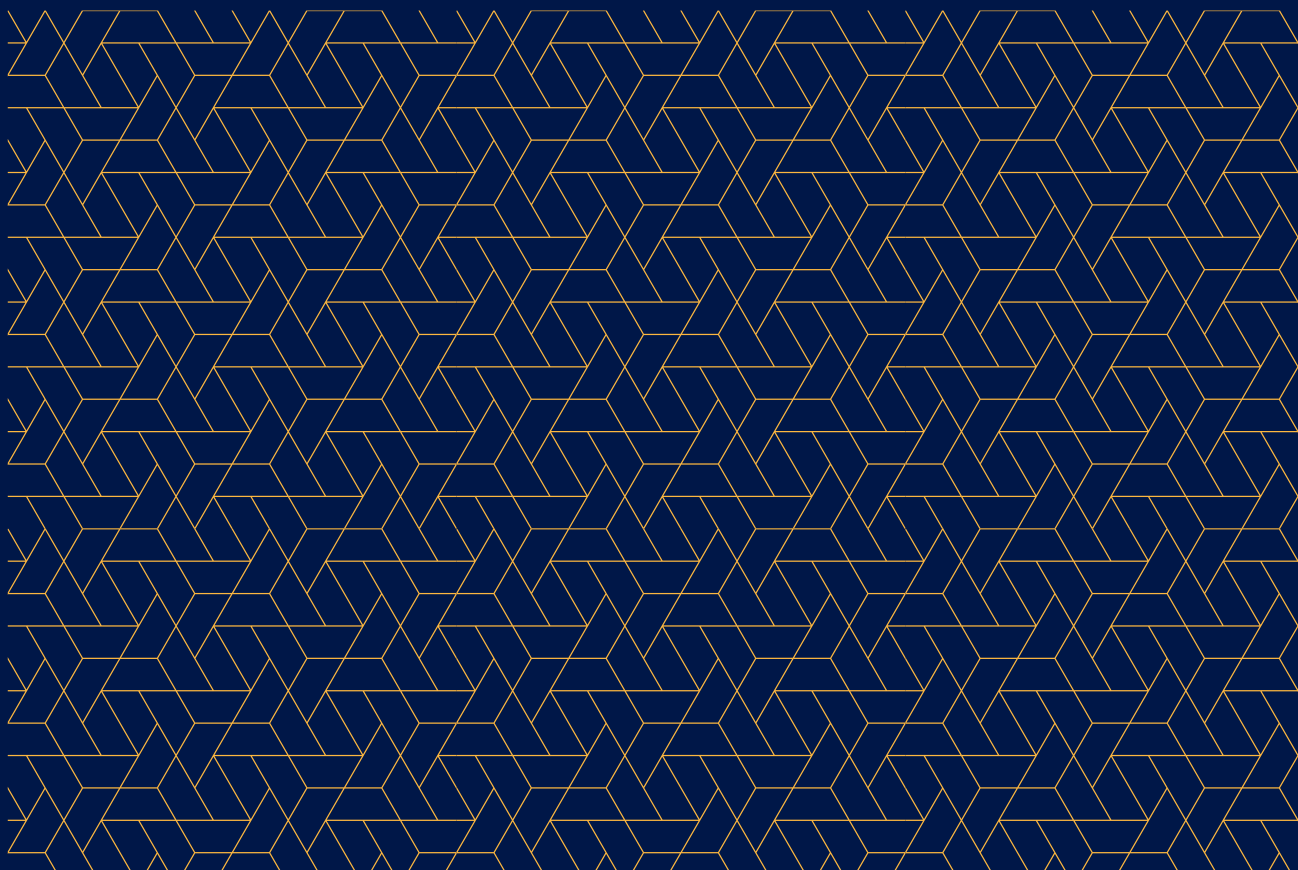


**BRIEFING NOTE**

**Impact of COVID-19 on  
Ombuds Institutions  
for the Armed Forces**

— May 2021



## About this Briefing Note

This note maps the impact of COVID-19 on ombuds institutions, from two perspectives. First, we examine how the pandemic has affected ombuds institutions as organizations. Second, we look at how the pandemic has influenced the work of ombuds institutions, especially in terms of complaint-handling and fieldwork, and how that has affected their ability to protect the rights of both armed forces personnel and the citizens with whom they have had contact during their COVID-19 deployments.

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Published in Switzerland in 2021 by DCAF – Geneva Centre for Security Sector Governance

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Cite as: Luka Glušac and Ajla Kuduzovic, *Impact of COVID-19 on Ombuds Institutions for the Armed Forces*, Briefing Note (Geneva: DCAF, 2021).

ISBN: 978-92-9222-573-5

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## Summary

Governments around the world have adopted extraordinary legal and practical measures to fight COVID-19. In such circumstances, it is crucial for oversight bodies to function well so that they retain their capacity to hold governments accountable. Among those are ombuds institutions for the armed forces, who have played a particularly important role since the COVID-19 outbreak, as armed forces have been deployed to assist civilian authorities to fight the pandemic in a majority of countries. Given the increased exposure of armed forces personnel to the virus and more frequent interactions with citizens, it is vital that the rights of armed forces personnel and the citizens they interact with during their deployment are protected.

This is the second of a two-part series of briefing notes, informed by the discussions from the 12<sup>th</sup> International Conference of Ombuds Institutions for the Armed Forces (ICOAF) held in October 2020, as well as the results from the COVID-19 survey DCAF has distributed among ICOAF participants in the summer of 2020. The first note concentrates [on the impact of COVID-19 on armed forces](#), whilst this note focuses on ombuds institutions for the armed forces. It presents an overview of how these institutions have responded to pandemic-related challenges, and how they have adapted to new circumstances in order to maintain their vigilance as watchdogs.

The results of this research indicate that, in general, ombuds institutions have adapted well to the coronavirus crisis, seeking the right balance between implementing measures to prevent COVID-19 infection among employees and visitors while remaining visible and accessible to potential complainants. Ombuds institutions have managed to conduct much of their work remotely, including by introducing new means of collecting information and conducting interviews and hearings. Indeed, the digitalization of complaints-lodging procedures and case-management systems was the key development in the work of most ombuds institutions during the first wave of COVID-19.

While using Information and Communication Technologies (ICT) channels to remain visible to soldiers during COVID-19 has been welcome, new technologies can hardly generate the insight and trust gained through direct in-person contact with a complainant or a witness. Thus, the ombuds community has widely recognized the importance of re-instituting their robust field presence as soon as possible.

## Introduction

The security sector has been heavily involved in assisting civilian authorities in fighting the COVID-19 pandemic. Besides using regular police services in this effort, many countries have also deployed their armed forces, which have niche capabilities to support emergency

and large-scale operations.<sup>1</sup> Indeed, armed forces should be part of a whole-of-government response to the virus. But these forces, along with any other security actors involved in pandemic response, must remain subject to civilian and democratic oversight, even in the midst of this crisis.<sup>2</sup>

The principles of good security sector governance (SSG) provide normative standards for how states should provide state and human security in a democracy, especially in times of crisis.<sup>3</sup> Fundamentally, good SSG aspires to improve security for individuals, communities, and states, while ensuring respect for human rights and rule of law.<sup>4</sup> This includes the human rights of deployed armed forces personnel; in this case, specifically their right to health, as engaging on the frontlines of a health crisis carries a higher risk of exposure to infection. Ombuds institutions for the armed forces are a key mechanism to ensure that the rights of armed forces personnel, as well as the rights of citizens in contact with those forces are promoted and protected.

Ombuds institutions are independent state oversight bodies that receive complaints and investigate matters pertaining to the protection of human rights and the prevention of maladministration.<sup>5</sup> Through investigations, reports, and recommendations, ombuds institutions for the armed forces improve the good governance and effectiveness of these forces. There are various ombuds models, ranging from national human rights institutions mandated to oversee and address complaints concerning all government bodies, to independent institutions mandated to oversee only the armed forces.

**The *objective* of this note is to map the impact of COVID-19 on ombuds institutions, from two perspectives.** First, we examine how the pandemic has affected ombuds institutions as organizations. Second, we consider how the pandemic has influenced the work of ombuds institutions, particularly in terms of complaint-handling and fieldwork, and how that has affected their ability to protect the rights of armed forces personnel and the citizens with whom these forces come into contact during their COVID-19 deployments.

Although their mandates and powers vary, the objective of all ombuds institutions for the armed forces is to prevent and respond to both maladministration and human rights abuses.<sup>6</sup> To better understand the impact of the COVID-19 pandemic on these institutions, DCAF distributed an online survey in the summer of 2020 to ombuds institutions that regularly participate in the International Conference of Ombuds Institutions for the Armed

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<sup>1</sup> For more, see Luka Glušac and Ajla Kuduzovic, *Impact of COVID-19 on Armed Forces*, Briefing Note (Geneva: DCAF, 2021).

<sup>2</sup> DCAF - Geneva Centre for Security Sector Governance, *The Security Sector and Health Crises*, SSR Backgrounder Series (Geneva: DCAF, 2020), 4.

<sup>3</sup> Dawn Lui, *Impact of COVID-19 on Security Sector Governance*, Briefing Note (Geneva: DCAF 2020), 2.

<sup>4</sup> Ibid.

<sup>5</sup> DCAF - Geneva Centre for Security Sector Governance, *Ombuds Institutions for the Armed Forces*, SSR Backgrounder Series (Geneva: DCAF, 2019), 2.

<sup>6</sup> Ibid.

Forces (ICOAF).<sup>7</sup> The survey looked at how ombuds institutions responded to challenges such as COVID-19 and its immediate threats, and how they plan for long-term recovery. Responses were received from 41 institutions in 37 countries coming from five continents.<sup>8</sup> The initial results of the survey served to inform the discussion and helped to design the programme of the 12<sup>th</sup> International Conference of Ombuds Institutions for the Armed Forces (12ICOAF) held in October 2020. This note has benefited greatly from the experiences of ombuds institutions in coping with COVID-19 gathered during the 12<sup>th</sup> ICOAF, which was devoted to the impact of COVID-19 on ombuds institutions. We have been mindful of, and taken into account the changes in the dynamics and patterns of the COVID-19 pandemic since the survey was conducted in the summer of 2020. To account for these developments, further information was collected through desk research in late 2020 and early 2021. This combination of sources has proven to be sufficient to paint a general picture of the current state of affairs in relation to ombuds institutions, as well as to suggest future trends and developments in approaches taken by ombuds institutions working in the context of the pandemic- cognisant of the fact that the pandemic is not over yet.

This note begins with a brief overview of the implications of COVID-19 for the rule of law and human rights. It then focuses on the impact of the pandemic on ombuds institutions for the armed forces, especially on key aspects of their work in the COVID-19 context, including the digitalization of procedures, complaint-handling, and fieldwork. The note closes with the overview of the results.

## **The implications of COVID-19 for the rule of law and human rights**

Governments worldwide have introduced a plethora of legal and practical measures to fight COVID-19, including by declaring states of emergency and activating other exceptional constitutional legal tools, and in some cases even going beyond the constitutional framework. Thus, it is important to be aware of the potential human rights implications of these measures, such as the ways in which they limit or restrict specific rights (such as freedom of assembly, freedom of movement, or the right to access

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<sup>7</sup> For more on the ICOAF, see <https://www.icoaf.org/>.

<sup>8</sup> The survey was sent to 140 ombuds institutions and other organisations (from 87 countries) that have participated in the ICOAF. For this Briefing Note, the unit of analysis is ombuds institutions, as the focus is on the impact of COVID-19 on their work. DCAF received responses from institutions in: Albania, Armenia, Australia, Austria, Belgium, Benin, Bosnia and Herzegovina, Burkina Faso, Canada, Costa Rica, Croatia, Czechia, Estonia, Finland, Georgia, Germany, Greece, Hungary, Ivory Coast, Kenya, Latvia, Mali, Malta, Madagascar, Montenegro, The Netherlands, Niger, Norway, Poland, Kosovo (this designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ opinion on the Kosovo declaration of independence), Romania, Senegal, Slovenia, South Africa, Tajikistan, Ukraine, and the US.

information), affecting both the general population and armed forces personnel. In fact, such measures have affected many armed forces personnel in two ways; as citizens, and for the soldiers who have been deployed, as forces tasked with implementing those measures.

In both Africa and Asia, a significant number of countries have deployed their armed forces in the context of health crises during outbreaks of infectious disease over the last two decades, most notably when faced with the Bird flu (1997), SARS (2003), the H5N1 avian influenza (2004), the Swine flu (2009), and Ebola (2013). However, the COVID-19 pandemic has given rise to unparalleled participation by armed forces in these efforts worldwide. This has been true across all systems of governance, from consolidated democracies to autocratic regimes.

In the case of COVID-19, the missions assigned to armed forces in response to the pandemic have only slightly differed from one region to another and from one system of governance to another. Their efforts have been centred on reinforcing health systems. In our previous Briefing Note ([link](#)), we addressed the impact of COVID-19 on armed forces through the lens of the different roles they have played in the crisis. In this note, we turn our focus to ombuds institutions in order to understand how the pandemic has influenced the ability of oversight institutions to protect the rights of armed forces personnel and the citizens with whom they interact.

It is important to mention that some ombuds institutions have had a stronger voice during the pandemic than others, depending on their specific mandate and public profile. Ombuds institutions for the armed forces take the form of general ombuds institutions, specialized institutions, and inspectors general. Contrary to specialized institutions and inspectors general, parliamentary ombuds institutions have a broad mandate that obligates them to respond to complaints related to the entire public administration (not only armed forces).<sup>9</sup> Many general ombuds institutions have the right to advise their governments, propose laws, and act before the constitutional court (or equivalent body), and therefore maintain close relations with the national parliament, but rapid developments during the COVID-19 crisis have caused governments to adopt decisions in a rush, sometimes behind closed doors, with limited opportunity for public consultation. This has altered the normal flow of information, making decision makers less available and accessible to the populations affected by the policies they implement.

For the most part, ombuds institutions have been vocal in insisting that these policies align with the extant rule of law. They have also pushed for the timely and widespread

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<sup>9</sup> Gauthier de Beco and Rachel Murray, *A Commentary on the Paris Principles on National Human Rights Institutions* (Cambridge: Cambridge University Press, 2014); Luka Glušac, "A Critical Appraisal of the Venice Principles on the Protection and Promotion of the Ombudsman: An Equivalent to the Paris Principles?" *Human Rights Law Review* 21, no. 1 (2021): 22-53.

dissemination of clear information concerning measures to fight COVID-19, and their implementation. These institutions have also insisted that any penalties linked to defiance of these measures are proportionate and their implications fully considered.

The Dutch National Ombudsman has advised the Government to make sure that any temporary legislation enacted to fight COVID-19 is justified and provides for clear provisions on who implements any measures that can infringe on the rights of the citizens, and how. The Dutch Ombudsman has reiterated the importance of accountability and maintaining the balance and division of power in implementing emergency regulations.<sup>10</sup>

Box 1 – Dutch Ombudsman

In many governments, the dominance of the executive branch was already evident before COVID-19; but this has only been accelerated and reinforced by the pandemic, as parliaments in a notable number of countries have either been marginalized or completely excluded from the COVID-19 decision-making process.<sup>11</sup> While some parliaments have continued to meet physically (with restrictions) and others have managed to conduct part of their work remotely, it is undeniable that parliamentary oversight has been severely restricted by the pandemic. At a time when executives should be under increased scrutiny, legislatures have been unable to hold them to account. And it is not only the capacities of parliaments that have been curtailed, as other independent oversight bodies, such as ombuds institutions, audit institutions, anti-corruption agencies, and information commissioners have all been hampered in their work as well. As a result, entire oversight systems have been under increased pressure.

Although COVID-19 has led to measures that hamper the ability of ombuds institutions in many jurisdictions to conduct investigations, these bodies have nonetheless worked to identify the main challenges to human rights during the pandemic. For example, many general ombuds institutions have focused on systemic issues arising in connection to the government response to the crisis, using different (and sometimes new) avenues to communicate and disseminate their findings – from frequent press releases that highlight important individual cases, to special reports (see Box 2).

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<sup>10</sup> For more, see Nationale Ombudsman, “Zorgen over tijdelijke wet maatregelen COVID-19,” 9 June 2020, <https://www.nationaleombudsman.nl/nieuws/2020/zorgen-over-tijdelijke-wet-maatregelen-covid-19> (accessed 15 March 2021).

<sup>11</sup> For more, see the special issue of *The Theory and Practice of Legislation* 8, nos. 1-2 (2020), at <https://www.tandfonline.com/toc/rtpl20/8/1-2>.

The Protector of Citizens of the Republic of Serbia<sup>12</sup> and the State Comptroller and Ombudsman of Israel<sup>13</sup> have both published special reports presenting their activities since the start of the COVID-19 pandemic, highlighting the key challenges faced by citizens in different public sectors. These reports have concentrated on the provision of essential public services and how COVID-19 has affected particularly vulnerable groups.

Box 2 - Special COVID-19 reports

## The impact of COVID-19 on ombuds institutions

Typically, parliaments appoint and oversee the work of general ombuds institutions, which are viewed as something of an extended arm. Through annual and special reports, these institutions provide parliaments with objective and evidence-based findings that relate to the functioning of public administration and the realization of human rights. The protection of the rights of armed forces personnel is just one mandate of general ombuds institutions. It is, however, the main focus of specialized ombuds institutions, such as parliamentary commission(er)s, military ombuds or inspectors general. These institutions should serve as visible, accessible, and objective complaints mechanisms, but due to the pandemic, many have been forced to alter their working hours and limit access to their premises. In fact, during the October 2020 ICOAF, representatives of the 45 ombuds institutions present at the conference indicated it had been a challenge to find the right balance between respecting COVID-19 measures and remaining accessible to potential complainants.

The context of the COVID-19 crisis has differed from country to country and has been in constant flux, forcing ombuds institutions to adapt their approach in response to these developments. Of the 41 ombuds institutions that took part in DCAF's survey, just 34 per cent reported that they managed to open their offices fully during any period of the pandemic, mostly in the summer of 2020. A majority (68 per cent) have had most of their employees working remotely and have only opened to citizens with restrictions. Notably, though, 14 per cent of the ombuds institutions that participated in DCAF's survey have had to completely close their offices and switch to fully remote work at some point during the pandemic. In those cases, all communication with complainants has been conducted through post, email, or social media.

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<sup>12</sup> Protector of Citizens, *Special Report on the Activities of the Protector of Citizens during the COVID-19 State of Emergency*, 10 June 2020. Available at:

<https://ombudsman.org.rs/attachments/article/192/Report%20on%20Protector%20of%20Citizens%27%20activities%20during%20COVID-19%20pandemic.pdf>

<sup>13</sup> The State Comptroller and Ombudsman of Israel, *Special Report No. 1: Investigating Complaints during the First Wave of the COVID-19 Pandemic*, September 2020,

<https://www.mevaker.gov.il/sites/DigitalLibrary/digitalBooks/FirstWaveOfTheCOVID19/index.aspx?AspxAutoDetectCookieSupport=1> (accessed 15 March 2021).



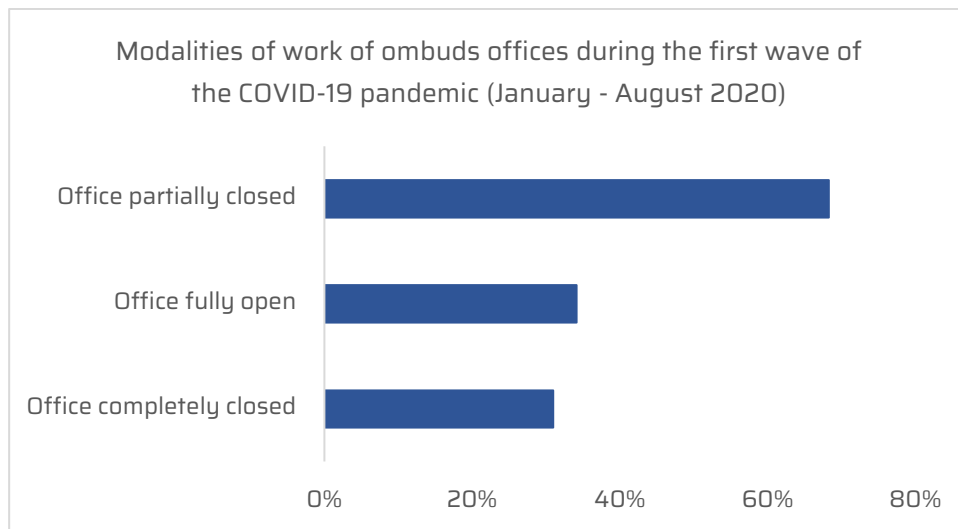


Figure 1

### The safety of employees

The key priority of ombuds institutions vis-à-vis COVID-19 has been the well-being of their employees and of the complainants who visit their premises. Over 80 per cent of survey respondents indicated that personal protective equipment (PPE), such as masks, gloves, and hand sanitiser, had been distributed to their staff. The same percentage reported implementing strict social distancing measures, mostly by limiting the number of employees sharing the same workspace.

**Still, every fifth ombuds institution in the DCAF survey has had to test their staff because of a suspected viral contact while on the job.** Almost all of them (89 per cent) have had someone test positive, and at one institution, employees experienced the loss of a colleague due to COVID-19. Given this, as well as how remote work and the blurring of working hours has raised concerns about the mental health of employees, many ombuds institutions have paid special attention to supporting the emotional wellbeing of staff. This has included daily telephone check-ins as well as the organization of support groups and virtual trainings on how to deal with stress.

### Accelerating digitalization

Across contexts, the pandemic has accelerated processes of digitalization and has created an impetus for more flexible working environments. This presents both opportunities and challenges. Indeed, when asked about the greatest challenge to their work during COVID-19, 45 per cent of survey participants listed a lack of technical equipment (laptops, tablets, or phones), together with problems establishing the efficient and secure IT networks necessary for remote work. Procurement processes for new equipment also took longer

than usual, generating problems for employees in their everyday work. However, it is important to note that a vast majority of ombuds institutions (78 per cent) did not face any discriminatory budget cuts or fund reallocations during the crisis.

The need for greater adaptability and increased remote access to ombuds institutions has thus been an opportunity to modernize the workstreams of ombuds offices, instituting and refining complaints mechanisms that are accessible through social media or smartphone apps in some cases.<sup>14</sup> In this way, ombuds institutions have been able to reach larger audiences, network with counterparts across the world, and adopt more flexible working rules. Indeed, according to DCAF's survey, 73 per cent of ombuds institutions have adapted their rules and procedures to allow for remote work and virtual meetings, and nearly 83 per cent reported using video conferencing tools during the pandemic.

The introduction of more sophisticated IT infrastructures has increased the training needs of ombuds institutions. Luckily, working remotely has increased the individual training capacities of staff, who can access lessons from the comfort of their own homes. In fact, this forced transition to a work-from-home model has produced a number of positive outcomes, and ombuds institutions have grown more comfortable with it as they see that their staff has retained – and even exceeded – pre-COVID levels of productivity.<sup>15</sup> Some ombuds institutions have reported mixed results with work-from-home arrangements, however, particularly when schools have been closed and students engaged in online learning, which has affected the productivity of employees with children. This has especially impacted female staff in cultures where women take on the majority of caregiving and household work.

## **Complaints handling**

Handling complaints is the main function of ombuds institutions. Survey results indicate that since the start of the COVID-19 pandemic, 53 per cent of responding ombuds institutions have seen no change in the number of complaints, while 24 per cent have recorded more complaints than usual and 22 per cent have recorded fewer (see Figure 2).

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<sup>14</sup> For instance, in Bosnia and Herzegovina, the mobile application “My Inspector” was launched in 2019 to provide direct access to the Inspector-General of the Armed Forces. The application has proven particularly useful in the time of COVID-19. For more (in local language), see [http://www.mod.gov.ba/MO\\_BiH/Struktura/Sektor/Generalni\\_inspektorat/?id=71663](http://www.mod.gov.ba/MO_BiH/Struktura/Sektor/Generalni_inspektorat/?id=71663)

<sup>15</sup> As reported by many ombuds institutions during the 12th ICDAF in October 2020.

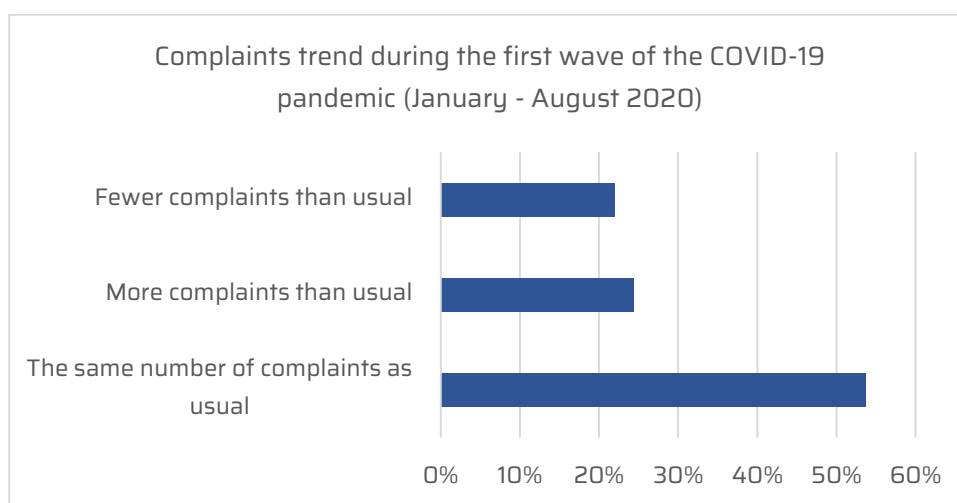


Figure 2

There was a sharp contrast between the number of complaints fielded by general ombuds institutions versus specialized ombuds institutions, the latter of which recorded an increase in complaints from both armed forces personnel and civilians during COVID-19. While general ombuds institutions saw a 31 per cent decrease in complaints from the outbreak of COVID-19, no specialized ombuds observed a similar trend; in fact, 43 per cent of these specialized institutions reported an increase in complaints. For the most part (75 per cent), inspectors general recorded no change in the number of complaints they received.

Ombuds type	Same No. of complaints	%	More complaints	%	Fewer complaints	%	TOTAL	%
General	12	46%	6	23%	8	31%	<b>26</b>	<b>63%</b>
Specialized	4	57%	3	43%	0	0%	<b>7</b>	<b>17%</b>
Inspector-general	6	75%	1	13%	1	13%	<b>8</b>	<b>20%</b>
<b>Total</b>	<b>22</b>	<b>54%</b>	<b>10</b>	<b>24%</b>	<b>9</b>	<b>22%</b>	<b>41</b>	<b>100%</b>

Table 1 – Distribution of complaints by type of ombuds institutions from January to August 2020

At the 12<sup>th</sup> ICOAF in October 2020, participants proposed that these increases and decreases in complaints correlate to the role played by the military in COVID-19 response; meaning, in contexts where the armed forces were broadly deployed, complaints likely went up, and vice versa.

One-third of the ombuds institutions that participated in DCAF's survey reported receiving COVID-19-related complaints from military personnel in the first wave (Winter-Summer 2020) of the pandemic. Most of these complaints were linked to working conditions or

administrative matters that worsened under the pandemic, such as delays in promotion, dismissals from service, or salary concerns, as well as complaints about the treatment of personnel by superiors. But armed forces personnel also lodged complaints related to the specific risks and consequences of the roles they have played in responding to COVID-19, mostly citing concerns related to compensation (benefits) and insufficient and/or low-quality personal protective equipment (PPE).

In our previous Briefing Note ([link](#)) devoted to the impact of COVID-19 on armed force, we have identified that the deployment of armed forces to fight COVID-19 has also had implications for the occupational health of these forces, as well as on their right to physical and mental health more broadly.

Although the higher exposure of armed forces personnel to the virus has been acknowledged on a global level, there is a lack of comprehensive and reliable data, and in many countries, data on COVID-19 infections rates among armed forces is treated as confidential; including in half the countries that participated in DCAF's survey. Nonetheless, many ombuds institutions have documented various medical challenges that have arisen in the context of the pandemic. For instance, acting Israeli military ombudsman Brig. Gen. (res.) Eitan Dahan reported:

Over the past year, I determined that alongside impressive and dynamic preparation that the IDF (Israel Defence Forces) displayed in dealing with the many changes that this period brought with it, gaps arose in managing the medical and other conditions: from gaps in sending messages and orders to the field, to commanders' lacking treatment of outbreak sites, to delays in providing military care to soldiers who were suspected of being sick, or needing quarantine or to be distanced from their units, to failing to carry out necessary orders and denying the economic and social rights of servicemembers.<sup>16</sup>

As noted by participants at the 12th ICOAF, armed forces who actively contributed to pandemic response faced the added stress of being deployed in their own countries, close to family and friends who were also in danger; a circumstance that is unique to this sort of internal deployment.<sup>17</sup> It is expected that the number of complaints from military personnel related to COVID-19 will increase over time.

Around 20 per cent of ombuds institutions have also received complaints from civilians concerning the response by armed forces to the COVID-19 crisis, primarily referencing the

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<sup>16</sup> Judah Ari Gross, "Ombudsman finds IDF responded poorly to coronavirus, but is improving", *Times of Israel*, 10 February 2021, <https://www.timesofisrael.com/ombudsman-finds-idf-responded-poorly-to-coronavirus-but-is-improving/> (accessed 15 March 2021).

<sup>17</sup> For more, see the 12th ICOAF Conference Statement at <https://www.12icoaf.org/>

use of excessive force or the misuse of authority by military personnel. Participants in the 12th ICOAF underlined the importance of good civil-military relations during crisis situations, particularly those affecting the daily lives of citizens, and expressed the need to thoroughly investigate any and all cases in which excessive force or misuse of authority is alleged.<sup>18</sup>

The South African Military Ombud has investigated a case involving the death of a citizen during the COVID-19 pandemic in Alexander Township (Johannesburg), which involved members of the South African National Defence Force (SANDF) and South African law enforcement agencies. The case attracted much public attention, and the investigation revealed that SANDF members acted improperly and in violation of their Code of Conduct and deployment prescripts. The Military Ombuds recommended that further disciplinary measures be instituted against implicated members.<sup>19</sup> The results of the investigation were welcomed by the family of the deceased,<sup>20</sup> and have contributed to increased public trust in accountability mechanisms. Over the course of the investigation, the Military Ombuds cooperated closely with the Independent Police Inspectorate Directorate (IPID) and the South African Human Rights Commission (SAHRC) to ensure that all aspects of this complex case were addressed.

Box 3 - South African Military Ombud

Outside of the traditional means of lodging complaints, in-person or by mail, many ombuds institutions worldwide have also introduced the option to file complaints by email or by using special forms on their institutional websites. In addition, some ombuds institutions have been testing ways to receive complaints via their social media channels, while others have also used popular instant messaging applications to communicate with citizens (e.g. Senegal and Côte d'Ivoire). COVID-19 has certainly accelerated the digitalization of complaints lodging, particularly in ombuds institutions that previously resisted making full use of new technologies. According to DCAF's survey, 51 per cent of ombuds institutions have introduced new digital procedures since the start of the COVID-19 pandemic to enable citizens to file complaints by email, web form, or social media.

Working remotely has also influenced the internal complaints-handling procedures of ombuds institutions, as well as their methodology in conducting investigations. For

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<sup>18</sup> Ibid.

<sup>19</sup> South African Military Ombud, "Military Ombud Concludes Investigation into the Official Conduct of the Members of the South African National Defence in Relation to their Interaction with the Khosa Family and Other Members of the Public in Alexandra During Lockdown," press release, 5 October 2020, <https://www.milombud.org/component/k2/item/51-military-ombud-concludes-investigation-into-the-official-conduct-of-the-members-of-the-south-african-national-defence-in-relation-to-their-interaction-with-the-khosa-family-and-other-members-of-the-public-in-alexandra-during-lockdown> (accessed 15 March 2021).

<sup>20</sup> Mia Lindeque, "Khosa's Family Relieved After Military Ombud Says SANDF Liable for His Death," *EWN*, 20 August 2020, <https://ewn.co.za/2020/08/20/khosa-s-family-relieved-after-military-ombud-says-sandf-liable-for-his-death> (accessed 15 March 2021).

example, every case investigated by an ombuds institution begins with a review of documents. Fortunately, many ombuds institutions had already digitized their case management systems before COVID-19, so that 86 per cent of the institutions which responded to DCAF's survey have been able to review documents and other written correspondence remotely, as incoming documents have been scanned at headquarters and are then distributed to case-handlers by email or through remote access to institutional servers.

However, ombuds institutions still operating under a paper-based system have suffered serious challenges when forced to work from home. As this kind of systemic digitization is time consuming, it was not feasible for those institutions to simply digitize in response to the pandemic. Instead, they have concentrated on making their offices as safe as possible, moving swiftly to procure personal protective equipment to enable in-person interactions that ensure the health and safety of both staff and complainants.

Speaking on the challenges to the work of ombuds institutions posed by COVID-19, Ombudswoman for Bermuda and President of the Caribbean and Latin America Region of International Ombudsman Institute (IOI), Victoria Pearman, has encouraged her peers to use both traditional and electronic means of communication, to remain visible and accessible to the citizens without reliable internet connections, particularly in rural areas, who still mostly rely on the landline phones. Automatic phone readings have been widely used by ombuds institutions (during the times when the offices were closed) to transmit important service information and provide assurances to citizens that their messages were regularly checked by ombuds staff.<sup>21</sup>

Box 4 - Latin America

Despite all these efforts, COVID-19 has still curtailed the ability of ombuds institutions to conduct in-person interviews and hearings, or to examine certain classified documents that may not be digitized due to their sensitive nature. Indeed, over 60 per cent of ombuds institutions that took part in DCAF's survey indicated they have had to conduct interviews remotely, mostly by phone, but also through email (for written interviews) and videoconferencing tools. Hearings have been impacted even more significantly, as 62 per cent of ombuds institutions have had to completely end this activity, especially during the first wave of COVID-19. However, these institutions have invested much effort into adjusting to the pandemic, and 61 per cent of survey respondents reported that they have replaced physical hearings with online hearings.

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<sup>21</sup> Speech delivered at international webinar "COVID-19 and the Ombudsperson - Rising to the Challenge of a Pandemic", organized by the State Comptroller and Ombudsman of Israel, under the auspices of the IOI, 24 November 2020, <https://www.theioi.org/ioi-news/current-news/re-watch-our-webinar-on-covid-19-with-contributions-from-around-the-globe>.

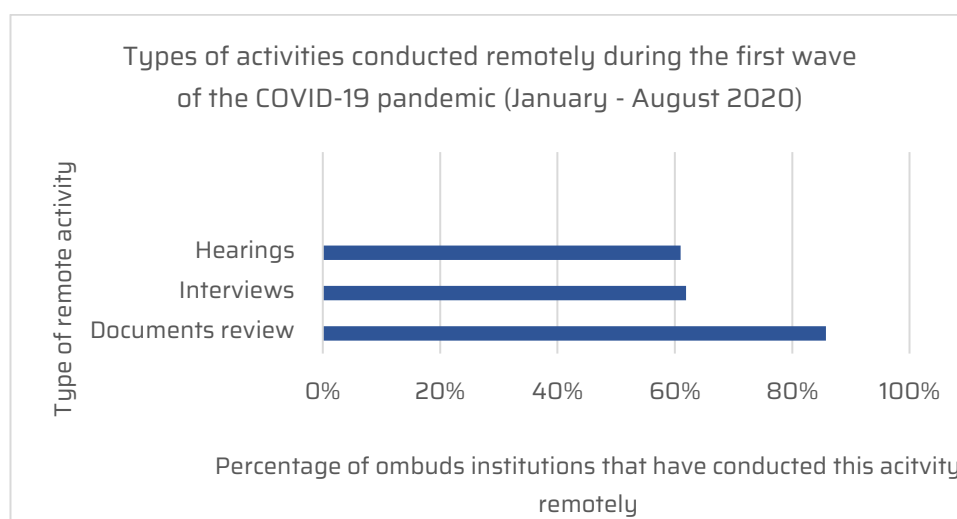


Figure 3

## Fieldwork

A majority of survey respondents (66 per cent) also reported that all business-related travel had been cancelled due to the pandemic. This included field visits, which are particularly important for ombuds institutions. In fact, COVID-19 has negatively impacted the ability of all ombuds institutions to conduct field visits, forcing these offices to explore new ways to engage personally with troops and raise their profile among the armed forces.

Notably, the impact of the first and second waves of the pandemic has been different in terms of its effect on field visits. **During the first wave, 65 per cent of ombuds institutions stopped conducting field visits entirely** and focused instead on implementing new remote work modalities. However, during the second wave, many offices have overcome the challenges of COVID-19 by implementing a wide range of safety precautions – including that staff wear personal protective equipment (PPE), get regular health screenings, and strictly abide by social distancing rules. Some offices were also able to conduct field visits in the summer of 2020, when COVID-19 numbers were relatively low, compensating in advance for limitations on this activity as infection rates rose once more.

In the spring of 2020, during the first wave of COVID-19, the Georgian Public Defender conducted inspection visits to checkpoints where military personnel were deployed to assist civilian authorities in the implementation of COVID-19 measures. Beforehand, the Public Defender's Office developed an instrument (checklist) that identified key factors for assessing the conduct of military personnel in this context. The Office interviewed not only armed forces personnel deployed at checkpoints, but also local citizens, inquiring about their treatment and

whether there had been any problems in communication with armed forces personnel. No deficiencies in the conduct of military personnel were discovered.<sup>22</sup>

Box 5 - Georgian Public Defender

Many offices have found new ways to substitute for their presence on the ground in field visits by increasing other channels of communications, using tools such as questionnaires, phone check-ins, and even virtual visits. During the 12th ICOAF, some participants shared that they had employed other new information gathering techniques, for example through closer collaboration with military officials or the use of CCTV footage.

The German Parliamentary Commissioner for the Armed Force reported that the strict rules introduced to fight the spread of the pandemic impacted its ability to conduct field visits. In order to compensate for this limitation, the Commissioner has communicated with armed forces personnel via video links and radio, depending on their location. In addition, the Commissioner has been regularly briefed by the Minister of Defence. While appreciating these additional ways of communication with armed forces personnel, the Commissioner has reiterated that these cannot replace direct contact with service personnel, particularly those deployed abroad.

Box 6 - German Parliamentary Commissioner for the Armed Forces

Of course, it was not only in-country field visits that had to be cancelled or postponed during the **COVID-19 crisis, and nearly all ombuds institutions (94 per cent) reported a full ban on any international visits**, including to troops stationed abroad and to fellow ombuds institutions abroad. While existing data suggest that soldiers on missions abroad rarely lodge complaints during deployment, instead waiting until they return home; ombuds institutions must nonetheless ensure that armed forces personnel deployed abroad are not left without open and efficient channels through which they can raise concerns about their status, conditions of service, and other issues. This applies to both internal and external remedial mechanisms. Ombuds institutions do have some ways to compensate for this lack of contact with deployed armed forces personnel, including by increasing their reliance on ICT channels or through scheduled meetings with troop contingents that have just returned from overseas missions, to gather feedback and gauge experiences.

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<sup>22</sup> See more at: Public Defender (Ombudsman) of Georgia, "Public Defender Receives Information about Operation of Sarpi Border Checkpoint during COVID-19 Pandemic," 7 August 2020, <https://ombudsman.ge/eng/kovid-19/sakhalkho-damtsveli-kovid-19-is-pandemiis-pirobebshi-sarfis-sasazghvro-punktis-mushaobas-gaetsno> (accessed 15 March 2021).



## Conclusions

The unprecedented impact of COVID-19 on societies and their institutions has led governments around the world to utilize all available resources to fight the pandemic, which has touched every part of the security sector, including armed forces. Governments have adopted various measures to suppress COVID-19, some of which affect the rights of citizens. And while those in uniform (armed forces personnel) are security actors, they are citizens as well.

The stricter anti-COVID-19 measures are, the stricter any oversight of their implementation should be. As (independent) oversight bodies, ombuds institutions are well placed to monitor respect for the rights of armed forces personnel as well as for the rights of citizens who are in contact with soldiers deployed to assist civilian authorities. Ombuds institutions must continue their efforts to hold governments accountable, even more so in times of crisis.

Yet COVID-19 has affected the ability of ombuds institutions to conduct their activities in typical ways. **This note has presented an overview of how these institutions have responded to pandemic-related challenges, and how they have adapted to new circumstances in order to maintain their vigilance as watchdogs.** In this context, it is worth noting that when respondents to DCAF's survey were asked if they would have done anything differently with hindsight, the vast majority (93 per cent) of ombuds institutions said they would have responded and adapted in the same way they did. The small percentage that would have done something differently indicated they would have ensured staff was better prepared to use video conferencing tools and would have invested more in digitalizing their complaints management systems.

**Indeed, the digitalization of complaints-lodging procedures and case-management systems was the key development in the work of most ombuds institutions during the first wave of COVID-19.** A majority of these institutions had already digitalized much of their systems, but the pandemic pushed them to expedite and complete this process. For other ombuds institutions, COVID-19 has demonstrated how crucial digitalization is to the sustainability of their work.

In general, **ombuds institutions have adapted well to the coronavirus crisis**, seeking the right balance between implementing measures to prevent COVID-19 infection among employees and visitors while remaining visible and accessible to potential complainants. **Ombuds institutions have managed to conduct much of their work remotely, including by introducing new means of collecting information and conducting interviews and hearings.** While the specific innovations in each office have been context dependent and constrained by the overall levels of technological advancement in particular institutions, all ombuds institutions have put considerable effort into making themselves as accessible to citizens

as possible during these unprecedented times. They have also explored different ways to engage with armed forces personnel, as fieldwork has been reduced or completely halted at some points during the pandemic.

**While using ICT channels to remain visible to soldiers during COVID-19 has been welcome,** these current exceptional circumstances should not usher in a “new normal.” In other words, as soon as possible, **ombuds institutions must return to having a robust field presence.** New technologies simply cannot generate the insight and trust gained through personal interactions and direct in-person contact with a complainant or a witness, which allows for richer and more nuanced information gathering.

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