agency
Ahlen	Medical Regiment 22
Bad Sülze	Surface-to-Air Mission Wing 2
Bamako, Mali	German EUTM Contingent
Bonn	Federal Office of Bundeswehr Infrastructure, Environmental Protection and Services
Calw	Special Forces Command
Cologne	Federal Office of Bundeswehr Personnel Management
Dakar, Senegal	AFISMA support
Dornstadt	Logistic Regiment 47
Erding	Materiel Depot
Freyung	Reconnaissance Battalion 8
Hamburg	Bundeswehr Command and Staff College
Kabul, Afghanistan	German ISAF Contingent
Kahramanmaras, Turkey	German Active Fence Contingent
Kandahar, Afghanistan	German ISAF Contingent
Khilagai, Afghanistan	German ISAF Contingent
Koblenz	Federal Office of Bundeswehr Materiel, Information Technology and Equipment Management
Koulikoro, Mali	German EUTM Contingent
Kunduz, Afghanistan	German ISAF Contingent
Laage	Fighter Wing 73
Mazar-i-Sharif, Afghanistan	German ISAF Contingent
Merzig	Airborne Support Battalion 262
Munich	Military District Command IV
Munich	Land Command, Bavaria
Munich	Military Police Battalion 451
Münster	Headquarters, 1st German-Netherlands Corps
Neubiberg	Bundeswehr University, Munich
Nörvenich	Fighter Bomber Wing 31
Norfolk, USA	German Element, HQ SACT & USAJFCOM
OP North, Afghanistan	German ISAF Contingent
Ottobrunn	NATO Helicopter 90/TIGER Systems Support Centre
Reston, USA	German Armed Forces Command, United States and Canada
Saarlouis	Airborne Brigade 26, Airborne Engineer Company 260
Termez, Uzbekistan	German ISAF Contingent
Trabzon, Turkey	Logistical transshipment point
Washington, USA	Military Attaché Office, German Embassy
Wichita Falls, USA	Senior German Officer/German Element, ENJJPT, Sheppard Air Force Base
Zweibrücken	Parachute Battalion 263, Airborne Reconnaissance Company 262

### 2. Meetings/discussions of the Parliamentary Commissioner

Beyond this, the Parliamentary Commissioner had the opportunity to exchange information and experience at 98 meetings, e.g. with the Federal President, the Minister of Defence and the Diplomatic Corps.

He additionally took part in 109 conferences, discussions and other events in connection with the statutory mandate of the Parliamentary Commissioner.

### 3. Fact-finding visits by staff of the Parliamentary Commissioner

Members of staff made a total of 59 fact-finding visits in the year under review. Units, headquarters, agencies and authorities of the services in Germany and abroad were visited.

The detailed picture is as follows:

Date	Location	
<b>January 2013</b>		
10.01.	Weissenfels	Commissioning, Operational Medical Support Command
16.-17.01.	Georgsmarienhütte	Presentation and discussion, conference of spokespersons for rank and file personnel
17.01.	Schwerin	Change of command, Land Command, Mecklenburg-Western Pomerania
24.-25.01.	Koblenz/Lahnstein	Official ceremony, transfer of authority over Bundeswehr Hospital to Headquarters of Medical Service, fact-finding visit to Medical Service
29.01.	Potsdam	Observer at trial, Bundeswehr Disciplinary and Complaints Court – case relating to a petition
<b>February 2013</b>		
12.02.	Berlin	General Steinhoff Barracks
14.-15.02.	Warendorf	Bundeswehr Institute of Sports Medicine
19.02.	Koblenz	Leadership Development and Civic Education Centre
19.-20.02.	Munich	Speaker, training course "Advanced training for officers specialist service", Bundeswehr Medical Service Academy
<b>March 2013</b>		
04.-05.03.	Warsaw	Participation, OSCE Conference
06.-08.03.	Damp	Participation, Working Conference of Officers in the Medical Service of the Northern Military District Command
07.03.	Koblenz	Participation, training course at the Leadership Development and Civic Education Centre
12.-13.03.	Oberwiesenthal	Participation, "Support and Care Under One Roof" seminar
19.-20.03.	Feldkirchen	Participation, demonstration exercise of the Bundeswehr Medical Service
<b>April 2013</b>		
04.04.	Bückerburg	Army Aviation School, parade, change of command
15.04.	Berlin	Meeting, Advisory Council for Hardship Cases, Julius Leber Barracks
16.-18.04.	Koblenz	Headquarters, Bundeswehr Medical Service
23.04.	Schwielowsee	Participation, change of command, Bundeswehr Joint Operations Command
<b>May 2013</b>		
06.05.	Cologne	Participation, commissioning of the Federal Office of Bundeswehr Personnel Management
14.05.	Berlin	Parliamentary Evening of the Bundeswehr Reserve Association
27.05.	Berlin	Psychotrauma Centre, Berlin
28.05.	Koblenz	Presentation, Leadership Development and Civic Education Centre
28.-29.05.	Hofgeismar	Presentation, First Sergeants' Meeting of the Special Operations Division
28.-29.05.	Düsseldorf	Decommissioning, Military District Administrative Office, West
30.05.	Hamburg	Bundeswehr University, Hamburg
<b>June 2013</b>		
03.06.	Berlin	Meeting, Advisory Council of the Foundation for Hardship Cases
05.-06.06.	Hessisch Oldendorf	Meeting, Advisory Panel of the Religious Support Project of the Office of the Protestant Church for the Bundeswehr
10.06.	Berlin	Change of command, Field Hospital Regiment 31, Blücher Barracks

**Fact-finding visits by staff of the Parliamentary Commissioner (contd.)**

<b>Date</b>	<b>Location</b>	
<b>July 2013</b>		
01.-02.07.	Cologne	Fact-finding talks, Federal Office of Bundeswehr Personnel Management
05.-07.07.	Tiflis	Participation, OSCE/ODIHR Conference
10.-12.07.	Hamburg	Bundeswehr Hospital/Medical Clinic
15.-16.07.	London	Participation, DCAF Conference, Gender and Ombuds Institutions in the Armed Forces
<b>August 2013</b>		
01.08.	Berlin	Federal Ministry of Defence, Contact Point for Surviving Dependents
06.08.	Berlin	Fact-finding talks with the Gender Equality Officer of the Federal Ministry of Defence
12.08.	Bonn	Ceremony for handing over the OASE service container to the Chaplain Service and the German MALI Contingent
12.-13.08.	Berlin	Conference of the Military Gender Equality Officers
20.08.	Potsdam	Bundeswehr Joint Operations Command
27.08.	Berlin	Fact-finding talks at the Federal Ministry of Defence
28.08.	Koblenz	Participation, "Leadership Development and Civic Education for Commanders" event, Leadership Development and Civic Education Centre
<b>September 2013</b>		
12.-14.09.	Munich	Participation, Medical Service command course/Ceremony to mark the 50th anniversary of the Bundeswehr Medical Academy
17.09.	Berlin	Fact-finding talks with Bundeswehr Vocational Advancement Service, Careers Centre
23.-24.09.	Duderstadt	"Support and Care" seminar
26.09.	Leipzig	54th Conference on Military History
<b>October 2013</b>		
14.10.	Vienna	Participation, OSCE/ODIHR Conference
15.10.	Berlin	Fact-finding talks, Federal Ministry of the Interior, ZI 1
23.10.	Bensburg	Conference, Headquarters of the Joint Support Service
24.10.	Cologne	Federal Office of Bundeswehr Personnel Management
<b>November 2013</b>		
04.-06.11.	Steingaden	Presentation, Conference of Legal Advisors in the Navy/Medical Service
21.-22.11.	Koblenz, Ehrenbreitstein	Central commemoration ceremony at the War Memorial of the German Army
25.-27.11.	Schortens	Fact-finding visit, air base
26.11.	Berlin	3rd Workshop on Traumatic Disorders, Blücher Barracks, Berlin
26.-27.11.	Damp	Presentation, 2013 meeting of first sergeants in the Bundeswehr Medical Service
27.11.	Dahlewitz	Participation, Commanders' Conference organised by the German Bundeswehr Association
27.11.	Koblenz	Leadership Development and Civic Education Centre, presentation at training course for commanders
<b>December 2013</b>		
04.-05.12.	Teisendorf	Presentation and discussion with "aktion kaserne" spokespersons, rank and file personnel
09.12.	Cologne	Participation in selection conferences for officers, Federal Office of Bundeswehr Personnel Management
17.12.	Berlin	Participation, General Spokespersons' Committee
18.12.	Bad Salzungen	Meeting on an incident at 5th Armoured Infantry Battalion 391
19.12.	Berlin	Participation, General Spokespersons' Committee

#### 4. Visitor groups

The agency was visited by 86 groups, who were given information – partly by members of staff – regarding the work of the Parliamentary Commissioner, the constitutional position of the Parliamentary Commissioner, his duties and the focuses of his work.

The detailed picture is as follows:

<b>Date</b>	<b>Visitor group</b>	<b>Number of participants</b>
<b>January 2013</b>		
23.01.	German-Dutch delegation	25
<b>February 2013</b>		
06.02.	German-Lithuanian delegation	25
07.02.	General staff officers' training course, Defence Academy Shrivenham (UK)	60
28.02.	German-Georgian delegation	10
<b>March 2013</b>		
04.03.	Military personnel, Petty Officer School	25
06.03.	German-Estonian delegation	25
13.03.	Military personnel, Arbeitsgemeinschaft Staat und Gesellschaft e.V. (Working Group on State and Society)	35
14.03.	Congolese delegation of the Friedrich Ebert Foundation	8
18.03.	Military personnel, Air Force Officer School	17
19.03.	Thai delegation	12
20.03.	Military personnel, Bundeswehr Strategic Reconnaissance School	5
<b>April 2013</b>		
03.04.	Military personnel, Reconnaissance Wing 51 "Immelmann"	25
10.04.	Military personnel, Working Meeting, "First Sergeants" Advisory Group	9
11.04.	German-French delegation	25
12.04.	Voluntary staff of the Berlin Family Support Centre	20
17.04.	Military personnel, "Münster II" Protestant Military Chaplain's Office	12
25.04.	German-Belgian delegation	25
<b>May 2013</b>		
03.05.	Military personnel, Army Officer School	85
15.05.	Military personnel, Leadership Development and Civic Education Centre	9
16.05.	German-Polish delegation	25
21.05.	Military personnel, Petty Officer School	25
22.05.	Command and Staff College, Hamburg	100
23.05.	"Pregnant in the Bundeswehr" campaign	15
27.05.	Military personnel, Petty Officer School	20
28.05.	Military personnel, Petty Officer School	15
29.05.	Military personnel, Protestant Chaplain Service, Flensburg	16
30.05.	German-Dutch delegation	25
30.05.	Bundeswehr medical staff	20

## Visitor groups (contd.)

Date	Visitor group	Number of participants
<b>June 2013</b>		
05.06.	Military personnel, Arbeitsgemeinschaft Staat und Gesellschaft e.V.	35
06.06.	Secondary-school pupils	30
11.06.	Military personnel, Husum air base	20
11.06.	Military personnel, Federal Office of Bundeswehr Personnel Management	19
12.06.	Military personnel, Hermann Ehlers Foundation	15
18.06.	Students from the Bundeswehr Academy for Information and Communication	30
27.06.	Chief of Staff, Navy	12
27.06.	Military personnel, Petty Officer School	12
27.06.	German-American delegation	25
28.06.	Military personnel, Army Officer School	90
<b>July 2013</b>		
02.07.	German-Austrian delegation	14
08.07.	Military personnel, Air Force Officer School	13
11.07.	Military personnel, Arbeitsgemeinschaft Staat und Gesellschaft e.V.	20
16.07.	Military personnel, Petty Officer School	25
30.07.	Military personnel, Bundeswehr Strategic Reconnaissance School	19
<b>August 2013</b>		
06.08.	Military personnel, Petty Officer School	25
14.08.	German-Tunisian delegation	10
22.08.	German-Israeli delegation	15
27.08.	Military personnel, Reconnaissance Wing 51 "Immelmann"	40
29.08.	Military personnel, Petty Officer School	25
29.08.	German-Polish delegation	20
<b>September 2013</b>		
11.09.	Military personnel, Headquarters of the German Air Force, Cologne/Berlin	10
12.09.	German-French delegation	18
18.09.	German-Azerbaijani delegation	15
24.09.	Military personnel, Land Command, Hesse	14
26.09.	Military personnel, Petty Officer School	25
26.09.	German-British delegation	25
<b>October 2013</b>		
07.10.	Naval Air Wing 3	11
09.10.	Office of the Protestant Church for the Bundeswehr	12
10.10.	German-British delegation	14
15.10.	Mountain Signal Battalion 210	16
15.10.	Military personnel, Hermann Ehlers Foundation	15
16.10.	Military personnel, Petty Officer School	25



**Visitor groups (contd.)**

<b>Date</b>	<b>Visitor group</b>	<b>Number of participants</b>
17.10.	Military personnel, Bundeswehr Command and Staff College	28
23.10.	Military personnel, Hermann Ehlers Foundation	25
23.10.	Military personnel, Army Non-Commissioned Officer School	25
24.10.	German-Belgian delegation	25
25.10.	Staff from the administration of the Grand National Assembly, Turkey	6
29.10.	Military personnel, Schwerin Academy	14
30.10.	Military personnel, Petty Officer School	20
<b>November 2013</b>		
06.11.	Military personnel, Petty Officer School, Berlin	20
07.11.	German-Hungarian delegation	25
08.11.	Students from the Berlin School of Economics and Law	72
12.11.	Military Gender Equality Officers	10
12.11.	Delegation from the MENA region	23
13.11.	Military personnel, Delitzsch NCO School	25
19.11.	Military personnel, George Marshall Center	60
21.11.	German-Czech delegation	21
21.11.	Military personnel, Petty Officer School, Berlin	17
26.11.	Military personnel, Hermann Ehlers Foundation	15
26.11.	Military personnel, Arbeitsgemeinschaft Staat und Gesellschaft e.V.	17
27.11.	German-Indonesian delegation	5
<b>December 2013</b>		
02.12.	Military personnel, Air Force Officer School	17
03.12.	Military personnel, Petty Officer School, Berlin	25
04.12.	German-Egyptian delegation	15
06.12.	German-Argentinian delegation	13
12.12.	Military personnel, Petty Officer School, Berlin	17
12.12.	German-Croatian delegation	23

## 26.4 Overview of the Annual Reports for 1959 to 2013 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	36	p. 1743 ff.
				2 June 1970	54	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	181	p. 10522 ff.
				23 June 1972	196	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	165	p. 11555 ff.
				8 April 1976	235	p. 16487 ff.
1975	27 February 1976	7/4812	7/5342	8 April 1976 and	235	p. 16487 ff.
				25 June 1976	254	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	118	p. 9184 ff.
				7 December 1978	123	p. 9591 ff.
1978	6 March 1979	8/2625	8/2986	18 May 1979 and	155	p. 12391 ff.
				27 June 1979	163	p. 12968 ff.
1979	18 March 1980	8/3800	8/4374	26 June 1980 and	226	p. 18309 ff.
				3 July 1980	229	p. 18676 ff.

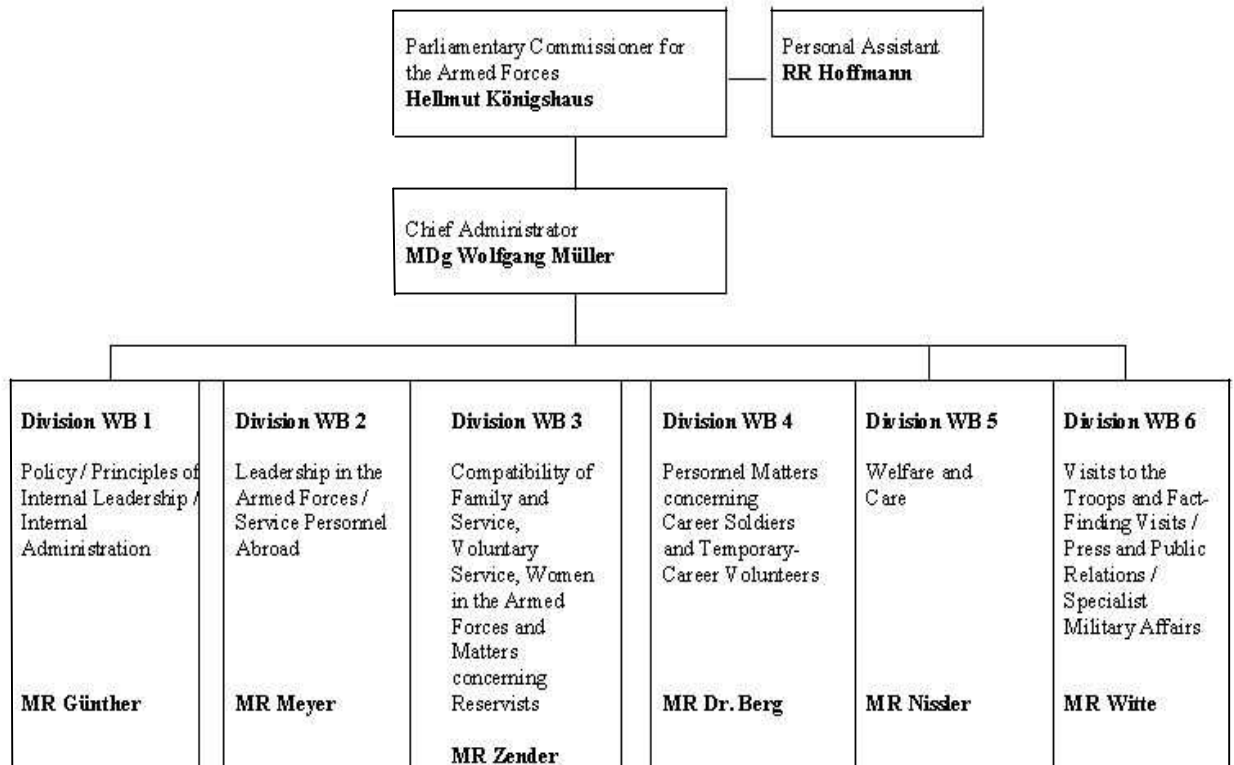
**Overview of the Annual Reports for 1959 to 2013 and their deliberation by the German Bundestag (contd.)**

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
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.
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.

**Overview of the Annual Reports for 1959 to 2013 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
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		19 April 2013	235	p. 29550 C ff.
2013	28 January 2014	18/300				

**26.5 Organisational chart**



Address: Platz der Republik 1  
D-11011 Berlin, Germany

Address for visitors: Neustädtische Kirchstrasse 15  
D-10117 Berlin, Germany  
Tel.: +49 (0)30 227-38100  
Fax: +49 (0)30 227-38283  
IV BB Tel.: +49 (0)30 1818-38100  
E-mail: [wehrbeauftragter@bundestag.de](mailto:wehrbeauftragter@bundestag.de)  
Internet: <http://www.bundestag.de>

**27 Keywords****A**

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 Accommodation building ..... 19  
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 BAPersBw ..... 28, 90  
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