



## **8<sup>TH</sup> CONFERENCE OF OMBUDS INSTITUTIONS FOR THE ARMED FORCES**

**Amsterdam, the Netherlands**

**2-5 October 2016**

### **Conference Statement**

As the International Conference of Ombuds Institutions for the Armed Forces (ICOAF) enters its eighth year, the conference has promoted the exchange of experiences and deepened cooperation among ombuds institutions.

Jointly hosted by the Inspector General of the Royal Netherlands' Armed Forces, the National Ombudsman of the Netherlands and the Geneva Centre for the Democratic Control of Armed Forces (DCAF), the 8<sup>th</sup> ICOAF took place in Amsterdam on 2-5 October 2016. The 8<sup>th</sup> ICOAF focused on the role of ombuds institutions for the armed forces in international missions.

As was the case in previous years, the conference reached out to representatives of ombuds institutions for the armed forces from nearly thirty countries, representing both those countries contributing troops to international missions as well as countries receiving international missions. In addition, the 8<sup>th</sup> ICOAF benefitted from the participation of ombuds institutions from other actors, including those from international and non-governmental organizations, who also play a vital role in international missions. Through this conference, ICOAF has been able to further strengthen its function as a platform for promoting democratic oversight of the armed forces and preventing maladministration and human rights abuses.

This conference statement serves as a compilation of good practices discussed at the conference and does not serve as an obligation to act on or implement these practices. Each ombuds institution possesses specific and unique mandates, and therefore all good practices may not be relevant to all conference participants.

The Conferees declare the following:

### Introduction

1. Building on the successes of the previous seven International Conferences of Ombuds Institutions for Armed Forces in Berlin (2009), Vienna (2010), Belgrade (2011), Ottawa (2012), Oslo (2013), Geneva (2014), and Prague (2015), the Amsterdam Conference sought to strengthen cooperation and share good practices among independent institutions.
2. We recognise that ICOAF has established itself as an important international forum for promoting and ensuring democratic oversight of the armed forces, with participants sharing common aspirations towards preventing maladministration and human rights abuses.
3. Recognising that each national context is unique, we underline the importance of ongoing international dialogue among ombuds institutions to promote and protect human rights and fundamental freedoms within and by the armed forces

### International Missions and Ombuds Institutions

4. International missions have become increasingly common and extended in time and scope. To date, 118,792 personnel are currently serving in ongoing United Nations peacekeeping operations, along with numerous regional missions led by the African Union, the European Union, and NATO. We recognise that international missions constitute an important contribution to international peace and security as well as the protection and promotion of human rights and fundamental freedoms of those affected by war and conflict.
5. Depending on the specifics of their mandate, ombuds institutions fulfil an important role in protecting and promoting the human rights and fundamental freedoms of armed forces personnel and the local populations in the context of international missions.
6. Ombuds institutions discussed the importance of taking a proactive role in international missions, for example, to conduct own motion investigations, in addition to their reactive role to receive and investigate complaints related to international missions.

### Ombuds Institutions' Experiences with International Missions

7. International missions pose various challenges to ombuds institutions. These challenges include, but are not limited to, multiple jurisdictions, lack of sufficient mandate, lack of finances and resources to carry out inspections abroad, unfamiliarity with the local situation as well as a dependency on the willingness and the cooperation of military deployed abroad to receive ombuds institutions.
8. While only a few ombuds institutions are currently actively involved in international missions, we recognise that each and every international mission should be covered by effective and comprehensive complaint mechanisms to protect both the rights of armed forces personnel and local populations.
9. The conferees exchanged and identified good practices and procedures for how ombuds institutions can better manage international missions. The following is a non-exhaustive compilation of good practices and procedures which ombuds institutions may find helpful in further exploring and defining their role in international missions with the aim of structural cooperation between ombuds institutions. Depending on the particularities of the mandate of each and every ombuds institution, good practices and procedures on the role of ombuds institutions in international missions may include the following:
  - a. a mandate to receive and investigate complaints pertaining to international missions;
  - b. clearly articulated common guidelines for ombuds institutions to deal with international missions;
  - c. pre-deployment briefings for armed forces personnel on the role of ombuds institutions in international missions;
  - d. to set up special inspection and complaints handling teams for dealing with international missions;
  - e. to organize inspection visits by ombuds institutions to troops deployed abroad;
  - f. monitoring, reporting and evaluation of any alleged violation of human rights and fundamental freedoms of armed forces personnel and local populations;
  - g. to set up databases that would cover complaints pertaining to international missions; and
  - h. to build up trust and effective cooperation mechanisms between ombuds institutions, local populations, ministries of defence and force commanders in international missions.

10. In view of the various barriers for armed forces personnel and local populations to lodge complaints in the context of international missions, which might lead to low numbers of complaints, ombuds institutions should investigate the causes of underreporting of human rights violations, and issue recommendations, in particular in relation to underreporting of allegations of sexual exploitation and abuse.
11. Ombuds institutions should check that clear guidance is available to personnel of international missions as to how investigations of human rights violations should proceed, how disciplinary action is ensured or how victims are protected and supported, in particular with regards to sexual violence.

#### International Missions and Other Actors

12. International missions consist of much more than just armed forces. A range of stakeholders are involved, including the troop receiving countries' authorities at the national and local levels, civil society, international organisations and humanitarian organisations. The work of ombuds institutions can be enhanced by maintaining effective relations and increasing exchange of information and coordination with these stakeholders.

#### Veterans

13. A direct consequence of the increase of international missions is an increasing number of veterans throughout the last decades. On the basis of complaints and investigations, ombuds institutions can ensure veterans are receiving adequate care.
14. Participants discussed that on the topic of veterans, depending on the specificities of their mandate, ombuds institutions can:
  - a. Receive greater clarification with regards to the legal framework pertaining to veterans and the rights and responsibilities of ombuds institutions;
  - b. Encourage countries to re-examine what constitutes a veteran given the changing nature of military service;
  - c. receive and investigate complaints lodged by veterans.
  - d. Ensure that veterans' benefits extend also to the families of veterans;
  - e. carry out visits to and interviews with veterans;
  - f. establish better links between and provide support to civil society organisations dealing with veterans issues;

- g. ensure that veterans receive the benefits to which they are entitled, including physical and mental support, benefits and reintegration schemes; and
- h. conduct thematic investigations into veterans' affairs, such as the reintegration of veterans, the provision of health care to veterans, improving the societal image of veterans and compensation schemes.

#### Cooperation with Other Ombuds Institutions in International Missions

- 15. Since international missions often involve multinational joint command structures and the participation of troops of various countries, ombuds institutions should explore the potential to develop mechanisms to conduct joint activities with ombuds institutions of other countries, including those of troop contributing countries and troop receiving countries, as well as developing common standards for ombuds institutions involved in international missions.
- 16. Depending on the particularities of the mandate of ombuds institutions, good practices may include exchange of information with other ombuds institutions, coordination meetings and joint inspection missions, as well as joint mission debriefs.

#### Overcoming Challenges, Lessons Learned and the Way Ahead

- 17. Ombuds institutions should continuously reflect on and strengthen their mandate in order to demonstrate leadership and to be more effective in promoting and protecting the human rights and fundamental freedoms of armed forces personnel and local populations.
- 18. ICOAF continues to be a valuable contribution to allow ombuds institutions to share challenges as well as to provide orientation and guidance to address these challenges.

#### Conclusions

- 19. The protection and promotion of human rights and fundamental freedoms of armed forces personnel and local populations in the context of international missions can be advanced through the following three levels:
  - a. ombuds institutions of troop contributing countries;
  - b. ombuds institutions of troop receiving countries; and
  - c. international organisations under whose auspices troops are deployed.

The ombuds institutions assembled at the 8<sup>th</sup> ICOAF in Amsterdam request DCAF to explore and to implement capacity building projects (research, advice and training) to

facilitate and strengthen the work of ombuds institutions at each of the three aforementioned levels.

20. Future conferences will continue to expand and deepen the cooperation between ombuds institutions.

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

22. The ninth ICOAF will take place in London, United Kingdom in October 2017.

Amsterdam, 5 October 2016