

Information

from the Parliamentary Commissioner for the Armed Forces

Annual Report 2021 (63rd Report)

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Foreword

2021 was the Bundeswehr's year, with the troops impressively demonstrating their willingness and ability to perform on many fronts.

This was unmistakable in the field of administrative assistance. Since the beginning of the Covid-19 pandemic, the Bundeswehr has been providing administrative assistance non-stop in the battle against the virus - at hospitals and nursing homes, testing centres and public health offices, in the scope of vaccination campaigns, testing and contact tracing. At times, up to 25,000 servicewomen and men were on standby. All over Germany from Flensburg to Allgäu, from Aachen to Frankfurt an der Oder. What turn the pandemic might have taken without the helping hands of the troops does not bear thinking about.

Add to this the administrative assistance provided in response to the flood disaster in North Rhine-Westphalia, Rhineland-Palatinate and Bavaria. Within an extremely short space of time, servicewomen and men were ready for deployment and provided valuable help in clearing the damage caused by the flood and rebuilding roads, bridges and schools.

Administrative assistance brings two aspects into sharp relief. First, the effectiveness of the Bundeswehr. The troops were poised and ready to help. No matter how short-notice the mission. And no matter how long-term the need. The support they provided was professional, pragmatic and perfectly tailored to the situation. Second, it exposed the blatant shortcomings in civilian disaster preparedness and relief. The Covid-19 virus was and is no longer anything new. Over the past two years of the pandemic, the federal and state governments, rural districts and municipalities could and should have done more to bring their own structures up to speed. Fundamental reforms are needed here to be in a viable and sustainable position to deal with future scenarios, pandemics and natural disasters alike.

What must not be forgotten is that administrative assistance is designed to be subsidiary and short-term. It is not and must not be permanent. The Bundeswehr's core mission is a different one - first and foremost national and collective defence. Russia's attack on Ukraine in violation of international law makes this dramatically clear. Putin's war not only calls into question the territorial integrity and political sovereignty of Ukraine. It is also the greatest threat to the European peace architecture and our own security since the end of the Cold War. To do justice to its national and collective defence mission, the Bundeswehr needs each and every servicewoman and man. It is also in light of this that its administrative assistance mission in response to the Covid-19 pandemic must soon come to an end.

Another core mission of the Bundeswehr is its operations in the scope of international crisis management. 2021 was a very special year for the troops in this regard.

After 20 years, the international engagement in the Hindu Kush came to an end. The mission marked a break with the past in many respects. It was the most extensive and formative deployment in the history of the Bundeswehr. A total of 59 soldiers lost their lives in Afghanistan. Many more were wounded mentally and/or physically - and feel the scars to this very day.

The way the mission ended was a watershed in particular. Afghanistan's political system imploded and the Taliban took power more or less as soon as international forces left the country. In the chaotic days that followed, many feared for their lives - especially the Afghans who had worked for the Bundeswehr and other armed forces. In an unprecedented mission, the Bundeswehr was able to bring over 5,000 people to safety in Germany in the space of just eleven days. It was the largest, most difficult and most dangerous evacuation mission in the history of the Bundeswehr.

What do we have to show from 20 years of engagement in Afghanistan? What have we achieved - politically, economically, militarily, and in terms of civil society? And what will remain? This is the question all servicewomen and men deployed there in recent years are asking themselves. The family members all those killed in action left behind also wonder what their loved ones died for. The dramatic developments following the withdrawal from Afghanistan make it difficult to find answers to this question. But answers are necessary. That is what our soldiers are demanding. And rightly so. After all, it was the German Bundestag that approved the Bundeswehr mission in Afghanistan for more than 20 years, and as a society we backed it.

Answers will hopefully be provided by the Study Commission which has been established to analyse the Afghanistan mission openly, unsparingly and in full. This is very much to be welcomed. The Study Commission should also identify lessons that will be applied to current and future Bundeswehr deployments. For every Bundeswehr mission, the aims must be clear, the means appropriate and the partners on the ground reliable. And every mission needs an exit strategy that also includes the members of the local population working for us. Earlier and more comprehensive action should have been taken in Afghanistan in this regard.

Unfortunately, it was not possible (anymore) for me to visit the German troops in Afghanistan in the year under review. So I was all the more pleased to be able to visit the German contingents in Lithuania, Mali and Niger. These were the first visits to theatres of operations since the start of the pandemic.

In Lithuania, the Bundeswehr has been leading a multinational battlegroup in the scope of NATO's ENHANCED FORWARD PRESENCE mission for five years now - a strong sign of its solidarity and commitment to the Alliance. Our servicewomen and men are thus making an outstanding and visible contribution to the security of Lithuania and all of us, as well as to a united Europe. Following the Russian attack on Ukraine, the importance and intensity of this commitment will rise significantly both in Lithuania and other countries on NATO's eastern flank.

In Mali and Niger, German soldiers are contributing to peace, security and stabilisation in the Sahel region. In theory. In practice, the mission is growing ever more difficult due to the steadily deteriorating underlying political conditions. A new coup in Mali and the opaque intentions of the military junta leave many questions unanswered as to what the future holds in Mali, in the region, for the international and German engagement. Whether and how we continue to engage in the Sahel region needs to be discussed carefully and circumspectly.

Reports by servicewomen and men of materiel deficits in all three theatres of operations left me shocked and dismayed. In some cases, the operational readiness of major equipment was barely 50 per cent. Everyday equipment such as armoured vests or winter jackets were sometimes only sent on to the theatre of operations once soldiers had already arrived there. That is completely unacceptable. And has to be improved. Ultimately, our servicewomen and men are risking their lives in the line of duty. This entitles them to the best possible and complete equipment.

If this is not even guaranteed on deployment, it is hardly surprising that the situation is no different in basic operations. The Bundeswehr - unfortunately - is still far from fulfilling the claim "train as you fight". Not a single field visit or conversation with servicewomen and men goes by without shortages or deficiencies being reported to me.

In addition to materiel resourcing, staffing is also an issue for the force. It is true that with 183,695 servicewomen and men, the Bundeswehr is fundamentally in a sufficiently good position. But the wide-ranging tasks and missions and, not least, out of the ordinary deployments such as the extensive administrative assistance or the evacuation mission in Afghanistan reveal that the room for manoeuvre in terms of staffing and troop reserves is limited.

Women serving in the Bundeswehr now goes without saying. And that applies to all parts of the Bundeswehr - in the Medical Service, the Army, the Air Force and Navy, and in the cyber domain, too. This was possible thanks to a bold ruling handed down by the European Court of Justice which led the Bundeswehr to open fully to women in 2001. Since then, the number of servicewomen has risen steadily to 23,606. In 2021, the proportion of servicewomen in the Bundeswehr was 12.85 per cent overall, and as high as 41.08 per cent in the Medical Service.

As such the Bundeswehr is still failing to meet the requirements set forth in the Act on Equal Opportunities for Female and Male Military Personnel of the Bundeswehr. Servicewomen are still underrepresented, especially in leadership positions. There are now women platoon leaders and company commanders as well as women commanding battalions and corvettes. But to date only the Medical Service has had women serving in the rank of general. Even 20 years after fully opening to women, more still needs to be done to raise the number of women in the armed forces and in command assignments.

Another issue I encounter on almost every field visit is infrastructure. The condition of accommodation, sanitary facilities, mess halls and sports fields is deplorable in some cases. There

is a huge need for investment. It is seldom a lack of money that is the showstopper. The responsible federal state building authorities are understaffed. Add to this the strict legal requirements and different actors involved, which sometimes considerably delay renovations and the construction of new buildings. This needs to be remedied - quickly, pragmatically, and constructively.

Investments are needed to ensure the Bundeswehr is optimally positioned in terms of materiel, personnel and infrastructure. It needs to be modernised, especially to be equipped for its core mission of national and collective defence. Putin's attack on Ukraine brutally reveals the urgency and necessity of this. The decisive action by the Federal Government including the announcement that a special fund of EUR 100 billion is to be created for the Bundeswehr and the defence budget raised is therefore very much to be welcomed.

This should also be seen as a sign of the deserved esteem in which the Bundeswehr and our servicewomen and men are held - especially after this year 2021, which was a special year for them. Whether it was in the form of administrative assistance or performing their core mission, our servicewomen and men did their duty in a highly professional, reliable and loyal way. At every turn, I encountered highly motivated and committed servicewomen and men who always accomplished their tasks, including under difficult personnel, materiel and infrastructural conditions. For this, they deserve our admiration.

On that note, this annual report contains many examples of good practice - because in the Bundeswehr there are not only failures, shortcomings, and deficits, but a great deal that is going well and that we can be proud of. This, too, is what defines the troops and the year 2021.

The Bundeswehr is also active and successful in some areas that people are not universally aware of. Military athletes played a major role in the success of the German team at the Olympic Games in Tokyo. Through free rail travel, the use of solar energy and by maintaining military training areas as nature reserves, the Bundeswehr is bolstering environmental and climate protection. These achievements have been recognised with their own chapters in this annual report.

This annual report would not be conceivable without the great support I received. I would like to sincerely thank all my colleagues at the Office of the Parliamentary Commissioner for their excellent work and outstanding commitment. Be it in the preparation of this report or processing submissions, all the colleagues at the Office of the Parliamentary Commissioner bring a great deal of experience and expertise to their work, day in day out, in the interests of our servicewomen and men.

I would also like to thank all the servicewomen and men for the good exchanges and their candour - and, of course, their personal submissions. In the year under review, I received 2,606 submissions. I see this as a sign of the trust and confidence placed in me, which I greatly appreciate.

For their excellent cooperation, I owe a debt of gratitude to the spokespersons, staff councils, gender equality and severely disabled persons' commissioners, the Bundeswehr Association and the Reservists' Association, associations and foundations, the military chaplains, the Federal Minister of Defence and her ministry, the military leadership and the Members of the German Bundestag, and here especially the members of the Budget and Defence Committees.

2021 was a year in which the Bundeswehr demonstrated its full range of capabilities, in which it could be relied on whenever and wherever it was needed. 2022 will be a year in which the Bundeswehr will be challenged as never before in its core mission of national and collective defence. In which we will have to rely on it more than ever. Our servicewomen and men guarantee peace, freedom, and security. For this valuable service, they deserve greater interest, recognition, and appreciation. And better general conditions.

The year under review in brief

The year under review was a watershed year for the Bundeswehr. After almost twenty years, its engagement in Afghanistan came to an end - faster than planned and differently than expected. This mission made its mark on the German armed forces like no other, placing unprecedented demands on the servicewomen and men as well as their materiel and equipment. 59 German soldiers lost their lives in Afghanistan, 35 of them in attacks or combat, and countless other service personnel suffered physical or mental trauma. The loved ones they left behind and those harmed continue to suffer down to the present day, and the Bundeswehr has only learned to deal with this side of deployment in a lengthy and protracted process.

But all the forces deployed in the Hindu Kush can be proud of what they achieved there. Each and every one of them contributed to the stabilisation of the country, and for almost twenty years comparatively orderly and peaceful conditions prevailed in Afghanistan. What the Bundeswehr accomplished there deserves respect as does its withdrawal in the summer of the year under review, which was completed under time pressure but successfully. It was not foreseeable that the Bundeswehr would have to return to Kabul shortly after with an unimagined intensity. The speed with which the Taliban advanced to Kabul following the drawdown of international troops took the Western world by surprise. Despite little lead time, the Bundeswehr evacuated a total of 5,347 people from Kabul in eleven days on 37 flights. This operation accomplished the incredible and once again showed what the Bundeswehr is capable of.

In October of the year under review, all five constitutional bodies - the Federal President, the President of the Bundestag, the Federal Chancellor, the President of the Bundesrat and the President of the Federal Constitutional Court - paid tribute to the end of the almost twenty-year mission in Afghanistan at a wreath-laying ceremony for the fallen and killed at a final parade and grand tattoo in front of the Reichstag building. Honouring what all soldiers deployed in the Hindu Kush accomplished also means honestly assessing whether the mission in Afghanistan achieved its goals and if so, which ones. The new governing coalition's decision to establish a Study Commission is therefore the right step.

In addition to its primary mission, in the year under review the Bundeswehr once again provided a considerable amount of administrative assistance. In mid-February 2021 alone, around 19,000 servicewomen and men were deployed at once in response to the Covid-19 pandemic, and a maximum of around 2,300 troops were deployed at the same time in response to the flood disaster in western and southern Germany. Whilst after the floods, the task was first and foremost to provide rapid assistance in a concentrated effort to repair major damage, restore infrastructure and supply the affected population with the most essential items and services, the administrative assistance in the battle against Covid-19 lasted the entire year under review and already entered its second year following the efforts in 2020. As usual, the Bundeswehr provided this administrative assistance professionally, reliably and swiftly. Indispensable in all of this are the numerous reservists supporting the regular troops. Nevertheless, the troops cannot be a permanent stopgap for structural deficits in the field of civil protection and disaster relief. Here it is above all political leaders who are called upon to think about how they can better design and bolster this area. The administrative assistance deployments were sometimes extremely challenging for service personnel. Sometimes they faced situations which took them to their physical or mental limits. This makes it important to offer the forces deployed tailored debriefing seminars so they can process and work through this stress and strain.

In terms of dealing with Covid-19, the Bundeswehr itself also continued to face the challenge of ensuring operational readiness in daily operations whilst at the same time guaranteeing the best possible health protection for service personnel. This led the Federal Ministry of Defence to establish an extensive Covid-19 testing programme for troops from spring 2021. Those in charge took safeguarding their units' health seriously, giving hardly any cause for complaint in the implementation of hygiene regulations and concepts. And in spite of the pandemic-related restrictions, such as accommodation in isolation prior to deployment abroad, servicewomen and men continued to perform their duties in exemplary fashion at home, on deployment and during quasi-operational commitments in 2021.

Once the Covid-19 vaccination campaign got off the ground at the start of the year under review, the Bundeswehr initially based its vaccination prioritisation on the Coronavirus Vaccination Ordinance and the recommendations issued by the Standing Committee on Vaccination. At the end of March 2021, the Federal Ministry of Defence included the Covid-19 vaccination in the vaccination schedule for deployments, meaning that troop members designated for these had to tolerate being vaccinated as part of their obligations as soldiers. This inclusion in the basic vaccination schedule only happened after a lengthy agreement process with the General Spokespersons'

Committee in November of the year under review. Since then, all service personnel have been required to be fully vaccinated against Covid-19, unless there are other medical indications preventing this. In view of the special nature of military service, the need to ensure operational readiness and, not least, the Bundeswehr's duty of care for the health of its servicewomen and men, this is to be expressly welcomed. In this context, doubts were raised by the troops as to whether this obligation to tolerate vaccination was lawful and proportionate. If service personnel fail to comply with this requirement, they are committing a disciplinary offence, which can trigger according sanctions. The Bundeswehr initiated several dismissal and disciplinary proceedings in the year under review in this vein.

For 20 years now, servicewomen have been serving in all branches of the armed forces. The Bundeswehr can be proud of this fact. After originally being confined to serving in the medical and military music services until 2001, the full opening of the armed forces to women is a success story. Nevertheless, a great deal still remains to be done. For instance, to this very day there are still leaders and commanders who do not know when and how to involve military gender equality commissioners in the decision-making processes at their agency, although this office has been enshrined as part of the force since 2005. Items designed specifically for women, for instance personal protective equipment, also continue to be lacking. This is hard to believe, given the fact that there were 23,606 servicewomen serving in the armed forces at the end of the year under review. In spite of this presentable figure, women continue to be underrepresented in the Bundeswehr. At 45.46 per cent, the proportion of women in the Medical Service is still below the prescribed rate of 50 per cent, and in all other careers, instead of the stipulated 15 per cent servicewomen, the figure is just 9.16. Studies also indicate that there is still no equality of opportunity in the career paths. Instead, gender bias and subconscious gender-specific stereotypes are evidently factors which superiors allow themselves to be swayed by at the Bundeswehr as well, which in turn can lead to servicewomen being discriminated against. This is reflected in the fact that servicewomen are not represented to the same degree in top posts as the small but steady increase in the proportion of women in the force would lead one to expect. Work-life balance and the ability to reliably plan one's career play an important role in this context.

The comprehensive measures taken by the Bundeswehr to bring about equality and equal opportunities in the armed forces and to permanently eliminate systemic disadvantages for women deserve acknowledgement. An essential factor is the involvement of superiors so that they are better able to recognise servicewomen's potential, promote them in a targeted manner and be multipliers for a change in awareness including among comrades who still equate part-time employment with a criterion for a worse appraisal than full-time employment. It is positive that the Bundeswehr is continuing to work on a general change in attitudes among the troops. It is key to remember that servicewomen do not want any special treatment. But they are entitled to the same respect for their work as their male comrades.

After having been the focus of investigations into extremist tendencies in 2020, the Special Forces Command (SOFCOM) was back on the right track in the year under review. In its final report of 8 June 2021, the working group established by the then Defence Minister to conduct a structural and gap analysis found that 90 per cent of the measures it had recommended had already been implemented by that time. This was tantamount to a reset of the Command. This should now bring normality to SOFCOM so that it can once again fully devote itself to its primary mission.

The absolute majority of troops have their feet firmly on the ground of the Basic Law and defend the values it enshrines. Cases in which servicewomen and men are suspected of having violated it must be reported within the Bundeswehr in line with a defined system. In the area of extremism, there were a total of 252 reports in the year under review (a detailed breakdown is provided later in the report). By the end of the year under review, 57 reported cases had been confirmed, with the Bundeswehr dismissing 37 service personnel prematurely. This shows it is systematically taking action to counter extremist aspirations in the armed forces. In this context, it is expedient that in May 2021 lawmakers decided to intensify the security vetting process for servicewomen and men in especially sensitive assignments, such as the special forces, both in terms of content and time, and that in the future reservists will also have to undergo a simple security clearance check. For this to happen, though, the posts in the Military Counterintelligence Service will have to be filled with sufficiently qualified personnel.

The number of reports of offences against sexual self-determination increased slightly again in the year under review at 303 reportable events, after having decreased considerably in 2020. This could be due to the fact that service personnel were working more on site again at times instead of from home and that there were also more parties with alcohol consumption.

In the year under review, the defence budget totalled around EUR 46.9 billion, including around EUR 1.1 billion from the 2020 economic stimulus package. The increase in the budget seen for multiple years thus continued. This

is pleasing and also necessary. There is still a great need for investment in the Bundeswehr, which is why sufficient funds also need to be made available for the future. After all, the armed forces should and must be able to perform their tasks. The German Bundestag therefore remains called upon to continue to significantly raise the budget.

The objective set out in the Coalition Agreement of structurally modernising the procurement system, for instance in terms of materiel responsibility and utilisation, should be highlighted. This opportunity should be taken to also tackle the simplification of what is the highly complex law governing public procurement. After all, for the troops it comes down first and foremost to functional equipment – this is often available on the free market and as such could be procured quickly. This holds especially true for personal clothing and kit. The money is there, as the Ministry of Defence was able to extend the contract with Bundeswehr Bekleidungsmanagement GmbH for a procurement volume of EUR 280 million following parliamentary approval at the end of 2020. Yet in the year under review there continued to be no replacement for the obsolete load-carrying system and the type T-10 parachute system, for instance. Likewise, broad-scale resourcing of the troops with the new, commonly usable combat helmet (armed forces) has yet to happen. On the other hand, the improved availability of armoured vests and combat boots is positive.

The available stock of all main weapon systems of the Bundeswehr is still far from being fully operational. The in-commission rate at the end of the year under review averaged 77 per cent. One example is the CH-53 helicopter, which has been part of the Bundeswehr inventory for almost 50 years and has the lowest operational readiness of all the Air Force's flying systems. Its age makes it particularly susceptible to breakdowns, and furthermore - like with much of the equipment - the requisite spare parts are not available. So it is unfortunate that no decision was taken on the urgently needed successor model in the year under review either.

On the other hand, it is positive that in the year under review the Federal Office of Bundeswehr Personnel Management was once again able to hold the selection conference for transfer to the status of career soldier for the senior NCO career. With more than 3,100 transfer opportunities, the transfer rate for the almost 9,300 candidates more than doubled. This was important in terms of offsetting the effects of the 2020 conference being cancelled in the wake of the pandemic. The Bundeswehr also caught up in the area of initial and follow-on training in 2021, significantly increasing the implementation rate. The establishment of the "Coordination of Military Training Needs" working group to counter the after-effects of the Covid-19 training restrictions gives reason to hope further optimisation will follow.

On the positive side of the scale, despite the continuing pandemic conditions in 2021 the Bundeswehr was again able to interest more people in a military assignment (49,200 applications) than in the previous year (48,000) and to slightly increase the number of recruits by 270 women and men to 16,700 temporary-career volunteers and military service volunteers. As a result, the Bundeswehr was almost able to fully maintain the number of personnel at the previous year's level. At the end of the year under review, 183,695 soldiers were active, including 55,256 career soldiers, 119,921 temporary-career volunteers and 8,518 military service volunteers. This notwithstanding, too many posts in the Bundeswehr remained vacant in 2021. So it is a sensible step that, with the revised Military Career Regulation, the Ministry of Defence is striving to put in place flexible and forward-looking career regulations for service personnel and opening up careers for new target groups.

Since April of the year under review, in the scope of the project "Your Year for Germany - Voluntary Military Service in Homeland Defence", 843 men and women have committed to serving as reservists for six years after seven months of military training, during which they perform at least five months of reserve duty close to home. It is good that volunteers thus have an additional way to get to know the Bundeswehr from the inside and that the Bundeswehr can tap into additional forces.

The infrastructure of the Bundeswehr's barracks and properties continues to be a cause for concern in many cases. Despite investments totalling EUR 4.7 billion in the years 2017 to 2021, there is still a major investment and refurbishment backlog. Construction and refurbishment projects often drag on for many years, in some cases even decades, which is partly down to the building authorities of the federal states. These are responsible for fundamental tasks in Bundeswehr infrastructure projects, but do not always have sufficient staff or do not necessarily give Bundeswehr projects priority. The Parliamentary Commissioner has therefore asked all Prime Ministers of the *Länder* for assistance in this area.

The Bundeswehr takes the issue of the environment very seriously. In the endeavours towards a climate-neutral Federal Administration, it is striving to achieve energy savings in future renovation projects. In addition, as part of the "Green Barracks" pilot project, it is exploring how it can increasingly use renewable energies instead of fossil fuels, especially to heat properties. In its foreign operations, for instance, the Air Transport Base in Niamey,

Niger already generates up to 15 per cent of its electricity from photovoltaic plants. To make electric vehicles attractive to service personnel as well, the Bundeswehr is also planning to install 30,000 parking spaces for charging stations on its properties by 2050 using a provider solution. It should not be forgotten that the armed forces, especially in the form of their vast military training areas, play an indispensable role in species protection and have registered more than half of their areas as parts of the “Natura 2000” network of protected areas with the European Commission. And, last but not least, free rail travel for servicewomen and men is a respectable contribution to climate protection.

At a total of 1,379 deployed personnel (MINUSMA: 1,044, EUTM Mali: 335) at the end of the reporting year, Mali was where the Bundeswehr deployed the largest number of personnel. MINUSMA is regarded the United Nations’ most dangerous mission. The Bundeswehr also felt this when, in addition to a Belgian soldier, twelve members of the Bundeswehr were injured in June 2021 in a suicide attack, some of them seriously. Even though the rescue chain with two helicopters from a civilian company worked perfectly, it is good that the Bundeswehr has had its own helicopters stationed in Gao again since the end of the year under review. In light of the political developments in Mali, the need to review the realistic aims of the missions and to debate the future of the engagement was already becoming apparent as the year under review drew to a close.

In Iraq, where the Bundeswehr is deployed with 280 personnel in the scope of the COUNTER DAESH mission, a glaring deficiency that had already come to light in spring 2020 has finally been remedied in Erbil. Since 27 December 2021, accommodation protected against missile and drone attacks has been available for the servicewomen and men deployed there. This is very much to be welcomed. It is also consistent that the Federal Ministry of Defence is aiming to raise the foreign assignment allowance for the mission in Iraq in light of the heightened risk situation.

The excessive length of judicial disciplinary proceedings is a recurring subject in the annual reports. In the year under review, too, the Parliamentary Commissioner received submissions on this. Disciplinary proceedings, which often span several years, are a strain both on the accused, who are banned from promotion during this period, and on units and formations if they have to continue to employ members of the force who are designated for dismissal. In the medium term, the proposals presented in September 2021 by the expert group established by the Ministry of Defence for this purpose are designed to help make disciplinary law more effective and speed up all disciplinary matters. It is now up to the ministry to take up the suggestions deemed suitable and implement them swiftly.

The year under review saw the Bundeswehr Medical Service face exceptional demands: in the scope of the administrative assistance measures in response to the Covid-19 pandemic, in response to the flood disaster and, furthermore, as a result of the Covid-19 vaccination campaign in the armed forces. The Medical Service managed all this outstandingly without neglecting its actual mission of ensuring the health care of all service personnel in Germany and on deployment. Sufficient staffing in this key area is therefore essential. The introduction of digital health records, whose initial capability is not expected until 2025, however, could make daily processes considerably easier.

Health and work-life balance are just some of the aspects steady working hours positively impact. It is good that the Military Personnel Working Hours Ordinance guarantees this. Moreover, it disciplines superiors to handle the resource of time responsibly. The Bundeswehr should nevertheless examine making greater use of lawful exceptions in order not to unnecessarily restrict the troops’ scope of action in core areas of military activity such as basic training or guard duties.

An historic event for the Bundeswehr was the appointment of Zsolt Balla as the first military rabbi on 21 June 2021, almost eight decades after the Holocaust. The establishment of Jewish military chaplaincy with the Military Rabbinate federal authority in Berlin and five regional branch offices in the future gives rise to the hope and expectation that chaplaincy for Muslim servicewomen and men will also be achieved during this electoral term.

The Bundeswehr was able to shine in the promotion of high-performance sports. More than a third of the German participants in the Summer Olympics in Tokyo were military athletes who brought home more than half of the medals Germany won. At the Summer Paralympics in Tokyo, too, the 18 athletes sponsored by the Bundeswehr won 19 of the 43 medals secured by the German team, which comprised a total of 133 competitors. By contrast, there is a clear need for improvement when it comes to physical training and sports for the troops in general. Servicewomen and men must be provided with suitable infrastructure, functional clothing and sufficient time for fitness.

All in all, 2021 was the Bundeswehr's year. It challenged soldiers on countless fronts - in basic operations, during administrative assistance in the battle against the Covid-19 pandemic and the flood disaster response, on deployments and on the evacuation operation in Afghanistan, to name but a few. At the same time, the end of the Afghanistan mission marks a watershed for the armed forces. Evaluating what the engagement in the Hindu Kush achieved will be seminal in charting the course of future Bundeswehr mandates. Moreover, the evacuation operation has proven the absolute need for the armed forces to be operational at all times - and that they require the right kit and functioning equipment for this. No matter where they were deployed and where they were active: in 2021, the troops demonstrated their capability, professionalism, and reliability in an unprecedented and remarkable way. For this and for their personal commitment, all servicewomen and men and all the civilian employees of the Bundeswehr deserve our thanks and recognition.

1. End of the Afghanistan mission

Troop withdrawal

In the year under review, the Bundeswehr ended its almost 20-year mission in Afghanistan. In the end, it had to massively push forward the withdrawal after the US administration unexpectedly accelerated it. In the Doha Agreement, the US - the largest contributor of troops - had originally committed to a withdrawal by 11 September 2021, the 20th anniversary of the terrorist attacks in the US by the Islamic extremist network Al-Qaida. Later, it opted for an earlier withdrawal by 4 July 2021 - the US holiday - unleashing a chain of events that neither the Western alliance nor the Taliban themselves had anticipated. Nor could anyone have imagined that the Afghan government and with it the Afghan army would disintegrate in so short a time and that the latter would ultimately be unwilling to fight and defend its own people.

This decision by the US administration set in motion a development that led to a dramatic situation for the people in Afghanistan during the final days of the troop withdrawal from Kabul, which the Federal President rightly described as a “human tragedy”, which all those involved share responsibility for.

Regardless of the preceding political decisions, the Bundeswehr can look back at its outstanding work with pride. Moreover, the safe and successful redeployment of people and materiel under enormous time pressure was an **incredible achievement**. Currently, Afghanistan is no longer a strategic haven for terrorists; in countless cases, the servicewomen and men on the ground provided very tangible assistance and ultimately enabled the people in Afghanistan to live in relative peace for two decades. That remains and the soldiers deserve our utmost respect for what they have achieved.

In a question and answer session on 23 June 2021, the German Bundestag addressed the imminent end of the Afghanistan mission at the beginning of its plenary sitting - so prominently placed - whilst the successive redeployment of the servicewomen and men was taking place in parallel. The then President of the Bundestag dedicated the introductory part of his speech to extensively addressing the end of the mission. He welcomed returnees from the RESOLUTE SUPPORT mission sitting in the distinguished visitors' gallery as representatives of all those who had been involved in the mission over the years to great applause from all the parliamentary groups. He thanked them for their commitment and the fact that they had risked life and limb. The President emphasised that the soldiers who had lost their lives in the line of duty and the loved ones they had left behind would always be in everyone's thoughts. Nor would the servicewomen and men who had suffered physical and mental trauma as a result of their mission be forgotten.

The last 264 German servicewomen and men returned safely from Afghanistan on 30 June 2021. Upon their arrival in Wunstorf, they were received by the commander of the Joint Forces Operations Command. Political leaders did not attend the reception - neither representatives of the Federal Government nor of the German Bundestag. In retrospect, this was a mistake. Even though the return date was only made public at very short notice for security reasons, it would have been right for some representatives from politics and society to attend.

A fitting **tribute** marking the end of the Afghanistan mission, the largest mission in the history of the Bundeswehr, finally took place on 13 October 2021 in a prominent setting. It began with a wreath-laying ceremony at the Bundeswehr memorial. It was good that this non-public event restricted to a small group focused on the bereaved families of the fallen and killed. This was followed by the official final parade on the parade ground of the Federal Ministry of Defence. The attendance of all five constitutional bodies - the Federal President, the President of the Bundestag, the Federal Chancellor, the President of the Bundesrat and the President of the Federal Constitutional Court - underscored the special significance of this tribute.

Following a reception by the President of the Bundestag for deployed servicewomen and men, the day concluded with a grand tattoo in front of the Reichstag building, the highest military ceremony in the Bundeswehr. Representing all veterans and in memory of those who died in the Afghanistan mission, Lieutenant Colonel, M.D. Katharina Siegl, a Bundeswehr physician with three tours of duty in Afghanistan, and Sergeant Major Jens Burdinski, an armoured infantry soldier with some 1,700 days of service in the Hindu Kush, stood on the podium which the guard of honour and the music corps marched up to in order to receive the announcement to report for the grand tattoo. The servicewomen and men did an outstanding job as tasked by parliament, under a mandate from the United Nations, putting their lives and health on the line, and deserve our recognition as well as our full support.

This mission in Afghanistan has shaped the Bundeswehr like no other. Between 2 January 2002 and 30 June 2021, 93,000 soldiers were engaged in Afghanistan, deployed on the OEF, ISAF, RESOLUTE SUPPORT missions and in the UNAMA advisory unit, many of them more than once, as the total of more than 160,000 individual deployments illustrates.

The mission came at a high price: 59 soldiers lost their lives, 35 of them in attacks or combat, many more suffered physical or mental trauma, which in some cases they continue to feel to this very day. It is very important that servicewomen and men who have suffered harm receive the best possible care after this mission.

A no-holds-barred **stocktake** also includes admitting that the major goals were not achieved politically. The establishment of democracy was not successful, the Afghan army was misjudged and the loyalty of Afghans towards their own state greatly overestimated. Following the lessons learned from Afghanistan, for all existing and future missions the question as to whether the right standards are being applied, whether the aims and objectives are realistic and under what specific conditions the mission is justifiable will have to be asked. A broad, open, and consistent appraisal of what happened is necessary. It is therefore to be welcomed that the new governing coalition intends to establish a **Study Commission** to evaluate the mission. This is a suitable format to comprehensively assess the Afghanistan mission and to draw conclusions for current and future missions as well.

Evacuation operation

Part of taking stock means examining the dramatic weeks following the withdrawal of international troops. Within an extremely short space of time, the Taliban took over large parts of Afghanistan and were at the gates of Kabul. The security situation thus deteriorated drastically, putting Germany as well as other states under pressure to act. On 15 August 2021, the Federal Government's crisis unit decided to deploy armed German forces to Afghanistan as part of an evacuation operation to evacuate German nationals, international community personnel and designated persons such as vulnerable representatives of Afghan civil society. After the Federal Government confirmed this decision in a resolution on 18 August 2021, the German Bundestag subsequently approved the operation on 25 August 2021. This procedure is based on an exemption in the Parliamentary Participation Act, which states that in the case of imminent danger and operations to rescue people from special situations of danger, prior approval by parliament is exceptionally not required. In the period from 16 to 27 August 2021, the Bundeswehr evacuated a total of 5,347 people from 45 nations on 37 flights. At times, the Air Force was deploying up to seven type A400M aircraft and an Airbus A310 at the international airport in Tashkent/Uzbekistan simultaneously to perform the airlift to Kabul. In Tashkent, the Bundeswehr had set up its logistical hub for the airlift to the Afghan capital Kabul. All 496 German servicewomen and men involved in the operation returned unscathed once the evacuation mission was over. This mission was unparalleled, with the forces deployed pushing themselves far beyond their limits.

Together with the then Federal Minister of Defence and the Chief of Defence, the Parliamentary Commissioner travelled to Tashkent on 26 August 2021 to welcome the service personnel at the end of the evacuation operation in Afghanistan. In the conversations with the servicewomen and men there, the Parliamentary Commissioner was able to gain a first-hand impression of how challenging and traumatic this eleven-day mission under dramatic circumstances had been. It also became clear that the servicewomen and men need to be given the necessary time and, where applicable, good counselling support to process what they experienced. It was therefore good and right to offer them appropriate services from the counselling network.

It was already foreseeable at the beginning of the year under review that the situation for **local Afghan staff**, many of whom had worked for many years for the Bundeswehr, the German police training mission or in the scope of development cooperation, would become dangerous once the Taliban took power. It became apparent that the resettlement programme for former local employees agreed on in the Federal Government was not sufficient to support vulnerable persons. The Parliamentary Commissioner did what she could to advocate and bring about speedy and simplified entry to Germany for former local employees and their family members. For current and future Bundeswehr deployments, it must be ensured that it is checked and recorded in good time which local staff are working where and who needs what protection in the event of the mission changing or ending. They must then also receive this protection immediately.

The **parade of returned service personnel** involved in the evacuation operation at 31 Paratroop Regiment in Seedorf was attended by the then Chancellor and the former Defence Minister on 22 September 2021. In doing so, they paid tribute to the outstanding services rendered by the deployed service personnel and already handed some of the servicewomen and men, as representatives of all those involved in the mission, the "MilEvakOp"

service medal, specially designated for this operation and which the Ministry of Defence, with the involvement of the Office of the Federal President, had sponsored and procured in a very short space of time.

Brigadier General Jens Arlt, the commander of the evacuation operation in Kabul, was awarded the Officer's Cross of the Order of Merit of the Federal Republic of Germany by Federal President Frank-Walter Steinmeier at a ceremony at Schloss Bellevue on 17 September 2021, paying tribute to the special merit Brigadier General Arlt had displayed under extraordinary danger and in an exemplary manner during his command. In his speech, the Federal President stressed: "General, you stand for the best of the Bundeswehr, and our country owes you a debt of gratitude."

Focus of submissions until 2020

The Parliamentary Commissioners have followed the Afghanistan mission closely from the very outset. A differentiated picture emerges from numerous submissions to the Office and the many field visits over the duration of the Afghanistan mission as a whole. From the very start, submissions and conversations flagged various shortcomings in equipment - be it major equipment or personal kit. The 2007 annual report already stated unequivocally: "Gaps in safety and equipment can result in immediate danger to life and limb and cause an almost irreparable loss of trust, confidence and motivation among the soldiers affected."

The end of the ISAF mission and the full assumption of security responsibility by the Afghan government saw the start of the follow-on NATO RESOLUTE SUPPORT mission on 1 January 2015. Unfortunately, the deficiencies and gaps already identified in previous years, especially in major military equipment, had still not been rectified. The state of materiel and personnel readiness emphatically underscored the need for the Bundeswehr to be fully resourced. Past pain points ranged from regular supply problems to a lack of spare parts, lack of armoured vehicles or the insufficient armouring of mission vehicles, inadequate telecommunications facilities and sports facilities all the way to cramped accommodation. The inadequate quality and quantity of communication links back home to Germany also warranted criticism.

The Federal Ministry of Defence has of course been working to resolve identified shortcomings over the decades. In many areas, these efforts have indeed led to improvements. The ad-hoc "Equipment for Operations" working group established at the Federal Ministry of Defence in mid-2010 is to be highlighted, as it has contributed to accelerating procurement and quick and unbureaucratic solutions in the field of equipment. Nevertheless, significant gaps in equipment remained and deficits persisted in other areas as well. Complaints about the supply of fresh food, too frequent deployments and too short recovery times also extended into the RESOLUTE SUPPORT MISSION. Structural overstrain remained visible with regard to personnel with key skills: In certain areas, a spectrum of capabilities was retained, but it was not backed up by sufficient personnel, so the required personnel could not be sustainably provided.

Since the handover of the Air Transport Base in Termez/Uzbekistan at the end of 2015, the Bundeswehr had only been able to ensure strategic protected air transport between Germany and Afghanistan to a limited extent due to a lack of transport planes, including for the RESOLUTE SUPPORT mission. As late as in 2019, servicewomen and men were still concerned for their safety as they were flown to the Afghan Camp Shaheen in Mazar-i Sharif, to Kunduz and Maymaneh mainly by rented unprotected civilian helicopters. Since Air Force and Army helicopter capacities were sorely lacking, protected transport by their own military helicopters was not possible.

Despite the unmistakable efforts by the Federal Ministry of Defence to improve equipment over the course of the mission, many problems persisted over the years. Right up to the end of the mission, it was clear how necessary it is to optimally equip the Bundeswehr. This is not just a matter of money, but rather of more efficient procurement processes and award procedures.

Focus of submissions in 2021

Up until the withdrawal from Afghanistan, servicewomen and men criticised different mission parameters. These included, for instance, insufficient and delayed information on **mission planning**, as the following example from two petitioners shows:

- *At the beginning of December 2020, they were notified that they had been designated for deployment to Afghanistan in spring 2021. It was not until January 2021 that they gradually received more detailed information on the planning of the mission. They were among the personnel to be kept in reserve for the*

planned withdrawal of troops from Afghanistan. On 3 February, the petitioners went into isolated accommodation, but this was lifted again the very next day. The Ministry of Defence had already decided on 29 January to suspend the troop reserve for the time being, as the future of the Afghanistan mission had still not been decided at the end of January 2021. If the flow of information between the agencies involved had been quicker, the petitioners would not have had to enter quarantine in the first place. The Joint Forces Operations Command then postponed the transfer to Afghanistan by one week and ordered the petitioners to enter quarantine again on 9 February. On 12 February, the situation changed again, and the Ministry of Defence ordered a shortened standby period instead of transfer to the mission. This resulted in the quarantine the petitioners had already begun being broken off again.

Certainly, the dynamic developments in the Afghanistan theatre of operations, the political imponderables and the Covid-19 pandemic meant reliable and long-term deployment planning was not entirely possible. However, this does not exempt the Bundeswehr from passing on information without delay, especially in situations that are very stressful for the soldiers and their families, and from taking the resulting requisite action right away.

Accommodation in isolation in particular places a considerable physical and psychological strain on soldiers designated for deployment, as their personal freedom of movement is massively curtailed during this time and contact with the outside world is not allowed. The measure tangibly interferes with servicewomen and men's basic rights, which is why it must be well founded and logical. Otherwise something has to be done, as the following example highlights:

- *In mid-April 2021, the RESOLUTE SUPPORT contingent judged that it could disband the Air Wing in Mazar-i Sharif by 31 May 2021. At that time, multiple servicewomen and men were already isolating in hotel accommodation prior to their transfer to the mission. One petitioner criticised the fact that despite consulting with the deployment contingent, the Joint Forces Operations Command and the responsible lead unit, no one wanted to make the decision to end the accommodation in isolation before the upcoming weekend. This did not happen until the following Tuesday, although the Joint Forces Operations Command had already approved the decision to release the service personnel from the mission on the previous Friday. In the meantime, however, the petitioner had already arranged for the parent unit to take some of the servicewomen and men out of quarantine. Since he had not waited for formal approval and his actions had created faits accomplis, his superior cautioned him.*

Even if the caution was officially correct, the ministry rightly noted that the procedures and communication channels applied were not optimal. In the interests of its duty of care, the Bundeswehr must inform the servicewomen and men affected as quickly as possible of any such changes in the situation relating to transfer to deployment. All the more so if they are in accommodation isolated from their families and relatives.

Overall, the troop withdrawal demanded a great deal of flexibility and endurance from the personnel involved. In addition to this, important **information** did not always reach the servicewomen and men concerned in a timely manner due to the involvement of several troop-contributing organisational elements. Still, in cooperation with the Joint Forces Operations Command, BWI GmbH is currently developing an app with which at least potential changes in flight information can be passed on electronically directly to those affected. The prerequisite for using this app, which has yet to be made available, is that it is installed on the private terminal devices of the soldiers in question.

In connection with flights to the theatres of operations, there was also criticism in relation to **transportation**:

- *One petitioner complained that the Bundeswehr was using type A400M transport planes for the ten-hour flights to and from the theatre of operations in Afghanistan on which only emergency seats were available. The Ministry of Defence stated that the criticised "emergency seats" (cargo hold seats) were the regular seats the A400M uses for passenger transport and met all safety-relevant requirements for the transport of passengers. However, the suitability test had found them to have "limited suitability", as the seats transmitted the vibrations of the aircraft to the passenger and were not sufficiently padded. For this type of aircraft, there were also what were called "seat pallets", which were equivalent to regular passenger seats and significantly increased long-haul comfort. These could be installed if needed. They were still being tested by the Federal Office of Bundeswehr Equipment, Information Technology and In-Service Support. Capacity issues meant this equipment would not be available for every long-haul flight, however, it was said.*

This cannot be considered satisfactory. Given the high toll deployments take, servicewomen and men should be provided with transport that avoids unnecessary strain and stress. It would therefore make sense to provide an accordingly high number of passenger seats for the A400M in the future.

The Bundeswehr **linguists** deployed in Afghanistan deserve special mention. Since 2001, they had actively supported the work of the Bundeswehr on the ground throughout the entire the mission. The withdrawal of the German troops meant their employment ended on 31 January 2022 with the official end of the Afghanistan mandate, as linguists are employed by the Federal Office of Languages for the duration of a mandate and the German Bundestag usually only extends mandates for one year. The Federal Office of Languages and the Ministry of Defence have so far seen no further need for Afghan language services and in turn no reason to further extend the contract. This does not do justice to the special role of linguists. They served as a crucial interface between the German armed forces and the Afghan population - interpreting conversations, translating texts and, above all, through their help in reaching interlocutors and obtaining information. Their work undeniably had a decisive influence on the success of the force. The Bundeswehr therefore owes it to them to not just abandon them to their fate. Especially given the changed political and social situation in Afghanistan, it seems to make more sense to retain the linguistic and specifically the cultural expertise of these linguists for the future. Furthermore, the Federal Ministry of Defence should consider treating linguists as temporary-career volunteers in the future or offering them the possibility of re-employment after the mission so as to be an attractive employer with prospects for specialists like these. This would also help in recruiting these staff for future deployments abroad.

2. Covid-19 pandemic and flood disaster

Administrative assistance

The Bundeswehr's extensive administrative assistance mission in response to the Covid-19 pandemic launched in 2020 and continued in the year under review is unprecedented in the 65 years of the Bundeswehr's history in terms of its duration, scope and intensity. This is also reflected in the figures. In mid-February 2021, for instance, the number of Bundeswehr personnel deployed in the scope of administrative assistance at the same time peaked at around 19,000. In addition to this, the year under review saw administrative assistance deployments to provide support and deal with the impacts of the floods in North Rhine-Westphalia, Rhineland-Palatinate and Bavaria. Here, a peak of around 2,300 servicewomen and men were deployed simultaneously.

These extensive deployments placed great demands on the Bundeswehr in addition to its primary mission. Often, the troops were available virtually overnight. Furthermore, the servicewomen and men involved in pandemic administrative assistance as well as in the administrative assistance in response to the flooding were unprepared for situations that sometimes took them to their mental limits. In this respect, they should be given the chance to come to terms with all this in appropriately adapted **post-deployment debriefings**. This is something the servicewomen and men in question have also called for:

- *A paramedic deployed in the flood operation in the Ahr valley from 15 July 2021 described, for instance, how he had experienced severe psychological stress during the operation. His unit had only been able to maintain poor contact with the higher command and had constantly had to grapple with the situation on its own. The situation had been exacerbated by the fact that they did not know what was going to happen next and in which house the next corpses awaited them. It was difficult to be confronted with such a broad spectrum of tasks without adequate preparation. This was a different matter for every mission abroad.*

It is possible to plan and conduct appropriate deployment debriefings. The basis for this is Type A General Publication 2640/8 on "Post-deployment debriefing seminars". This provides for these debriefings also taking the form of counselling measures for Bundeswehr members deployed inside Germany. For the period from 1 December 2021 to 19 January 2022, a total of nine post-deployment debriefings were planned for the 160 members of the Bundeswehr deployed in the context of Ahr valley administrative assistance. This is very positive.

In the year under review, the Bundeswehr also performed its first administrative assistance mission for a municipality following a **cyber attack**. Ransomware had paralysed the computer system of a rural district, the perpetrators demanding a ransom to release the data. Bundeswehr IT forces from the major organisational element of the Cyber and Information Domain Service helped coordinate the measures to restore the IT system and draft an information security concept. The Bundeswehr also provided administrative assistance using solely reservists to deal with African **swine fever** in Brandenburg.

The legal basis for the various administrative assistance deployments is **Article 35** of the **Basic Law**. The deployment of troops in the context of administrative assistance always takes place on a subsidiary basis. Rural districts and municipalities may only request administrative assistance if they cannot handle the tasks in question on their own. The Bundeswehr received a total of 9,900 requests for administrative assistance, 8,800 of which were approved. All the administrative assistance deployments in the year under review went excellently and significantly strengthened the Bundeswehr's reputation among the general public.

Vaccination and support in the field of health

In addition to supporting the vaccination campaign, servicewomen and men were deployed in a variety of different ways in the fight against the Covid-19 pandemic, like in the previous year as well. For instance, they worked in old people's and nursing homes, provided reinforcements for public health offices in the field of contact tracing and helped test people for possible infection.

At the end of the year under review, the Bundeswehr was still providing a significant amount of administrative assistance in response to the pandemic. This was good and as it should be at the beginning of the pandemic. But increasingly, the personnel secondments for these support services were and still are taking a heavy toll on the force, if, for instance, training and exercises as well as regular work suffer. It is not the Bundeswehr's task to protect the health of the population domestically in Germany over a long period of time. The Bundeswehr's core task is and remains national and collective defence and operational commitments abroad.

- *Servicewomen and men also questioned the strategy in submissions and discussions, especially regarding the very lengthy deployment in the scope of the Covid-19 pandemic. They made it clear that they see a loss of capability and did not want to continue to neglect their primary tasks as soldiers.*

These objections are well-founded. Rural districts and others responsible for disaster relief and civil protection at the civilian level could and should have used the intervening time to put crisis-proof structures in place. Relying on the Bundeswehr over the long term, as was evidently the case in the example below, cannot be the solution:

- *The mother of a soldier reported that she had applied to a rural district office for a vacancy to provide support during the pandemic. After the interview was postponed several times, she was finally informed that the vacancy no longer applied for the time being because there were soldiers available to help.*

In testimonials as well as in conversations during field visits, the question occasionally arose as to whether the support provided by the Bundeswehr was being used as a **stopgap for structural deficits** at civilian agencies, for instance arising from staffing shortages or holiday absences:

- *One senior NCO criticised the use of administrative assistance from the Bundeswehr by three private-sector care providers in April 2021. In his view, the "Helping Hands" campaign had merely plugged personnel gaps at the care facilities that had already existed before the pandemic. The tasks to be performed on site had included the most menial auxiliary work such as setting tables, serving food, distributing laundry and porter duties. As the review revealed, assessing the appropriateness and necessity of a request for administrative assistance is solely the responsibility of the requesting authority, meaning the Bundeswehr had no discretionary scope of action to reject this request for administrative assistance.*

It is good that the relevant Bundeswehr agencies generally closely oversee the implementation of administrative assistance and in the present case reduced the number of soldiers deployed from the requested seven to six and the requested approval period from eight to six weeks.

Ultimately, however, policymakers and society at large are called upon to reflect on how disaster relief and civil protection can be bolstered as we continue to fight the pandemic and for future scenarios. The aim must be to establish appropriate structures as swiftly as possible.

The Parliamentary Commissioner visited a large number of the servicemen and women deployed in the context of administrative assistance at their places of deployment. Talking to them, she gained an impression of the different tasks they were performing and the new, sometimes stressful experiences these entailed. The help of the force was very welcome everywhere, and the authorities and agencies that benefited from the assistance expressed their **thanks and appreciation** without exception:

- *On 12 February 2021 at the Berlin-Schönefeld vaccination centre operationally managed by the Johanniter Emergency Service, those in charge expressly stressed the good support the medical staff of the Bundeswehr had provided during the vaccination process. The great appreciation and gratitude that vaccinated senior citizens felt towards the servicewomen and men involved was particularly impressive. For all those present, this was an expression of successfully supporting each other in this difficult situation and a positive personal experience.*
- *The head of the Bonn Public Health Office and her staff were equally positive in their assessment of the support provided by the 30 servicewomen and men deployed there in the framework of administrative assistance. At the beginning of the administrative assistance mission - the soldiers told the Parliamentary Commissioner during a field visit - they had found a barely functioning set-up of personnel, processes and procedures that was not particularly well thought out. For example, public health officers had carried out contact tracing and tracking by telephone. Within a very short time, the structures and processes had been evaluated and totally overhauled.*

Given everything the soldiers did, it beggars belief that some of them faced **verbal abuse** during their administrative assistance deployments:

- *At the entrance to the vaccination centre in Celle, one man refused to let his documents be inspected by a lance corporal deployed in the scope of the administrative assistance "Helping Hands" campaign, instead insulting him with comments such as "You fifthly pig!". Even after security was called in, he refused to stop, proclaiming that he did not think much of the Bundeswehr and that soldiers were all just "cannon fodder". The military service volunteer filed a complaint with the police against the man.*
- *As a soldier and the employee of a private security service were escorting a frail elderly gentleman across the road to the vaccination centre of the district of Herford, a car approaching at excessive speed braked only just in front of them, although the soldier had drawn attention to the dangerous situation with hand signals. The driver insulted him aggressively, saying that he was not a police officer, so it was not his job to regulate the traffic. He also called the soldier a "son of a bitch" before driving off again at excessive speed. Witnesses memorised fragments of the car's registration number and the police were consequently able to launch an investigation.*

In view of the amazing job done by the troops in responding to the pandemic, it is equally unfortunate if the servicewomen and men deployed face bureaucratic hurdles when it comes having their **travel expenses** to the new administrative assistance location reimbursed:

- *One soldier criticised the fact that he could not claim his travel expenses to the vaccination centre, although the superior in charge had promised this would be possible at a briefing. It transpired that the accounting and disbursing officer responsible for claims was not aware of the current legal situation and had given him incorrect advice. The petitioner subsequently received the amount he was entitled to.*

The case is also exemplary of other cases outside of administrative assistance, demonstrating how important it is for accounting and disbursing officers to be fully informed about the applicable regulations and to be proficient in their subject to be able to provide reliable and correct advice to the troops.

A lieutenant reported avoidable complications in the reimbursement of travel expenses:

- *The administrative assistance he provided at a vaccination centre in the period from February to June 2021 legally counted as "official Bundeswehr business". However, instead of categorising this administrative assistance as a whole as official Bundeswehr business, as the regulations stipulate, the weekly assignment on-site had been determined to be a separate case of official Bundeswehr business to be classified separately for the reimbursement of travel expenses. The petitioner had to submit a separate claim each week, including all the forms to be filled in. It is understandable that this additional red tape left him feeling alienated.*

Differences in the **provision of meals** occurred at the Bundeswehr vaccination centre in Lebach, where soldiers from several units from different locations were providing support:

- *Whilst fellow soldiers from other locations were entitled to a subsistence allowance or received a free breakfast or packed lunch from their hotel, soldiers from the Lebach location had to pay for their own meals. The Ministry of Defence explained that only service personnel who were required to participate in*

government-furnished meals were entitled to the non-cash subsistence allowance. This applied, for instance, if they had to perform duties at another location. The soldiers stationed in Lebach, on the other hand, were on duty at their usual, traditional location, where they also had to provide for their own meals.

Even if this view is commensurate with the current legal situation, the dissatisfaction of those concerned is understandable. At least for meals that fall within duty hours and are eaten together, the same conditions should apply to all those who are part of administrative assistance.

In the year under review, the Bundeswehr also provided its **own support services** in response to the Covid-19 pandemic independently of administrative assistance. Medical personnel were sent to Portugal in late January 2021, for instance, when the corona situation there deteriorated further. It ran a Covid-19 intensive care unit in Lisbon for 51 days with 54 servicewomen and men, relieving the Portuguese health system.

The Bundeswehr was also able to demonstrate its expertise in the field of research. Here, the Bundeswehr School of Dog Handling supported the University of Veterinary Medicine in Hanover in a research project on the use of dogs in detecting Covid-19 infections. Dogs cannot smell the coronavirus, but it triggers chemical reactions in the human body, which a dog can detect in its saliva, it was found. Bundeswehr scientists also participated in the search for mutations of the virus. The Bundeswehr Institute of Microbiology in Munich helped with genome sequencing and as such was involved in the scientific and operational work in response to the pandemic.

In her last annual report, the Parliamentary Commissioner already suggested that all servicewomen and men - active and reservist soldiers alike - who supported, helped and assumed responsibility during the pandemic be awarded a non-material symbol of appreciation and recognition once the pandemic was over, for instance in the form of a **service medal**. The Bundeswehr did not comply with this in the year under review. It justifies this by saying corona relief is a task for the entire state which numerous civil society actors are involved in - with the support of the Bundeswehr. All the ministries would have to coordinate their efforts in order not to favour anyone and to recognise and pay tribute to the achievements of all social groups. In the view of the Parliamentary Commissioner, however, this should not prevent servicewomen and men from being awarded a service medal at the appropriate time.

Clearing flood damage

The troops proved their ability to respond quickly in the context of the flood-related administrative assistance provided following the torrential rains that caused severe flooding, landslides and devastation in parts of Rhineland-Palatinate, North Rhine-Westphalia and Bavaria within a very short space of time in mid-July 2021. The Bundeswehr, which itself was partly hit by the floods, immediately declared a **military disaster alert**, deploying numerous forces to the hardest-hit flood areas. The armed forces were able to provide special assistance with heavy equipment, first and foremost bridge-laying tanks and clearing vehicles, to at least return a certain order to the destroyed infrastructure. In the Ahr valley, where the floods of water had swept away many bridges, servicewomen and men erected seven makeshift bridges within three days, making areas previously cut off accessible again. At the same time, the troops assisted with the supply of drinking water and deployed numerous forces to shovel mud and remove debris and demolished furniture. The Air Force also took aerial photographs of the area on the Ahr river hit by the disaster with a TORNADO to better identify where help was most needed and which areas were cut off.

The plight of flood victims on the ground and the chaotic situation that prevailed immediately after the natural disaster were unfortunately exploited by **anti-democratic currents** for their own ends:

- *Under the command of a retired colonel, various members of the so-called Querdenker (lateral thinkers) scene occupied a local school in Ahrweiler, declaring it their “operations centre” and temporarily preventing Bundeswehr forces from providing disaster relief. According to press reports, they belonged to a group of former members of the Bundeswehr and the National People’s Army dubbing themselves the “veteran pool”. The retired staff officer appeared in uniform, in contravention of an explicit ban on doing so, thus suggesting that he was acting as a member of the Bundeswehr. Disciplinary proceedings are already underway against the former member of the Special Forces Command (SOFCOM), inter alia because at a demonstration against the measures in response to the Covid-19 pandemic during Whit 2021, he allegedly effectively said: “They should send SOFCOM to Berlin and clean up the place properly. Then you’ll see what they’re capable of.”*

In addition to this, there were other isolated situations that merit criticism:

- *A petitioner wrote to the Parliamentary Commissioner that he and other volunteers had been sent to the house of a major general. There they had been supposed to do work that went far beyond what had been done at other houses in the scope of administrative assistance. The investigations initiated by the disciplinary attorney's office into the matter were still ongoing at the end of the year under review.*

All in all, the Bundeswehr showed that it was able to provide valuable assistance very swiftly and that the time needed to onboard or train the deployed soldiers was short. The deployments carried out in the flood-stricken areas must now be evaluated and followed up. In due course, these administrative assistance deployments should also be recognised in the form of a **service medal** for the servicewomen and men involved.

Basic operations

As in the previous year, the Parliamentary Commissioner received numerous submissions in the year under review regarding how the coronavirus was handled within the Bundeswehr, for instance on the inadequate or insufficient implementation of hygiene regulations and hygiene concepts on site, a lack of testing facilities, the perceived unequal or insufficient opportunity to work from home, basic operations increasingly taking place in-person again, on physical training or keeping sports facilities open, as well as on carrying out training and exercises in spite of high incidence rates.

The servicewomen and men's concerns about their own health and that of their fellow soldiers and families expressed in the submissions is understandable. This highlighted the great challenge the Bundeswehr faced in reconciling the organisation of daily operations to ensure the operational readiness of the Bundeswehr with simultaneously protecting soldiers' health to the greatest possible extent. The review of the individual submissions essentially found that those responsible did take **protecting the health** of servicewomen and men seriously and factored this in wherever possible. Only in very few cases was there found to have been insufficient implementation of the requisite hygiene measures.

It was positive that the Bundeswehr Medical Service Command created a basis to be able to offer **rapid tests** to all members of the Bundeswehr by issuing a "Technical directive on the implementation of the testing programme for employees of the Federal Ministry of Defence and its executive agencies" on 6 April 2021. Implementation at the individual agencies depended *inter alia* on the availability of tests, which was due to the general demand for tests at the time.

To comply with the infection control requirements whilst simultaneously maintaining the operational readiness as well as the sustainment and response capability of the force, the Bundeswehr opted for a decentralised approach and application of the mission-type command and control principle. The Ministry of Defence issued Directive No. 4 of the Director-General for Strategy and Operations entitled "Rules governing basic operations, training and exercises and for the provision of Bundeswehr forces in the context of Covid-19" instructing military superiors on how service should be organised. The Surgeon General also provided technical guidelines for the implementation of on-site infection control measures in the form of the "Technical guideline on health protection/infection control in the context of the SARS-CoV-2 pandemic in the Bundeswehr". Where necessary, the respective occupational health and safety specialist, the occupational medicine department or the regional "supervisory centre for public law tasks of the Bundeswehr Medical Service" were also on hand to provide advice and make recommendations locally.

In the balancing act between the need to maintain operational readiness and protect the health of the soldiers to the greatest extent possible, trusting **communication** between military superiors and the servicewomen and men under their command is especially important. At the same time, compliance with hygiene rules and serving under Covid-19 conditions also requires each and every individual to contribute in order to ensure service operations are as safe as they possibly can be.

On field visits, the Parliamentary Commissioner was able to see for herself that servicewomen and men were performing their duties in an exemplary manner, even under the difficult pandemic conditions.

- *After the Covid-19 pandemic had initially led to difficulties in carrying out individual training measures at the Bundeswehr Military Police and Staff Duty School in Hanover, the formation - guided by the principle of wanting to continue training as many servicewomen and men as possible whilst at the same time ensuring the best possible health protection - succeeded in maintaining training operations without any major curtailments in quality. In particular, mission-relevant training was able to take place with all the measures required.*

- *Similarly, the Army Training Command in Leipzig ensured training was carried out despite all the restrictions. As the Parliamentary Commissioner learned during a field visit in May, the Command enabled the implementation of 790 of the approximately 890 types of training offered in 2020 alone. 2,100 training sessions (3,500 prior to the pandemic) with 26,000 participants (about 44,000 prior to the pandemic) had been able to take place in compliance with hygiene regulations, it was reported.*
- *31 Tactical Air Wing Boelcke was able to generate 3,800 flying hours in 2020 in spite of Covid-19-related restrictions, thus maintaining the level of 2019. There were also hardly any gaps in training, first and foremost thanks to the establishment of a shift system.*

The diverging opportunities to **work from home** were perceived by servicewomen and men as unfair and one-sided in some cases. Generally speaking, it is fair to say that headquarters as well as branches of offices and command authorities are more likely to be able to do their work from home, whilst the service of the troops and training institutions is practice-oriented and, depending on their tasks, more likely to have to be in-person, though this may be scaled back and adapted to the regional situation. Superiors are therefore not only called upon to carefully decide whether to allow their forces to work from home. Above all, they have to be able to explain the reasons for their respective decisions in a plausible and understandable way, so that this does not lead to additional dissatisfaction.

Even during the pandemic, servicewomen and men were still required to engage in **physical training** and to establish or maintain their physical fitness as well as their individual basic skills. This is as it should be, as this is the only way to ensure personal readiness for deployment. This should happen in compliance with infection control measures and adapted to the local situation, and with a sense of proportion. A leaflet from the Surgeon General on the use of sports facilities was available as a guideline for the local issuance of orders.

It is also understandable that despite the special pandemic conditions, it was essential in terms of maintaining the Bundeswehr's personnel readiness to continue to provide sufficient follow-on training and **skills acquisition** for as many junior military personnel as possible. Priority was accorded to mission-relevant courses as well as career training, though those in charge locally had the discretionary freedom to adapt the content if necessary. It was also the right decision to continue exercises to maintain operational readiness whilst applying appropriate hygiene concepts.

In the age of Covid-19, serving on Navy **ships** is considerably more difficult. The limited space alone means it is only possible to a limited degree, if at all, to socially distance as the pandemic usually requires. This was particularly evident on the frigate SCHLESWIG-HOLSTEIN:

- *When the Navy returned the ship to service at the beginning of the year under review after a long docking period, the ship's command was unable to continue the health protection measures on board in the same way as it had ashore, as it had to simultaneously accomplish the prioritised mission of establishing operational readiness. This led to several crew members complaining about inadequate protection measures in submissions.*

Reconciling the performance of tasks and hygiene regulations is a fundamental problem for the Navy. It therefore adapted the orders and directives that apply to land-based units to tailor them to the conditions on the ships so that they could be implemented. The review of the submissions on the frigate SCHLESWIG-HOLSTEIN was therefore not generally able to confirm the petitioners' complaints. In cooperation with Flotilla 2's medical department, the ship's command had developed and established suitable and appropriate protective measures, cautioning personnel to comply with them on a regular basis. However, since each crew member is responsible for his or her own actions in this regard, it was not possible to completely rule out breaches of protective measures as a result of the individual behaviour of individual persons – just like anywhere else.

- *There were subsequently several Covid-19 cases on board the frigate SCHLESWIG-HOLSTEIN, resulting in short-notice quarantine for the entire crew. Statements made in the media by the Navy leadership in connection with this gave crew members the impression that they were being blamed, generating a great deal of dissatisfaction, as the Parliamentary Commissioner also saw from several submissions and from conversations with the troops during a field visit on board.*

The review of the matter did not find that any public shaming had occurred. However, the feelings of the servicewomen and men are certainly understandable, especially since the statements were made without those responsible being informed about the exact circumstances on board beforehand. This shows once again how

important good communication is in such cases, including across the different levels. Here it would have been advisable to first have an exchange about the specific situation on board and its assessment by the higher leadership.

Missions abroad and quasi-operational commitments

The Covid-19 pandemic continued to impact the Bundeswehr's deployments and missions abroad in the year under review. Even though almost all service personnel on missions or quasi-operational commitments have been fully vaccinated against Covid-19 since the middle of 2021, this did not lead to what continue to be restrictive measures suddenly disappearing:

- *Several petitioners criticised the fact that accommodation in isolation was planned before their transfer to deployment, even though they had full vaccination protection, for instance.*

The focus of the pandemic-related restrictions was and is to ensure operational readiness. So it was right to prevent the virus from entering a mission contingent and to keep **accommodation in isolation** in place prior to deployment until all members of a contingent had full vaccination protection. Until then, servicewomen and men who had already been fully vaccinated could have transmitted the virus to their comrades who were not fully vaccinated yet.

- *A fully vaccinated petitioner complained about his accommodation in isolation in connection with his deployment to the Joint Special Operation Task Force GAZELLE in Tilia in Niger given that the Robert Koch Institute had only classified the Republic of Niger as a basic risk area.*

The Federal Ministry of Defence stated that in Tilia, approximately 180 German service personnel were accommodated in very close quarters on a Nigerien property. A Covid-19 case would therefore have resulted in a large number of German soldiers having to isolate, which there was not enough space to do, however. The decision taken by the Bundeswehr Joint Forces Operations Command to order seven days of accommodation in isolation for vaccinated soldiers and fourteen days of accommodation in isolation for non-vaccinated soldiers before transferring them to Tilla/Niger was therefore appropriate.

The relevant Bundeswehr agencies continuously reviewed the directives issued for ordering quarantine measures before and after deployment, adapting them to current circumstances where appropriate. They could not always influence them, however:

- *Multiple servicewomen and men complained in their submissions and during the Parliamentary Commissioner's field visit to Mali in November 2021 that the recovered or fully vaccinated members of the German contingent deployed in MINUSMA were subject to stricter rules on accommodation in isolation prior to deployment than those of the EUTM Mali mission. But as service personnel from both missions sometimes flew to the mission on the same aircraft or MINUSMA forces at civilian airports inevitably came into contact with civilians whose vaccination status was unknown and could not be verified, the different treatment made no sense at all, they felt.*

A review of the matter found that the Secretary-General of the United Nations had issued a directive for the UN-led MINUSMA mission setting forth a 14-day period of isolation before joining the contingent and a subsequent 14-day period of "camp isolation". The Secretary General's rules are binding for all members of the mission; no national rules or derogations apply. A soldier's vaccination status is not taken into account. The European-led mission EUTM Mali, on the other hand, does distinguish between those who are not fully vaccinated, those who are fully vaccinated and those who have recovered. This determines the need for or duration of accommodation in isolation as set out in a "standard operation procedure" defined by the mission.

Naval forces were particularly impacted by the restrictions imposed as a result of the ongoing pandemic situation:

- *During a field visit to Wilhelmshaven, servicewomen and men criticised the fact that no shore leave was to be allowed during the seven-month Indo-Pacific voyage of the frigate BAYERN. At the same time, though, there were plans to host receptions for the local embassies on board in five ports, where a large part of the crew would come into contact with the guests. Furthermore, there would probably be no family reunions at Christmas or New Year's Eve in Singapore because they would have to quarantine for fourteen days beforehand.*

- *The crews of the combat support ship BONN, which sailed from Wilhelmshaven on 1 September 2021 to participate in the EUNAVFOR MED IRINI operation, and of the frigate SCHLESWIG-HOLSTEIN, which participated in the maritime task force of Standing NATO Maritime Group 2 in the Aegean Sea from September 2021, also complained that neither shore leave nor family reunions were planned.*

The Ministry of Defence informed the Parliamentary Commissioner that the daily directive from the Bundeswehr Joint Forces Operations Command on 28 October 2021 stipulated that shore leave could take place in ports with a local incidence rate lower than 35. The impacts of a Covid-19 outbreak on board a ship in the context of the EUNAVFOR MED operation with a specific mission mandate based on a Bundestag mandate had to be assessed differently than an outbreak in the context of an in-person and training voyage not related to a mission. In the Parliamentary Commissioner's view, the need for this policy should have been communicated better to the servicewomen and men concerned.

Although the hygiene rules in place were largely observed when there was contact with the local population, with local civilian staff or with members of other troop-contributing nations, there were isolated cases of infection in the country of deployment in the reporting year, resulting in the repatriation of those in question in the first half of the year under review. After returning home, they were initially accommodated in **quarantine accommodation**, which sometimes caused problems:

- *After landing in Germany, in March 2021, the senior officer on the ground told a soldier repatriated from the MINUSMA mission to drive himself to quarantine accommodation in the service vehicle. The Ministry of Defence rightly pointed out that personnel in quarantine are generally "exempt from all duties", including driving a motor vehicle. In the case in question, not only was a suitable driver available, but the soldier, as a quarantined patient, was not supposed to drive alone from a medical point of view either. Furthermore, verbal driving orders like the one given by the senior officer in charge were limited to emergencies, which was not the case here. The option routinely offered by the regional territorial command in such cases to drive oneself thus breached regulations. In future, the transfer of infected service personnel from the airport to quarantine accommodation would be carried out by assigned military drivers, it was stated.*
- *Multiple soldiers infected with Covid-19 and repatriated to Germany stated that they had not been allowed to leave quarantine accommodation at any time. In some cases, quarantine rooms were spread across the entire barracks, making it difficult for the garrison senior officer and his support staff to provide care. The only doctors available for medical care were those at the local medical centres, who were already working at full capacity with their normal duties.*

It is plausible that the respective medical centres are not in a position to offer the barracked servicewomen and men a high quality of medical care due to their wide-ranging tasks, especially during the pandemic, and due to their staffing situation. Garrison senior officers also felt overstretched when trying to meet the special needs of the sick. The Bundeswehr should therefore isolate soldiers in centralised accommodation following repatriation from deployment due to a Covid-19 infection as well, to come close to achieving the same treatment as when isolating in hotel accommodation before deployment. Above all, it must be possible for all quarantined soldiers to spend time outdoors every day.

Whilst the strict restrictions imposed to contain the Covid-19 pandemic often attracted criticism from the troops before and after deployment, during the MINUSMA mission in Gao there were complaints that the **protective measures** ordered had not gone far enough:

- *Multiple soldiers stated that they would have liked to see a temporary lockdown to protect all service personnel stationed at Camp Castor after an accumulation of positive test results. The Ministry of Defence informed the Parliamentary Commissioner that there had indeed been 23 positive tests at the camp between 7 and 13 February 2021. This had led to approximately 70 contact persons being identified and on 12 February 2021, the reconnaissance company and parts of the force protection company being ordered into quarantine. The contingent leadership had planned a lockdown and could have imposed it immediately. It was not necessary, though, as the cases were ultimately manageable thanks to the protective measures implemented at the camp.*

The case shows that the Bundeswehr's precautions to control the pandemic in the field were generally effective.

Personnel

In 2020, the Covid-19 pandemic led the Federal Ministry of Defence to take the decision to cancel the selection conference for transfer to the status of career soldier for the senior NCO career. Since then, the Federal Office of Bundeswehr Personnel Management was able to gain experience with **selection conferences** under pandemic conditions, for instance in the case of admission to the career of officer specialist. It was also able to significantly improve its personnel's mobile IT equipment and had a sufficiently long lead time to properly prepare the selection of NCOs to become career soldiers under pandemic conditions, too. The procedure was consequently able to take place between 12 April 2021 and 7 September 2021 as per the planned schedule. Hygiene measures were applied, such as reducing the number of people present in the conference room and the requirement to wear FFP2 masks. A total of 9,288 senior NCOs had been nominated for the selection conference or had applied for transfer. There were 3,129 transfer openings in 214 careers. Once the administrative follow-up was completed - such as approval of the overall conference result by the relevant head of department and the generation and dispatch of the corresponding notices and certificates - as things stood at the end of January 2022, 2,894 senior non-commissioned officers had been appointed career soldiers in the reporting year. This is not the final result as it was not yet possible to check the requirements for transfer in all cases. It is remarkable how well the Federal Office of Bundeswehr Personnel Management managed to conduct the complex selection conference and complete it without any cases of Covid-19 infection among the participants. It was particularly positive for the servicewomen and men affected by the cancellation of the conference in 2020 that in 2021 the Bundeswehr more than doubled the transfer quota of around 1,500 service personnel in ordinary years.

The Covid-19 pandemic had a major impact on the **initial and follow-on training** of servicewomen and men, with the Bundeswehr prioritising mission and career-relevant training in order to maintain its operational readiness, for instance. In 2020, approximately 70 per cent of the training for career training courses, 50 per cent of the specialised training and 40 per cent of the follow-on and advanced training took place. In basic training, the Bundeswehr was able to use 67 per cent of available training capacities. In the year under review, the situation eased overall. The Bundeswehr conducted 89 per cent of career training, 72 per cent of specialty training and 73 per cent of follow-on and advanced training. In basic training, it increased the utilisation of training capacities to 78 per cent, training approximately 16,000 recruits from all careers. Given the pandemic circumstances, the armed forces' approach cannot be criticised and the current positive trend is to be welcomed. This notwithstanding, the Bundeswehr must take action to counteract the wider impacts of the limited training in the medium term, because there will be training backlogs once pandemic-related restrictions have ended. To this end, it has established the "Coordination of Military Training Requirements" working group, where, at monthly intervals, the major military organisational elements discuss not just the training situation at the basic training facilities but also bottlenecks and challenges in joint course-based military training. They also develop measures to resolve these issues, for instance training support through the overarching provision of training personnel or infrastructure, or the postponement of lower-priority training.

- *At the beginning of the year under review, several soldiers complained that they had to attend in-person specialty or career training courses despite the lockdown. The training institutions concerned had followed the guidelines when organising initial training, follow-on training and exercises during the Covid-19 pandemic issued by the Federal Ministry of Defence or had drawn up their own hygiene concepts adapted to the agency in question. The infection-control measures ranged from measuring course participants' body temperature each day, regular Covid-19 tests and dividing course participants into cohorts, to basic hygiene, distancing and mask-wearing rules, wearing gloves and blocking stalls or sinks in washrooms or seats at catering facilities, adjusting accommodation capacities, for instance from quad rooms to twin rooms.*

The comments submitted by the training institutions concerned showed that they had each sought individual solutions tailored to the situation and task at hand and had made balanced decisions.

The balancing act of duly taking into account the aspect of health protection through hygiene regulations and concepts on the one hand whilst equipping the largest possible number of trainees with adequate specialist skills to maintain the Bundeswehr's personnel readiness on the other was successful. For instance, the Naval School of Technology initially held a course in-person for a few days until the functionality for distance learning was established. Numerous training institutions also established mixed forms of in-person and distance learning formats. In many cases, it was not possible to completely dispense with the presence of course participants, as certain learning contents could not be taught from home. This applied, for instance, to swimming training at

Mürwik Naval School or station training, such as the “checkpoint” training in the course “Advanced capability for sea-based operations on land” at the Petty Officer School.

Servicewomen and men who were forced to forego particularly attractive training because of the pandemic, had to repeat training or were even promoted later due to missing sections of training were particularly disappointed:

- *Multiple students at the Bundeswehr University in Munich criticised the fact that the university administration had not allowed them to go on study visits abroad. Given the pandemic situation in the countries concerned, this cannot be criticised. In individual cases, though, once the incidence rate had dropped, study visits to the United States Military Academy in West Point in the United States, for instance, were then able to take place.*
- *A number of participants in basic training in the 5/104 Tank Battalion in Weiden were unable to successfully complete this because there had been a Covid-19 case in their group towards the end of their training. The affected servicewomen and men were understandably frustrated because they had performed well during their training and now, through no fault of their own, had not passed basic training solely because of the infection in the group.*
- *A senior NCO candidate had successfully completed the first two parts of the senior NCO course as well as civilian initial occupational training as an IT systems electronics technician. He was only able to complete the language course following on from that after a delay. This in turn meant he was not able to attend further training courses specific to his post until later, leading to his promotion to senior NCO being delayed.*

Covid-19 vaccination

When vaccinations against the coronavirus SARS-Cov-2 first started being rolled out, the Bundeswehr strictly adhered to the rules set out in the Coronavirus Vaccination Ordinance in force at the time and the recommendation issued by the Standing Committee on Vaccination as dictated by the initially limited availability of vaccine. The aim was to avoid severe or fatal cases for persons with an according predisposition and to protect persons in medical or nursing professions with a particularly high occupational exposure (highest priority under Section 2 of the Coronavirus Vaccination Ordinance). The second stage with high priority for the protective vaccination under Section 3 of the Coronavirus Vaccination Ordinance already also included servicewomen and men due to be transferred abroad. As the supply of vaccine increased, personnel covered by Section 4 of the Coronavirus Vaccination Ordinance were also included in the Bundeswehr vaccination campaign. Servicewomen and men with certain pre-existing conditions defined under Section 3 or Section 4 of the Coronavirus Vaccination Ordinance were also prioritised to receive the vaccination.

Once the vaccination **prioritisation** under the Coronavirus Vaccination Ordinance was lifted on 7 June 2021, the Bundeswehr was able to offer vaccinations to more service personnel, albeit still limited by the shortage of vaccines that initially continued to persist. This meant that at least internal prioritisation or targeted coordination by the services and major military organisational elements was required. This is not to be reproached. The complexity of the vaccination sequences certainly did not make it easy for many servicewomen and men to understand the necessary prioritisation decisions. So it is good that the Bundeswehr made information on Covid-19 vaccination available centrally on the Intranet right from the outset. The bundeswehr.org homepage provided links for members of the Bundeswehr so they could stay up to date on the vaccines and on vaccination themselves with information in various formats (podcast, video clips, live chat, FAQ lists, pocket card). In this respect, complaints about a deficient information policy did not bear out.

Nevertheless, vaccinations against Covid-19 were the subject of quite a few submissions:

- *At the beginning of the year under review, the main issue was the order in which vaccinations were prioritised. The desire to be vaccinated as early as possible was broached particularly frequently in connection with deployments abroad or exercises at home and abroad, as well as with regard to training and courses. In addition to this, some petitioners complained that there was insufficient information about the Bundeswehr vaccination campaign. Others expressed their interest in being vaccinated with the vaccine of their choice or were unhappy with certain vaccines for various reasons. Others rejected vaccination and the associated obligation to tolerate it as a requirement for service altogether, or even called for a vaccination ban. Another topic was liability issues in the event of possible damage from the vaccine.*

The Bundeswehr procured the **vaccines** centrally through its own logistics division, which is why servicewomen and men were not able to freely choose which vaccine they received. The vaccination programme for the Covid-19 vaccination, which was ordered by the Surgeon General and technically coordinated with the Robert Koch Institute, ensures the best possible health protection for service personnel. Constantly changing developments also led to administration of the vaccine being regularly adjusted on the basis of the available data in accordance with the recommendations of the Standing Committee on Vaccination. As far as was possible, the vaccine used therefore reflected the latest state of science and the resulting guidelines when it was administered.

- *Nevertheless, a 17-year-old soldier received a first dose of vaccine that was not approved for under-18s at the time. It was not until the second vaccination that the European Medicines Agency had recommended the vaccine's approval be extended to include 12 to 17-year-olds.*

The medical support centre in charge took the case as an opportunity to integrate an age check, which had not been carried out until then, into the vaccination procedure. This was urgently needed.

In the year under review, the Federal Ministry of Defence intensively examined the possible introduction of an **obligation to tolerate** vaccination against Covid-19. Under Section 17a (2), sentence 1, number 1 of the Act Relating to the Legal Status of Military Personnel, service personnel are generally obligated to tolerate vaccinations and other special prophylactic measures to prevent communicable diseases. This is based on the duties soldiers have to maintain their health, serve faithfully and show consideration towards other soldiers, which then limit the basic right to physical integrity enshrined in Article 2 of the Basic Law. This is subject to the principle of proportionality, especially on the question of whether vaccination is permissible. So it is helpful that Type A General Publication 840/8 on "Vaccination and other selected prophylactic measures" and its associated technical part flesh out the obligation to tolerate these. Furthermore, even in the case of vaccinations that soldiers are required to tolerate, medical advice is always provided before they are carried out to discuss any contraindications to vaccination that may exist. For **missions abroad**, the Covid-19 vaccination was added to the vaccination schedule by updating Type A1 General Publication 840/8 4000 "Vaccination and selected prophylactic measures (Technical Part)" dated 24 March 2021, triggering the obligation to tolerate this. Refusing to have a vaccination that soldiers are required to tolerate generally constitutes a disciplinary offence under Section 23 (1) of the Act Relating to the Legal Status of Military Personnel, which can be punished by a disciplinary measure. The imposition, type and severity of a disciplinary measure is always to be decided case by case subject to discretionary judgement. In the cases brought to the attention of the Parliamentary Commissioner in the year under review where soldiers had not complied with the obligation to tolerate a Covid-19 vaccination in preparation for participation in a mission abroad, no errors in the exercise of this discretion were ascertained. The obligation to tolerate the vaccine is also important in terms of administrative assistance. When servicewomen and men are working at public health offices, nursing homes and vaccination centres, they need to be protected themselves and to not pose a danger to others.

In June 2021, the Federal Ministry of Defence already announced that, from an organisational and technical point of view, the Covid-19 vaccination also met the necessary criteria for inclusion in the **basic vaccination schedule**. This lists the infectious diseases soldiers are required to tolerate being vaccinated against. Expanding this vaccination schedule initially failed at the hurdle of securing the approval of the General Spokespersons' Committee at the Federal Ministry of Defence. After a dispute spanning several months, an arbitration committee finally secured an agreement, with the result that the caretaker Minister of Defence was able to order the vaccination against Covid-19 be included in the basic schedule for all servicewomen and men as of 24 November 2021. Given the special nature of military service, the need to ensure operational readiness and, not least, the Bundeswehr's duty of care towards the health of its servicewomen and men, this is to be expressly welcomed.

The inclusion of the Covid-19 vaccination in the basic vaccination schedule means that soldiers who are not part of a mission contingent are also obligated to tolerate being fully vaccinated against the coronavirus. Since then, some servicewomen and men have contacted the Parliamentary Commissioner, questioning the lawfulness and **proportionality** of the obligation to tolerate this vaccination. They had the same reservations as some of the general public, citing the vaccines having been developed in a rush and not sufficiently researched, not wanting to serve as a guinea pig, the vaccines not offering full protection and possibly having long-term side effects. Moreover, there were too many side effects, it was said, some of which were incalculable and harmful to health. The Bundeswehr consequently initiated disciplinary and dismissal proceedings against soldiers who refused to comply with the obligation to tolerate the vaccine. Two dismissals have already been effected. In addition to about 30 reports of suspected falsification of vaccination records, there were about 25 reports in relation to this in the

Bundeswehr's Estimate of Bundeswehr Morale and Incident Reporting in the year under review, one case attracting special attention in the media:

- *A staff sergeant refused to wear a mouth-nose covering inside the barracks area and especially inside its buildings, despite repeated orders from his superior. The repeated refusal to obey led the disciplinary superior to give him a severe nonjudicial disciplinary punishment. Nevertheless, the soldier attempted to convince others of his anti-constitutional political views, inter alia in conversations, on social media and by making his own pocket cards. This led him to receive a second severe nonjudicial disciplinary punishment. Furthermore, the soldier informed his disciplinary superior in a letter in early December 2021 that he did not want to be vaccinated against Covid-19. This letter also appeared on the Internet. He later failed to comply with the order to be vaccinated against Covid-19 several times, leading the disciplinary superior to impose another severe nonjudicial disciplinary fine. The soldier finally became the subject of media attention following videos published on the Internet in which he inter alia inappropriately threatened the representatives of the state because of the Covid-19 measures. The preliminary disciplinary investigations conducted against the soldier by the disciplinary attorney's office had not yet been concluded at the end of the year under review.*

3. 20 years of women in the Bundeswehr

Women have been serving in the armed forces for 20 years now. This anniversary is a fitting occasion to give the topic of "Women in the Armed Forces" a special place in the Annual Report 2021.

When the Bundeswehr was founded in 1955, there was no provision for women to perform military duties. The Basic Law did not permit this even in a defence scenario. Only the civilian defence administration was open to female applicants. It was not until 1975 that the Bundeswehr recruited the first female medical doctors and pharmacists as medical officers. It then took another 14 years before 50 female medical officer candidates began their service in the armed forces for the first time in 1989. From 1991 onwards, the career categories of NCO and junior-ranking soldier in the Medical Service and in the military music service were also opened to women. More years passed until Tanja Kreil, whose application had been rejected multiple times by the Bundeswehr on the grounds that she was a woman, provided the impetus for a complete opening of the Bundeswehr to women following her complaint to the European Court of Justice. On 11 January 2000, the European Court of Justice ruled that the then Article 12a (4) of the Basic Law stating that women were not allowed to serve in the armed forces violated the Directive on Equal Treatment of Men and Women and, as such, European law. Less than a year later, the Basic Law was amended, allowing women to serve in the armed forces. The judges of the European Court of Justice had made a courageous, consistent, and ground-breaking decision. On 1 April 2001, 151 women began their service in the Army, 76 in the Air Force and 17 in the Navy.

With the 2004 Act on Equal Opportunities for Female and Male Military Personnel of the Bundeswehr, the German Bundestag set forth binding regulations for gender equality measures in the Bundeswehr and provided for the election of **military gender equality commissioners** as well as gender equality spokespersons in the force and at offices and agencies. The first equality commissioners took office in 2005. Based on their legal mandate, they are involved in all personnel, organisational and social measures of their unit concerning work-life balance, protection against sexual harassment at the workplace and the equality of female and male soldiers. This includes, above all, the elimination of existing and the prevention of future discrimination on the grounds of gender. Whilst the gender equality commissioners initially had to fight for things that should be a matter of course such as an adequate office and appropriate equipment as well as support staff, it then became a matter of gaining the respect and ear of commanders and heads of service and actually being included in important decisions affecting equality. Even the Federal Government's Fifth Progress Report on the Act on Equal Opportunities for Female and Male Military Personnel of the Bundeswehr (reporting period 1 January 2015 to 31 December 2018), which was presented to the German Bundestag in 2020, found that from the perspective of military gender equality commissioners there continued to be a lack of crucial knowledge about their involvement. There is often a lack of awareness regarding on which matters, when and to what extent the gender equality commissioner is to be involved and informed, and that if in doubt she must be given the opportunity to examine whether a matter or measure relates to gender equality. Moreover, the gender equality commissioners can only fulfil their mandate if their unit involves them in the decision-making processes affecting their remit at an early enough stage for them to actively support it by making their own suggestions. Involving them at the same time as (or immediately before) the interest representation bodies is equally too late as is involving them once the decision has already manifested

itself to such an extent that it is no longer possible to actively shape it in a meaningful way. Although this directive has also been enshrined in a central service regulation since 2014, it is not always observed. Involving the gender equality commissioners in appraisal procedures is still especially important for equality, also with regard to the promotion prospects of candidates. Otherwise, it is difficult to determine how female soldiers should be ranked when comparing their performance to that of their male comrades. Just like the involvement of gender equality commissioners in disciplinary and complaint proceedings and in supporting witnesses, this was not a matter of course to begin with, it first requiring the relevant regulations to be amended at the suggestion of the Parliamentary Commissioner for the Armed Forces at the time.

It also took a long time for the force to adjust to **women's needs**, such as functional uniforms better tailored to women soldiers and a sufficient number of dedicated sanitary facilities at the barracks and Bundeswehr properties as well as on missions abroad. What is more, the lack of properly fitting protective kit for servicewomen, in particular armoured vests in small sizes, still has not been fully resolved to this very day. Add to this the fact that the regulations governing the employment of pregnant servicewomen were unclear for many years and there was a great deal of uncertainty among superiors on the policy towards them. In 2006, the Federal Ministry of Defence initially published a brochure with relevant information, but it was not until 2010 and 2011 that the information campaign "Schwanger in der Bundeswehr" (Pregnant in the Bundeswehr) and the new version of General Handout 1/500 were able to eliminate any remaining ambiguities.

Under-representation

A key point in the Act on Equal Opportunities for Female and Male Military Personnel of the Bundeswehr is the rule that servicewomen are considered underrepresented as long as they account for less than 15 per cent of personnel in all careers excluding the Medical Service and less than 50 per cent in the Medical Service career. These rates have not been reached yet. Since 2001, the number of servicewomen rose from 5,800 to 18,000 in 2011 and to 23,606 (including 1,605 military service volunteers) in the year under review. Whilst in the first few years annual increases of over 1,000 were recorded, the increases since 2012 have been significantly lower.

The increase of just 540 servicewomen in the year under review compared to the previous year confirmed this trend. At a figure of 23,606, the proportion of servicewomen in the year under review was 12.85 per cent (2020: 12.55 per cent). In the year under review, the proportion of women was 7.32 per cent (2020: 7.06 per cent) in the Army, 9.02 per cent (2020: 8.82 per cent) in the Air Force, 10.48 per cent (2020: 10.25 per cent) in the Navy, 11.34 per cent (2020: 10.96 per cent) in the Joint Support and Enabling Service, 10.03 per cent (2020: 9.6 per cent) in the major organisational element of the Cyber and Information Domain Service and 41.08 per cent (2020: 40.92 per cent) in the Central Medical Service. The proportion of women among career soldiers was 7.77 per cent (previous year: 7.04 per cent) and among temporary-career volunteers 14.77 per cent (previous year: 14.53 per cent). The number of women completing voluntary military service also rose only slightly to 18.84 per cent (previous year: 18.79 per cent). At 9.16 per cent, the Bundeswehr has still not reached the rate of 15 per cent set for all careers excluding the Medical Service. The proportion of female medical personnel serving in the Central Medical Service and in all other major organisational elements was 45.46 per cent in the year under review (2020: 45.16 per cent). Here, the Bundeswehr is at least approaching the statutory target of 50 per cent.

The Bundeswehr Centre of Military History and Social Sciences has been monitoring the process of opening the Bundeswehr to women since the turn of the millennium from a social sciences perspective. In the 2020 study "Truppenbild mit General (w)" (Troop Portrait with General (f)), it investigated **equal opportunities in the career paths at the Bundeswehr** on the basis of interviews with 24 servicewomen and 26 servicemen about their career history. The authors of the study refer to a statement made by the then Federal Minister of Defence in 2016, in which she spoke of the social science theorem of "glass ceilings", saying she had noted that there was a distinct discrepancy between the prognosis for young men and the prognosis for young women in certain positions where not only objective tests, but above all subjective assessments by superiors and the prognosis of the individual in question played a role. Official data, so the study, seemed to confirm this. In the interviews conducted as part of the study, the authors explain, the problem of reconciling family and service had a major bearing in the career planning of servicewomen. Overall, they come to the conclusion that the analysis of the interviews did not bring to light evidence of structural discrimination against women in the Bundeswehr with regard to military careers but concede that the findings are certainly limited in their scope due to the qualitative approach adopted. So it cannot be completely ruled out that glass ceilings exist in the career advancement of servicewomen. Accordingly,

follow-up studies would have to attempt to verify or refute the findings and confirm or refute the existence of gender-specific career barriers.

This is the approach that the Bundeswehr should pursue in the view of the Parliamentary Commissioner as it has been scientifically proven that **gender bias** - unconscious judgements based on gender-specific stereotypes - exists. This is said to arise from cultural role models, work and organisational cultures, and patterns of interaction between men and women, with different standards unconsciously being applied to women in leadership roles, for instance. The same behaviour as men is judged negatively, for instance as being too brash. Employee appraisals are also said to be subject to a strong gender bias. Recent studies have found that gender bias is activated automatically as soon as the gender of a person is perceived, leading to suitable candidates being unconsciously discriminated against in personnel decisions based on their gender, without there being any objective grounds for this. The Federal Ministry of Defence's Equal Opportunities Plan in 2006 is an example corroborating this. It accused servicewomen of a lack of motivation preventing them from developing their assignments to qualify for transfer to the status of career soldier and thus for top posts. The fact that in the past - though this also still happens today - they were often addressed only by their surname and not, as is customary with their male comrades, by their rank, is further evidence that servicewomen are sometimes subject to different perceptions.

In spite of the under-representation of servicewomen in the Bundeswehr that still persists, in recent years women in active service in the Bundeswehr have increasingly asserted themselves in many fields and ranks up to a certain level, and individual servicewomen have carved out remarkable **careers** all the way to the top grade. Servicewomen pilot combat aircraft and helicopters, command tanks, warships and combat companies, serve as Navy engineering officers or as Army mountain guides as well as in the military attaché service. Without the many servicewomen it employs in all careers, the Medical Service could scarcely operate. In the Ministry of Defence's executive agencies, they now occupy important positions, including some leading ones: the Deputy Director-General of the Federal Office of Bundeswehr Personnel Management is a servicewoman, for instance, as is a director at this office.

The first woman to hold the rank of general officer was Brigadier General, Medical Corps Verena von Weymar in 1994, one of the servicewomen to join the Bundeswehr Medical Service in 1975. To date, two women in the Medical Service have reached the rank of two-star general in their careers. In 2013, Major General, Medical Corps Dr Erika Franke was the first woman to become commander of the Bundeswehr Medical Academy in Munich. Public comments she has made are testimony that her path was not an easy one: "Innuendos, provocations, prejudices, reservations, bullying, discrimination and the accusation that you're only there as the token woman to meet certain quotas." "As a woman, you then sometimes need to have a thick skin and not give up easily." Major General, Medical Corps Dr Gesine Krüger is the Medical Academy's second female commander since 2016. As Commander and Medical Director of the Bundeswehr Central Hospital Koblenz, another female soldier joined the ranks of women general officers in 2018. As head of the Staff Element for Equal Opportunities within the FMoD Area of Responsibility (now the Staff Element for Equal Opportunities, Diversity and Inclusion), which was first created at the Ministry of Defence in 2015, this servicewoman provided important impetus for the development of equal opportunities in the Bundeswehr.

Due to them entering the Bundeswehr far later than the Medical Service, servicewomen in the armed forces have not yet reached the very top. The "Truppenbild mit General (w)" study states that given that the first promotion of servicewomen to major only happened in 2014, the first appointment of a woman as general officer is not expected before 2027/2028. Nevertheless, it is encouraging that there are now numerous servicewomen in leadership positions such as company commander and first sergeant, and that battalion command is no longer a purely male domain. Following the first female battalion commander at 381 Communication and Information Systems Support Battalion in Storkow in 2017, another servicewoman was entrusted with the command of a battalion in January of the year under review. At 172 Logistic Battalion in Beelitz, almost 1,000 men and women answer to her. The servicewoman was also one of the first women on the basic combat survival course, as a platoon leader, company commander and the first female participant on the command and general staff officers' course nationally and internationally. A female commander has also been in place at the Naval Medical Institute since October 2021. These outstanding role models can encourage other servicewomen as they progress in their careers. As they do, they should consider following the advice of Major General, Medical Corps Dr Gesine Krüger from a press release: "As a woman it is important to be authentic, not to underestimate yourself, to be courageous and curious about new challenging tasks and to voice legitimate criticism, even if it is uncomfortable." Examples of careers like this are not just a source of inspiration to servicewomen, they also encourage young women outside the Bundeswehr to be interested in military careers.

However, the careers cited cannot conceal the fact that there are still many areas in the Bundeswehr where there is **catching up to do** and servicewomen are still clearly underrepresented in leadership positions. Even though the Federal Government's Fifth Progress Report on the Act on Equal Opportunities for Female and Male Military Personnel of the Bundeswehr strives to paint a positive picture, the, albeit too small, but continuous increase in the proportion of servicewomen in the Bundeswehr to date has not translated in the same way into **top-rank posts** in the military area. Although female officers have been serving in the Medical Service since 1975 and despite women accounting for 45.46 per cent of medical orderlies in the Bundeswehr, in the year under review, in addition to the aforementioned female major general, Medical Corps (B 7) and the two female brigadier generals (B 6) there were only nine women in the rank of colonel or captain, Medical Corps (B 3). In grade A 16, there are some 30 servicewomen. Grade A 15 has seen a steady increase for several years, with roughly 530 servicewomen. Outside the Medical Service, only a few servicewomen have reached grades A 15 and A 16. The civilian part of the Bundeswehr is much further ahead in terms of top-rank assignments, not least as a result of the appointment of four female directors, most recently the Director of the Bundeswehr Counterintelligence Office.

This makes it all the more regrettable that the Bundeswehr often loses qualified servicewomen when the time comes for them to consider applying to become **career soldiers**. Whilst just 18 per cent of all servicewomen in the year under review were career soldiers, the rate for servicemen was 32 per cent. Servicewomen repeatedly cite the difficulty in reconciling family and service and in being able to plan their careers as reasons. As the Parliamentary Commissioner learned, it is also above all the general/admiral staff officers' course and the ministerial assignment that servicewomen are unable to demonstrate but need in order to advance to the leadership levels. The general/admiral staff officers' course requires a two-year commitment from participants at different course locations - hardly feasible for servicewomen with young children, which they often have at this stage of their lives. The Bundeswehr should therefore look for ways to promote these servicewomen more. It is good that there are already initial thoughts in this vein at the Federal Office of Bundeswehr Personnel Management. One possibility, especially in terms of the lacking ministerial assignment, would be to consider changing the time or making the "gates" they are required to pass more flexible.

But the best framework conditions in the world are of no use if **superiors** do not make an effort to see potential in servicewomen, promote suitable women and prepare them to assume the responsibility of high and top ranks in a targeted way. That is why formats like the course "Women in Leadership Positions" at the Leadership Development and Civic Education Centre are to be welcomed. This aims to contribute to equality and help zoom in on the problems that female members of the Bundeswehr in particular have to grapple with. The topic of gender equality is also addressed in the module "Intercultural Competence in the Armed Forces" at the Bundeswehr Command and Staff College, the central initial, follow-on and advanced training centre for top military personnel. Likewise, the "Basic Training Course for Senior Officers" offers the topic of gender equality. What these training courses need to do is to create an awareness especially among male leaders of gender-related distortions in perception, for example as a result of stereotypes.

In addition to superiors, personnel managers are called upon. They should make better use of **personnel development interviews** to reach out to servicewomen and motivate them to accept career-advancing assignments or leadership positions. They should be able to offer modern and flexible working models to enable female soldiers with family responsibilities to assume leadership roles in service as well. In this context, the model of **part-time** leadership for servicewomen and men alike should be expanded wherever service allows. Part-time reserve duty is also generally legally possible and is something motivated women are requesting. Unfortunately, rules and directives for implementing this in practice are still lacking.

During her field visits, the Parliamentary Commissioner sometimes notes that there are areas and **assignment categories** where women are proportionately more common and those where they are less or hardly represented at all. At the Federal Office of Bundeswehr Equipment, Information Technology and In-Service Support, for instance, the application rates for women and the proportion of women are exceptionally low. Female instructors at the Bundeswehr schools continue to be underrepresented, although training is an essential part of the Bundeswehr and the Bundeswehr provides initial and further training itself for all servicewomen and men throughout their entire period of service. During a field visit to the Army Officer School in Dresden, for instance, the Parliamentary Commissioner learnt that out of 48 lecture halls, only one was headed by a woman. Another area in which women are poorly represented is the special operations forces. Here in particular, women repeatedly face the reservation that they lack physical fitness, risking a loss of combat capability in the Army. Fortunately, the Navy Special Operations Forces Command now has a woman serving as a navigation sergeant on the special boats. It is also very much to be welcomed that in the year under review a servicewoman again took part - for the

second time ever - in the Special Forces Command's assessment of potential procedure for commando soldiers, which is extremely and equally difficult for men and women alike.

According to the Ministry of Defence, the levels of applications to serve in the Bundeswehr show that when it comes to assignments women's and men's interests diverge greatly. Women being interested first and foremost in medical service, staff duty and supply and logistics elements, and men preferring combat and technical assignments. Even if this observation tallies with the civilian labour market, the Bundeswehr should see this as an opportunity to make previously less sought-after fields of work attractive for women through more targeted recruitment and by highlighting opportunities for advancement.

Measures for gender equality and equal opportunities

All the criticism notwithstanding, the Bundeswehr has been working intensively for years to establish equal opportunities and equality in the armed forces. One of the priorities of the **Staff Element** for Equal Opportunities, Diversity and Inclusion at the Ministry of Defence is putting in place framework conditions that enable all servicewomen and men to pursue equal career paths commensurate with their aptitude, ability, and professional performance. The objective is to permanently eliminate systemic disadvantages for women. Superiors' awareness of equal opportunities is to be raised in order to bring about a long-term change in the leadership culture, and target agreements are to increase the proportion of women wherever women are still underrepresented. For the employees of the staff element, an important component in analysing the root causes is how appraisals are assessed. Here they have found that part-time employment negatively impacts the appraisal of those in question, putting women at a disadvantage as they make more frequent use of the option of part-time employment. Here, too, it is important to raise awareness among appraising superiors and to highlight that part-time work is not an appraisal criterion.

The Ministry of Defence also cites **target agreements** that have been in place since 2018 to lower the under-representation of women at the ministry and raise their proportion in leadership positions. Such target agreements were now also being concluded between the Chief of Defence and the chiefs of the major military organisational elements, it stated, and a mentoring programme for professional and personal development as well as coaching for top-calibre staff, *inter alia* to sensitise leaders to the issue of equal opportunities, were already firmly established instruments. Another personnel strategy instrument for long-term and targeted reduction of the under-representation of women in leadership positions that was now also part of personnel development was the "Bundeswehr Mentoring Programme", the ministry said.

Under the heading "Strengthening Diversity Management", so the Ministry of Defence, there were also measures to provide targeted support for women and to reduce their under-representation in top-rank assignments at the ministry and its executive agencies. For instance, the "Referenta" **coaching programme** had been successfully launched in October 2021 with a pilot run with ten female participants. The aim of this coaching programme was to enable selected female policy officers and deputy chiefs of section to reflect on their own (leadership) behaviour with professional support and to recognise and develop their own leadership potential. The idea is also to enable them to market themselves in a targeted way to present their high level of professionalism more confidently.

It is encouraging to see servicewomen playing an increasingly larger role in the **media's portrayal** of the Bundeswehr and that media reports and visual material now seem to be very balanced. But this must not lead to unrealistic depictions:

- *During a field visit, servicewomen criticised the portrayal of women in the Bundeswehr's public relations work as not reflecting reality in some cases. For instance, a woman officer would never drive a battle tank in combat, they would lead it as a commander. They would like to see images showing servicewomen exactly where they actually serve.*

The fact that gender equality is increasingly developing at the Bundeswehr is also reflected by the **Bundeswehr University in Munich**, together with the University of Potsdam and the University of Bielefeld, making it into the top group of the total of 66 universities evaluated for gender equality aspects in 2021. The ranking, which is published biennially by the Centre of Excellence Women in Science and Research (CEWS), has been comparing German higher-education institutions' efforts to achieve greater gender equality since 2003. The criteria for evaluation are the equal participation of women and men in study programmes, in further academic qualifications and on the staff of the higher-education institutions.

Daily military life

Finally, daily military life plays an important role in attracting women to the Bundeswehr, motivating suitable servicewomen to assume leadership responsibility and developing loyalty to the force. Conversations during field visits revealed that servicewomen **do not expect special treatment**. They want to do their duty like their male comrades. Servicewomen do not want to be noticed because of their gender, but because of their performance. One servicewoman, who felt that there was a “good atmosphere” at her formation for her and her female comrades, stressed that the profession of soldier brought special challenges with it and that every woman should therefore think very carefully about whether this profession was the right one for her. **Equipment and kit designed for women**, armoured vests that fit, attractive and well-fitting uniforms are also important aspects to make service in the armed forces appealing.

Gender-sensitive language is an important new instrument for respectful interpersonal relations and gender equality in practice. Federal legal and administrative regulations require the equality of women and men to be reflected in the choice of language used. It is therefore positive that the Bundeswehr has introduced female designations for the career and rank categories to be adhered to both in writing and verbally. This is a good example of a necessary, cautious and at the same time consistent further development as job titles always project certain perceptions of roles. Language in keeping with the times is part and parcel of a modern Bundeswehr that appeals to young people.

Irrespective of such legal obligations, the Bundeswehr increasingly sees the use of gender-sensitive language in all forms of communication in daily military life as a matter of course:

- *A serviceman who criticised the fact that a civilian gender equality commissioner had called in her newsletter for the generic masculine to no longer be used had to concede this, too. The Ministry of Defence clarified that the recommendation to use the generic masculine sparingly not only reflected the legal requirements for linguistic equality, but also the constitutional duty to promote equality, which goes beyond merely refraining from discrimination. Moreover, neither the gender equality commissioner’s newsletter nor the article criticised by the serviceman gave the impression that this was a legally binding rule for employees initiated by the gender equality commissioner which had to be implemented.*

Equal linguistic treatment of servicewomen and men is also increasingly entering service and duty settings. Male soldiers often display a particular sensitivity to this issue.

- *One serviceman criticised the fact that a commander, in his message of greeting published in a professional journal, only addressed comrades in the masculine plural and not female comrades. The ministry stated in response that this form of address was not commensurate with the instructions and guidelines for correspondence in the Bundeswehr. The author of the message expressed his regret at his omission.*
- *Another serviceman denounced the term “one-man ration” for mission food as discrimination. The Bundeswehr then initiated a competition to collect ideas for a new name which was open to all the members of the Bundeswehr. The new name is “one-person ration”, with the German abbreviation for this “EPa” remaining the same.*

To some, these examples may seem unimportant against the backdrop of the extremely dramatic developments the Bundeswehr was confronted with at times in the year under review. Nevertheless, they are worth mentioning because they are examples of the process of rethinking that is taking place and of the respect that male soldiers are showing their female comrades.

- *On the other hand, on a field visit female and male soldiers alike did not agree with the designation “team leader armoured troops” (“Teamleitung Panzertruppe” in German, which is gender-neutral), making it clear that they were proud to command a tank and still preferred the term “tank commander” (in German the gender-specific terms “Panzerkommandantin” or “Panzerkommandant”).*

Unfortunately, **misogynistic and discriminatory behaviour** still exists at the Bundeswehr. Examples of this are servicewomen deliberately not being addressed by their rank or facing personal animosity. Even though the Bundeswehr addresses such misconduct seriously and intensively, taking strict measures to combat it, it must not rest until behaviour of this kind is completely eradicated.

Outlook

Gender equality and equal opportunities start in the minds of servicewomen and men. It is still a matter of breaking through outdated, often unconsciously entrenched ways of thinking. Only if people firmly believe in equality can it succeed. This also means engaging with the issue more than in the past and documenting the real benefit women bring to the Bundeswehr and where they can contribute special skills and capabilities. The decisive starting point for eliminating the discrimination against women that still exists in the armed forces remains quantitatively increasing the overall proportion of the force they account for - because sociological gender research shows that women only leave minority status when the proportion of an organisation they account for exceeds the 15 per cent mark. And only when the proportion increases to over 30 per cent is a stable mixing of genders possible. So the Bundeswehr must continue to do everything it can to significantly increase the proportion of women and to attract servicewomen to all assignment categories in the Bundeswehr. All in all, it can be said that 20 years of women in the Bundeswehr is a success story. Women are an asset to the force. Living and working together as partners, all the way to military marriages, has changed the Bundeswehr a great deal - for the better. Now it is time for more women and more women in leadership positions.

4. Innere Führung

The concept of *Innere Führung* (leadership development and civic education) is an integral part of the Bundeswehr. It embeds the Bundeswehr in the heart of our society as a parliamentary army with the guiding principle of soldiers being citizens in uniform. This makes *Innere Führung* an absolute prerequisite for the operational readiness of the Bundeswehr. Its essence is unchangeable. But the specific form it takes requires constant change. Because *Innere Führung* has to be lived and breathed day in and day out. And life is constantly changing - in the Bundeswehr and in our society as a whole. In recent years, it has become more digital, more diverse and more dynamic. The concept of *Innere Führung* also needs to reflect these developments. So it is right for it to evolve in this vein - in an understandable, tangible, practice-oriented way.

The “*Innere Führung – Today*” programme launched in 2017 was also practice-oriented and designed to bolster superiors at all levels in their leadership responsibilities and to improve the underlying conditions for good leadership on the ground. A central part of this was actively involving military superiors and civilian leaders. After more than 40 workshops with around 800 leaders, the development of specific measures followed from summer 2019. It is to be welcomed that the Federal Ministry of Defence finally presented a detailed final report in May 2021 - as called for in the last two annual reports. The report is good, important and helpful, even if many of the topics in it do not deal with *Innere Führung* in the proper sense of the term, but rather with practices and everyday military life.

The report cites the widespread problem of leaders having limited powers of action as an obstacle to good leadership, putting this down to the involvement of other specialist agencies often being necessary and the large number of technical rules, regulations, instructions and directives, some of which only specialist staff can then be proficient in. The Bundeswehr is countering this above all by reducing bureaucracy and by taking preventive steps. For instance, the Military Pay Structures Modernisation Act has already abolished the very bureaucratic field service allowance, instead introducing the leadership allowance as compensation for senior military leadership responsibility. Another topic in the report is work-life balance, which should “naturally be included as part of a holistic understanding” in the leadership considerations of superiors. One of the long-term plans is to change the policy towards mistakes. Whereas in the past the focus has been on identifying the culprits of mistakes and not on the associated potential for learning and improvement, the focus is now to be on communicating a culture that sees analysing mistakes as a useful contribution to the collective learning process. The Bundeswehr wants to start with this right from the training stage onwards.

The report also attaches central importance to the “area of conflict between distrust and trust”. Military leaders reported a lack of trust in their leadership, their problem-solving abilities or their specialist skills. It is not uncommon for higher units to question reports or to tone them down as they move up. As the concept of *Innere Führung* is further developed, this area of conflict is to be homed in on to achieve lasting change - also with regard to the mindset of operative personnel.

The Bundeswehr is becoming more modern in its means of command and control, increasingly harnessing digital communication channels for this. During the first phase of the Covid-19 pandemic, it initially expanded the pilot operation of a commercial chat solution (stashcat) for voluntary use. This was replaced by BwMessenger in

November 2020, which some 70,000 users have registered for to date. Since the beginning of May 2021, **BwMessenger** has been available to use as an app on mobile devices as well as for communication over a web client on all official workplace computers. As part of a pilot project with up to 125 participating users, it can also be used on official devices for matters classified as “Classified information - For official use only”. Once the pilot phase is successfully completed, the plan is for all 20,000 members of the Bundeswehr in possession of a “secure mobile communication” device to be able to use this service by the end of 2021. An independent instance for the messenger was set up for the Joint Forces Operations Command and put into operation in mid-July 2021. To implement a uniform solution across all user groups, the goal over the longer term is to equip all IT users in the Bundeswehr with BwMessenger and, where appropriate, to include their close relatives and reservists as the next step. In the future, the IT infrastructure of the messenger is to be provided as a cloud service. Starting in early 2022, the features offered, which include audio and video conferencing for small groups, voice messaging and location sharing, are to be significantly expanded again to cater to user needs, based on direct feedback from users. For instance, the plans include making it possible to write better and longer messages and to hold online meetings with up to five participants.

- *During numerous field visits, servicewomen and men reported that other messenger services such as WhatsApp were being used to communicate with superiors and fellow soldiers.*

This is unacceptable, not least in terms of the need for protection, security and sovereignty over official data and communication. Further steps need to be taken to ensure that BwMessenger not only has registered users, but also active ones. Only then will its potential as a modern, digital command and control tool be fully and truly harnessed.

Overall, however, servicewomen and men still seem to know too little about the subject of **digitalisation** in the Bundeswehr. A study published by the Bundeswehr at the end of November 2020 on “Digital culture at the Federal Ministry of Defence and its executive agencies” found that only two per cent of all Bundeswehr employees feel very well informed about digitalisation topics relating to the Bundeswehr. Fifty-two per cent were ambivalent. There was a widespread desire to learn more about digitalisation topics, so the study. In particular, there was a need for information about technical innovations at the Bundeswehr. More than two thirds of all Bundeswehr employees want to know more about the procurement and introduction of IT, technical innovations as well as command and control and digitalisation. The regular reports on the digital transformation of the Federal Ministry of Defence and its executive agencies are helping to raise transparency.

Another important field in the context of *Innere Führung* is protecting **military personnel representation rights**, which requires superiors to be well versed in this field of law. Time and again, servicewomen and men and those affected call for more in-depth training on this. Even if the Ministry of Defence considers the training and information offered so far to be sufficient, it should consider establishing these training courses, some of which are still voluntary, as compulsory courses and enshrining this in the Military Personnel Representation Act.

Violation of the free democratic basic order

One of the core duties of servicewomen and men is acknowledging the free democratic basic order of the Federal Republic of Germany beyond a shadow of a doubt at all times, both on and off duty, and to actively champion its preservation without exception. The absolute majority of servicewomen and men in the Bundeswehr honour this essential core of the Act Relating to the Legal Status of Military Personnel and stand firmly on the ground of the Basic Law. These servicewomen and men deserve the trust and confidence of their mandating institution, the German Bundestag. There is no place in the Bundeswehr for anyone who fails to honour these obligations. A serious breach of the duty of loyalty to the Constitution occurs if the conduct or statements of a servicewoman or man could give rise to the impression that she or he does not identify with the constitutional order of the Federal Republic of Germany under all circumstances. This includes, for instance, trivialising National Socialism or sympathising with extremist efforts. In the year under review, there were 226 cases of **reportable events** for the reporting categories of suspected “extremist behaviour”, “incitement to enmity and hatred” or “violation of the free democratic basic order”. In the reporting years 2017 to 2020, there were 167, 150, 178 and 211 suspected cases respectively for the reporting categories in place at the time of “activities that jeopardised the democratic rule of law”, “impermissible political activities” or “incitement to enmity and hatred”, whereas in the years before there were around 60 relevant suspected cases each.

In 2021, the force also reported 26 suspected cases with possible extremist content in other reporting categories, mainly in the reporting category “discrimination” (2018 to 2020: 20, 19 and 18). In individual cases, superiors

again reported cases where soldiers were suspected of belonging to the Reichsbürger (Reich citizens) movement, having contact with extremist persons or groups, or of spreading conspiracy theories. There were also seven reports of suspected cases of religious extremism.

The huge increase in reportable events since 2017 may be related to the increased awareness among servicewomen and men, which can be traced back to the events in connection with First Lieutenant Franco A. that were the subject of much public debate and the question of the extent to which right-wing extremist leanings exist in the Bundeswehr. A detailed description of the Franco A. case is provided in the 2017 annual report. Charges were brought against him in the year under review before Frankfurt am Main Higher Regional Court on suspicion of having planned and prepared a serious criminal offence endangering the state. The officer, who was in possession weapons and ammunition without a permit, had posed as a Syrian refugee at an initial reception centre in 2015 providing false personal details and applying for asylum shortly afterwards. He is suspected of planning an attack on a public figure and possibly wanting to frame refugees as suspects for the crime. The case came to light after he hid an old French pistol plus ammunition in a toilet at Vienna airport in spring 2017 and later tried to recuperate it.

In the middle of the reporting year, the behaviour of some soldiers from the Delta platoon of 2/92 Armoured Infantry Demonstration Battalion attracted a great deal of media attention during the ENHANCED FORWARD PRESENCE battlegroup quasi-operational commitment in **Lithuania**:

- *In June 2021, three soldiers, some of them from outside the platoon, reported to the company commander in charge on site in Lithuania that anti-Semitic, sexist and right-wing extremist remarks and insults had been occurring in the Delta platoon for some time. Junior-ranking soldiers had, for instance, called other members of the platoon with a migration background “goat-shaggers” or “carpet beaters” and had bullied and insulted a female soldier. The platoon leadership was partially aware of this, they reported, but tolerated it citing the generally rougher tone at infantry units and had not reported it further. The preliminary results of the disciplinary investigation found that on 20 April 2021, several junior-ranking soldiers had sung a birthday song for Adolf Hitler, although a senior NCO present on site had repeatedly attempted to order them to stop. Shortly afterwards, during “recovery during duty” - an officially approved leisure activity - there were physical and sexual assaults among the junior-ranking soldiers in the platoon at a hotel in Lithuania. Later, in his capacity as deputy platoon commander, a senior NCO had called all those involved together to discuss how to cover up the incidents. Three junior-ranking soldiers had also tried to influence the investigation, it was found, one of them posting a picture of a Wehrmacht soldier holding his finger up to his mouth with the caption “Silence!!! = don’t blab! The enemy is listening!” on social media.*

Two senior NCOs and eight junior-ranking soldiers were placed under investigation. Furthermore, the entire mechanised infantry platoon in question was repatriated. By the end of the year under review, six cases had been referred to the public prosecutor’s office, preliminary disciplinary investigations had been opened against five accused, five bans on wearing uniform had been issued, three severe disciplinary fines had been imposed, two premature dismissals had been decided in accordance with Section 55 (5) of the Act Relating to the Legal Status of Military Personnel, and four orders to refrain from proceedings had been issued after no disciplinary offence had been established.

Another case that attracted public attention occurred in the Federal Ministry of Defence **Guard Battalion**:

- *At least six members of a company are said to have formed a group called “Wolfsrudel” (wolf pack) which had right-wing extremist elements but also involved degrading initiation rituals and violations of sexual self-determination. The members of this group had come to attention for their racist statements and right-wing extremist behaviour. One of the soldiers was alleged to have worn a T-shirt with half a black sun and lightning-like sunrays and the words “Sonnenstudio 88” (Solarium 88) printed on the front and “Wir sind braun” (We are brown) on the back. Another soldier was said to be in possession of recordings of right-wing extremist songs and indexed albums.*

The competent disciplinary attorney’s office or disciplinary superiors have initiated disciplinary investigations against all those who stand accused, which were still ongoing at the end of the year under review. Some of the accused have also been banned from performing their duties and wearing uniform. The Federal Office of Military Counter-Intelligence has also become involved in dealing with the incidents. At the end of the year under review, the information gathered so far did not indicate the formation of a group within the meaning of Section 4 of the Federal Act on the Protection of the Constitution, however.

Servicewomen and men from other companies of the Guard Battalion also reported other incidents with a right-wing extremist background, which, on the basis of the findings thus far, are not thought to be connected to the aforementioned “Wolfsrudel” group:

- *A soldier was said to have worn a fellow soldier’s Wehrmacht uniform and allowed himself to be photographed in it. The same fellow soldier was also reported to have been in possession of other objects with symbols of unconstitutional organisations.*
- *A superior was reported to have called music played by his subordinates “shitty Islam music” that they could listen to in Afghanistan or wherever it was they came from.*
- *A soldier was suspected of having ties to the “Identitarian Movement”.*

In the said cases at the ENHANCED FORWARD PRESENCE battlegroup in Lithuania as well as at the Guard Battalion, the first reports fortunately also came from the force itself. Evidently there is the necessary sensitivity in the force as to what type of behaviour is acceptable and what type cannot be tolerated and must be reported. The fact that the Bundeswehr then investigated the matter quickly and reacted systematically also deserves positive mention.

Below are further examples that attest to the existence of servicewomen and men with right-wing extremist ideologies:

- *An officer sent a video and audio file with the fictitious album title “NPD neuer Pop aus Deutschland Volume 88” (NPD new pop from Germany Volume 88) to a senior NCO on WhatsApp without comment. The file contained well-known songs from the 1980s, 1990s and 2000s whose lyrics had been revised, each of which was played briefly producing a medley of songs. Black and white photos were displayed to the music, designed to look like CD covers and to visualise the rewritten lyrics. An announcer started the medley with the words “The brownest thing today” and ended it after the sequence with the comment: “Surely you’re still allowed to listen to that!” Examples of the reworked songs are “You have the yellow star - not me” instead of “You are from the same star as me”, “Time to say Sieg Heil” instead of “Time to say goodbye” or “Special train to Dachau” instead of “Special train to Pankow”. The disciplinary and complaints court found the soldier guilty of a disciplinary offence.*
- *In the scope of his security clearance check, a junior-ranking soldier voluntarily admitted to participating in “Querdenker” demonstrations and showed the members of the Federal Office of the Military Counter-Intelligence Service two photos on his mobile phone of him posing with weapons - according to his testimony a replica AK-47 and a blank-firing pistol. He also showed a video on which a swastika flag and clips from an NSDAP youth camp with children in uniform could be seen. As a result, he was unable to obtain a preliminary clearance during his pre-employment screening and his service as a temporary-career soldier ended after the six-month probationary period on the grounds of a lack of aptitude due to security concerns.*
- *A non-commissioned officer wore a patch from the “Uniter” association on his official uniform, which is under surveillance by the Office for the Protection of the Constitution as a suspected right-wing extremist threat. He also put a sticker with the text “Its [sic] about Love & Respect Brotherhood You get what you give” on his private car. The term “Brotherhood” can be used as an expression of solidarity with the “Hell Angels”. The soldier was given a nonjudicial disciplinary punishment.*
- *During a briefing on a mission abroad a senior officer said, “If we don’t have everything and send the men in, we’ll have a holocaust on our hands! Then they’ll die!” He stated that he had wanted to express emphatically that a planned operation could not take place because of the threat situation. In another internal briefing, someone mentioned an increase in milk prices, whereupon the soldier said: “Which Jew sow is responsible for the price increase?” The disciplinary and complaints court ruled that the soldier had committed a disciplinary offence.*
- *A junior-ranking soldier was suspected of having shown at least one photo on his mobile phone to comrades at the barracks of him and a friend in black coats, each with a swastika armband around his arm. When the smartphone was checked, more extremist pictures and symbols were found as was an e-mail order for an “SS dagger”. The soldier had also subscribed inter alia to the channels of the Identitarian Movement of Lower Saxony, North Rhine-Westphalia and Swabia as well as the NPD/JN of Lower Saxony and the NPD Federal*

Association on the social platform Telegram. The soldier was dismissed immediately from his service as a temporary-career volunteer.

- *On the mobile phone of a non-commissioned officer with a migration background were photos with right-wing extremist references. One photo showed a small boat with dark-skinned persons with the remark “flight simulator”. Another photo showed undressed children with a swastika flag. Another picture read, “In Germany we hate Jews - Heil Hitler Aryan people above all.” The Bundeswehr dismissed him without notice from his service as a temporary-career volunteer.*
- *On his Facebook profile, a non-commissioned officer publicly liked various groups, such as “Landser”, “Kategorie C”, “Hooligans gegen Salafisten” (Hooligans against Salafists) and “K-Block Dynamo Dresden (Dynamo Ultras)”. The soldier admitted listening to right-wing extremist music every four to five weeks. He was also dismissed without notice from service as a temporary-career volunteer.*
- *In the private area of his Facebook profile, where he was identifiable as a soldier, a senior non-commissioned officer posted for the 100 or so users he was friends with: “When I look at the media, I’m filled with pure hatred and the desire to kill! With all this scum, attackers driving into crowds of people with children, rapists attacking women and these disgusting child fuckers, I wonder: why a trial????!! We have endless walls, guns and ammunition. Put them up against the wall and send these bastards to nirvana for good!!!” In response to a comment on his statement pointing out the Basic Law and the rule of law, he posted: “...they’re not human beings, they are just piles of shit who have forgone any legal rights!!!! My opinion sorry”. Taking into account another disciplinary offence, the serviceman was given a severe nonjudicial disciplinary punishment. The public prosecutor’s office discontinued the investigation in response to the Facebook posts due to a lack of sufficient evidence for criminal proceedings.*
- *A non-commissioned officer posted the following status text on his WhatsApp profile: “Merkel! You stole the country, give it back! Otherwise the Saxon will get you with his air rifle!” His superior imposed a nonjudicial disciplinary punishment on the soldier.*

In other cases, racist or xenophobic attitudes of soldiers came to light:

- *A junior-ranking soldier called two fellow soldiers with a migration background “cotton pickers”, and one of them a “slave” as well. The serviceman received a severe nonjudicial disciplinary punishment.*
- *A senior non-commissioned officer made the following comments to a junior-ranking soldier with a migration background: “Well, Nafri, how was your weekend?”, “Do you actually have anything to eat back home?”, “So does your girlfriend love Christmas too or do you not celebrate it as a Nafri?” and “Would you actually rather be black?”. The police in North Rhine-Westphalia used the controversial term “Nafri” as an abbreviation for “North African habitual offender”. The superior imposed a severe disciplinary punishment on the senior NCO.*
- *In response to a joke by a dark-skinned comrade that he could not swim, a junior-ranking soldier effectively said: “That’s right, you can’t swim, you come by boat! Two nonjudicial disciplinary punishments had already been imposed on the soldier for other offences. Taking these into account, the Bundeswehr dismissed him immediately from service as a temporary-career volunteer.*
- *A non-commissioned officer, citing Type A General Publication 2630 on “Bundeswehr Soldiers’ Appearance”, told a junior-ranking soldier to shave his beard to meet the specifications, literally saying: “Shave off your fucking scumbag foreigner beard.” The soldier received a severe nonjudicial disciplinary punishment.*

Extremist content is increasingly being exchanged on a large scale on **social media**. It must be stressed time and again that the Internet is not a lawless space. Extremist content spread online is subject to punishment under criminal and disciplinary law and can lead to premature dismissal from service.

Soldiers who exhibit extremism must generally expect to be **dismissed prematurely** from service in the Bundeswehr. In the year under review, 39 servicewomen and men had been required to leave the Bundeswehr prematurely by the end of 2021 (2020: 24) in connection with reportable incidents. The investigations conducted had led to the reported facts being confirmed in 57 cases by the end of the year (2020: 41). In 36 cases, the alleged disciplinary offences could not be proven or the perpetrators could not be identified (2020: 41). A look at the past

five years shows that 225 servicewomen and men were dismissed from the Bundeswehr for extremism between 2016 and the end of September 2021.

If superiors become aware of servicewomen and men allegedly listening to right-wing extremist music or making right-wing extremist statements, they cannot always ascertain which songs these were and what was said during the investigation into the facts and the perpetrators. In the case of extremist graffiti at barracks, experience shows that it is virtually impossible to identify who was responsible. What is more, the group of possible perpetrators in these cases cannot be confined to servicewomen and men. In some cases, civilian members of the Bundeswehr or visitors to the barracks are also potential perpetrators.

In addition to reportable events, the Parliamentary Commissioner reviewed the **submissions** of 30 servicewomen and men with content relevant to this subject in the year under review (2020: 22). In some cases, they described extremist behaviour by fellow soldiers. In addition to this, petitioners with a migration background complained of animosity, unfair treatment, bullying and discrimination in their service setting.

In isolated cases, soldiers complained about disciplinary investigations conducted against them on suspicion of extremist behaviour. In their view, the investigations were not appropriate, not justified and/or took too long. Some soldiers also complained about the possible threat of or already ordered premature dismissal from service in the Bundeswehr due to right-wing extremist behaviour.

The reportable events cited above are the Office of the Parliamentary Commissioner's main source of knowledge for the area of extremism as a whole. The knowledge gained through this is rounded off by the related submissions also mentioned above and, furthermore, numerous conversations of all kinds with members of the Bundeswehr. Particularly worth mentioning here are the field visits and discussions with the **Federal Office of Military Counter-Intelligence**. In compliance with the tasks assigned to it by law, it investigates other suspected cases in the category of extremism above and beyond reportable events. In the year under review, a further increase was recorded again here overall, with the Federal Office of Military Counter-Intelligence processing 589 new suspected cases in the category of "right-wing extremism" (2020: 477), 40 (2020: 48) in the category of "Islamic extremism", 38 (2020: 31) in the category of "Reichsbürger/supporters of self-governance" and 13 (2020: 8) in the category of "left-wing extremism" in 2021.

In addition to this, the Federal Office of Military Counter-Intelligence and the Federal Office for the Protection of the Constitution dealt with 1,033 new cases (2020: 313) concerning reservists with a connection to extremism in ten meetings (2020: 6) of the reservists working group. In 420 cases (2020: 173), findings or information that could be used in court were made available to the Federal Office of Bundeswehr Personnel Management for the performance of its duties. In 20 cases (2020: 12), processing did not lead to any incriminating findings, allowing processing to be closed. In the remaining 593 cases (2020: 128), the Federal Office of Military Counter-Intelligence asked the Federal Office of Bundeswehr Personnel Management for early notification if any of these reservists were to be called up for service.

Special Forces Command

In 2020, the Special Forces Command (SOFCOM) was a focal point of the Federal Office of Military Counter-Intelligence's work in the category of right-wing extremism. As last year's report detailed, one case stood out in particular:

- *A member of the Special Forces Command had come to the authorities' attention when inter alia ammunition, explosives, detonators and an AK-47 assault rifle were found during a search of his private property during excavation work. National Socialist propaganda cards and an SS songbook were also found in his possession. In the year under review, Leipzig Regional Court sentenced the soldier to two years' imprisonment for the unlawful exercise of actual control over war weapons in combination with the unlawful possession of a firearm, the unlawful possession of ammunition and the unlawful handling of explosive substances. The execution of the sentence was suspended. The Bundeswehr discontinued the judicial disciplinary proceedings initiated against him, as he had lost his legal status as a soldier by law due to the criminal conviction.*

The case prompted the then Federal Minister of Defence to set up a **SOFCOM working group** under the leadership of the Chief of Defence on 29 May 2020 to conduct a structural and gap analysis on right-wing extremist leanings inside SOFCOM. The Advisory Board Special Forces established under the leadership of the Chief of Defence implemented this analysis. Two interim reports dated 30 October 2020 and 23 March 2021 and

the final report on the implementation of the SOFCOM working group's catalogue of measures dated 8 June 2021 provide greater detail on how the deficiencies were dealt with and on the structural and personnel changes at SOFCOM. The final report highlights that more than 90 per cent of the measures have already been implemented and that the majority of the members of SOFCOM actively participated in the implementation of the reforms. These measures are tantamount to a reset of SOFCOM.

The final report stated that the **structural deficits** at SOFCOM had been recognised and were to be remedied by strengthening SOFCOM's command structures with additional posts in the areas of deputy battalion commanders, military security and logistics personnel, applied military psychology as well as psychiatry and psychotherapy. And by placing the Headquarters and Command Support Company under the command of the Rapid Response Forces Division as of March 2021 and transferring SOFCOM training to the newly established Army Special Operations Forces Training Unit at the Infantry School in Hammelburg, which has been shored up with additional posts. A heightened presence on the part of the Chief of the Army with the involvement of the Commander of the Joint Forces Operations Command as well as the Commissioner of the Chief of Defence for Education and Training also aimed to improve command supervision.

Furthermore, a twelve-week **assessment of potential procedure** involving military psychologists had now replaced the previous ten-week aptitude assessment procedure for future commando soldiers, it was reported, with all SOFCOM servicewomen and men now undergoing a character and personality test. To ensure SOFCOM's psychological service could support and oversee this screening, personnel was also being stepped up here. An additional post for a psychiatry and psychotherapy specialist was also being added at SOFCOM Medical Clinic.

Leadership positions at Army Special Operations Forces would now be filled using a special two-stage selection process, the report continues. In addition, overall staffing would be required to be broader based. This included a changed assignment structure for commando soldiers as well as the use of specialised and common personnel. It would now also be necessary to demonstrate more previous assignments to be considered suitable to work for SOFCOM. This was designed to bring a broader diversity of perspectives and practical experience to service here. To prevent stagnation and corruption setting in, the length of assignments in defined key positions at SOFCOM and in the Army Special Operations Forces Training Unit would be limited from now on, including for personnel who do not require commando training for their work, such as in the area of personnel processing or logistics.

Civic, historical and ethical **education measures** – so the report – were designed to support personality development and strengthen critical thinking against extremist leanings. In addition, the Army had created posts for command sergeant majors in selected parts of SOFCOM, the idea being for them to serve as multipliers and moderators, in addition to disciplinary superiors, and to have a key function as formative role models in the education of the servicewomen and men under their command, thus helping to prevent right-wing extremist tendencies. In the year under review, individual coaching for company commanders and command NCOs as well as the subsequent individual and team coaching at SOFCOM companies and staffs were already completed. In addition, a new provision included in Type A General Publication 1420/37 "Transfer, Change of Post and Temporary Duty of Soldiers" makes it easier to quickly transfer personnel to another unit or post in the event of suspected serious misconduct, for instance due to the loss of trust and confidence that this entails.

In all of this, however, the toll the last two years have taken on the many SOFCOM servicewomen and men who bore no blame whatsoever in connection with all these events must not be forgotten. They continue to bear a **heavy burden**, not least because of the lengthy duration of all the investigations. This was also the impression the Parliamentary Commissioner was left with during three field visits to SOFCOM itself and to training sections of SOFCOM during the year under review. As she learned on one occasion, some SOFCOM soldiers had already left the Bundeswehr because of this or were intending not to extend their period of service. Five members of SOFCOM also complained *inter alia* about the way in which disciplinary investigations had been conducted against them on suspicion of right-wing extremist behaviour and the personal toll this took on their service.

In the course of the ongoing investigations into the aforementioned case, general questions about the handling and management of **ammunition** at SOFCOM also arose. Reports of an "amnesty" granted by the then commander for the return of illegally misappropriated ammunition led to the suspicion of considerable breaches of the law. At the same time, the unexpectedly high amount of ammunition returned suggested far-reaching negligence in the handling of ammunition at SOFCOM. In addition, there was the suspicion of nepotism in the form of contracts being awarded without proper tender processes and of business ties, for instance to former SOFCOM members or secondary activities by active SOFCOM personnel. The SOFCOM working group also included these issues in its review.

The two interim reports dealt with irregularities in ammunition management and handling at SOFCOM in basic operations as well as during activities abroad. The causes identified were ineffective logistical command supervision, structural deficits as well as negligent and careless application of regulations. Particularly during what were at times difficult activities abroad, servicewomen and men had not always duly complied with the ammunition management regulations, especially since logistical support on the ground had been lacking or insufficient on occasion.

It is encouraging that the measures taken so far to ensure proper handling of ammunition at SOFCOM are making an impact. For instance, a stocktake at the beginning of 2021 showed a discrepancy of just one cartridge. Moreover, the stocktakes ordered by the Bundeswehr Joint Forces Operations Command were able to clarify almost all ammunition discrepancies in SOFCOM's foreign activities. The review of security-sensitive equipment also found nothing untoward. Whilst the review of practices at SOFCOM in applying the rules governing personnel engaging in secondary activities did not find any cause for complaint, the review ordered by the ministry of the operational oversight of procurement procedures of the Bundeswehr Service Centre for SOFCOM led to the conclusion in the first review that there was a considerable need for improvement at SOFCOM and the responsible Bundeswehr Service Centre in awarding contracts in conformity with procurement regulations. It now remains to be seen whether the corrective measures implemented are effective.

The decision by the former Minister of Defence to allow the reformed SOFCOM to **continue to exist** is to be welcomed. The Bundeswehr continues to need its special forces and their special capabilities, as was clearly demonstrated in the year under review. It was members of SOFCOM who secured the withdrawal of the last Bundeswehr forces from Afghanistan in the summer of 2021. And in August 2021, it was also SOFCOM soldiers who, together with members of the German airborne infantry, played a key role in the military operation to evacuate German nationals, international community staff and local Afghan employees of the Bundeswehr from Kabul. Brigadier General Ansgar Meyer, previously commander of the last German Afghanistan contingent, has also brought a change of top leadership to the command, taking over the helm at the end of September 2021. All in all, the broad-based measures, most of which have already been implemented, give cause to hope that the situation at SOFCOM will stabilise and return to calm so that its outstanding forces can concentrate on their actual mission.

Civic education

An important preventive measure to stop extremist tendencies and developments in the Bundeswehr is the civic education of the force. This is designed to help servicewomen and men learn about the free democratic basic order of the Federal Republic of Germany, empowering them to actively champion fundamental and human rights. Good civic education should also enable them to recognise and counter extremist tendencies among their superiors, peers or subordinate comrades. It is regrettable that, contrary to what had been announced, the Bundeswehr Centre of Military History and Social Sciences was not able to complete the planned scientific **evaluation** of the impact of civic education at the Bundeswehr in the year under review. The reason for this, like for so many other things, is the pandemic-related restrictions, which made it difficult to reach the relevant target group and motivate them to participate. Only when there is a prospect of being able to achieve the necessary response rates and in turn for the study to be sufficiently representative is the evaluation to start, it was said.

However, the fact that the study has not been carried out yet makes it possible to take into account the initial experiences with the new "General Guideline A-2620/1 Civic Education" issued on 28 May 2021. It is positive that this regulation applies not just - as it did before - to service personnel, but now also includes civilian members of the Bundeswehr, who will be able to participate in civic education voluntarily in the future. In particular, it includes skills-oriented forms of training that focus on confident application in practice. With the new service regulation, a minimum of 24 hours per year are also reserved exclusively for civic education. This strengthening of civic education is to be welcomed in every respect. Previously, the regulation provided for 36 hours of civic education per year, but this also included historical, intercultural and ethical components. The "spare" twelve hours are now to be used for these. This is not mandatory yet, though, which is why it is to be feared that the troops, who often suffer from a lack of time anyway, will not meet this expectation. In the future, the Ministry of Defence intends to combine all educational regulations into one overall regulation on "personality development" with a flexible total allowance of 44 or 50 hours instead of the current 36 hours. Though this would also mean a welcome and significant increase in hours, it is regrettable that this has not happened yet. The ministry remains called upon to issue the overall regulation swiftly to correct the current de facto reduction from 36 to 24 hours.

In this context, creating the necessary **framework conditions** for the troops to be able to put the planned education units into practice is also indispensable. At times superiors feel left to cope on their own when it comes to implementing civic-historical education.

- *During a field visit, company commanders complained, for instance, that the topics set for the year were sometimes difficult to teach. Without targeted follow-up with the service personnel, civic education events did not produce any results, but this work was being “offloaded” onto the company commanders. The experience with external civic education providers had not been very good.*

Support for the troops should comprise not just the all-important time component, but also suitable rooms or organisational support for worthwhile excursions, such as visits to memorials and former concentration camps.

The Bundeswehr has been making a successful contribution to civic education since February 2021 with its **Bw-Newsradar** news app. The app, which has been very well received and rated by servicewomen and men, provides current news from the Bundeswehr, with the option of filtering the content according to individual wishes and preferences. It is also pleasing that the app was developed in the record time of about three months under the leadership of the Ministry of Defence’s press and information staff with the experts of the Cyber Innovation Hub and the Federal Office of Bundeswehr Equipment, Information Technology and In-Service Support as well as BWI GmbH. A prime example of successful networking, knowledge transfer and cooperation.

Cultivation of tradition

The Bundeswehr’s new Directive on Tradition has been in force since 2018. Under this directive, the naming of properties, barracks, formations and agencies should strengthen identification and be part of the Bundeswehr’s new policy towards the cultivation of tradition. Existing names are required to comply with the new Directive on Tradition. Based on the revised understanding of tradition, the Federal Ministry of Defence approved several new names for properties in the year under review. The Sergeant Lilienthal Barracks in Delmenhorst are now called the Delmetal Barracks, in reference to an area of outstanding natural beauty. The Rettberg Barracks in Eutin are now called the Colonel Herrmann Barracks, the commander who led the former 6 Armoured Reconnaissance Battalion from Boostedt to Eutin. The Ostmark Barracks in Weiden will henceforth be called the Major Radloff Barracks. Major Jörn Radloff (1971 to 2010) was killed in action in the Good Friday Battle in Afghanistan. The Marseille Barracks in Appen were renamed the Jürgen Schumann Barracks. Jürgen Schumann (1940 to 1977) was an officer in the Air Force and a starfighter pilot. After his period of service, he was a pilot for Lufthansa. He was captaining the hijacked Lufthansa “Landshut” aircraft when he was shot dead by hijackers in Aden, South Yemen. The Mudra Barracks in Cologne are to be renamed the Gereon Barracks. The Deines Bruchmüller Barracks in Lahnstein are still in the process of being renamed. Kiel Tirpitzhafen Naval Base is now called Kiel Wik Naval Base. The Chief of the Navy finished renaming the Kiel infrastructure elements “Tirpitz Mole” to “Gorch Fock Mole”, the “Scheer Mole” to “Oskar Kusch Mole” and deleting “Tirpitz Port” with no replacement. Sub-lieutenant Oskar Kusch (1918 to 1944) was a submarine commander in the Second World War who was executed for making regime-critical statements.

Leadership behaviour

A central element of *Innere Führung* is the guiding principle of soldiers being citizens in uniform. Under Type A General Publication 2600/1 “*Innere Führung – Self-image and Leadership Culture*”, this includes servicewomen and men consciously making use of their rights and just as naturally complying with the duties that go hand in hand with these. Superiors should relate training and education to the servicewomen and men’s tasks in a meaningful way, promoting their education and personality development in the process. In all decisions they must factor in the legitimate concerns and needs of their subordinates. Superiors must explain the purpose of and need for the task at hand in a comprehensible manner. Supervisors do not always do justice to these requirements, as the following examples illustrate:

- *To hold a junior-ranking soldier accountable for a mistake, a senior NCO ordered him to complete a fast seven-kilometre march with strengthening exercises in full gear. The soldier collapsed and needed emergency medical care. The superior officer in charge initiated judicial disciplinary proceedings against the senior non-commissioned officer.*

- *Another senior NCO brandished a partially loaded P8 pistol at participants in a shooting exercise during a drill at the combat training centre. Judicial disciplinary proceedings have been launched against him.*
- *Another senior NCO frequently used expressions such as “son of a bitch” in reference to comrades and superiors, but also in an individual case “the stupid whore” in reference to a former female officer at the squadron. In spite of extensive investigations, the allegations could not be narrowed down specifically enough to impose a nonjudicial disciplinary punishment. He was cautioned to change his use of language immediately and monitored.*

As several cases showed, a lack of **command supervision** can lead to individual superiors or comrades feeling they can get away with intimidating and sometimes offensive behaviour. These are cases of power being wielded uninhibitedly in a way that clearly violates the principles of *Innere Führung*, or disrespectful behaviour being tolerated.

- *One officer’s behaviour was repeatedly out of line, allegedly telling a female senior NCO that she was “the stupidest lance corporal in the Bundeswehr” and calling another soldier a “fatty” who was “pretty stuffed at the moment”. He allegedly asked another soldier whether he was “too stupid to fill out a leave slip” and “whether he had a disabled child” at home. On a car ride with a junior-ranking soldier in June 2020, he reportedly did not wear a mask, saying he would not breathe in his direction. The Ministry of Defence described the officer’s leadership behaviour as lacking any sense of boundaries and authoritarian but did not take any consistent action.*

It defies comprehension that despite the high number of complaints, the officer’s superiors neither stepped up command supervision nor told him his behaviour would not be tolerated.

- *A non-commissioned officer accused of bullying admitted to insulting comrades frequently, for example calling them “idiot” or “porker”, saying this was in his nature. When he was bored, he would often “spray water through the gap in his teeth”. When doing so, he had accidentally hit a comrade. Without finding any disciplinary offence to have occurred, the superior instructed the NCO to choose his language carefully in the future and to respect the guidelines of modern leadership.*

In this case, too, firmer action would have been desirable.

In the following example, however, the conduct of a senior NCO led to him facing the disciplinary and complaints court:

- *In his function as deputy platoon leader, the soldier allegedly ordered a recruit who was taking a shower to dry off quickly and then to come outside in front of the building wrapped only in a towel. The soldier was visibly embarrassed and uncomfortable about the five-minute mustering, which took place right next to the barracks fence and was visible from the outside. On another occasion, the NCO rank is alleged to have said loudly and clearly to a junior officer cadet assigned section leader, in reference to his subordinate recruits who were in close proximity and within earshot: “What am I doing here? Leading shit from A to B!”*

In another case, a staff sergeant was criticised for systematically provoking, disconcerting and humiliating junior-ranking soldiers:

- *For instance, he regularly called them “wimps” and “losers” and played “mind games” with them. He had repeatedly said that he liked to “fuck people”, and when packing lunches he had timed them and used an unskilled soldier to cut onions, who then cut his hand. In this regard, the company commander ruled a disciplinary offence had been committed but refrained from imposing a nonjudicial disciplinary punishment. For the other allegations, he merely noted that the soldier was not an “easy person” and was not integrated with the rest of the soldiers, but that he had not been able to prove any bullying.*

Overall, the investigations painted the picture of a superior exploiting the power vested in him, taking pleasure in creating an atmosphere of fear and deliberately humiliating the junior-ranking soldiers under his command. An attitude like this is toxic for solidarity and comradeship at a unit and causes frustration, demotivation and, in the worst case, has health consequences. So superiors need to rigorously investigate such information, exercise close command supervision and, where applicable, take systematic action.

The supervisor in the following case shows how it should be done:

- *A sergeant complained about the irritable, impulsive, and sometimes insulting behaviour of an officer, sometimes calling his personnel “stupid” and “incompetent”. He was also said to have replied to a soldier who had applied for a leadership allowance that “moving the [computer] mouse back and forth” was not leadership. The investigations confirmed that a choice of words like this was part of the officer’s leadership style, whose personality was described as robust and hard-edged. One reason cited for this was his heavy workload due to staffing shortages. But this did not excuse the fact that the officer had never tried to clear things up in a conversation or apologise. Even with a stressful workload, he should not forget to value and perceive the servicewomen and men entrusted to him. The disciplinary superior imposed a suspended disciplinary punishment on the officer and relieved him of his command of the squadron.*

This judgement is to be concurred with in every respect. Close command supervision is advisable for supervisors who are under particular strain in order to be able to intervene in time if necessary. At the same time, it can help to uncover structural and organisational deficiencies. This is illustrated by the following example, where the responsible supervisor behaved in an exemplary manner:

- *A headquarters section head, who was under a great deal of strain from his official duties, attracted negative attention through verbal rants and insults. He said to an officer: “When I see you smiling, I could punch you in the face.” Other remarks included: “There’s nothing but shit everywhere,” “Don’t bother me with your shit,” and “Just seeing that face is enough to make me puke.” As the incidents took place a long time ago, the disciplinary superior decided against imposing a disciplinary punishment, but at the same time ruled a disciplinary offence had been committed. She discussed with the soldier her expectations of his behaviour as a role model and supervisor and ways to improve cooperation and communication and to relieve the pressure on him and his team. In addition, the headquarter section took part in the workshop “Good Leadership”. The feedback from the participants was positive. The behaviour of the head of the headquarter section had not given any further cause for complaint since.*

Action was required from lawmakers on servicewomen and men’s **appearance**. In its decision on 31 January 2019, the Federal Administrative Court ruled that the regulations set out in Type A General Publication 2630/1 on “Bundeswehr Soldiers’ Appearance” governing service personnel’s hair interfered with their right to free development of their personality pursuant to Article 2 (1) of the Basic Law, without there being a sufficiently defined legal basis for this. This, the court argued, was because the regulation forced soldiers to wear their hair short even in their free time, thus encroaching on their private lives. The court called on lawmakers to close the loophole by the end of the 19th electoral term, declaring the regulation to be applicable until then. In the year under review, lawmakers created legal certainty by adding Section 4 (4) to the Act Relating to the Legal Status of Military Personnel creating a sufficient legal basis for the general publication. It is scheduled to be revised in mid-2022. Superiors therefore continue to be called upon to act with a sense of proportion.

Excessive harshness in training

Good and solid training for servicewomen and men is indispensable for the force’s ability to function and operational readiness. High-quality training is an important factor in making the Bundeswehr an attractive competitor in the fight for talent on the labour market. Current demographic developments, social trends such as digitalisation and greater individualisation, as well as the shortage of skilled workers all need to be taken into account here. This led the Federal Ministry of Defence to initiate the **Training AGENDA** in August 2018, bringing it to completion in April 2021. Its aim is to modernise, sustainably bolster and future-proof training to ensure the armed forces’ personnel readiness. To this end, the Bundeswehr is adapting service regulations and evaluating success rates of course-based individual training in a targeted manner. To better prepare instructors and superiors for their work and to prevent excessive demands on soldiers during training, the Leadership Development and Civic Education Centre is developing the AGENDA further. For instance, by making the training of future leadership personnel more decentralised and practice-oriented. For this reason, the Army already shifted the training of administrative service officer candidates back to the troops in summer 2020. For NCO and senior NCO training, this step is to take place starting in October 2022. For the first half of basic training, the Army has also increased the proportion of physical training since May 2019 in response to the changed physical fitness of recruits. The focus here is on pushing recruits but not excessively.

All servicewomen and men with a training role have a great responsibility to execute their mission competently and thus to promote and enhance the skills of their trainees. This holds particularly true when they are called upon

to teach recruits and other junior staff the military and ethical-moral foundations of the Bundeswehr. During this phase, it is particularly important not only to teach the principles of *Innere Führung* theoretically, but also to practice them as an example for the troops. The following negative example brings into sharp relief how implementation can turn training content into the opposite:

- *Annoyed that a private started laughing during guard training, his squad leader is said to have held a softair pistol, which was used for training purposes and bore an uncanny resemblance to a P8 pistol, up to his head for about five seconds from a distance of about one metre to intimidate him. While doing so, he allegedly said to the private: "Is this still funny?". He is alleged to have brought the softair pistol into the barracks without the necessary authorisation. He is also said to have emptied a barrel filled to the brim with empty deposit bottles and ordered the recruits under his command present to put all the bottles back into the same barrel. He allegedly did this with the intention of making their service more difficult. He faces the charge at the disciplinary and complaints court of violating his duties.*
- *A senior NCO is said to have pointed a G36 rifle at a junior-ranking soldier under his command in the orderly room, saying: "Bang, bang!". One day later, he allegedly came out of the arms room with a G36 rifle at the ready, loaded the rifle several times, pointed it at a junior-ranking soldier who was in a military vehicle in front of the arms room with the window open, and pulled the trigger. When asked by the witness, "What if someone reports it?" the senior NCO is said to have laughed and effectively replied, "Then they should go ahead and report it!" He allegedly did all this whilst trainees were falling in facing the arms room. On the same day, with a G36 rifle at the ready, he allegedly swung in the direction of two junior-ranking soldiers under his command, training the gun on one of them, when this soldier reacted by saying "Hey, put the gun down! What the fuck?" the accused allegedly laughed. Disciplinary proceedings have been initiated against the accused. He will also no longer be deployed in training and in connection with weapons until further notice.*

The first thing all recruits learn during **weapons and firearms training** is that you cannot just point weapons at people. They are taught that rifles and pistols must instead be handled with care at all times and to be aware of how dangerous they are. This is why any playful handling of weapons is strictly prohibited. Like in this case, any instructor disqualifies him or herself if he or she does the exact opposite of what is supposed to be instructed and taught.

The following examples also show that the principles and aims defined by the Training AGENDA have not yet been taken on board by all instructors. This holds especially true for the overriding intention of motivating trainees and showing them appreciation and respect.

- *A staff sergeant (senior NCO candidate) deployed as an assistant instructor is alleged to have accepted alcohol from recruits, in some cases multiple times, in exchange for not imposing "educational" measures, to have pointed an unloaded P8 pistol at a recruit and pulled the trigger as if firing it, as well as to have hit a recruit in the face with the shoulder rest of a G36 rifle and to have kicked the soldier who had fallen to the ground as a result in the stomach. He is also said to have hit another recruit on the back of the head during combat service training and to have regularly harassed a recruit from Kazakhstan, saying for example: "Don't write Cyrillic, no one can read that shit." The investigation into the incidents had not been completed at the end of the year under review. As a first measure, the superior had already suspended the promotion the accused had been due for, applied for his dismissal pursuant to Section 55 (5) of the Act Relating to the Legal Status of Military Personnel and reported the allegations to the public prosecutor's office.*
- *During basic training, an instructor used the term "gay" to insult recruits and threatened them with words to the effect of: "You're about to get your face smashed in!" The same instructor tapped a recruit on the helmet with a pointer during weapons training to draw his attention to a mistake. The investigation found that the instructor had not used the stick as a form of chastisement, but rather as a "means of communication". With regard to this, the Federal Ministry of Defence correctly stated that such behaviour was not in keeping with the self-image and the applicable command situation of the division in question. Since the recruits of the training platoon who were interviewed stated that they had nevertheless felt that they had been treated appropriately and well by the instructor throughout, the company commander decided to merely caution him on his misconduct.*

Given the repeated insults voiced, this seems insufficient.

- *In the same platoon, an assistant instructor was also at the centre of allegations. During weapons training, he had pushed the feet of recruits lying on their stomachs down with his foot, which others perceived as stepping on recruits' ankles. During a speed march, he pushed a recruit causing him to fall down and sustain a minor injury. Furthermore, during physical training, the assistant instructor is reported to have said about another platoon that was also doing fitness drills words to the effect of: "We don't do anything that gay." The company commander also issued a caution and no longer deployed him for basic training.*

Quite rightly, the Ministry of Defence could not understand why she had refrained from imposing a nonjudicial disciplinary punishment.

- *In another case, an assistant instructor received a nonjudicial disciplinary punishment because he had suddenly pressed his fist against the chest of a recruit, whom he was helping put his kit away, so hard the recruit lost his balance and stumbled back about two metres. What is more, during the inspection of the recruits, he had repeatedly told them they should "shut their gobs".*

In the next case, by contrast, charges were brought at the disciplinary and complaints court following a criminal conviction:

- *According to the findings of the penalty order, during his quasi-operational commitment in Lithuania a platoon leader had ordered a junior-ranking soldier to stay in his room as a disciplinary measure. There, the officer had marked out narrow areas in front of the soldier's bed with tape as the only place the soldier was allowed to move in. He had not been allowed to operate the light switch; instead, the superior had woken him up at different times. He had also had to clean the room entirely by himself, do push-ups and sit-ups while the officer watched and make coffee for him. What is more, the officer had carried out individual machine-gun training with the soldier concerned, during which he had had to repeatedly fold and unfold the sighting device while lying on a mat in a puddle for more than 1.5 hours.*

In some cases, investigations revealed that instructors could at least not be accused of excessive harshness during training, as they were initially unaware of any pre-existing health issues or acute injuries:

- *While negotiating the obstacle course, a soldier fell and suffered pain in his arm. After the fall, according to the petitioner, he was supposed to continue trying to pass the obstacle he had not yet passed and then do push-ups. The investigation of the facts revealed that, when specifically asked, the soldier had said he still felt able to continue participating in the training. At the same time, the instructor had told him to let him know if his condition worsened or if he needed help. It was not until on the return march, when the petitioner said he could barely hold his weapon because of the pain and that he had difficulty breathing, that he informed him that he could no longer continue.*
- *During a "foot patrol" training course when temperatures were in the double-digit minus range at times, a petitioner suffered third-degree frostbite on his big toe. Here, too, the instructors as well as witnesses being heard in the scope of the investigations stated that the NCO had not complained of pain or other health problems during the exercise. The fact that two comrades had aborted the exercise, as flagged by the petitioner, was not related to the cold, contrary to what he had claimed. His feeling that his instructors should have realised themselves once these soldiers broke off the exercise that the entire exercise should be stopped because of the inclement weather was therefore wrong.*

Cases like this demonstrate how important it is to have **communication** that works well. For this, it is crucial for instructors to be receptive and open to the concerns and needs of the troops under their command. It is important that the servicewomen and men in question are not afraid to speak up about any problems and are not embarrassed or intimidated.

On the other side of the equation, avoidable misunderstandings occur if servicewomen and men assume that their superiors are fully and permanently aware of their health or other personal circumstances. If an order then conflicts with the supposedly known impairment, this routinely then leads to resentment and frustration. For those in question, it seems as if their superiors are ignoring their concerns. Two examples:

- *A junior-ranking soldier reported that he had informed his instructor at the beginning of 2020 that his child was due to be born in October 2020. When his instructor nonetheless assigned him to an exercise during this period, he asked him why. The instructor replied that he should go because he did not have sick status. He had forgotten about the soldier telling him about the birth. To avoid conflict and because the petitioner still*

believed that his instructor was aware of his personal situation, he had left it at that and taken part in the exercise. His child was indeed born exactly during that time.

- *A senior NCO complained that he had been required to take part in a run carrying pack despite a previous, known inflammation. After a few hundred metres, he had then had to leave the formation due to severe pain and cramps. He had not been able to follow orders to continue running or to re-join the company at walking pace. The investigation revealed that the senior NCO had consciously decided not to take sick leave and to voluntarily participate in the training, and that he had not informed his superiors of his pre-existing illness either when he was assigned or during the run itself.*

To avoid confusion like this, those on the receiving end of orders should always actively address any perceived problems or omissions and reflect on what level of knowledge they can realistically expect from the other person.

Lifesaving acts or acts to help others

The Bundeswehr was very visible and present to the general public in the year under review thanks to the administrative assistance it provided in response to the Covid-19 pandemic and the flood disaster. But there are also many servicewomen and men quietly and inconspicuously contributing every day to saving lives or rescuing people from distress. These helpers in uniform act as role models in every respect, but often do not make a fuss about what they do themselves, routinely saying they simply did what anyone else would have done. Often superiors do not learn of the heroic acts of their servicewomen and men until much later. In the year under review, the Parliamentary Commissioner received 220 reports of lifesaving acts or acts to help others by members of the Bundeswehr.

Many of the reports relate to **traffic accidents** where servicewomen and men of all ranks secured the scene of the accident, assisted in the recovery of victims or provided first aid. In the year under review, 132 reportable events reached the Parliamentary Commissioner in this category alone. The three examples below illustrate the self-image that drives servicewomen and men:

- *Whilst training engineer soldiers, a staff sergeant assigned as section leader noticed there had been a serious traffic accident where four trucks had become wedged into each other on the nearby motorway. He immediately stopped the training and rushed to the scene of the accident with his group. There, a military physician, who had happened to be there and had also reacted immediately and stopped, briefed him on the situation. At the same time, a military police patrol was also on its way to the scene of the accident after happening to pass by in the opposite lane. Together, the twelve soldiers administered first aid and cleared away the wreckage to provide better access for the rescue services, the section leader briefing them on the situation once they arrived.*
- *On temporary duty travel, a corporal, senior grade and a lance corporal were caught in a traffic jam on the motorway. Showing presence of mind, they phoned the motorway police to enquire whether the reason was a traffic accident and whether they could help, as they were medical orderlies. The police gave them permission to drive through the emergency lane to the scene of the accident, as there were no rescue workers at the site yet. At the scene of the accident, two firefighters in civilian clothes, who also happened to be present, were rescuing an unconscious lorry driver, on whom they all immediately performed cardiopulmonary resuscitation together until the rescue helicopter arrived. It transpired that the driver had suffered a heart attack while driving.*
- *In response to a pile-up in the opposite lane of traffic, a captain halted on the hard shoulder of the motorway, crossed lanes and then first attended to a seriously injured, unconscious person trapped in his vehicle. He stabilised him and monitored his vital functions until the emergency services arrived. Afterwards, he moved from car to car, checking on and calming the other people involved in the accident and supporting the rescue and emergency services as much as he could.*

In a few cases, members of the Bundeswehr even stopped an accident from happening in the first place by actively intervening. One example:

- *Whilst driving home, a corporal, senior grade noticed a vehicle with its hazard lights on changing lanes on the motorway several times, apparently uncontrollably. He decided to drive level with the vehicle to clarify the situation. The junior-ranking soldier then discovered that the driver was unconscious and a seven-year-*

old boy in the passenger seat had apparently activated the hazard lights. Without hesitation, the soldier pushed the other vehicle to the right with his car to prevent further uncontrolled swerving across the lanes. He then moved his car in front of the other vehicle, braking until it came to a standstill. He then secured the scene of the accident, gave first aid to the unconscious woman and reassured the young boy.

The large number of acts like this to provide assistance in the case of traffic accidents can possibly be explained by the fact that, as members of a commuter army and a decentrally structured Bundeswehr, servicewomen and men spend a lot of time on the road. But in other **everyday situations**, too, troops are repeatedly on hand to rescue, help and otherwise provide support. In 2021, 88 such reports came to the Parliamentary Commissioner's attention:

- *In the scope of Covid-19 administrative assistance, two corporals, senior grade deployed to a senior citizens' home heard cries for help from the dining room during lunchtime. There they discovered a woman in acute respiratory distress whom the nursing staff present had evidently not been able to help. The two soldiers immediately performed the Heimlich manoeuvre on the woman, who was already turning blue, dislodging the pieces of food stuck in her throat. The two junior-ranking soldiers continued to take care of her until the emergency physician arrived and then continued their work rapid testing visitors and staff.*
- *A staff sergeant experienced a similar situation during a stay in Finland, where an elderly gentleman was also choking and was already unconscious. The soldier tried to help by tilting his head back and performing the jaw-thrust manoeuvre but was unsuccessful. As the man was already not showing signs of life, the senior NCO performed cardiopulmonary resuscitation and the man started breathing again after three to four minutes. The soldier continued to look after him and assisted the paramedics and the emergency physician until the man left in the ambulance.*
- *In the Austrian Alps, a captain discovered a 73-year-old man who had sustained major injuries to his upper body and - despite wearing a helmet - to his head after a mountain bike crash. The soldier immediately performed first aid on the man, who was unconscious for a time. As there was no mobile phone reception there, the officer stopped a passing mountain biker so that she could alert the rescue services. After about 30 minutes, the mountain rescue team was able to rescue the injured man with the help of a rescue helicopter and take him to hospital. The doctors said that without the conscientious and courageous intervention of the soldier, the patient would hardly have had any chance of survival.*

Sometimes, there are accidents during duty hours where members of the force courageously intervene. One example:

- *Whilst on the phone with a civilian employee at the same property, a major noticed that the woman suddenly lost her voice. He immediately ran to her office and discovered that she was choking on something and having difficulty breathing. With a few forceful pats on her back, the senior officer managed to dislodge what was obstructing her breathing.*

Servicewomen and men are often very alert to their immediate surroundings and do not turn a blind eye if something seems untoward to them. On the contrary, force members proactively prevent crimes from being committed or pursue offenders so that police can arrest them, as the following example illustrates:

- *A corporal saw three men stealing cash from the toilets at Berlin main station. When she was informing a staff member about this, one of the thieves returned to commit another theft. The military service volunteer immediately pursued the man, drawing the attention of a Federal Police patrol to this during the pursuit, which was able to arrest the thief. Based on the servicewoman's description and the information she provided about the direction the other two perpetrators had headed, the police were able to apprehend them shortly afterwards.*

We owe a debt of gratitude and recognition to all servicewomen and men for this great civil courage, which they demonstrate in so many ways, including and especially outside of duty. Unlike many civilians who for the most part feel overwhelmed by situations like these, their actions are brave and exemplary in the best possible sense of the word.

5. The Bundeswehr's financial resourcing

Budget

The budget of the Ministry of Defence continued to grow in the year under review, carrying on the steady increase in the defence budget seen in recent years. In 2021, around EUR 46.9 billion was available, including around EUR 1.1 billion from the 2020 economic stimulus package, this is an increase compared to 2020 where the figure was around EUR 45.6 billion (2019: EUR 43.1 billion; 2018: EUR 38.5 billion; 2017: EUR 37 billion; 2016: EUR 34.3 billion; 2015: EUR 33 billion; 2014: EUR 32.4 billion). The Federal Ministry of Defence announced at the end of January 2022 that the budget funds earmarked for the year under review had been able to be fully invested in the Bundeswehr according to the preliminary annual financial statements. These showed that spending had actually increased by around 2.4 per cent year-on-year, to around EUR 47.21 billion. In the 2022 budget year, EUR 50.3 billion is earmarked for the Bundeswehr in the government draft still submitted by the former Federal Government. This includes around EUR 1.2 billion from the 2020 economic stimulus package. The German Bundestag therefore remains called upon to further increase the budget significantly.

The Covid-19 pandemic and the high costs associated with it will impact the leeway that future budgets have. Here, it is important to ensure that the Bundeswehr receives adequate financial resources. It must continue to be in a position to perform its wide-ranging tasks and missions: from basic operations, training and exercises all the way to its international commitments in the scope of missions abroad as well as national and collective defence.

With its draft 2022 federal budget, the previous Federal Government also presented its estimated financial planning for the years up to 2025. The budget ceilings for the years after 2022 envisaged a declining defence budget and as such a move away from the trend of recent years of providing the Bundeswehr with more funding. By 2025, the defence budget was instead to be gradually reduced to EUR 46.74 billion (2023: EUR 47.34 billion; 2024: EUR 47.16 billion). Should the current Federal Government keep these budget ceilings, this would be more than bad news for the Bundeswehr and for our collective defence commitments in NATO and the European Union. In light of this, the effort recently pledged to NATO to further increase the defence budget within the scope of budgetary possibilities is a fundamentally positive signal. This now needs to be shored up financially. Our servicewomen and men deserve to be able to serve our country with the best possible materiel and personnel resourcing.

In its 14th Report on Defence Matters of December 2021, the Federal Ministry of Defence reports an investment volume in the defence sector of around EUR 18.3 billion for the year 2021. Compared to 2020, this is an increase of EUR 1.5 billion. It comprises the spending areas of military procurement by the Federal Office of Bundeswehr Equipment, Information Technology and In-Service Support (EUR 8.7 billion), Bundeswehr materiel maintenance (EUR 4.5 billion), "operator solutions", i.e. Bundeswehr-owned service providers, (EUR 3.4 billion) and defence research, development and testing (EUR 1.7 billion). This data is based on the 2021 defence budget as amended by the supplementary budget.

For servicewomen and men it is crucial that the available budget funds do in fact reach the troops. In addition to the major armament projects, some of which have been delayed by many years, it is often day-to-day items that are lacking in basic operations, training and exercises or even on deployment (see section "Equipment for training, exercise and deployments"). The defence budget, which has been growing steadily for years, was supposed to bring about tangible improvements here, though

There was visible progress on several major armament projects. At the end of the legislative period, the Budget Committee of the 19th German Bundestag cleared the way for major billion-euro armament projects. The Bundeswehr needs its approval before it can conclude contracts for procurement and development projects with a volume of EUR 25 million or more. In the year under review, it had submitted a total of 45 such EUR 25-million proposals to the Budget and Defence Committees, with a total volume of EUR 23.3 billion. In general, turnover in the area of procurement had doubled since 2015 and the number of EUR 25-million requests had risen sharply, as the Parliamentary Commissioner learned during a field visit to the Federal Office of Bundeswehr Equipment, Information Technology and In-Service Support in Koblenz on 13 December 2021. In its last sitting of the last electoral term alone, the Budget Committee approved 27 of these requests with a total volume of around EUR 19 billion.

One project that stands out particularly in financial terms is the approval of budget funds for the development of a future Next Generation Weapon System (NGWS) as a successor to the EUROFIGHTER. This is part of the

Franco-German-Spanish armament project Future Combat Air System (FCAS). In connection with this, the Budget Committee pointed out that the second armament project for a future Franco-German combat system, the Main Ground Combat System (MGCS) - a replacement for the current battle tank fleet - also needed to be carried out at the same time and that more commitment was required here in the interests of the future resourcing of the Army. The Budget Committee also approved the conclusion of a contract for the consolidated retrofitting of the PUMA infantry combat vehicle. This is designed to bring the PUMA fleet up to a uniform technical standard, make it fully digitalised and fit for duty. For the German-Norwegian defence cooperation on the U212 common design submarine class, the Budget Committee released the necessary funds to procure two submarines for the Navy. It also approved the purchase of Norwegian Naval Strike Missile Block 1A guided missiles, which are to be deployed on German frigates, as a further element of this defence cooperation. Furthermore, the purchase of five Boeing P-8A POSEIDON long-range maritime patrol aircraft to replace the obsolete Lockheed P-3C ORION aircraft was approved. A positive aspect to note here is that commercially available equipment is to be procured to bridge the gap until the introduction of the Franco-German development project Maritime Airborne Warfare System (MAWS). This interim solution should already be available to the Bundeswehr from 2025, which is extremely fast from the Bundeswehr's perspective. The out-of-date intelligence collectors OKER, OSTE and ALSTER are also to be replaced. The committee also gave the green light for their three FDB424-class successor boats. The Navy will also be receiving two new 707-class naval fuel supply vessels. To close the capability gap in signal-gathering airborne long-range surveillance, the Budget Committee approved the conclusion of a contract for the development and procurement of the Persistent German Airborne Surveillance System (PEGASUS).

The next steps for other major defence projects remain unclear, however. For example, the decision on the TORNADO successor is urgent. A replacement needs to be found for the outdated fleet in order to be able to guarantee Germany's contribution to nuclear sharing. The procurement of a heavy transport helicopter to succeed the Bundeswehr's ageing CH-53 helicopters remains unclear. The overdue modernisation of ground-based air defence is another major defence project (TADS) awaiting decision.

Procurement reform

The Bundeswehr's endless procurement processes have been a permanent feature of past annual reports. Whether it is the procurement of new major equipment, state-of-the-art technology for ships, tanks or defence systems, or the purchase of personal kit or clothing - it all takes far too long.

In their Coalition Agreement, the parties forming the new Federal Government have set themselves the goal of making the Bundeswehr more effective and efficient in order to increase operational readiness. They hope to improve servicemen and women's personal gear as well as the materiel and equipment of the Bundeswehr. The coalition intends to strategically align procurement priorities. It also plans to modernise the procurement system structures, for instance in terms of materiel responsibility and use, placing the focus on digitalisation, command capability and interoperability.

It will also be important to initiate a streamlining of public procurement law, which has become highly complex and time-consuming to apply. The German Bundestag and the Federal Government should significantly simplify **public procurement law** and speed up its processes. Ideas for this are already on the table: exemptions from procurement law could be created for key technologies and the maximum amount for direct contracts in the Rules of Procedure Governing Supply and Service Contracts Below the EU Thresholds could be raised. The regulations governing the award of contracts on a lot-by-lot basis in the area of defence and security-specific orders should also be reconsidered. Another means of accelerating cases where legal remedies are possible would be to set time limits for complaints and reviews. It should be generally borne in mind that servicemen and women are not necessarily demanding "gold rimmed" solutions, they are more concerned about functional equipment. Many equipment items are also commercially available and could thus be procured quickly.

To examine how the Bundeswehr could cope with the growing need for task-tailored equipment and ensure operational readiness, the former Federal Minister of Defence already set up the "Study of the organisation of procurement and utilisation and optimisation of procurement" task force at the end of 2019. In the year under review, this task force submitted 58 proposals for solutions, some of which the Bundeswehr has already implemented. These include *inter alia* the establishment of a master decision-making body in the customer product management process, the establishment of cluster programmes for IT services to structure IT procurement and the establishment of utilisation officers to prioritise processes and make them easier to steer.

In addition to this, General Regulation A-1600/2 “Operative Procurement in PurchasingBw” was revised, *inter alia* with a view to reviewing and streamlining the exclusion criteria for procurements in the Bundeswehr purchasing system. The ministry is also examining the possibility of expanding central master agreements to include decentralised call-off options for all Bundeswehr agencies and units, whilst pointing out that such **master agreements** would only be feasible in the medium to long term due to their complexity. Red tape was also being reduced to make procurement easier, it reported. An additional building block was measures to improve communication between the procurement agencies and local users. Hotlines and information portals have now been set up or expanded at the Federal Office of Bundeswehr Infrastructure, Environmental Protection and Services and at the Federal Office of Bundeswehr Equipment, Information Technology and In-Service Support. This is designed to ensure that, as soon as a need arises locally, the person requiring information can obtain answers and support quickly. In the year under review, vacancies in procurement continued to be filled to counteract staff shortages and the faltering progress in procurements they give rise to. The Bundeswehr’s procurement division has already undergone various reforms in the past. So in all reform efforts it is important to involve the personnel responsible for procurement in the reforms and to jointly develop, substantiate and explain proposals.

The need for these efforts is illustrated once again by the example below of the implementation of a micro-project that has been dragging on for years:

- *A petitioner complained that there was no qualification badge for military intelligence personnel to date. The troops had already requested the qualification badge from Bundeswehr Bekleidungsmanagement GmbH in December 2020, which then informed them that the qualification badge would probably not be available for one to one and a half years. It had not yet been included in the materiel management directory of numbers for the technical functional area of clothing. This meant there was no article master data number to initiate procurement with yet. In August 2021, Bundeswehr Bekleidungsmanagement GmbH finally announced that the requirements for procuring the badge had been met and that the only thing missing was approval from the Federal Office of Bundeswehr Equipment, Information Technology and In-Service Support. All that was left to do was to “give the right place a nudge to get things moving”. Once approval was finally granted, the delivery date was pushed back again to 2022 due to a shortage of non-ferrous metals which the Bundeswehr was not responsible for.*

Non-transparent procurement processes also bred discontent:

- *Soldiers from the Naval Special Operations Forces Command (NSOFC) complained that procurement of medical materiel was not subject to uniform regulations for all units entrusted with specialist tasks. The Special Forces Command (SOFCOM), but also the Rapid Response Medical Service Command “Ostfriesland” in the remit of the Medical Service were considerably better equipped in terms of materiel. These formations had their own budgetary resources available for this purpose to fall back on.*

There may be reasons whereby the tasks to be accomplished by the specialist units justify a varying approach to the procurement of materiel and equipment. When it comes to common materiel such as the materiel needed by all units for Medical Service tasks, this does not make sense, however. The ministry recognises the need for harmonisation and reports having initiated a “planning portfolio” in this vein. It should quickly implement the good intentions encapsulated in this nice-sounding term.

Flexible funding

With the package of measures entitled “Flexible Funding for Commanders and Civilian Heads of Service”, those in charge have been given a sensible instrument to be able to procure urgently needed materiel at short notice (known as immediate requirements) swiftly and uncomplicatedly to ensure operational readiness for training and exercises in the scope of basic operations.

In early 2020, so the ministry’s first evaluation report available since March 2021 states, the eligible military agencies (344) had been provided with EUR 25,000 each and the eligible civilian agencies (91) with between EUR 10,000 and 25,000, totalling EUR 9.6 million. They had used this for 7,200 purchases with a volume of around 300,000 individual items. The review showed that 25 per cent of the agencies had made no use of the flexible funds and a further 15 per cent only to a very small extent. Nineteen per cent of the agencies had used at least 90 per cent of the funds allocated to them. Overall, 44 per cent (about EUR 4.2 million) of the total additional

funds made available had been used. There had been a relatively high outflow of funds from the military agencies, whereas this had been lower in the civilian areas or had not happened at all in some cases. In light of this, the ministry was planning to only make the additional funds available to civilian agencies where short-term needs are to be expected (for example the Naval Arsenal, the Bundeswehr Firefighting Centre, Technical Centre and Research Institute).

In the **evaluation report**, the Federal Ministry of Defence concludes that low levels of spending from the flexible funds may not be the only criteria for judging the success or failure of the measure. Low spending levels were also due to sufficient allocation of budgetary funds in the flexibilised and original items in the 2020 budget year, it stated. Furthermore, the Covid-19 pandemic had had an impact. To conclusively assess the future level of flexible funds, another evaluation for the financial year 2021 and possibly 2022 would be necessary.

The initial expectations pinned on the flexible funds could not be fully met. Criticism was levelled in particular at the fact that the package of measures set limits for users and that quite a number of procurements were not possible:

- *During a field visit, officers reported that the commander had purchased telescopic ladders with the flexible funds, which was not actually allowed. In retrospect, it transpired that although the procurement was justified as an immediate requirement, its cost exceeded the cap of EUR 5,000 set by the Federal Ministry of Finance. Although this was not allowed under budgetary law, in this case the matter was able to be resolved by an inter-account transfer. According to the Ministry of Defence, the absolute majority of purchases made were within the permissible financial envelope.*

Overall, the evaluation report found there had been a degree of uncertainty among commanders and agency heads as to what the flexible funds can be spent on and what legal conditions apply for the implementation of procurements. The report recommends that those in charge locally - commanders, agency heads, budget and finance officers and advisers at the headquarters - be informed, trained and qualified in a more targeted way to give them greater confidence in their actions. It is positive that the agencies received a compact handout listing the main conditions in the fourth quarter of 2021 as an aid.

6. Materiel

Full resourcing and operational readiness of the main weapon systems

According to the Federal Government's report on the materiel readiness of the Bundeswehr's main weapon systems II/2021 of 15 December 2021, their average availability rate was 77 per cent (2020: 74 per cent). This figure is calculated by the Ministry of Defence on the basis of available inventory. These are systems that are actually able to be used for deployment, quasi-operational commitments, exercises and training. Systems undergoing long-term maintenance or other modifications count as unavailable. The ministry divides its report into three categories:

The **first category** includes 14 systems in the introduction and growth phase, such as the PUMA infantry combat vehicle or the TIGER combat helicopter. Although there were reported to be wide fluctuations between the individual systems, materiel readiness had improved by nine percentage points to 88 per cent on average. Commercially available trucks which the troops now receive quickly and in large numbers was one positive example that stood out. The influx of NH 90 NTH SEA LION multirole helicopters on the other hand was at the lower end of the scale.

The **second category** includes 32 systems in the growth and saturation phase where the ministry found a reliably high materiel readiness of 76 per cent on average. These include, for instance, the LEOPARD main battle tank, the BOXER armoured transport vehicle and the frigates. Due to the long maintenance times in the private sector, the Bundeswehr has now switched to carrying out maintenance itself:

- *In a submission, a soldier criticised how maintenance planning for the frigate HAMBURG was plagued by delays. The Ministry of Defence stated that this was down inter alia to the fact that the Naval Arsenal was carrying out its own maintenance. Since it was the first time it was tackling this project, it was subject to close technical supervision. Although this entailed investing more time, the approach would benefit both quality assurance and training of Naval Arsenal personnel for future projects.*

One can only agree with this. In-house Bundeswehr projects like this are very welcome, as they shorten maintenance intervals and significantly increase the motivation of the employees at the Naval Arsenal.

Finally, the **third category** encompasses what are termed legacy systems, which the ministry describes as being in the saturation or degeneration phase. The situation is considerably worse here, the report states, with the average materiel readiness of seven systems coming in at less than 50 per cent and overall at just 68 per cent. Examples include the MARDER infantry combat vehicle, the TORNADO fighter jet and the SEA KING multirole helicopter.

It also includes the CH-53 helicopter, which has been at the Bundeswehr since 1972. Like with the other systems mentioned, important replacement parts are now missing, which, moreover, can only be procured at great effort. Doubts as to how long the aging CH-53 helicopters would remain operational at all stretch all the way back to 2002. These doubts became vocal criticism in December 2002, when one of the helicopters crashed over Kabul due to a material defect, costing the lives of seven soldiers. The criticism continues to this day, raising the question of when the Bundeswehr will receive the urgently needed successor model to the heavy transport helicopter. The operational readiness of the CH-53 continues to be the lowest of all flying weapon systems in the Air Force. The number of flying hours has continued to decline, not least due to the withdrawal from Afghanistan. The Bundeswehr has been trying for some time now to procure a successor to the CH-53G fleet with the heavy transport helicopter (HTH) project, but judged the manufacturers' offers in September 2020 as not sufficiently economical. Since then, there has been a renewed attempt to effect the procurement within the existing budget with an available product through what is termed a foreign military sales (FMS) provision. Under this arrangement, the Federal Republic of Germany would purchase the helicopters directly through the US government. However, core capabilities such as aerial refuelling or a commensurate payload and range for transporting protected Army vehicles would not be part of the equation if a commercially available helicopter was purchased. This would then mean costly retrofits and modifications to meet the Bundeswehr's specific needs.

The Bundeswehr still has a very long way to go to achieving full resourcing with its main weapon systems as would be desirable.

Equipment for training, exercises and deployments

One item that is important for the Bundeswehr to perform its tasks is the Battle Management System. This is the joint technology for digitalising land-based operations and is designed to enable information to be exchanged continuously between combat centres, units and allies. The **Battle Management System** is a pillar of the command and control capability for the 2022 to 2024 NATO Response Force mission and improved significantly in the year under review. The Parliamentary Commissioner was able to see this for herself during talks with the staff of 37 Armoured Infantry Brigade and 701 Armoured Engineer Battalion in Gera on 16 June 2021. This encouraging development is only a preliminary result, though. The timeline for the project as a whole extends until the end of 2032. The Bundeswehr has already invested a great deal to upgrade vehicles, bring the software up to speed, step up training and ensure operations in the scope of a defined interim target stretching into 2022. Out of the 1,022 vehicles required to reach the interim target, 614 had been accordingly equipped by October of the year under review.

Despite all the efforts to accelerate the process, the Bundeswehr remains dependent on external contingencies: Deliveries from civilian companies for the installation of the prototypes (prototype integration) and subsequent series installation (series integration) will continue well into the current year 2022. Dependencies on external Bundeswehr projects are also a problem in terms of ensuring the unrestricted and full operational effectiveness of the Battle Management System. For instance, to date it has not been possible to procure moveable data centres. As an alternative, the Bundeswehr wants to use transportable servers, but these are not available either. The Battle Management System project also has its own shortcomings to contend with. Unsurprisingly, suitable personnel for the posts that have been established at the operational organisation are lacking. This is a structural problem at the Bundeswehr that is difficult to solve, especially in the area of IT.

One problem that is not structural but a longstanding one is outdated **radios**. Their insufficient transmission power, to give just one example, limits the performance of the Battle Management System - a problem that came to light during the Mobile Tactical Communication project in 2018, or if not then at the latest in 2019 during the Digitalisation of Land-Based Operations programme. Given all this, it is astonishing how willing, committed and solution-oriented the affected servicemen and women are when it comes to the sometimes chaotic mix of radio

technology used. Unfortunately, this also entails servicewomen and men practising with radios they have purchased themselves:

- *During a field visit to 3 Reconnaissance Support Battalion in Lüneburg, junior-ranking soldiers criticised the fact that although they were equipped with suitable radios during deployments, these were not available for practising at home. The soldiers returning from the ENHANCED FORWARD PRESENCE mission in Lithuania reported that fellow soldiers from other countries had laughed at them because of the situation with radio equipment at the Bundeswehr. Not a single German soldier there was familiar with the designated radio system or had been instructed on how to use it. On international exercises, the Bundeswehr was routinely the “weakest link in the chain” with the equipment available. The Ministry of Defence stated that the “Army Navy/Portable Radio Communications 117 G” radio equipment used in Lithuania was special command and control equipment, which was otherwise used mainly by special operations forces, which explained why most soldiers had only been able to use it for the first time in Lithuania.*

The good and accelerated expansion of the Battle Management System is evidently coming up against its limits when it comes to radios. This holds particularly true for the timeline for their procurement. It was not until the beginning of 2021 that the procurement contract was concluded in the scope of the Moveable Cellular Networks project. This is a kind of mobile phone for the battlefield. The system, including all terminals - i.e. handheld, vehicle and tabletop cell devices - is only supposed to be fully procured by 2024 and will then finally replace the Tetrapol-Bw system. However, this will be too late for the next Very High Readiness Joint Task Force (VJTF) in 2023.

The new system is an important building block in the digitalisation of land-based operations. Ensuring fast and secure communication entails meeting very different requirements: Whilst the Bundeswehr needs the ability to communicate seamlessly with NATO and EU partners on its missions and in the context of collective defence, in the event of crises and disasters at home, inter-agency communication is required. The new system, which the Bundeswehr unfortunately has been waiting far too long for, masters this technical balancing act. In addition to such complex demands, there are also uncertainties because of external factors, such as the global chip shortage. During a field visit to the staff of 10 Armoured Division in Veitshöchheim, servicewomen and men reported that rapid modernisation of the radios, which dated all the way back to 1986, was becoming less likely because of the global shortage of chips. The procurement of 30,000 remakes of the SEM80/SEM90 family of radios from the 1980s announced to the public in August 2021 lends added weight to the troops' fears.

During a visit to 33 Armoured Infantry Battalion in Neustadt am Rübenberge, the Parliamentary Commissioner was able to get an idea of what the failure to equip the **PUMA** with modern radio systems means in concrete terms: Servicewomen and men reported that with the outdated radio system, tactical command and control capability was only ensured at company level. Training at battalion level was currently not possible. During a visit to the Black Star exercise by the Special Forces Command in Trollenhagen, the Parliamentary Commissioner was able to see for herself that things can also be done faster and better if the troops have greater personal responsibility: members of this formation have developed the base station of a radio system for communication in the field.

Personal clothing and gear are key for every single servicewoman and man. They strengthen combat capabilities and directly help protect life and limb. The quality and sufficiency of the personal **clothing and gear** provided is ultimately the yardstick against which the care the Bundeswehr shows towards its personnel as well as the success and attractiveness of the Bundeswehr is measured.

With this in mind, it is positive that on 16 September 2020 the Budget Committee of the German Bundestag approved an extension of the performance contract with Bundeswehr Bekleidungsmanagement GmbH for a procurement volume of EUR 280 million. So it is not that the necessary funds for high-quality and sufficient resourcing in the area of clothing are lacking.

Unfortunately, the procurement of many items of gear, equipment and clothing often drags on for years for a wide variety of reasons. The funds approved by the German Bundestag need to flow into the individual measures more quickly and smoothly than has been the case in the past. In light of this, the adoption of a directive on the “Acceleration and Sustainability of the Provision of Clothing and Personal Equipment” is the right approach. In the year under review, the directive was undergoing ministerial coordination. Due to its complexity, the work on the directive was not able to be completed in the third quarter of 2021 as originally planned. Greater speed is required here, if necessary by concentrating the coordination processes.

- *The complicated and lengthy procedures for the procurement of personal protective equipment were also one of the things criticised. The Ministry of Defence assured the Parliamentary Commissioner that with the reorganisation of the procurement system for its remit as well as with the ongoing procurement project “Central Supply of Personal Protective Equipment in the Bundeswehr”, optimisation could be expected.*

This is urgently needed, too, to put an end to the private purchasing of protective clothing items practised by many servicewomen and men - despite this being prohibited. Since October 2016, Regulation A1-2630/0-9804 “Bundeswehr Uniform Regulations” has prohibited soldiers from wearing privately **purchased combat clothing**. The ministry’s reasoning makes sense: Officially provided combat clothing must provide servicewomen and men with the highest level of protection, including in terms of resilience, against wetness, cold, fire and vectors. In the case of privately purchased items, this protection against external influences is not guaranteed, even if they look similar. The ban is therefore a measure commensurate with the Bundeswehr’s duty of care.

Fortunately, the shortages in recent years in the area of modular ballistic protection and carrying equipment were able to be alleviated by increasing discipline in returning items and through the steady annual influx of new protection class IV **armoured vests**. For the future, the further influx of new vests needs to be pursued in a systematic and sustained way, taking into account the annual discard rate.

By contrast, the numerous longstanding complaints regarding outdated **load-carrying equipment** are not dwindling:

- *“Not fit for purpose, if not to say unusable in combination with protective gear”, “too little space for ammunition”, “straps that loosen by themselves” are just some of the pain points. The ministry announced that this model would be withdrawn from use with the introduction of the Modular Ballistic Protection and Load-Carrying Equipment system as part of task-tailored equipment. This announcement was made some time ago and now needs to be implemented quickly.*

There have been positive developments in the provision of (**light**) **combat boots** to servicewomen and men. Now that the (heavy-duty) combat boot has been introduced across the board, the hesitant introduction of the (light) combat boot has been the subject of regular criticism in recent years. This situation improved in the year under review. Since 1 March 2021, all active servicewomen and men have received (heavy-duty) and (light) combat boots only. The predecessor models still available have not been issued since.

In addition to combat boots, servicewomen and men will receive a total of ten pairs of **functional socks** in the future. A revision of the specifications had previously led to a delay in placing the order. By the end of October 2021, around 154,000 pairs of the (light) functional socks had been delivered to Bundeswehr Bekleidungsmanagement GmbH. The procurement of the total of around 2.5 million pairs of functional socks is to be completed by the end of 2022 after receipt of further partial deliveries. Soldiers are expected to be kitted out with these beginning in February 2022.

Full provisioning of the (**armed forces**) **combat helmet** remains problematic. This helmet is supposed to replace various other combat helmets as a commonly usable combat helmet. It will function as the central element of head protection in the future, with a headset and hearing protection as well as the option of attaching various devices (such as a camera and night vision goggles). Delivery is scheduled to start in 2023.

- *During field visits, servicewomen and men criticised the lack of jump-qualified helmets. While the newly introduced helmets had not yet been approved, the strap system of the old jump helmets had to be replaced, which the fasteners were no longer available for. The need for the fastening elements from another manufacturer to undergo testing meant servicing was being delayed. The lack of helmets meant the risk of losing their jumping licences.*

As a stop-gap solution, troops are supposed to use the (**special forces, heavy-duty**) **combat helmet** in place of the missing helmets. So far, however, this helmet has only been available to selected units. In the interests of solid head protection without makeshift solutions, the Bundeswehr should press ahead with the procurement of the helmets in close coordination with all parties involved.

The communication between instructor and trainee is essential in firearms training. From a “train as you fight” perspective, too, using a **headset** and **hearing protection** has to be absolutely routine. It is encouraging that Bundeswehr training centres in particular were able to be equipped with the article with microphone function and hearing protection, which is otherwise still in the process of entering supply. Unfortunately, this article is not compatible with the (general) combat helmet used so far. Full provisioning is therefore only possible with the

(armed forces) combat helmet or with the (special forces, heavy-duty) combat helmet provided as a provisional solution, which is currently only available to selected units.

The provision of head protection for soldiers with **hearing impairments** continues to be unsatisfactory.

- *For years, these service personnel have complained of having to deal with different parties involved in the process, from the unit physician, medical specialist and occupational health physician all the way to the provider, to obtain the necessary protective equipment.*

It is an expression of care if servicewomen and men with hearing impairments sustained in the line of duty can be offered a binding procedure that examines how special head protection equipment can be provided. The aim must also be to ensure that hearing impairments sustained during military service do not automatically and indiscriminately lead to the soldier's fitness for duty being deemed to be reduced. It is in the interests of hearing-impaired servicewomen and men and also in the interests of the Bundeswehr's reputation for it to offer a robust procedure that examines the respective case in terms of limitations and possibilities. During the procedure, additional experience will no doubt be gained that will help the Bundeswehr to better assess its policies towards this group.

The positive trend in the previously dissatisfactory situation regarding the supply of **goggles**, such as night vision goggles and light intensifier goggles, is encouraging. The Federal Ministry of Defence stated in its comments that the (light) light intensifier goggles and (driver) light intensifier goggles had been delivered in full. The contract for (common) light intensifier goggles had now been signed. First deliveries would take place starting in 2022. In the interests of the personal protection of servicewomen and men, it is to be hoped that the option to procure additional units will be exercised from 2024.

Whilst in previous years significant shortages in flying suits and flying boot socks persisted, in the current reporting year the Bundeswehr was able to consistently record sufficient stocks for all other articles of **special purpose flying clothing** with the exception of the (flame-retardant) **flight jacket**. In the case of the (flame retardant) flight jacket, screening of the materials used to ensure their safety to wear led to a delay in the award of the contract. The announced delivery of the first 3,440 flight jackets took place as scheduled in October 2021.

Soldiers criticised the suitability or volume of certain items of equipment:

- *The mechanics overall provided to aircraft engineering ground crew appears unsuitable for warmer days. The Ministry of Defence is now looking into this issue which has been repeatedly raised. A mechanics overall suitable for wear in summer is being developed for the Bundeswehr, which is to be tested in a wearing trial lasting several months in 2022.*
- *During a field visit to 231 Mountain Infantry Battalion in Bad Reichenhall and 232 Mountain Infantry Battalion in Bischofswiesen, soldiers criticised the lack of sufficient numbers of skis and ski boots. According to the ministry, sufficient buckled ski-touring boots were available. The ski models currently in use would be successively replaced by more modern ski models by 2023, it stated.*

The procurement of a new modern **ski model** that can cope with as many different terrains as possible is good news for servicewomen and men. It is also encouraging that there will be a central ski-touring and climbing helmet. The Bundeswehr should vigorously pursue both procurement projects - including within the framework of accelerated procurement, if necessary.

This also applies to the planned procurement of new **rigid-hull inflatable boats** for the Navy Special Operations Forces Command. As the Parliamentary Commissioner learned during a field visit, the existing boats of this type are no longer operational and cannot be compensated for. This had impacted the training and sustainment training of the Navy Special Operations Forces Command considerably, she was told.

Complaints about the lack of waterproof protection gear, for instance **waterproof jackets**, are raised time and again on field visits. The ministry informed the Parliamentary Commissioner that it was currently examining ways to fundamentally improve wet-weather clothing. This, too, needs to produce results quickly.

Developments in the field of **cold-weather protection gear** for the mountain infantry are encouraging. The issuance of a cold-weather jacket that meets the current state of clothing technology from available stocks, which has now recently been initiated, is very much to be welcomed. The other procurement projects to optimise cold-weather protection gear should also proceed quickly.

The procurement of cold-weather protection gear for the Navy is less satisfactory:

- *In 2019, boat crews from the sea battalion in Eckernförde flagged a lack of cold-weather suits and helmets. After the Navy Headquarters had submitted procurement requests for these - for the anti-exposure and cold-weather suit at the beginning of 2019 and for the helmets at the beginning of 2020 - the Federal Office of Bundeswehr Equipment, Information Technology and In-Service Support had failed to send the information required for the procurement process to the Bundeswehr Office for Defence Planning by the end of March 2021 due to an office oversight. This was not rectified until September 2021. A decision from the Ministry of Defence to introduce the helmets for the entire Navy, instead of just the Navy Special Operations Forces, was also still pending. The influx of helmets is therefore not expected before the end of the third quarter of 2022. The Bundeswehr Office for Defence Planning had originally envisaged the procurement of the anti-exposure and cold-weather suits taking place in 2022 though. Since it misjudged the progress of the project and the approval of the necessary budgetary funds, the suits will probably not reach the sea battalion until 2023.*

On 11 May 2021, nine soldiers suffered minor to moderate injuries during a battle-like parachute jump with the **type T-10 parachute jumping system**. From the Ministry of Defence's perspective, the high accident rate was due first and foremost to the demanding nature of the exercise, in particular the parachute jump under combat conditions. However, it was also down to the descent rate of the parachute jumping system as a result of the higher total weight resulting from a change in protective equipment. The Bundeswehr had intended to replace the old parachute jumping system for some time. On 23 June 2021, the Budget Committee of the German Bundestag approved the order of 1,662 main and 1,162 reserve parachutes from this new system plus additional equipment from the corresponding NATO master agreement. This meant procurement could begin before the end of the year under review. Since the new system has been introduced at partner nations and is also qualified in France for dropping parachutists from the A400M, faster approval of the system might perhaps be possible. It defies comprehension that the Bundeswehr did not replace the old system more swiftly once the requirements had changed as a result of the increase in weight.

On a positive note, the Federal Office of Bundeswehr Equipment, Information Technology and In-Service Support was able to conclude a master agreement for the production and delivery of new modern **rescue vehicles** for the Medical Service in the year under review. From the end of 2022, the outdated rescue vehicles will thus be successively replaced by modern rescue vehicles by 2027.

A problem that has existed for years now is fitting the UH TIGER and NH90 flying formations with suitable **training equipment** to strengthen the neck muscles of crew members:

- *The heavy helmets place particular strain on neck muscles when flying, grounding pilots for days at a time. Appropriate training is therefore important. Back in 2011, the Parliamentary Commissioner at the time highlighted the need for this procurement. Initially, the Ministry of Defence extended the procurement process to all flying formations of the Bundeswehr, making a Europe-wide tender necessary. Training equipment procured since then - so the ministry - had proven unsuitable during testing. Based on the knowledge gained, a partially automated system for circuit training combining several devices for muscle and cardio training was now being purchased. However, the introduction of this system was scheduled for 2022 at the earliest.*

Flying in the face of common sense, the Bundeswehr did not even test the practicality of the originally envisaged training equipment before initiating the procurement process. All in all, given the constant risk to the aircrews' health, it is unacceptable that the procurement process for suitable training devices took almost a decade. In this example, it is not even a matter of a customised solution, but of commercially available equipment. This demonstrates once again that the demand for needs-based, faster and leaner procurement processes is clearly founded, like in the following case:

- *A servicewoman criticised the fact that she had not received any additional transport containers with the clothing issued to her for the upcoming MINUSMA mission, as a combat bag, a duffel bag or a backpack was not part of the official issue. She needed the transport containers that she already had for the upcoming pre-deployment training which would be taking place when her gear was supposed to be on its way to Mali. It was also frustrating that the current combat rucksack exceeded the dimensions for hand luggage. The Federal Ministry of Defence's Directorate-General for Equipment stated that additional transport containers had stopped being issued in December 2019 due to a lack of available stocks. The Directorate-General for Forces Policy at the ministry had not reported any further need either.*

For missions abroad, equipping the deployed forces in line with their needs is of pivotal importance. This is why servicewomen and men receive numerous additional items of equipment and clothing before their deployment,

which are adapted to the respective mission, for instance to climatic and other conditions. Ideally, they should already have these at their disposal when preparing for deployment. It also goes without saying that the troops must be able to transport their equipment and clothing to the theatre of operations without any problems. Especially when, like in the case at hand, there is an overlap with pre-deployment training, the Bundeswehr must enable its servicewomen and men to access additional transport containers. Moreover, the Bundeswehr is increasingly using civilian airlines to transport personnel to theatres of operations, which is why at least one official luggage bag provided should meet the permitted dimensions for hand luggage. The relevant directorates-general at the Ministry of Defence should therefore coordinate with each other and remedy the existing shortcomings.

7. Personnel

Personnel situation

The Bundeswehr is set to grow further. In its medium-term personnel planning for the period 2021 to 2027, as things currently stand the Federal Ministry of Defence is aiming for a headcount of around 203,000 servicewomen and men. The Ministry of Defence intends to continue the increase in personnel to achieve this target structure up until 2031. At the same time, the new governing coalition intends to take critical stock of personnel. To what extent this review will affect the Bundeswehr's future total personnel remains to be seen. After military headcount had grown by four-digit figures every year since 2016, the Covid-19 pandemic led to a reduction in recruitment. The armed forces grew only slightly in 2020. The pandemic also influenced the personnel situation at the Bundeswehr in the year under review. The restrictions faced by assessment and training capacities due to the safety measures in place delayed military headcount growth. Nevertheless, the number of personnel had stabilised on the record date of 31 December 2021, at a total of 183,695 soldiers. The fact that the Federal Office of Bundeswehr Personnel Management was able to partially compensate for the pandemic-related shortfalls in personnel recruitment with successful personnel retention measures played an important role. The figures encouragingly show that even in times of crisis, military personnel requirements can be met.

Out of the 183,695 active soldiers at the end of the year, 55,256 were career soldiers, 119,921 were temporary-career volunteers and 8,518 were military service volunteers. The sharp increase in the number of temporary-career volunteers with a long term of enlistment of 15 years or more stands out. For instance, the number of servicewomen and men with an enlistment term of 25 years alone has almost quintupled over the past five years, going from 1,389 in 2016 to 6,816 in 2021.

If the new Federal Government's review confirms the previously planned total headcount of 203,000 soldiers, the Bundeswehr will not just have to continue to make considerable efforts in the area of personnel recruitment and retention. In the assessment of the Ministry of Defence, budgetary lawmakers would also have to increase the number of established posts in the armed forces by around 8,800 additional established posts. Organising a personnel increase of this magnitude is a complex task that will take years. It can only succeed if the increase has the medium-term financial backing it requires. It is regrettable, therefore, that the Ministry of Defence was again unable to assert the budget memo introduced during the drafting of the budget for 2022 to set the increase in established posts for the years 2023 to 2028 in the year under review due to fundamental reservations on the part of the Federal Ministry of Finance towards the government draft. An alternative would be for this type of medium-term safeguarding of the personnel increase by parliament to take place within the framework of a Bundeswehr Planning Act, as proposed by the former Federal Minister of Defence and the Chief of Defence in their benchmark paper on the Bundeswehr of the Future in May of the year under review. If the increase in personnel is not secured, the goals, which are already ambitious, have no prospect of succeeding.

To meet the challenges in recruiting personnel that are on the horizon, the Federal Government passed the **amended Military Career Regulation** in the year under review. This is designed to provide flexible and viable career law for servicewomen and men, in particular by opening up the career paths to new target groups. For instance, the new regulation enables direct recruitment as an officer candidate on the career path of officer specialists, which previously soldiers had to first be promoted to. The career path of officers in the Bundeswehr Geoinformation Service, which previously was designed purely as a lateral entry career path, in the future will also be open to candidates without corresponding professional qualifications. Higher-education degrees, even if they are not required for the assignment to specific posts, will be taken into account under the new career law and applicants recruited with the rank of senior officer cadet (OR-8/OR-7).

Here, personnel officers still need to become more practiced in electing the right course of action, as the following example illustrates:

- *During counselling on his further career, an officer candidate informed the personnel officer that he had already successfully completed a degree in business administration and therefore, from his point of view, doing another degree at the Bundeswehr was unnecessary. However, the personnel officer had insisted that the soldier would only be considered academically qualified with a Bundeswehr degree and therefore had to do another degree. During the review of the petition, the Bundeswehr conceded that, given that the petitioner already had a Bachelor degree, it would have been possible for him to switch to the career of line officer without a Bundeswehr degree. The Bundeswehr now intends to withdraw the petitioner from his Bundeswehr degree.*

Another change in the Military Career Regulation is the abolition of the upper age limit of 30 years for recruiting career candidates in the lowest rank of junior-ranking personnel set forth in the old regulation. The above-mentioned provisions are examples of the new set of instruments to make remaining at the Bundeswehr more attractive and to expand recruitment opportunities in the armed forces. It is encouraging that the Federal Government launched this comprehensive new regulation as a contribution to a Bundeswehr that is fit for the future.

There are still too many **unfilled posts** at the Bundeswehr. At the end of the year, 20,412 of the 116,974 military posts above the ranks of junior-ranking personnel were vacant. This is the equivalent of 17.5 per cent. However, it must be borne in mind that around 2,500 servicewomen and men above the junior ranks are engaged in tasks not assigned to regular posts. Furthermore, on 31 December 2021, around 34,600 temporary-career volunteers were undergoing training and not assigned to regular posts. In the scope of the planned increase in personnel up until 2031, these personnel will successively be available to fill vacant posts and contribute to reducing vacancies after completing their training, which in most cases lasts several years. The Ministry of Defence thus intends to reduce the number of unfilled posts for career soldiers and temporary-career volunteers to approximately 7,400 by the end of 2027 and approximately 4,100 by the end of 2029. This long organisational lead time is understandable from a planning perspective. However, a period of eight years until the vacancy situation is expected to be rectified is too long, especially since the problem has already existed for years.

The following examples describe areas that are particularly hard hit by the personnel shortage at the Bundeswehr. They do, however, also show how the Bundeswehr is counteracting the personnel shortage with different measures and how it has been successful, at least over the medium term.

The headcount at the major organisational element of the **Cyber and Information Domain Service** has increased since it was established in 2017. In the start-up phase, numerous posts had to be filled at the same time and around 20 per cent of the posts are still empty. At first glance, this level of staffing five years after its establishment cannot be deemed satisfactory. However, it has to be borne in mind that this major organisational element has added another 126 posts in the past year. Despite the additional posts, the staffing level at the organisational element as a whole even improved slightly compared to the previous year, going from 77 to 80 per cent. Overall, this is a positive trend. However, the challenges facing personnel recruitment remain tremendous. In addition to demographics, the general shortage of skilled workers and the high demand for these skilled workers nationwide, these also lie in the marginal location of some sites, the duration of the necessary security clearance checks of up to two years and the sometimes highly specialised range of tasks. The Covid-19 pandemic also posed an obstacle to filling posts in the year under review. Particularly in the case of IT SNCOs and IT NCOs, pandemic-related absences and postponements of parts of training delayed the specialised qualification of personnel, making it more difficult to fill posts.

The development at the Centres for Cyber Operations, Cyber Security and Software Expertise in the major organisational element of the Cyber and Information Domain Service, which were set up in 2019, is pleasing. Whilst the proportion of posts filled for staff officers and officers there was still an unsatisfactory 77 per cent in March of the year under review, at the end of the year the Bundeswehr recorded a significantly improved proportion of posts filled at 85 per cent. The Bundeswehr must continue to pay special attention to these areas, however, as it is planning further increases in posts. It is to be welcomed that the Federal Office of Bundeswehr Personnel Management will continue to effect extensive personnel recruitment measures in order to recruit suitable personnel in understaffed assignments specifically. These include, for instance, staging cyberdays or IT camps, increasing the presence of IT specialists in public relations work to support career counselling, as well as scholarships for the Master degree in cyber security. The new options in career law for lateral entry or direct

recruitment following the amendment of the Military Career Regulation could also open up additional target groups for this element. The recruitment organisation must sustain its efforts on this front.

The personnel situation remains tense in the **Navy**, especially among petty officers and junior ranks on board seagoing units. The example of a crew member of frigate class 125 illustrates the extent of the problem:

- *At the end of 2020, the petty officer still had his full leave of 28 days available for the year 2020. In addition to this, the soldier had worked a large amount of overtime and extra hours, so that he was still entitled to 78 hours of administrative leave and 15 days of release from duty in addition to the leave, so a total of almost nine weeks.*

Ship guard duty, longer exercises and missions abroad place high demands on the personnel of seagoing units. At the same time, the maximum working hours that apply under the Military Personnel Working Hours Ordinance must be observed in the unit's basic operations. This situation often presents superiors with an impossible task when planning duty on board (the section on the Military Personnel Working Hours Ordinance provides more details on this). It is worrying that the operational readiness of seagoing units can evidently only be ensured by crew members not taking their justified leave and overtime reduction entitlements over longer periods of time.

The personnel situation for **pilots** in the Bundeswehr remains challenging. The number of pilots in the Bundeswehr increased slightly in the year under review, for instance among helicopter pilots in the Army and the Air Force as well as jet pilots. By contrast, the proportion of aviation posts filled among naval aviators continued to decline between 1 January 2020 and 30 September 2021, namely to 56 per cent among helicopter pilots and 83 per cent among fixed-wing aircraft pilots.

The Bundeswehr also hopes that the revised Military Career Regulation will lead to more recruits in the flying branch. Section 45 of the regulation sets forth the possibility of direct recruitment for holders of special qualifications, such as a professional pilot's licence. This direct recruitment option now exists in the career of officers in the officer specialist service. Recruitment is at the rank of second lieutenant or even first lieutenant or captain if the applicants can prove certain professional experience. It is to be welcomed that the Bundeswehr is endeavouring at various levels to find solutions to the personnel shortage in the flying branch.

- *During a field visit to 62 Air Transport Wing in Wunstorf, soldiers described how numerous posts were not filled for flight dispatcher officers and AIS sergeants. For the AIS sergeants in the Air Force, the Ministry of Defence confirmed that the proportion of posts filled among senior non-commissioned officers was only around 77 per cent at the end of 2020. However, the ministry forecasts that a proportion of about 94 per cent could be achieved for this area by the end of 2023. Measures to recruit and retain personnel, such as bonuses or allowances had already had a positive effect, it said.*

The ministry also acknowledged that the personnel situation for **flight dispatch officers** was difficult, pointing out, however, that remedial measures had already been initiated. In the future, flight dispatch officers would be available earlier after their training, since following a change in the career path, the two-year attendance of the Bundeswehr School of General Vocational Education and the previous training to qualify as a flight dispatch officer would no longer be required, it reported. Furthermore, if a candidate did not pass the demanding training to become a flight dispatch officer, he or she would be returned to the career of sergeant. This meant these personnel and their technical expertise would not be lost and instead remain within the flight dispatch service. Until now, the career of flight dispatch officers was based on their previous service and training as AIS sergeants. Flight dispatch officers were assigned exclusively to the career path of officers in the officer specialist service and were consequently generated from the career path of sergeants. Typical lateral entry for civilian applicants who were already trained was not possible under the old Military Career Regulation. The Bundeswehr hopes that the flexibilisation of career law that has now been introduced, especially for prospective officers in the specialist officer service, will provide more flexible regeneration opportunities in the future. 62 Air Transport Wing, which is particularly hard hit by vacancies, was also able to convert three military posts for flight dispatch officers into civilian posts for dispatchers. A dispatcher performs the duties of a flight dispatch officer without the military components and without the duties of an AIS officer. She or he is only responsible for flight planning. Even though the personnel situation in AIS is not satisfactory at the moment, the Bundeswehr has developed activities to improve the situation in the near future. The next two years will show how effective they are.

There is a ray of hope in a subarea of military air traffic control. In spring of the year under review, the Army Headquarters was able to provide urgently needed new posts for **air traffic control technology** (radio and radar). However, the posts had to be compensated for from within the structures of the Army and the associated personnel

changes had to be implemented in a way that was fair to those impacted. The Office of the Parliamentary Commissioner already criticised the insufficient number of posts in the area of air traffic control technology in 2018, and the Army agency responsible took the criticism on board. Following a corresponding change in the target organisation, after more than four years the reinforcements will arrive at the formations in April 2022.

There has been a positive trend in recent years in the filling of posts for **explosive ordnance disposal sergeants**. In 2018, the proportion of posts filled here was just 62 per cent. The force has since taken steps to increase this. For instance, the pass rate for the ammunition fundamentals course has improved significantly from only 50 per cent in 2018 to 75 per cent in 2021. To achieve this goal, however, the Bundeswehr had to lower the threshold for passing proficiency tests from 65 per cent to 50 per cent. In addition, Army trainees first complete a compulsory module at the Engineer School where the scientific basics are trained or repeated. The higher success rate meant the Federal Office of Bundeswehr Personnel Management was able to fill a larger number of sergeant positions with newly qualified personnel. In addition, the Bundeswehr has reduced the number of posts for explosive ordnance disposal sergeants in recent years, instead introducing the career path of “explosive ordnance reconnaissance sergeant”, where soldiers are not required to complete the ammunition fundamentals course. The measures applied are having the expected effect. The proportion of posts filled in the area of explosive ordnance disposal sergeants rose to 79 per cent in the year under review. In the years 2023 and 2024, the Federal Office of Bundeswehr Personnel Management expects further substantial increases in the posts filled for explosive ordnance disposal sergeants to further reduce the shortage that still exists.

The decline in what are termed **non-established posts** in the Bundeswehr is pleasing to see. The Bundeswehr assigns soldiers to non-established posts when there is no regular post for them in the organisational structure of the armed forces, for instance during training or parental leave, or when a servicewoman or man takes on a special task in a new area. In principle, non-established posts are not a problem, they create flexibility in special personnel situations. Difficulties always arise when an agency or unit transfers a soldier to a non-established post and cannot fill the vacated post fully. It can happen, for instance, that a soldier in a non-established post continues to be paid from her or his old post. If a lower-ranking soldier subsequently takes over the vacant post at the old agency, she or he cannot be promoted there because the career-advancing post is still being used for the former post holder.

Vacancy management for staff temporarily absent during parental leave is also a source of dissatisfaction in the units. This primarily applies to absences of up to twelve months, since in these cases the post cannot be filled permanently and usually not even temporarily. The servicewoman or man on parental leave is entitled to return to this post or an equivalent post at the same location. Suitable and willing personnel can rarely be found for the period that needs to be bridged. So the only option is often to redistribute tasks among existing staff. Wherever possible, superiors should try to find suitable reservists. The Act on the Sustainable Strengthening of the Bundeswehr’s Personnel Operational Readiness has opened up the possibility for them to perform voluntary military service for up to ten months a year to temporarily improve personnel readiness.

Another possibility the Ministry of Defence sees is to temporarily fill vacant posts with two soldiers working part-time, as long as both work no more than 50 per cent part-time. Whether these part-timers can be found seems questionable at best. Another proposal by the ministry is “compensatory posts”. This instrument, too, is to be seen critically in the Parliamentary Commissioner’s eyes, since no additional budgetary items are available here, the idea instead being to pool the unused parts of posts from different organisational units. For one, it should be borne in mind that the model is not very attractive for areas surrendering unused parts of posts. For part-time soldiers whose leftover hours from their posts are to be used, surrendering them is also a restriction, as it becomes more difficult to terminate part-time employment before the agreed date. The fact that only 113 compensatory posts have been applied for since the creation of this instrument in 2016 confirms these concerns. Perhaps the ministry should instead consider making additional budgetary items available and thus creating more “special-duty” posts.

The **age structure** of the body of military personnel has changed steadily in recent years making the Bundeswehr older. Whilst at the end of 2019 the average age was 32.4 (32.9 for career soldiers and temporary-career volunteers, 20.1 for military service volunteers), it had risen to 33.1 by the first half of 2021 (33.8 for career soldiers and temporary-career volunteers, 20.7 for military service volunteers).

Criticism is repeatedly voiced in connection with the transfer to career soldier status in the case of **career changes**:

- *High-performing sergeant ranks complain that they lose their promise to be transferred to career soldier-status again if at the same time they begin a career change to become an officer in the officer specialist service.*

In this case, the persons concerned can only be appointed career soldiers once they have successfully completed their career training. If they do not pass the career training and are returned to the senior NCO career, they have to undergo the selection procedure to become a career soldier again, even though they had already successfully passed this selection procedure before. Acceptance as a career soldier is anything but certain at this later stage. In the meantime, their health situation or the general conditions in the selection procedure may have changed to their disadvantage. Candidates for the career of officers in the officer specialist service whose application for transfer to the status of career soldier was approved prior to their career change should be appointed career soldiers by the Bundeswehr during their career training in reflection of their good performance.

Personnel recruitment

Personnel recruitment was heavily impacted by the Covid-19 pandemic in the past two years. There were also positive ramifications. For instance, the Bundeswehr was swifter in implementing planned digitalisation measures and the personnel recruitment organisation gained greater flexibility for measures to cover personnel needs. The further development of the **communication centre**, which as the first central point of contact for interested parties and applicants is also responsible for managing the career hotline, already resulted in the career guidance organisation becoming easier to reach in the course of 2020. The allocation of access authorisations to the e-recruiting part of personnel management for a defined group of people at the communication centre means it is now also possible to provide qualified information on the status of applications.

Applications

In November 2020, the Bundeswehr was able to turn the trend in applicant numbers around. Nevertheless, it fell short of the headcount of 175,526 career soldiers and temporary-career volunteers achieved at the end of 2020 by 349, dropping to 175,177 in December 2021. Despite the restrictions due to the ongoing pandemic, the Bundeswehr has managed to maintain a headcount equating to 99.8 per cent of the previous year's level.

In 2021, 49,200 people applied for a military assignment, including 2,500 applications for voluntary military service in homeland defence, which was launched in the second quarter of 2021 as a pilot project initially for one year. Despite the ongoing pandemic, this figure is about three per cent higher than the 48,000 applicants on the reporting date last year. For officers, the number of applications was 10,600, about the same as the previous year (10,900). On the reporting date of 31 December 2021, 25,400 had applied in the categories of NCOs and junior-ranking soldiers, and 10,700 for voluntary military service without homeland defence, 600 fewer than in 2020. Overall, stripping out the figures for voluntary military service in homeland defence, the numbers were roughly at the same level as the previous year. A good four per cent of the temporary-career volunteers and military service volunteers who applied were deemed not fit for service for health reasons following the medical assessment that takes place at the beginning of recruitment. However, the increased number of applicants alone does not lead to more personnel. Only when prospective candidates have successfully undergone the application process, a post is available and the probationary period has expired can the Bundeswehr calculate how many new people it has in fact recruited.

Germany's supreme audit institution, the Bundesrechnungshof, had criticised a reorganisation of the **Career Centres** that had already begun in 2016, in particular because of the method used to calculate required personnel levels at that time, leading the Auditing Committee to suspend the process in September 2018. Since April 2019 the personnel recruitment organisation has been working with an interim structure consisting of a mixture of the old, transitional and new structure. It was able to complete the personnel measures from an organisational study on the new process and organisational set-up of the Career Centres and Department II of the recruitment organisation by the end of the year under review.

On 1 October 2021, the interim solution for the Career Centres was moved to the new organisational structure and is to be fully implemented by the end of March 2022. There are now six Career Centres with assessment, two Career Centres with assessment of potential and assessment (Erfurt, Wilhelmshaven) and seven Career Centres without assessment activities. The Potsdam Career Centre was integrated into the Berlin Career Centre, which is why there are now only 15 Career Centres. The three types of centres with a clearly defined remit are designed to ensure uniform, proper, efficient, effective and applicant-oriented counselling and advice. Time will tell whether this bears out. Career counselling now takes place at 99 locations, the majority at career advice offices, which are often regionally assigned to a Career Centre. As of January 2022, out of the total of 3,285 posts available in the

recruitment organisation, 2,811 are filled (85.6 per cent). In addition to the Career Centres, these also include the 512 posts at Department II of the Federal Office of Bundeswehr Personnel Management, of which 445 posts are filled (87 per cent). A further 507 employees are in non-established posts, often also as part-time staff. The staffing of the personnel recruitment organisation can therefore be rated as relatively good compared to many other Bundeswehr agencies and means there is nothing to impede the performance of its tasks.

In the year under review, the Bundeswehr continued the steps already taken in 2020 to move part of its personnel recruitment online. More telephone and video consultations, video assessments and online career fairs took place, for instance. Thanks to good hygiene and safety concepts, it was also possible to conduct career counselling and assessments throughout 2021. The armed forces would like to establish the instrument of virtual career fairs nationwide. This appeals above all to those interested in engineering, flying, legal or medical service careers. In 2021, the personnel recruitment organisation held 374 digital career fairs nationwide, 372 of them as participations in fairs staged by external organisers. Two were the organisation's own large-scale digital projects, especially to meet demand in the areas of "Equipment and Technology" in May and "Mission Navy" in September. The personnel recruitment organisation also wants to make the instrument of temporary **pop-up career lounges** a more permanent feature as part of the "recruitment event culture" to target and attract people interested in employment at the Bundeswehr in understaffed assignments. In the year under review, for example, it operated one of these lounges during the Federal Garden Show in Erfurt. Units from the region presented their career and training opportunities and prospective applicants were able to receive comprehensive information about career paths and opportunities at the Bundeswehr. A total of 13,264 contact and counselling sessions took place at the pop-up career lounge, resulting in 2,787 "quality contacts" (submission of personal data from those expressing a concrete interest in joining the Bundeswehr). Since the end of September 2021, these have already resulted in around 500 formal initial counselling interviews with the career counselling service. By the end of 2021, the Bundeswehr had received 91 concrete applications for understaffed areas. The pop-up career lounge is thus proving to be a very successful recruitment tool.

Unfortunately, the strict hygiene regulations resulting from the Covid-19 pandemic meant the Bundeswehr was unable to hold applicant days in the first half of 2021, which it invites only short-listed applicants to. Fortunately, in the second half of 2021, it was able to hold six applicant days as in-person events.

The Bundeswehr aims to harness the experience gained from the various online measures to permanently showcase itself as an employer with a professional online presence. The digitalisation project **online assessment** is also designed to contribute to this. The project consists of three elements. The first element, self-assessment, is a test platform enabling prospective applicants to anonymously self-assess their aptitude, no matter where they are located, before they decide to apply. The second element, online diagnostics, serves to pre-select applicants and at the same time reduce in-person attendance times. The aim is to optimise the invitation sequence. Finally, there are plans to provide a platform for psychological aptitude and potential analysis with the third element, in-person diagnostics, which is to replace the previous computer-based test procedure. Applicants are present in-person during this test. The project is currently in the process of being implemented. It is scheduled to go live at the beginning of 2024. Self-assessment has already been available since 25 February 2021, and since November 2021 in its final version.

Appointments

In 2021, the Bundeswehr was able to appoint around 16,700 temporary-career volunteers and military service volunteers (including around 840 for homeland defence). Out of these, 3,212 left the Bundeswehr in the first six months. The majority (2,842, including 1,482 military service volunteers and 1,360 temporary-career volunteers) made use of the option to terminate their service in the armed forces during the probationary period. The remaining 370 (50 temporary-career volunteers, 320 military service volunteers) were discharged by the Bundeswehr for other reasons. The reasons for military service volunteers ending their service during the probationary period are wide-ranging. These are recorded with the help of a standardised questionnaire which is completed on a voluntary basis and evaluated each year to develop measures to reduce the **dropout rate**. Many military service volunteers cited personal reasons, feeling overwhelmed, alternative job offers or other expectations towards service as reasons. In the case of temporary-career volunteers, 1,360 ended their service prematurely, many of them during or at the end of the probationary period, others refused to accept the certificate of appointment or applied to be discharged from the aptitude exercise.

While those completing voluntary military service can also state personal reasons such as those mentioned above, temporary-career volunteers can only select one category “important personal reasons” here. More precise knowledge about what motivated them would perhaps allow the Bundeswehr to take countermeasures for this group as well. This would entail expanding the questionnaire accordingly.

The **initial advice and counselling** provided at the Career Centres is of great importance in avoiding a sense of being overwhelmed or different expectations towards service being a cause for leaving the Bundeswehr prematurely, for instance. Advisors should not only explain the advantages, but also the special nature and strains serving as a soldier entails, such as obedience, possibly being transferred to any part of Germany, possible missions abroad, armed duties, but also the possibility of routine duties. It would make sense to document the elements the initial counselling interview is required to include in the personnel management system with the consent of the persons concerned. This is because petitioners often contact the Parliamentary Commissioner with the criticism that they were insufficiently informed during counselling at the Career Centre. Superiors also complained during field visits about soldiers being sent to their units with incorrect ideas of what to expect. Often, the content of the conversation cannot be reconstructed afterwards. It would be good to have standard documentation of the most important elements of the interview, which the prospective applicant confirms by signing it. The recruitment organisation has a great responsibility to ensure transparency, truth and clarity in the consultations. It benefits no-one if more personnel are initially recruited, but later many servicewomen and men leave service prematurely because, in their perception, they were not honestly informed.

Since May 2019, the Career Centres have been applying what is called **assessment of potential** for servicewomen and men. In this newly designed procedure, various criteria are used to determine whether an applicant is suitable for a change of career or status. The aptitude criteria tested include leadership skills and conscientiousness as well as personality and behavioural stability. The procedure forms part of the selection decision for the admission of non-commissioned officers to the career of officers in the officer specialist service as well as for converting the service relationship of NCOs serving as temporary-career volunteers into a service relationship as a career soldier. The results of the procedure are included in the selection decision to the extent of 20 per cent and apply for five years. It is not generally possible to repeat assessment of potential within the five-year period, unless the serviceman or woman can demonstrate their personality has developed significantly. Then early repetition is possible at the earliest after two years, so for the first time since spring of the year under review. So far, no-one has made use of this option. Furthermore, it is only since the selection conferences in August 2021 that all applicants have undergone the new assessment of potential procedure. The ministry is now evaluating the procedure in stages over a period of five years. It rightly wants to pay particular attention to whether servicewomen and men are indeed given the chance to have their potential reassessed before five years have passed. The opinions of superiors are of particular importance here. Time will tell whether the new procedure proves successful and finds acceptance among the troops.

To attract applicants for understaffed assignments, under certain conditions it is possible to pay **bonuses** to newly appointed temporary-career volunteers. In contrast to personnel retention bonuses, the Bundeswehr has only made limited use of personnel recruitment bonuses, granting a total of 175 initial enlistment bonuses since the new regulations in the Federal Civil Service Remuneration Act came into force from 1 January 2020 until the end of the year under review, including five in the officer career category, eight in the non-commissioned officer career category, and 162 for junior-ranking soldiers. The amount of the bonus depends on the existing vacancies in the respective career, the grade and qualification of the person entitled to the bonus, and the enlistment period. For officers, the average amount for initial enlistments was approximately EUR 8,900. Junior non-commissioned officers received around EUR 20,500 for initial enlistments and junior-ranking soldiers an average of EUR 7,700.

Only 58 officers selected at the end of the year were eligible for bonuses for the recruitment of career soldiers in assignments projected to have a low applicant pool under the conditions of the Covid-19 pandemic in 2020. All the bonuses have since been paid upon the criteria being met. The criteria include completion of training for the future post and transfer to the post eligible for the payment of a bonus, for instance.

There was only one bonus in the officer career category and 37 bonuses in the non-commissioned officer career category with the change of status to career officer. The reason for the low number of bonuses awarded to officers is the late selection conference in November to December 2021. Many of the soldiers selected for the change of status had not yet been appointed as career soldiers because their health fitness had not yet been determined, for instance. For this reason, the Bundeswehr had only paid out around EUR 907,000 of the estimated budget funds of EUR 6.4 million assuming 100 per cent fulfilment of the transfer rates by the end of 2021. The low figure is also down to the selection conferences for career soldiers for the senior NCO careers in 2020 being cancelled due

to the pandemic. For the year 2021, the Bundeswehr has designated 16 career paths in the career paths of senior non-commissioned officers and 21 career paths in the officer career paths as eligible for a personnel recruitment bonus. The hoped-for effect of increasing the number of internal and external applicants with the new bonus provisions for career soldiers, especially in the officer careers, has not materialised yet, although this could also be due to the exceptional situation caused by the pandemic.

Re-employment and lateral entries

For some years now, re-employment and lateral entries have played an important role in meeting personnel needs. In the year under review, 4,455 (2020: 5,246) former servicewomen and men applied for **re-employment**. Out of these, 1,164 were successful (2020: 1,804), 349 even at a higher rank. This is possible if a professional qualification the former servicewoman or man has acquired matches the military requirements of the future post. The rate of re-employment achieved in the two previous years of approximately 40 and 34 per cent of applications fell to 26 per cent in the year under review. In the case of junior-ranking personnel, it even dropped from 55 per cent in the previous year to 38 per cent (552 from 1,443). The proportion of those over 40 years of age was 14.5 per cent (169) of all re-employed personnel (close to the 14.4 per cent of the previous year). In the career of NCO specialists, about 69 per cent and in the career of senior NCO in the administrative service and general specialist service, about 66 per cent of the recruitments (including senior NCO candidates) were at a higher rank. Out of the 268 applications from former officers, almost 52 per cent (139) were able to be re-employed, 39 of them at a higher rank, the vast majority of them (129) starting as officers in the administrative service career.

The Bundeswehr uses the term **lateral entrants** for appointments of applicants with no prior military service who can be recruited at an adequate rank based on a professional qualification that can be used by the Bundeswehr and who do not have to complete vocational training or a degree during their service at the Bundeswehr. Lateral entrants are indispensable in some areas with personnel shortages. Since lateral entrants only need military training and can consequently be transferred more quickly to a vacant post, the Bundeswehr saves considerable investments such as training costs, pay or accommodation. Soldiers recruited as candidates for the career path of officers in the administrative service need well over ten years of service before they can be deployed as senior officers, for instance. Certain lateral entrants and re-employed personnel who have since acquired a qualification outside the Bundeswehr can routinely be deployed at this level within one year of their recruitment. This also justifies recruitment at a higher rank than those who also have no military service experience but do not have professional qualifications. Appointment at a higher rank under the Military Career Regulation also serves as an incentive for attracting skilled personnel in competition with the civilian labour market. Out of the 11,598 applicants in the year under review (2020: 15,491), the Bundeswehr recruited 1,033 as lateral entrants, 514 of them as NCO specialists and 446 in the senior NCO and 73 in the officer career paths. Out of the officers, for instance, 37 started in the Medical Service and 25 in the administrative service. Like in 2020, the recruitment rate was only around nine per cent of applications. The application figures for the NCO and senior NCO careers totalling 10,563 in 2021 are the total application figures for the career, whilst the 1,035 applicants for the officer career applied specifically to lateral entry (11,598 in total). Only 11 lateral entrants were older than 40 (2020: 39).

Since a higher-education degree is generally required to become an officer in the administrative service, but no specific subject is required, this career is rarely suitable for lateral entry. This is why officers for the officer specialist service are recruited as lateral entrants more frequently. With the new version of the Military Career Regulation, the Bundeswehr also aims to leverage the potential of applicants with a higher-education degree more. A new appointment option will allow them to be recruited at the highest candidate grade of senior officer cadet from 2022 onwards. They have the desired academic qualifications for the career of officers in the officer specialist service. Once they have built up relevant assignments, the soldiers recruited this way could fill vacant posts in the administrative service more quickly, whilst other officer candidates are still studying.

Overall, lateral entry proves far more difficult than re-employment. People over 40 have a hard time in both areas because they face higher hurdles. After the age of 40, the personnel office only recruits if there is an extraordinary shortage of equally suitable younger applicants, which is often only the case in assignments requiring special qualifications.

The following report by a petitioner from a seagoing unit in the Navy shows that the recruitment of **over-40s** can also cause problems in the perception of the troops:

- *The servicewoman described how the initial euphoria of fellow soldiers in this category often did not last long. It was not uncommon for them to throw in the towel before or after their first sea voyage and be transferred to a land post on the basis of a medical evaluation. However, these posts were urgently needed for those soldiers who had already gone to sea and made the sacrifices this entailed for years.*

The ministry has confirmed individual cases where the Bundeswehr had recruited soldiers for a seagoing unit but was not able to use them there for various reasons. Most of them were junior-ranking soldiers and, in isolated cases, NCO specialists and senior NCOs.

- *Similar criticism was voiced by servicewomen and men from the sea battalion during a field visit. The Federal Office of Bundeswehr Personnel Management sometimes transferred servicewomen and men to naval security companies who subsequently failed to achieve fitness for on-board duty.*

During the medical assessment at the Career Centres, physicians examine applicants for their physical and health fitness for service in the armed forces prior to recruitment. However, with regard to **fitness for on-board duty**, they only carry out orientational pre-selection. They cannot carry out specific examinations because they lack adequate medical expertise. The Bundeswehr should consider making this expertise available at the Career Centres in the future to prevent applicants who are not fit for on-board duty from being scheduled for seagoing units.

Furthermore, Career Centres should know what the posts to be filled entail and convey this correctly, because otherwise there is a risk of losing the servicewoman or man again quickly:

- *A soldier who had served in the area of IT and had been employed in the civilian sector after leaving the Bundeswehr wanted to be assigned to this field as a re-employed soldier. As a father with a young daughter, he also wanted to be assigned close to home. He accepted the subsequent assignment to an IT battalion several hundred kilometres away because of his desired specialisation. He explained how his post was not in “information technology” but in “infantry and tactics” and he was therefore preparing the revocation of his appointment.*

The main reasons for an **unsuccessful application** for lateral entry or for re-employment are the lack of a specific need for the civilian professional qualification, the lack of suitability for the intended career or a lack of professional experience necessary for recruitment at a higher rank. Health problems, entries in the Federal Central Criminal Register, findings from the simple security clearance check or doubts about loyalty to the constitution that have arisen from the assessment procedure can also lead to the rejection of the application. The Bundeswehr had intended to record the reasons for this electronically starting in 2020. The introduction of these features in the personnel management system’s e-recruiting has been delayed, in particular because of the Covid-19 pandemic.

Another instrument the Bundeswehr has at its disposal to increase its appeal to new personnel is the possibility of giving already trained applicants with very good test results and with particularly sought-after qualifications for areas that are otherwise difficult to fill the **conditional promise** of being transferred to the status of career soldier at a later date. Up to ten per cent of the annually set transfer quotas for career soldiers in the officer ranks are available for new hires or rehires for this purpose. One way, for instance, is to directly recruit particularly suitable and high-performing reserve NCOs as career soldiers under Section 22 (5) of the Military Career Regulation. The Bundeswehr has hardly made use of this option so far, however (2019: once, in 2020 and 2021 not once). The reason for this is that a sufficient number of temporary-career volunteers applying from the active personnel pool were available to meet the demand for career soldiers in all careers and assignment areas.

Another way to improve staffing in understaffed areas in the senior NCO career is to recruit personnel as career senior NCO candidates under Section 6 (1) of the Military Career Regulation. Under this provision, it is possible to give highly suited candidates the conditional promise of converting this service relationship into that of a career soldier as soon as the legal requirements are met. Due to the previously very strict requirements, there were only two such appointments in 2020 and 2021 with a promise of subsequent transfer to the status of career soldier. The Bundeswehr has now eased the requirements by lowering the overall suitability index to be achieved by applicants.

Appointment of 17-year-olds

Appointing 17-year-olds to serve in the Bundeswehr is the subject of political discourse time and again. An optional protocol to the UN Convention on the Rights of the Child states that a minimum age of 18 applies to the

armed forces. The Bundeswehr - like some of the other 171 States Parties - makes use of the exemption and also recruits minors. Their recruitment must be viewed critically given their increased vulnerability and must remain the exception.

Young people usually decide to enter working life after graduating from school and start by training or studying. It is above all young people who have not completed their *Abitur* or university entrance certificate who are then not yet of age. As the Bundeswehr is competing with the civilian labour market for the best recruits, it is also interested in people who are just about to turn eighteen. At the same time, 17-year-olds need special care, precisely because the Bundeswehr is no ordinary employer. It employs minors at the age of 17 at the earliest and only with the consent of their parents. By providing comprehensive information and advice on the opportunities and risks of the occupation of soldier and by applying a scientific assessment procedure, the Bundeswehr also aims to ensure that it only hires 17-year-olds who have duly informed themselves about the requirements of becoming a soldier and who have the requisite mental maturity. A special feature compared to civilian employers is that service in the Bundeswehr begins with basic training, which weapons and firearms training is an integral part of. For 17-year-olds, this takes place under stricter command supervision. After completing basic training, however, 17-year-olds do not serve in the armed forces until they reach eighteen, nor do they take part in guard duties or missions abroad. The previous instructions of the Ministry of Defence and a guide for disciplinary superiors and heads of agencies on the policy towards minors came into force in April 2021 as the Central Service Regulation "Young People and the Bundeswehr". For the first time, it sets out comprehensive provisions governing the Bundeswehr's special duties towards young people and refers to the statutory **protective measures**, such as regulations on youth protection and occupational health and safety, accident prevention and working hours regulations and sets rules for practices at the agencies. This includes, for instance, allocating separate accommodation rooms and designating a contact person who personally introduces him or herself to the minors and looks after them. Derogations from the binding requirements of the service regulation are prohibited even if the consent of the young people or their legal representatives has been obtained. These measures are to be welcomed, but they are not sufficient. Given the vulnerability of the youngest servicewomen and men, the Bundeswehr should remove weapons and firearms training for minors from basic training and only catch this up once they reach the age of majority. The new Federal Government's plan to reserve training and duty with weapons for servicewomen and men who have reached the age of eighteen is to be fully supported.

In the year under review 1,239 17-year-olds were recruited (7.4 per cent of all entries into service), an increase of 91 compared to 2020. 1,000 of these were men (81 per cent) and 239 were women (19 per cent). After the third month, 35 per cent had already reached the age of eighteen, after seven months 71 per cent were of age. Even though among the 17-year-olds there were no particular problems or anything untoward compared to young adult soldiers, the clear upward trend in the recruitment of minors of around eight per cent compared to the previous year must be viewed critically.

However, an above-average number of servicewomen and men who joined the Bundeswehr as 17-year-olds ended their service in the first six months. In the years 2017 to 2019, this averaged 27 per cent. With the start of the pandemic, in 2020 the number of 17-year-olds recruited dipped and the drop-out rate during the probationary period was around 21 per cent. For the purposes of comparison, the proportion of revocations during the probationary period, in relation to the total number of all newly recruited soldiers, was 19 per cent in 2019 and 15 per cent in 2020.

Personnel retention

In times of significantly increasing demand for personnel in the Bundeswehr and simultaneously declining numbers of school leavers, it is important not only to recruit new personnel, but also to further step up the retention of qualified and interested servicewomen and men at the Bundeswehr. Examples of personnel retention instruments are the extension of voluntary military service, the re-enlistment of temporary-career volunteers, the conversion of service relationships of temporary-career volunteers into that of career soldiers, career changes, but also later retirement of career soldiers. The Bundeswehr also uses financial incentive schemes to retain servicewomen and men for longer.

Bonuses

Temporary-career volunteers received a total of 1,602 re-enlistment bonuses in the year under review (2020: 1,888). This is only possible for assignment areas experiencing a shortage of personnel, which the ministry defined as applying to 135. In the officer career category 74 (2020: 94), in the senior NCO career category 51 (2020: 70), in the junior NCO career category 373 (2020: 279) and among junior-ranking soldiers 1,140 (2020: 1,445) servicewomen and men received such a bonus.

Out of all the bonuses awarded since January 2020 until the end of 2021, only 596 have been paid out so far. The remainder will be paid out once the criteria are met, such as successful completion of career or billet training in the assignment eligible for the bonus, transfer to the post eligible for the bonus and once the new enlistment period has been set. The main areas in which bonuses were granted were in the following understaffed areas: signal officer, armament/materiel maintenance officer, signal NCO, junior NCO for automotive/tank engineering and materiel management/supply services, junior-ranking soldiers as special engineers, for staff duty or as infantry combat soldiers.

For officers and senior NCOs, the **bonus** paid for re-enlistments averaged around EUR 10,000. Junior non-commissioned officers received around EUR 14,000 and junior-ranking soldiers around EUR 6,800. In 2021, the average length of re-enlistment with payment of a bonus was 2.3 years for officers (2020: 2.7 years), 5.7 years for senior NCOs (2020: 5 years), five years for junior NCOs (2020: 5.5 years) and 3.5 years for junior-ranking personnel (2020: 3.8 years), thus remaining roughly the same in both years in the respective grade categories. Out of the approximately EUR 1 million budgeted for 2020 for enlistment bonuses to temporary-career volunteers, almost the entire amount, namely EUR 980,000, was paid out. For 2021, EUR 5.64 million had been budgeted for these bonuses for temporary-career volunteers, EUR 5.37 million of which had been paid out by the end of the year under review. No personnel retention bonuses were awarded to career soldiers, for example to retain them for longer in a particular post in an understaffed area.

The criteria for the payment of bonuses are not always known at the Career Centres or formations or are not always well explained to those eligible for them:

- *In several submissions, petitioners formulated their expectation that the bonus would be paid immediately after the end of the probationary period or upon signing the re-enlistment contract. The review of the matter found that one or more of the conditions for the bonuses to be due for payment had not yet been met.*

To avoid false expectations, the Bundeswehr should inform eligible servicewomen and men in good time when the bonus is due and that this can sometimes take a long time. In individual cases, however, late payments did indeed occur, as the following case shows:

- *A petitioner who was re-employed in 2018 was eligible under the old law (Section 43b of the Act on Federal Civil Servants) to an enlistment bonus for each year of the enlistment period, totalling €12,000. This bonus is to be paid with each year of the staged definition of the enlistment period. When the petitioner received a partial payment of EUR 3,000, the enlistment period had already been set at twelve years and should have been paid out in full. As a result of his petition, payment of the remaining amount was arranged - almost twenty months late.*

Transfer to career soldier status

The suspension of the selection conferences for career-soldier status for the senior NCO careers meant that only a total of 852 soldiers were appointed career soldiers in 2020. In addition to this, there were 499 admission decisions that had already been made for transfers to the career of officers in the officer specialist service. In 2019, 2,418 servicewomen and men were transferred. As of the end of January 2022, 3,558 temporary-career volunteers had been appointed career soldiers in the year under review, 639 of whom were officers, 2,894 senior NCOs, just five junior NCOs, and 20 junior-ranking soldiers who can become career soldiers by way of an exception under the Act on the Continued Employment of Personnel Injured on Operations. The figures for senior NCOs and junior NCOs are not final yet because not all those admitted have met the requirements for appointment yet.

Reliable information services are important for servicewomen and men, especially in matters relating to a change of status:

- *Junior non-commissioned officers wishing to become career soldiers complained about insufficient information being provided, especially about the impacts on pay and pensions.*

The opinion of the Bundeswehr Personnel Office that a notice on the noticeboard of the agency with a reference to the manual on the processing of personnel matters and the possibility of contacting the contact point for all personnel matters at the parent unit suffices is not one the Parliamentary Commissioner shares. First, the notice board cannot always reach all interested parties due to absences (training courses, deployment abroad, leave, illness). Second, it is often not easy to understand the contents of the manual because it uses the technical terminology from the field of personnel processing. Furthermore, there are doubts as to whether the specialised personnel at the parent unit are always in a position, in terms of time and knowledge, to adequately explain the ramifications of a change of status for pay and pensions. The Parliamentary Commissioner therefore suggested measures to improve information for junior non-commissioned officers interested in a change of status to career soldier.

Re-enlistments

Re-enlistments remain an important personnel retention instrument. However, both the need for and the interest on the part of servicewomen and men are declining. In the careers of junior-ranking soldiers, for instance, only personnel regeneration is necessary, not growth. In the other career paths, too, there are personnel structure requirements, for instance shorter enlistment periods, in order to ensure a personnel body that matches needs and age requirements. As a result, both the number of re-enlistments and the length of re-enlistments are declining. In 2021, a total of 7,590 temporary-career volunteers extended their period of service (total 2019: 9,940, 2020: 8,390), almost two-thirds in the junior ranks (4,980), around 17 per cent of junior NCOs, 9.5 per cent of senior NCOs and only 7.5 per cent of officers (570).

The longstanding problem of the Federal Office of Bundeswehr Personnel Management refilling posts without the knowledge of the local force and without consulting the current post holders, although they would have been interested in re-enlisting, has only been partially resolved. Following the suggestion made by the Parliamentary Commissioner in the last reporting year of involving the force more in these decisions, a standardised function has been introduced into the personnel management system since the end of 2020 that informs the force of such plans. By the colour used, the force can see the planned **advertisement** of the respective post 18 months in advance. This only applies to posts in the junior-ranking career path, though. The ministry explains that the training periods in other career paths vary considerably depending on the career and that for this reason they are not suitable for the automated announcement of an upcoming advertisement of the post. As the following case shows, this led the Bundeswehr to lose a servicewoman who would otherwise have liked to continue her career:

- *The servicewoman with twelve years of service had applied to re-enlist for what would then have been a total of 25 years of service in the post she currently held about twenty months before her term of service ended. Although there was a fundamental interest in the servicewoman re-enlisting as a materiel management NCO, the application was rejected on the grounds that the post had already been filled. Contrary to the usual procedure, the petitioner's post had already been re-advertised in the e-recruiting system more than two years before the end of her service period, without her knowledge or that of her superiors. As a substitute, the petitioner could only be offered the possibility of a two-year re-enlistment, which she turned down.*

Cases like this are dissatisfactory for both sides, which is why the Bundeswehr is called upon to look for alternative ways to create options for the other rank categories as well to inform the force early on about the planned advertisement of posts.

It is equally important to inform servicewomen and men in good time about the **legal consequences** of re-enlistment:

- *A sergeant first class criticised the fact that he had not been informed by the "Information sheet on the new regulations on vocational advancement and military service benefits in the version of the Military Pensions Act in force since 26 July 2012" of the pension law consequences of his re-enlistment when irrevocably committing to re-enlist. In particular, he had not known that the entitlement to exemption from military service at the end of the period of service for vocational advancement would no longer apply. Had he known, he would not have signed the re-enlistment contract, he said.*

Type A General Publication 1462/13 stipulates that given the far-reaching implications of re-enlistment, existing soldiers must be informed of the service and pension law ramifications by documented receipt of the information sheet. In addition to this, they must make a declaration stating that they are aware that the new law will be applied. Neither happened in this case. The Federal Office of Bundeswehr Personnel Management's legal interpretation that the legal consequence of re-enlistment nevertheless applied because the soldier's consent to re-enlistment alone sufficed is not plausible. A revocation of the soldier's formal obligation would have been appropriate.

Making the Bundeswehr more attractive for existing personnel

For the Bundeswehr, personnel retention also means increasing the attractiveness of service for existing servicewomen and men. This includes *inter alia* the move to open the NCO specialist career to the status of career soldier with the 2019 Act on the Sustainable Strengthening of the Bundeswehr's Personnel Operational Readiness. Specialist NCOs are now no longer required to change careers in order to remain at the Bundeswehr permanently. In the year under review, the Federal Office of Bundeswehr Personnel Management held a selection conference for the change of status for specialist NCOs for the first time. A total of 1,080 opportunities to change status were available. In subsequent years, up to 360 **status changes** will be possible in each case. On 1 July 2021, a total of 4,523 specialist NCOs had applied for transfer or had been nominated for transfer by their superiors. After the requisite appraisals had been submitted and the assessment of potential procedure at the Bundeswehr Career Centre had been completed, 1,080 specialist NCOs were selected at the selection conference.

In the year under review, the Bundeswehr also implemented an important component of personnel retention in the career path of junior-ranking personnel. As of 1 October 2021, junior-ranking servicewomen and men were able to fill the first **corporal first class, junior grade/corporal first class, senior grade posts** in grades A 6 or A 6 plus a supplementary allowance. The Bundeswehr was even able to promote the first of them to corporal first class, junior grade in the year under review. Around 1,450 posts in grades A 6 or A 6 plus a supplementary allowance were available to be filled with corporals, senior grade in all major military organisational elements in the scope of a pilot procedure in the year under review. Unfortunately, despite a second call for applications, the Bundeswehr had only been able to fill about 55 per cent of these posts by the end of the year. In each of the following years, around 400 more posts are to be added, so that by 2031 a total of about 5,000 corporal first class, junior grade/corporal first class, senior grade posts should be achieved. This reorganisation of the junior-ranking career and the boost to the tasks of the line service this entails are to be welcomed in principle. Servicewomen and men repeatedly voiced general reservations about the introduction of the new ranks during field visits, arguing that the good pay as a corporal first class, senior grade meant that there was hardly any incentive to make the effort to change to a higher career.

- *Superiors and corporals, senior grade alike criticised the reorganisation because promotion opportunities are linked to selected posts. Often, the best-performing corporals, senior grade at the formation did not meet the specialist requirements for the corporal first class, junior grade posts and could not be considered.*

This criticism is understandable and can no longer be remedied during the current pilot procedure. The purpose of a pilot procedure is to determine and evaluate its strengths and weaknesses. This point of criticism should therefore be part of the evaluation and taken into account in the future standard procedure for the years 2023 to 2031.

Out of the approximately 43,300 junior-ranking servicewomen and men, around 1,600 do not have a **lower secondary school leaving certificate** (*Hauptschulabschluss*). Since 2019, they have been able to complete this qualification in the space of six months at the Bundeswehr purely as a qualification measure. In July 2020, the measure, which was initially launched as a pilot, was incorporated into the Bundeswehr School of General Vocational Education Examination Regulation and modified. The prerequisite for participating in this scheme, in addition to a required minimum period of remaining service, is now a declared intention to change to the career of junior NCO. To do so, in addition to completing the lower secondary school leaving certificate, they must successfully complete the aptitude assessment procedure and the subsequent technical and military training. To attract as many junior-ranking servicewomen and men as possible to make the career change, the number of participants is not limited. In spite of it being heavily advertised, only 23 soldiers took part in the course offered exclusively at the Bundeswehr School of General Vocational Education in Hanover in 2021. The low interest could also be due to the new approach adopted for the measure. The option of no longer making the attainment of

the lower secondary school leaving certificate contingent on a change of career in future should therefore be considered.

A case like the following is not very conducive to personnel retention:

- *One petitioner described how his role as an occupational health and safety specialist, which he performed as a secondary task, took up an immense amount of time and was therefore not suitable as an “associated task” alongside his main role as a maintenance sergeant. The commander of the mobile logistics forces of the Joint Support and Enabling Service confirmed that this post was subject to an excessive workload.*

The problem had been known since 2015, if not before, when the Army Concepts and Capabilities Development Centre conducted an initial study on this. The post of “maintenance sergeant assistant” introduced as a result failed to remedy the situation. Since October 2020, the Federal Office of Bundeswehr Infrastructure, Environmental Protection and Services has been conducting a pilot project on making **occupational health and safety specialist** a full-time role. The results will be available in 2022 at the earliest. Between the first investigation of the problem in 2015 and the possible implementation of a lasting and viable solution in 2022 at the earliest, a total of seven years will have passed during which the affected maintenance sergeants will have been subject to an excessive workload. Even taking into account the introduction of assistants in the meantime, this is too long a period for a change process that has been recognised as needed.

Postponement of retirement

Another component of personnel retention the Bundeswehr has been making use of for several years now is the instrument of postponing the retirement date of career soldiers by mutual agreement. The Federal Office of Bundeswehr Personnel Management no longer automatically retires career soldiers when they reach the special age limit stipulated in Section 45 (2) of the Act Relating to the Legal Status of Military Personnel. To achieve the planned increase in personnel, the ministry aims to gradually increase the average retirement age. Section 44 (1) sentence 1 of the Act Relating to the Legal Status of Military Personnel provides the legal possibility for this, stipulating that as a rule career soldiers are to retire when they reach the general age limit. Within this framework, the ministry has created a procedure whereby the retirement date is determined individually in consultation with the persons concerned. The period of consideration for the procedure generally begins for all career soldiers up to and including the A 16 level five years before reaching the earliest possible retirement date. In a personnel development interview, the Federal Office of Bundeswehr Personnel Management discusses with the servicewomen and men concerned on which date and, if applicable, from which assignment and from which duty location retirement will take place. Any continuation of the service relationship must be for at least two years and at the end of the procedure the servicewomen and men receive a binding new retirement date. In the year under review, too, 528 career soldiers took the option of postponing their retirement date by mutual agreement. The new procedure is having the desired effect, with the average age at retirement rising from 55.71 in 2016 to 57.49 in the year under review. Whilst a colonel (A 16) averaged just 61.42 years of age when retiring in 2016, the average retirement age of colonels in 2021 already reached 62.65. Whilst in 2016 the Bundeswehr retired career NCOs at an average age of 54.4, in the year under review they were 55.58 years old on average.

The retirement procedure is to be welcomed, especially with regard to its dialogue aspects. Regrettably, however, the ministry has still not decided to implement the procedure on a long-term basis. Instead, the Director-General for Personnel at the Ministry of Defence is continuing to only approve the application of the retirement procedure one year at a time. From a personnel strategy point of view, this practice means the Bundeswehr retains flexibility. But from the perspective of the servicewomen and men concerned who are at the end of their period of service often marked by personal sacrifice, a long-term and sustainable procedural basis for planning their transition from active service to retirement would be preferable.

Higher education

In the year under review, the Bundeswehr scheduled 1,365 officer candidates for a higher-education degree in the line service on the basis of demand (2020: 1,590), thus reducing degree-course places by 14 per cent. In the fourth quarter, 1,363 servicewomen and men (2020: 1,443) began a Bachelor degree programme on one of the 24 courses at one of the two Bundeswehr universities. The main subjects were mechanical engineering, political and social

sciences, psychology, economics and organisational science and business administration. Twelve and 39 soldiers started a degree in the new logistics and human resource management programmes respectively.

On 31 December 2021, 305 students had dropped out of their Bachelor degree (2020: 242). Out of these, the Bundeswehr re-enlisted 56 as administrative service officers (2020: 39). The highest dropout rates were recorded in the subjects of mechanical engineering, management, media and economics and organisational sciences. In response to the increasing demand in the career of administrative service officers, the ministry refrained from setting an upper limit for re-enlistment in the year under review, unlike in the previous year. However, no more than 100 **higher-education dropouts** per year are to be re-enlisted in order not to undermine the principle of a Master degree being the standard qualification for administrative service officers. This number can be increased flexibly in view of the limited personnel recruitment possibilities due to the Covid-19 pandemic.

Since 2019, higher-education dropouts have had an entitlement to a minimum of six months of support measures for education and vocational training and to the payment of transition allowances for a period of military service of four to six years, regardless of periods of study being credited towards the duration of vocational advancement support. Lawmakers have improved this legal situation with the aim of strengthening personnel retention by a new provision in the Military Pensions Act. The amendment, which came into force on 1 October 2021, means this group's entitlement to vocational advancement support and to the receipt of transition allowances increases by one month with each additional year of service. This is intended to increase the incentive to continue to serve and to facilitate re-entry into civilian life after additional years of service.

The shortage of new recruits means the Bundeswehr is also striving to retain higher-education dropouts who are officer candidates. They have already proven their suitability as officers and can apply to re-enlist as officers without a higher-education degree for a specific career. It takes some time to process this application, however, as some applicants criticised. First of all, a completion notification is required, which is not sent to the Federal Office of Bundeswehr Personnel Management until the four-week objection period against the de-registration notification has expired. If a change of career or branch is desired, a comparative assessment of all eligible higher-education dropouts is required. Personnel management decides on re-enlistment in April and October of each year, selecting the best candidates. In addition to a positive opinion from the line superior, the grade and assessment from the officer training course are important. If there is no need for officers without a degree in the relevant assignment, a negative decision is issued and those concerned are transferred close to home for the remaining period of service. They have the option of applying again for re-enlistment.

In the year under review, higher-education dropouts who had already been re-enlisted as administrative service officers frequently levelled criticism at personnel management:

- *They had had to wait too long for personnel interviews and the planning of their further training and later assignment took too long, they said. The review of the matter largely confirmed this criticism. The relevant office within the Bundeswehr's personnel recruitment organisation had been understaffed since 2020. In addition to this, the reform of officer training in the administrative service and the Covid-19 pandemic had increased workloads and led to restricted training capacities. In the course of the year under review, the situation had been significantly improved by increasing the number of personnel managers, restructuring the personnel recruitment organisation as well as technical and procedural organisational measures.*

Officers with a higher-education degree often complain that they are assigned to a post where they do not need their degree. Since only a few posts for administrative service officers require a specific degree, many degree courses do not predominantly relate directly to the future assignment. One example:

- *A servicewoman who had successfully studied psychology complained that the posts in applied military psychology were occupied exclusively by civil servants of the higher non-technical administrative service and that she could not work in this role despite the further need for military psychologists.*

Filling these posts with civilian employees is objectively justified to ensure that neutral and low-threshold contact persons without a rank or indeed the status of a superior are available to servicewomen and men. Furthermore, the individual assignment pattern of administrative service officers is based first and foremost on military needs. This is intended to ensure a wide range of assignments and prepare them for a variety of leadership positions, which ultimately benefits operational readiness. The Bundeswehr has offered the psychology degree since 2013 mainly for reasons of attractiveness, as high entry requirements at civilian universities make it possible to access a wider circle of applicants, especially more women. At the end of their period of enlistment, interested

servicewomen and men have the opportunity to switch to a civilian position with the Bundeswehr Psychological Service.

Currently, the Ministry of Defence is developing new career models as part of its personnel strategy which are intended to facilitate **specialist careers** in the respective major organisational element. They are geared primarily towards graduates of natural science or technical degree courses and aim to increase their job satisfaction and possibly attract them to become career soldiers. These career models are not designed for officers with other degrees.

The Bundeswehr's internal labour market

With the instrument of its “internal labour market”, the Bundeswehr offers employees the opportunity to change from one of the three existing status groups - service personnel, civil servants and non-civil-servant public service employees - to another status group, in the hope of thus retaining qualified personnel. Servicewomen and men account for the largest proportion of Bundeswehr personnel by far, which is why simplified transfers to civilian employment with the Bundeswehr are geared above all towards them. Under the current legal situation, a change of status is only possible as a new appointment, which is subject to public advertising of the post and merit-based selection (Article 33 (2) of the Basic Law).

Since, as a public employer, the Bundeswehr is bound by the Basic Law, it must ensure equal opportunities for all applicants during the selection process, even if it already has servicewomen and men available for certain civilian positions, some of whom have previously performed the activities required for the civilian post in a military post. The only edge they potentially have during the selection process is the knowledge and experience acquired during their service at the Bundeswehr.

The “Internal Labour Market 2.0” concept is designed to enable a compromise at sub-statutory level between the legal framework conditions on the one hand and optimally harnessing the existing potential of personnel on the other. The Covid-19 pandemic meant that the recruitment organisation had to focus on its core capability of ensuring recruitment under more difficult conditions from spring 2020 onwards, leading to delays in implementing the concept's individual fields of action. For instance, the detailed design of the information and communication concept with references to opportunities for continued employment is still pending. The field of action “fleshing out legal scopes of action” is to be examined as a focal point in 2022.

In contrast, the **central point of contact** for the Bundeswehr's internal labour market already established at the end of 2019 has been well received, averaging 20 enquiries per month. In 2020, it processed 184 enquiries and in the year under review 133 enquiries. In addition to this, temporary-career volunteers in the last three years of their period of service and for whom there is high demand in their assignment or in terms of their skills are proactively approached about whether they wish to continue their career with the Bundeswehr in the military or civilian area. At the end of 2020, for instance, the Federal Office of Bundeswehr Personnel Management informed 151 retiring Medical Service officers about civilian medical assignments in the Bundeswehr as part of a pilot project. This resulted in 20 concrete responses and expressions of interest.

The following example shows the individual efforts by the Federal Office of Bundeswehr Personnel Management to harness existing opportunities to make it easier for former servicewomen and men to enter civilian employment with the Bundeswehr:

- *Approximately 18 months before the end of his period of service, the Federal Office asked a lieutenant if he was interested in an extension by changing his status to that of a career soldier or in civilian employment. He decided to become a civil servant in the higher technical service. He was able to complete the three months of equivalent full-time employment that he still lacked at the end of his period of enlistment for the new position within the scope of a reserve service. This made it possible for him to immediately enter the civil service career in the higher technical service in the major organisational element of the Cyber and Information Domain Service.*

It would be good if, in addition to this, the Ministry of Defence were to make use of the discretionary **scope of action** that civil service law has provided for a long time now. So far, it has not pushed ahead with its plan to identify special individual cases where it can opt not to advertise a vacancy under certain, albeit strict, conditions under the provision set out in Section 4 (3) of the Federal Career Ordinance, which has been in force since 2009. The reason the ministry cites is that servicewomen and men can routinely prevail in the selection process for

appointment to a civil service position without any legal privileges being necessary. The absolute figures tell a somewhat different story. In 2020, 9,491 temporary-career volunteers left the Bundeswehr. Only 238 of them started civilian employment with the Bundeswehr. Out of these, 62 began training for the civil service career path and 49 training as non-civil-servant public service employees, 79 received civil servant status and 48 were hired as non-civil-servant public service employees. In 2021, 9,716 servicewomen and men left the force, 226 of whom moved to civilian employment within the framework of the Bundeswehr's internal labour market. 68 servicewomen and men began their training for a civil service career and 22 training as non-civil-servant public service employees. 72 were hired directly as civil servants and 64 as non-civil-servant public service employees. When one considers that the Bundeswehr recruited a total of around 6,500 civilian employees in 2020 and around 7,200 in 2021 (civil servants including those in training, non-civil-servant public service employees and junior trainees), it becomes clear how low the number of former soldiers retained in the civilian area after their military service is. Around three per cent of the civilian employees recruited in the year under review were former soldiers (2020: 2.5 per cent).

To properly assess the number of former service personnel kept on in civilian employment, it would be useful to know how many actually applied for a non-military position in the Bundeswehr. Unfortunately, the Bundeswehr continues not to record this number in its **e-recruiting** system, although this feature was supposed to be activated back in 2020. The technical implementation of these evaluation options has been delayed, however. The figure was last recorded in 2016. For comparison: in 2016, around 13,300 servicewomen and men left service, 1,579 of whom applied for civilian employment, but only 242 (around 15 per cent) were successful. In 2016, around twelve per cent were interested in continuing their employment with the Bundeswehr with a different status. If this figure is applied to the last two years, this would mean around 1,100 temporary-career volunteers applied for a civilian position in the Bundeswehr in 2020 and around 500 in the first half of 2021. The actual applicant numbers should be recorded again in the future.

Appraisal system

In the year under review, the Bundeswehr introduced a new appraisal system for all service personnel, applying it for the first time on the cut-off date of 31 July 2021. The previous system needed fundamental reform because the inflation of top grades in recent years had made it nigh on impossible to differentiate between those assessed. The significance of this reform is great because the official appraisal is the main foundation for career-advancing selection and assignment decisions or the definition of promotion sequences.

The Bundeswehr is touting the new appraisal regulations as an important reset to effectively counteract the devaluation of top grades. Under the new system, the letters "A" to "G" serve as the new assessment standard. For the top three evaluation levels, there are benchmarks defining the maximum proportion of possible top grades within the comparison groups, notably 5 per cent "As", 10 per cent "Bs" and 15 per cent "Cs". The letters "D" and "E" represent the standard case or normal performance.

The initial assessors evaluate performance, aptitude, and competence equally. The second assessors - the next disciplinary superiors up - have now been given more responsibility and make the overall appraisal. Complying with the **benchmarks** is the responsibility of the next higher superiors. In their role as "benchmark examiners", they are responsible for ensuring a uniform assessment standard is adhered to, either approving appraisals for entire areas or repealing them if binding benchmarks have not been complied with. The idea is for the responsibility for appraisals to be shouldered by multiple people. It is also to be welcomed that the new system reduces the appraisal burden for the initial appraisers, who often already have a high degree of bureaucracy to contend with. The appraisal is done electronically, is shorter and contains less free text. Instead, assessors can make a selection from numerous predefined individual characteristics at little effort.

The major organisational elements have predominantly formed small **appraisal groups**. Out of the 5,999 comparison groups nationwide, 5,755 have a size of less than 20 service personnel. The average number of persons to be assessed in this group is just 3.55. In such small and very small groups, there is a risk that the assessors will award a disproportionately high number of top grades to maintain fairness in individual cases. It therefore remains to be seen whether the expected containment of top-grade inflation will actually materialise. Here, those responsible overall have a high degree of responsibility and face a major challenge, as at their level they may have to order grades in the already cumulated groups to be downgraded to comply with the benchmarks. The higher the person with overall responsibility is in the hierarchy, the lower their direct knowledge of those being appraised is likely to be.

It also remains to be seen whether the new appraisal system will be **accepted** by the servicewomen and men being appraised. The inflation of top grades has left many soldiers with the - not always correct - impression that they belong to the top group of those being assessed. Explaining the new system and conveying to the majority of soldiers that their performance is in the range of grade levels “D” or “E” is a difficult task that entails a great deal of responsibility for the appraising superiors. Initial submissions received during the year under review from both appraising superiors and officers undergoing appraisal show that the new system has not yet met with the requisite acceptance from all servicewomen and men:

- *Triggered by two submissions to the Parliamentary Commissioner, the Federal Ministry of Defence reviewed the appraisal situation for captains/lieutenants in grades A 11 and A 12 in the naval line officer career in the transition from the old to the new appraisal system. The ministry found that under the new assessment regulations, this group would have undergone appraisal again for the first time on the appraisal date of 31 January 2023. In many cases, this appraisal date would have resulted in long appraisal gaps and possible career disadvantages could not have been ruled out. The ministry then took the flexible decision to have the group in question appraised once as scheduled on 31 July 2021 under the new appraisal regulations, provided that their last scheduled appraisal was not less than one year old at that time.*

This unbureaucratic adjustment in the interests of service personnel is to be expressly welcomed.

Promotions

Like every reporting year, numerous servicewomen and men again contacted the Parliamentary Commissioner because, in their view, they should have long since been promoted. However, the review of the submissions found that the Federal Office of Bundeswehr Personnel Management had set the promotion date for the soldiers concerned in line with the rules. Here, it should be borne in mind that even if all the requirements are met, soldiers are not entitled to promotion at a specific point in time, but only to an error-free exercise of the discretionary latitude to promote service personnel or not. The time requirements for promotion set forth in Type A General Publication 1340/49 are only the minimum requirements. If more servicewomen and men have fulfilled these requirements than there are established posts available, the Federal Office of Bundeswehr Personnel Management defines promotion sequences in accordance with Type A General Publication 1340/111, in particular on the basis of the last scheduled appraisal. In view of the principle of merit enshrined in Article 33 (2) of the Basic Law, lower-performing soldiers being promoted later than higher-performing soldiers is not something that can be criticised. At the same time, lawmakers should endeavour to make an adequate number of established posts available in section 14 of the budget and in this way counter the understandable frustration of the soldiers concerned at the very long **waiting times**. The reduced recruitment figures in 2020 and 2021 due to the pandemic had a positive effect on the promotion situation though. This special effect temporarily led to a reduction in the number of candidates for promotion and in turn to a noticeable reduction in waiting times for the servicewomen and men concerned.

This notwithstanding, the promotion and assignment situation for administrative service officers in grade A 14 and for senior non-commissioned officers in grade A 8 plus a supplemental allowance has not improved satisfactorily. At the end of the year under review, 256 officers were waiting for their promotion to grade A 14 and 4,064 staff sergeants and chief petty officers to be assigned to grade A 8 plus a supplemental allowance - for an average of twelve months after fulfilling the minimum requirements.

Processing of personnel matters

Long processing periods for applications, lost application documents and a lack of communication by personnel management are recurring topics of submissions. In times of staff shortages, it is particularly important to ensure a smooth recruitment process, especially during the application phase:

- *A petitioner had truthfully stated on his application form that he had previously been convicted of shoplifting. The Federal Office of Bundeswehr Personnel Management decided that in light of the one-time offence and the low material value of the stolen goods, this did not constitute an obstacle to recruitment. The petitioner successfully participated in the selection procedure for officer applicants and was accepted for appointment. However, on the instructions of the ministry, the personnel office withdrew the acceptance because there were concerns about the entry in the Federal Central Criminal Register. In the course of the submission procedure,*

the ministry and the personnel office found that the post-probationary period had been calculated incorrectly. The petitioner was able to be appointed on the date originally planned.

Occasionally, mistakes are made in **assignment planning**. Soldiers have no fundamental right to a specific assignment at a specific location. Nevertheless, personnel management should endeavour to keep any promises of a certain post when recruiting or re-enlisting personnel. This holds particularly true if those concerned have undergone training, sometimes spanning several years, in order to qualify for the promised post:

- *After 17 months of military service, a military service volunteer had signed up for twelve years as a temporary-career volunteer and was supposed to be given a post at the submarine training centre. During his training, the post was eliminated due to restructuring. Two newly created posts in the same specialist field were allocated elsewhere. Even though the petitioner was given another post at the same location following his training, he was annoyed. The Federal Office of Bundeswehr Personnel Management conceded that the petitioner was right in criticising the uncoordinated approach by personnel management and took measures to prevent a repeat of the situation in the future.*
- *In another case, there was incorrect double assigning in the recruitment procedure. It was only after the petitioner had successfully completed his career training and was supposed to be transferred to the post he had been assigned to at the time of recruitment that this came to light. To protect the legitimate expectations of the soldier who had already been assigned to the post, this soldier was able to remain there and the petitioner was given another post at his desired location by mutual agreement.*

Occasionally, servicewomen and men also level criticism at **appointment procedures**. Unlike for civilian application procedures in the public service, there is no obligation to advertise military posts. Personnel management considers the soldiers who are eligible for the corresponding pay and post requirement profiles and makes a selection ex officio. If the selection entails promotion to a higher rank or the assignment to a post of a higher grade, the best candidates are selected as enshrined in the Basic Law. This is backed up by established jurisprudence and is not to be criticised. It also means that the soldiers interested in a post cannot directly influence their inclusion in the group of applicants. They can only do so by means of their knowledge and abilities or corresponding assignment indications in their appraisals. For the remainder, they are reliant on the dialogue with their respective personnel manager. Military selection decisions for appointments to grades A 16 to B 3 are made in an extensive written participation procedure. The Chief of Defence, the Directors-General at the Federal Ministry of Defence, the Chiefs of the releasing or receiving uniformed services as well as the heads of the major organisational elements consult with each other by means of comments before a staffing proposal is submitted to the Director of the Federal Office of Bundeswehr Personnel Management (“circular procedure”). The aim of this procedure is to prepare transparent **selection decisions** that factor in the interests of both the requesting and supplying parties and enable them to actively participate in the filling of top posts. In this context, the decision as to what “delineation” a post should have, what specific responsibilities are assigned to it and what expertise is required, falls within the organisational discretion of the employer. The description of the duties of a post or the requirements profile cannot be reviewed for its military expediency, but only for whether the authority in charge of the personnel has allowed itself to be guided by extraneous considerations. A glance at the recent case law handed down by the Military Affairs Division of the Federal Administrative Court shows that appointment decisions by the Federal Office of Bundeswehr Personnel Management do not always stand up to legal scrutiny.

- *In the profile of requirements for a promotion post graded at A16, one of the criteria required was a current prior assignment at the ministry’s Directorate-General for Personnel. The ministry justified this criterion citing the need for a certain expertise in personnel matters in order to perform the tasks of the post. Although the unsuccessful candidate had this expertise, he could not demonstrate any recent prior experience as a policy officer at the ministry’s Directorate-General for Personnel. The court ruled on his complaint that the required competences were not grounds for an objection. However, this did not justify narrowing the field of candidates to those currently working at the Ministry of Defence’s Directorate-General for Personnel. Narrowing the field of applicants to candidates from a “parent organisation” contradicted the principle of merit enshrined in Article 33 (2) of the Basic Law and encouraged the formation of “fiefdoms”.*

If the agency in charge of personnel has determined the profile of requirements or the description of duties for a post, it is also bound by this when making the selection decision. Whether the selection decision was actually based on this is fully subject to judicial review.

- *In two decisions, the Military Affairs Division ruled that the unsuccessful candidate in the selection procedure had been wrongly accused of not meeting a certain requirement from the applicant profile. In each case, the cases concerned appointment decisions for a post in the remit of the Ministry of Defence assessed according to grade A 16.*

Civilian initial and follow-on occupational training

During their period of service, temporary-career volunteers often complete civilian initial and follow-on occupational training measures as part of their military training, most of which are carried out by civilian educational institutions. The Bundeswehr Vocational Advancement Service, which has its own branch at each Career Centre, is responsible for tendering and awarding the training measures as well as for technical oversight and quality control on site. The servicewomen and men take their final state examinations at the Chamber of Industry and Commerce. They need the initial and follow-on training primarily for their military assignment. However, it is often also used to subsequently integrate into civilian working life once their period of service has ended, for instance because the former soldiers start a job in the occupation they learned at the Bundeswehr. As such, they make military service more attractive. Participating in these training measures shortens the entitlement to vocational support.

On the reporting date of 15 November 2021, a total of 5,569 temporary-career volunteers were engaged in a civilian vocational measure, 4,649 of whom were in initial training and 920 in follow-on training. These took the form of 373 group initial training measures in 46 different occupational profiles and 88 group follow-on training measures with 31 different qualifications. The top three occupations training is provided for are IT specialist for system integration, office administrator and telecommunications system electronics technician. Training in the occupations of metalworker for construction engineering, carpenter or medical documentation assistant, for instance, is very rare on account of the low demand.

In the previous year, 2,214 temporary-career volunteers successfully completed an initial training course and 484 a follow-on training course. In the year under review, 2,265 successfully completed an initial training course and 661 a follow-on training course.

As the procedure and content of the civilian initial and follow-on occupational training measures in the scope of the Training Agenda have generally proven successful, the Ministry of Defence is not planning any major changes. However, the training offered is constantly adapted and further developed based on the experience gained as courses are carried out, and the needs of the armed forces and the catalogue of training measures is regularly reviewed. In the year under review, for instance, training to become an IT specialist in the new specialisations of application development and digital connectivity began for the first time in addition to the existing specialisation of system integration. In the future, there will also be the possibility of follow-on training to become a master electrician, master refrigeration engineer and master metalworker.

Criticism was levelled at the new courses for the lack of planning foresight:

- *A company commander complained that one of his soldiers, who was supposed to be deployed as a camp maintenance sergeant specialised in air-conditioning, was scheduled for civilian follow-on occupational training to become a master tradesman in electrical engineering from July 2021, even though training to become a master refrigeration engineer had since been introduced and the soldier had the corresponding prerequisite occupational training. The Federal Office of Bundeswehr Personnel Management cancelled the ordered assignment in time before the start of the follow-on training measure. Once the civilian initial and follow-on occupational training to become a master refrigeration engineer has been set up, the soldier is immediately scheduled for a pre-orientation measure for this training in 2022.*

This year, too, the completion of eleven civilian initial and follow-on occupational training measures with 128 participants was subject to a delay of four to six months due to the Covid-19 pandemic. The average **pass rate** of almost 90 per cent achieved in the previous year dipped slightly to 87 percent in 2021. This is partly due to the pandemic-related restrictions, in particular the fact that at some training institutions measures took place as online classes instead of in-person classes.

- *A civilian initial and follow-on occupational training measure to become an aircraft mechanic faced a great deal of criticism in the year under review in relation to the implementation by the training provider, in particular exam preparation, the lack of in-person teaching and the subject-specific, communication and*

interpersonal skills of the instructors. The petitioners feared that the shortcomings could potentially mean they would not be able to successfully complete the training. The review of the matter revealed that the training provider had taught the training fundamentals, but that there had been significant shortcomings in terms of the instructors. They were alleged to have made statements such as “We’re not going to get up and dance you through it and we don’t care whether you are here or not” or “Get out of here and find somewhere else to get trained”. These had since been replaced, it was reported. Another instructor had been employed even before he had passed his instructor aptitude test in full, based solely on the knowledge that he had already worked successfully in adult education for years. On top of this, there were said to have been serious gaps in the knowledge of the course participants due to the long phase of online teaching of about half a year, with theoretical parts of the training needing to be repeated. To ensure the participants could successfully complete their training there was now said to be close local supervision by the responsible vocational advancement service, with a full-time course supervisor being put in place there.

Cases like this illustrate once again how important it is for the vocational advancement service to constantly monitor training providers. In particular, instructors need to have the necessary subject knowledge and educational skills to be able to teach the examination material.

With this in mind and with a view to optimising procedures and general conditions, the Joint Support and Enabling Service Headquarters initiated an organisational study and staffing requirements analysis for civilian initial and follow-on occupational training and student administrative support centres for Bundeswehr Schools of General Vocational Education. The Covid-19 pandemic meant this had to be interrupted, to be continued only once the pandemic is over, as for the findings to be usable, it is necessary to record and assess regular operations in situ. The plan is to resume in early 2022.

8. Infrastructure

Nationwide, over the past five years the Bundeswehr has implemented investment infrastructure measures totalling EUR 4.7 billion. In spite of the high investment volume, some of the Bundeswehr’s infrastructure is ailing as a result of the high backlog in investment and repairs after long years of cost-cutting well into the 2000s. The problem and the associated tasks have been recognised. Now it is important for all those responsible to look seriously and purposefully for new avenues and approaches. In light of this, the Coalition Agreement has also stipulated that the Bundeswehr’s personnel, materiel and finances are to undergo a critical stocktake and that the modernisation and digitalisation process is to be appropriately overseen by parliament. This also applies to infrastructure.

Construction flaws and delays

The condition of accommodation, sanitary facilities and utility buildings not only leads to frustration among servicewomen and men, but sometimes also to a loss of confidence in policymakers’ ability to act:

- *During a field visit to Eckernförde, service personnel complained about deplorable sanitary facilities and accommodation. Pipes were calcified, they reported, they had to go to another building to take a shower, windows were leaking and rooms were overcrowded. After seeing the infrastructure, many local political leaders had already agreed that action was needed now. But nothing had happened.*
- *A senior master sergeant complained about the sanitary conditions at the Air Base Barracks in Husum, reporting that there had been no hot water supply for showers and kitchenettes in two buildings there since 2017. The sanitary containers set up as a makeshift solution were now partially contaminated with mould and needed replacing. In addition to this, the supply of drinking water in one of the buildings had been cut off since October 2021 due to blocked drainage pipes. The Ministry of Defence responded that construction work for the new buildings had begun in January 2021 and that it expected them to be completed in June 2023.*
- *The signal/materiel management platoon at the Klotzberg Barracks in Idar-Oberstein described how when the platoon was fully staffed with over 90 men and women, they had to make do with two toilets. What was more, some of the barracks’ accommodation was occupied by four soldiers per room, sometimes even more.*

In some cases, comrades had to share the only available power socket to charge their mobile phones and other battery-powered devices in time.

- *At the Theodor Körner Barracks in Lüneburg, shower containers have been set up in front of the company building because the sanitary facilities are closed due to the risk of legionella. Teaching rooms, classrooms and basement rooms can only be used to a limited extent or not at all due to a lack of fire safety. Hangars remain closed due to danger of collapse.*
- *There is mould in the kitchen at the Niederauerbach Barracks in Zweibrücken. The requisite work for the interim kitchen planned until new utility and MWR (morale, welfare and recreation) areas are built was delayed due to the pandemic. Thanks to the close cooperation between all parties involved, trial cooking operations can begin in mid-March 2022 and the handover of the interim kitchen can take place sometime in April 2022.*

A constant source of frustration continues to be the inadequate state of the **IT infrastructure**, which is repeatedly and quite rightly raised during field visits and in petitions.

- *At the Army NCO School in Delitzsch, it took about six years to provide wireless Internet, from the creation of the concept to its implementation. At other locations, servicewomen and men complained that they still had to do a lot of things “by hand” because there were not enough computers available. They found it particularly frustrating when using IT was a prerequisite and it was not available.*

At least the NCO School in Delitzsch will receive the 1,739 laptops requested for training starting in 2022.

Even where digital infrastructure exists, it can sometimes not be expedient if it creates extra work:

- *A soldier from the Army Headquarters complained about the additional work involved in creating digital duty rosters using the IAMS system in his area of work. The duty roster he drafted was subject to the specifications of his superior technical unit. He also prepared a duty roster for the superior administrative unit. Unfortunately, the specifications for the creation of both duty rosters were not identical. He therefore had to laboriously make changes using Microsoft Excel. The Army Headquarters could understand the petitioner’s criticism. Creating duty rosters using the IAMS system only made sense, it said, if the system supported it seamlessly. This was not the case. Until the IAMS system is further developed in a user-friendly way, it will temporarily no longer underpin the weekly duty rosters of the petitioner’s unit.*

The reason for the infrastructural deficiencies is the lengthy **implementation periods** for construction projects spanning multiple years, in some cases decades.

- *At the Aachen site, for example, time schedules for new buildings on various properties extend into the year 2029. Despite funding being available, the construction projects fail to progress inter alia due to the building authorities of the state of North Rhine-Westphalia, which are responsible for building law. Projects are on hold there due to staffing shortages.*
- *In the case of the “trio building” of the Ferdinand von Schill Barracks in Torgelow, there was a gap of 23 years between the planning in the old millennium (1998) and it being handed over to its users in July of the year under review.*
- *The utility building of the Blücher Barracks in Berlin-Kladow, which houses the kitchen and dining hall, is to be replaced by a new building. Until its completion, which is expected to be in 2024, a container kitchen will be used as a substitute. Although the planning application for this project has been underway since April 2019, the container is still not in place. According to the latest information, this should be ready in September 2022, meaning the transitional solution and the construction of the actual utility building will no longer be very far apart timewise. At any rate, this situation must not be allowed to lead to more time being taken with the new construction of the utility building.*
- *The swimming pool at the Saaleck Barracks in Hammelburg is another example. The design planning for the pool dates back to 2005 and as things currently stand, it is scheduled for completion 19 years later, so in 2024. The situation is not much better for two accommodation buildings. The initial planning from 2012 is to be followed by completion between 2024 and 2025. And there are also 20 years between the initial planning of the utility building and its expected completion.*

- *No progress has been made on reactivating the open-air swimming pool at the Julius Leber Barracks in Berlin. Ultimately, the civilian population could also benefit from its reopening if the pool were made available to the public, such as associations and schools, under certain conditions. This would be a sign of the Bundeswehr's solidarity with wider society.*

Even a construction project that does not even entail erecting a permanent building fails to be completed within a period of around ten years:

- *Until 2012, two sports fields were available at the General Olbricht Barracks in Leipzig. A reduction in the number of personnel led to the loss of one, and the second sports field, which had since fallen into disrepair, was supposed to be renovated by 2015. Flaws during the renovation and an ensuing legal dispute prevented it being completed. If the studies initiated under a court settlement come to the conclusion that the sports field needs to be completely rebuilt, the ministry has announced that completion is not expected before the end of 2024.*

Given that a second sports field is now actually also needed, this is particularly frustrating. For service personnel, fitness is an essential part of their job and key to the operational readiness of the force.

It also defies comprehension when military training areas are forgotten in terms of ensuring they are always fully ready for use because the troops need to continue to practise the military skills required of them.

- *For instance, the military training area at the Aulenbach Camp established in the 1960s has not undergone any significant renovations since. Although the Federal Ministry of Defence is planning considerable investments there in the coming years, these are not scheduled to be completed until 2028.*

This contrasts with training areas in Munster and Bergen, which the Bundeswehr wants to connect digitally by 2028. The aim is to be able to conduct a location-independent, but nevertheless closed firearms exercise for an entire brigade. In total, the Bundeswehr wants to upgrade 13 training areas. Ultimately - and this is another aim - this should lead to firearms training that simulates realistic deployment conditions. This entails, for instance, equipping the firing ranges with semi to fully autonomous targets, better reflecting the “train as you fight” ambition. In addition, a digital control and evaluation system is to be installed. 91 Bundeswehr Technical Centre in Meppen and the Fraunhofer Institute are working on this “at high speed”, the Ministry of Defence states. Providing the considerable financial resources required for this is problematic. Unless the future budget situation so allows, the ministry fears, this project will be limited to realistic minimum requirements. It would be better to create the financial prerequisites now for modern and optimum firearms training in the near future. Increasing firearms skills and improving firearms training plays a prominent role, especially in the context of the renewed importance of national and collective defence.

Federal state building authorities

The federal state building authorities are often the bottleneck when it comes to rapid and targeted implementation of construction projects. Under Article 87b of the Basic Law, they assume essential tasks for the Bundeswehr in the course of infrastructure projects. These include, for instance, preparing tender documents, the public procurement process, implementing the construction project including construction management and supervision as well as contract management, legal recourse and completion. This means they need to be in a position to translate the Bundeswehr's high investment needs into planning on the ground and to execute the construction projects. This is costly, time-consuming and staff-intensive.

During discussions at the Federal Office of Bundeswehr Infrastructure, Environmental Protection and Services, the Parliamentary Commissioner learned that the Bundeswehr's **infrastructure needs** amount to some EUR 19.1 billion until 2034, but that the building authorities are currently only able to implement about 1 billion worth of construction per year. So as things stand, by 2034 an additional investment backlog is to be expected.

A crucial factor for the swift implementation of construction projects is therefore how well the building authorities of the respective federal states work. Where they are well staffed, where there is constructive cooperation with the force and where Bundeswehr construction projects are given priority, new buildings can be erected and repairs carried out quickly. Too often, however, the federal state building authorities are understaffed, and priority is not necessarily accorded to Bundeswehr projects. The federal states and municipalities benefit from the Bundeswehr

being located there, though, not least because they translate into economic power for the regions. So it should be in their own interests not just to keep the Bundeswehr at these locations, but also to support it.

In an urgent appeal, the Parliamentary Commissioner asked all the Prime Ministers of the *Länder* to increase the staffing of their building authorities and to give those responsible the necessary backing to prioritise the Bundeswehr construction projects pending in their federal state.

It is positive that the Bundeswehr intends to focus more on the prioritisation of construction measures within its area in the future and has introduced a prioritisation system. It can incorporate this into the **round-table discussions** between representatives of the Federal Ministry of Defence, its executive agencies and the federal state building authorities. These are an opportunity to discuss upcoming infrastructure projects with the federal state building authorities and, in the best case, to enable forward-looking planning. In the process, construction projects can be prioritised, weighing up the Bundeswehr's construction projects and the federal state's own infrastructure projects, and target agreements on the construction volume to be implemented are possible.

The round-table discussions should be stepped up, especially in terms of creative forms of cooperation. In the context of the Covid-19 pandemic as well as flood relief, the federal states and municipalities gladly accepted the support of the Bundeswehr and servicemen and women showed how multifaceted the support they provide in the scope of administrative assistance can be.

A productive idea to support the federal state building authorities worthy of emulating came from the location in Gera, where the commander of 701 Armoured Engineer Battalion offered to lend civil engineers and other professionally trained Bundeswehr staff in the scope of **administrative assistance**. Building offices and other authorities at federal state level should be open to offers like this.

Cooperation of this kind is already starting to be practised at the Munster location. In project teams, soldiers entrusted with infrastructure tasks - for the most part on a part-time basis - support the building authorities in complex infrastructure measures. Another idea was for the Bundeswehr to identify specialists from its pool of reservists who could help at the federal state building authorities.

Field visits have shown how valuable it is for the locations to have soldiers working full-time in the area of infrastructure. The Bundeswehr should therefore significantly increase the number of full-time **personnel** and assign periods in post that are longer than the standard periods in post. It should also reconsider implementing its own training courses for these tasks. Such personnel are of great value not only in the planning and construction phase and in cooperation with the federal state building authorities, but also after the handover of buildings, as they know how renovation and maintenance work on buildings is arranged, carried out and accepted, for instance.

A successful example of how to save time on complex planning operations is the construction of building projects with the involvement of **lead building authorities**. For instance, the Bavarian State Building Directorate in Ebern planned the construction of a firing range and other federal state building authorities can make use of this planning.

Simplification and flexibility

In the year under review, the Parliamentary Commissioner had many discussions on the subject of infrastructure with representatives of the Federal Ministry of Defence, the Federal Office of Infrastructure and Services as well as with servicemen and women during all field visits. There is consensus that everyone involved is called upon to prevent excessively long planning times and slow implementation of construction projects and, in turn, ongoing deficiencies in the buildings, poor sanitary conditions, inadequate mess halls and unusable sports facilities from continuing to impact the image of the Bundeswehr. It is a matter of creating the best possible infrastructure for a modern Bundeswehr of the future. What the Bundeswehr needs for this is **reliability for its planning**. In the past, changes in stationing decisions all too often resulted in a re-evaluation of the requisite infrastructure at the respective location and in turn, in some cases, new time-consuming planning and decision-making processes. So it is important to have reliable stationing decisions and a set financial framework. Only if these two prerequisites are met can the Bundeswehr plan ahead into the future.

The extent to which accelerated construction can be achieved across the board through the use of **master or standard contracts** - for instance in the procurement of what are known as modular buildings - is also being discussed. Potentially, awarding contracts to civilian general contractors could be a way to achieve convincing results, as has been practised recently in the construction of accommodation buildings for the Bundeswehr University in Munich.

However, the current very high workloads in the construction industry and the associated delays in the implementation of construction projects are exacerbating matters. What causes problems above all, however, are the lengthy bureaucratic construction processes in Germany, which impact not just the Bundeswehr. The first thing to do here is to identify and legally implement the possibilities for simplifying and rendering more flexible national **procurement law**, which also results from European legislation. Likewise, budgetary law and, not least, the guidelines for implementing federal construction tasks must be reviewed to identify possible simplifications and clarifications. In the medium term, the goal should be to leverage the existing possibilities provided by procurement law, for instance, with regard to the privileged treatment of military buildings. One good approach here would be to increase the proportion of projects executed by the Bundeswehr itself, which makes it possible to initiate contracts for smaller-scale renovation work without involving the federal state building authorities, for instance.

The sustainability goals agreed on by the new Federal Government will also have an impact on construction, as they relate to the energy-efficient refurbishment of the Bundeswehr's existing buildings and the implementation of these specifications in new construction projects. This requires additional planning and construction capacities. All in all, the Bundeswehr still has a long way to go here.

9. Environment and climate

To contribute to sustainability, the Bundeswehr is called on to take measures to reduce energy use and to promote environmental protection and nature conservation. Whilst the Climate Protection Act envisages the creation of a climate-neutral Federal Administration by 2030, the Ministry of Defence is more ambitious. In a roadmap adopted on 12 July 2019, it set itself the goal of achieving climate neutrality by 2023.

The areas of sustainable construction, energy consumption and sustainable mobility have a major role to play towards achieving this goal. The Bundeswehr is also striving to become a producer, supplier and consumer of energy as it carries out the requisite **energy-efficient refurbishment** of its buildings.

The "Green Barracks" pilot project seems promising in this context. The aim of this project is to test new approaches for supplying heat at Bundeswehr properties that avoid fossil fuels and to test and implement the expansion of renewable energies. According to the Federal Ministry of Defence, the necessary preliminary studies at the properties designated for this project have already been partially completed. The results of the practical tests to be initiated remain to be seen.

Mobility also needs to be made sustainable. This applies to major equipment as well as to the mobility of soldiers on the ground. **Free rail travel**, for instance, is a positive contribution to climate protection. Making it easier for a commuter army of around 180,000 soldiers to switch to rail transport can lead to a significantly improved CO₂ balance. The Bundeswehr is setting an example in keeping with the times, and it would be very desirable if this concept could also be applied in other parts of the public service as well as in the private sector.

With the increasing demand for **electric vehicles**, new questions arise for the Bundeswehr with regard to ensuring sufficient charging possibilities at its properties. The Bundeswehr has responded to this and is planning up to 30,000 charging points for private electric vehicles of soldiers by 2050. The funding is to come from a provider solution. It is good that progress has already been made here, with the Ministry of Defence reporting an agreement allowing private electric mobility users to apply to use the charging points owned by BwFuhrparkService GmbH to charge their vehicles. However, charging official vehicles always has priority.

The means of transport servicewomen and men use to reach their location vary. Not least, the climate crisis should provide impetus to explore new avenues, and also to consider promoting modes of transport that have not been the focus of interest so far, such as **bicycles**:

- *The suggestion by a soldier that the Bundeswehr should promote "job bike leasing" seems worth examining. The efforts in this vein by the state government of Baden-Württemberg serve as an example. The leasing concept entails the employer providing a bicycle for government staff, whose costs of use are then deducted from their salary.*

The Federal Ministry of Defence has plausibly explained why a model like this could not be applied at federal level under current military pay law. Nevertheless, at least in the medium term, it should examine the idea more closely in terms of its feasibility and practicability.

A key technology in renewable energy generation is **photovoltaics**. So it is good to know that the Bundeswehr is harnessing the ideal conditions for generating solar energy in Africa especially during its deployment in Niger. It is an encouraging sign that the Air Transport Base in Niamey (Niger) can obtain up to 15 per cent of its power from photovoltaic systems. This is beneficial not just in military terms thanks to the improved self-sufficiency it affords the soldiers deployed there, it is also another step towards a “clean” energy supply. Sustainability is also being achieved there through cooperation - first by the Bundeswehr having its wastewater treated by a sewage treatment plant in the French part of the camp and then returned to the natural water cycle, and second by the French supplying their share of the camp with electricity from the German photovoltaic system.

The Bundeswehr is the largest user of federally owned properties, with an area of approximately 210,000 hectares, including approximately 1,500 properties and over 170 training areas. Ecological islands have been created on its military training areas due to the extensive ban on public access, the lack of conventional agricultural use and the vast contiguous areas it encompasses. The Bundeswehr has registered more than 50 per cent of its military training areas with the European Commission as parts of the “**Natura 2000**” network of nature protection areas. The purpose of this network is to protect endangered native wild plant and animal species and their natural habitats. One example of biodiversity on military training areas is the Ohrdruf military training area in Thuringia, which is home to native orchid species and a variety of other Red List plants. The meadows provide important habitats for various bird species, and old tunnels and bunkers specially preserved and renovated by the Bundeswehr provide roosts for 16 of the 25 bat species currently found in Germany.

However, species protection can also impact training and in turn the operational capability of the Bundeswehr, as the following case demonstrates:

- *For mine countermeasures, sea blasting is a required part of the training of clearance divers and blasters. Since the end of August 2019, this blasting, which is generally possible with a special permit, is no longer permitted in German waters and within the German “Exclusive Economic Zone” (EEZ). After 43 aerial mines from the Second World War were blown up at sea within the EEZ, dead porpoises were found nearby at the same time. Although a connection between the sea blasting and the dead porpoises could not be proven, the Federal Agency for Nature Conservation has not issued any more blasting permits since, citing the Federal Nature Conservation Act, which prohibits the killing of specially protected marine mammals. This has led to a considerable drop in the operational capability of mine countermeasures.*

The Ministry of Defence has informed the Parliamentary Commissioner that the Navy will be able to maintain operational capability at an operational minimum from 2022 onwards by training in French waters. However, this comes at considerable expense and organisational effort and cannot adequately substitute training in German waters. To solve the problem, a Ministry of Defence working group has compiled a guide on “Nature conservation and technical requirements for underwater blasting in the context of Bundeswehr training, exercise and testing operations in the North and Baltic Sea”, which is to serve as a basis for negotiations with the nature conservation authorities. In the Navy Headquarters’ assessment, however, resolving the conflict between nature conservation on the one hand and performing its defence mandate on the other is likely to be extremely difficult and protracted.

10. Deployment and quasi-operational commitments

Troop commitments

At the end of the year under review (as of 17 December 2021), 2,286 German servicewomen and men were deployed on the nine mandated Bundeswehr missions (2020: 3,152). Out of these, 1,044 soldiers were participating in the MINUSMA mission and 335 soldiers in the EUTM Mali mission in Mali and Niger. 280 troops were participating in the COUNTER DAESH/Capacity Building Iraq mission in Jordan and Iraq. In the Mediterranean region, 214 soldiers were deployed on Operation IRINI, 209 on Operation SEA GUARDIAN and 120 on the UNIFIL mission. For KFOR, 68 German troops were serving in Kosovo. Out of the eleven German soldiers deployed for UNMISS in the year under review, five were assigned to the staff of the Force Headquarters in the South Sudanese capital of Juba. Finally, the Bundeswehr was represented by five soldiers on the ATALANTA mission. Year on year, the total number of troops deployed on Bundeswehr missions, quasi-operational commitments, standing operational tasks and other commitments also dropped, to around 7,300 at the end of the year (2020: approximately 20,000). The background to this significant reduction is the end of the

Bundeswehr's deployment in Afghanistan as well as the end of the high level of readiness as part of the Very High Readiness Joint Task Force (VJTF) and the command of an EU battlegroup.

The Parliamentary Commissioner discussed the role of national **ombuds institutions** for the armed forces on international UN peace missions in October of the year under review at an international workshop in Berlin organised by the Geneva Centre for Security Sector Governance (DCAF). The result was the adoption of a resolution on improved cooperation between national ombuds institutions and agreements to conduct joint visits to deployments, missions, and exercises in which the respective national armed forces are involved.

MINUSMA and EUTM Mali

Since it began in 2013, the Bundeswehr has been involved in the UN-led **MINUSMA** mission in Mali. The servicewomen and men there have a robust mandate. They are allowed to use weapons in self-defence, to defend the mission and civilians. However, the mandate does not include fighting terrorists. This task was assumed by the at times more than 5,000 French soldiers stationed in the Sahel as part of Operation Barkhane. MINUSMA is considered the most dangerous United Nations mission. There are repeated attacks by Islamic extremist fighters, which have also claimed the lives of many civilians.

The German Bundestag has regularly extended the Bundeswehr's mandate to participate in MINUSMA, most recently on 19 May 2021 until 31 May 2022. The mandate ceiling for Bundeswehr soldiers deployed has remained constant at up to 1,100 soldiers since 2018. The aim of the mission is to safeguard the peace agreement and build state structures. Two coups took place in August 2020 and May 2021, resulting in the toppling of the incumbent president and government. At the end of the year under review, the election planned for 2022 was cancelled and postponed indefinitely.

In light of this and after what has now been eight years of deployment, it is time for a no-holds-barred analysis. We need to agree with our international partners what our realistic goals are for the MINUSMA mission. Germany should play an active role in this process and present an honest interim assessment.

In the year under review, the fact that neither Germany nor any other partner nation was able to provide helicopters for the mission at Camp Castor, the Bundeswehr's main base near the city of Gao in north-eastern Mali, provoked criticism. Instead, a civilian company provided two helicopters from December 2020 to ensure the **rescue chain**. When, on 25 June 2021, thirteen United Nations soldiers - twelve members of the Bundeswehr and one Belgian soldier - sustained injuries, some of them serious, in a suicide car bomb attack, this led to reports that the civilian helicopters of the contracting company had landed 50 kilometres from the scene of the attack. The Ministry of Defence refuted the reports that the rescue chain run from Camp Castor, 180 kilometres away, had not worked properly. Nevertheless, it is very much to be welcomed that now that the Afghanistan mission is over, the Bundeswehr once again has the capacity to station its own helicopters in Gao. Since 1 December 2021, four Bundeswehr NH90s have once again been ensuring the rescue chain. It is particularly positive that Germany has also promised the United Nations that it will provide this capability until June 2024.

During the Parliamentary Commissioner's field visit to Mali at the end of the year under review, servicewomen and men complained that **vehicles** of all kinds were not fit for the climatic and geological conditions (heat, dust, terrain) - at least in continuous use:

- *For instance, the temperature inside the FUCHS armoured transport vehicle was reported to reach up to 50 degrees. The splinter protection layer or the display were routinely damaged as a result, leading to extensive repair work being needed. The high levels of dust and sand meant the work had to be done in Germany. The materiel readiness of the FUCHS was consequently just 50 per cent. Moreover, almost 75 per cent of all vehicles had been in use on the ground since the beginning of the mission in 2013 and were now reaching the limits of what was physically possible. Repair times were getting longer, the need for spare parts was increasing. The vehicle fleet would have to be successively regenerated and replaced.*

It seems contradictory if, on the one hand, the Bundeswehr takes comprehensive measures to protect its deployed forces, but on the other hand, checks to enter a camp are considered a routine act without any specific risk, which impacts the **allowances granted**:

- *Several service personnel deployed as explosive ordnance disposal sergeants in the scope of the MINUSMA mission in Gao complained that they had no longer received the hardship allowance granted to them as explosive ordnance disposal experts and explosive ordnance detectors from 2018 and had even been required*

to pay it back. The allowance is granted for the constant testing, defusing and removal of unconventional explosive and incendiary devices. The Ministry of Defence stated that the routine inspections of vehicles carried out by the servicewomen and men prior to entry to Camp Castor were merely explosive ordnance reconnaissance measures and did not meet the criteria for the allowance due to the lack of specific grounds for suspicion. The allowances paid from 1 January 2018 to 31 December 2020 had to be reclaimed as there was no legal basis for them. Only the claims for the repayment of allowances prior to this period were time-barred.

The fact that the allowance was paid for months meant many soldiers, including those deployed in Mali were paid too much. The payments were caused by a decree issued by the Ministry of Defence on 7 August 2015, which stipulated that the responsible disciplinary superior could, after assessing the situation, order all vehicles to be inspected by trained explosive ordnance disposal personnel for a whole day or for a few hours, and that this would be considered a deployment eligible for the allowance. The decree's intention of clarifying the existing legal situation and eliminating uncertainties in the granting of the allowance evidently led to confusion rather than clarification. The lack of comprehension on the part of the servicewomen and men towards the, from their perspective, surprising reclaiming of the allowance initially granted is therefore understandable in every respect. Respect for allied armed forces dictates making certain services available to them as well when working together:

- *Servicewomen and men rightly told the Parliamentary Commissioner that it was unacceptable that a platoon of Lithuanian troops, which had been an integral part of the German mission contingent for years and which provided 24/7 protection to Camp Castor, had not been granted Internet access on Connect-D by the Bundeswehr. It defied comprehension that they did not receive any symbols of appreciation such as service medals or care packages at Christmas.*

At the end of the reporting year, a technical agreement between Germany and Lithuania was about to be concluded to enable Lithuanian forces to use Connect-D at Camp Castor. Prompt signing and swift implementation of this will be very much to be welcomed.

In light of the fate of many local staff working for the Bundeswehr in Afghanistan, many soldiers at MINUSMA were also sensitised to the situation of local staff employed there:

- *They reported to the Parliamentary Commissioner that the policy and care shown towards local staff and linguists was not sufficient and adequate. They were housed in tents and not allowed to eat in the canteen. They were treated like second-class people. Lessons needed be learned from the events in Afghanistan and local staff needed to be treated better, it was felt.*

One issue that troops are regularly concerned about and that also applies to the MINUSMA mission is the sometimes different lengths of **deployment periods**:

- *Servicewomen and men from 232 Mountain Infantry Battalion in Bischofswiesen expressed their lack of comprehension at the length of the deployment for them always being six months, in contrast to other branches who were deployed for three to four months. Furthermore, the tight scheduling between deployments placed them under additional strain. After the debriefing, there was hardly any time left before they had to start preparing for the next deployment. The review found that, unlike other organisational elements, the Army Headquarters always plans a period of six months. One of the reasons cited for this was there only being a limited number of soldiers available for the missions. 232 Mountain Infantry Battalion primarily deployed forces for the mission in Mali. In 2019, a total of 226 soldiers from the formation were deployed to MINUSMA with an average deployment duration of 177 days. For 95 per cent of them, the battalion had been able to ensure the stipulated regeneration period of 30 months in the ratio of one to five, as it had not provided a contingent in the following year of 2020. This had not been possible for just 24 soldiers, as after six months of deployment they had only regenerated for 18 months instead of 30.*

Long periods of deployment are neither family-friendly nor sensible in view of the enormous physical and psychological strains faced during deployment. Add to this the even longer absences due to quarantine periods caused by the pandemic. Consistently sharing deployment periods between several service personnel could remedy the situation.

In addition to the UN mission, since 2013 there has also been the European Union training mission **EUTM Mali**. Its aim is to train the Malian government's security forces so they can ensure stability in the country themselves, which is why the focus is particularly on the initial and follow-on training of leadership personnel. Bundeswehr

forces in the scope of EUTM Mali are currently deployed at the Koulikoro Training Centre, which is located 60 kilometres west of the Malian capital Bamako. There are plans to build a training centre in Sévaré, which is closer to the northern Malian areas where the conflict between the government and the rebels is particularly acute. Since July 2021, the Bundeswehr has been leading the EU training mission for the fourth time, whose mandate provides for the deployment of a maximum of 600 German soldiers.

During a field visit to the Armour School in Munster, the Parliamentary Commissioner learned that, like in Gao, there are also problems with vehicles in Bamako and Koulikoro:

- *One soldier criticised how during his deployment at these locations, only 60 per cent of the rented civilian special-protection vehicles were operational. Maintenance by the contracting company had only worked to a very limited extent. Moreover, the high costs of renting had by no means been commensurate with the benefits, as generally only six vehicles had been in regular use. The Ministry of Defence explained that it had only been possible to meet the need for suitable vehicles in time by renting them from a local supplier. In 2019 in particular, the rented vehicles had had defects, but the rental company had successively remedied these, so that the vehicles were once again available for deployment once they had been repaired. In addition, since 2015, the Bundeswehr had gradually procured its own civilian protected vehicles, some of which were also being used in Mali.*

It is to be welcomed that the Bundeswehr intends to replace more rented vehicles with its own in the coming years. At the same time, in the case of a foreseeable multi-year engagement, in the future it should examine at the beginning of a deployment whether, taking into account the security and threat situation, it is more economical to buy or rent vehicles locally.

As part of the **GAZELLE mission**, at the invitation of the Nigerien government navy combat swimmers have been training the country's special forces since May 2018, teaching them how to use modern means of communication and how to read military maps. At the beginning, the mission was not a mandated deployment, but a national training project. This changed with the extension of the mandate by the German Bundestag in 2020. The integration of the mission into the mandate of EUTM Mali, which began thereafter, was completed in the year under review. Even though the nature of the GAZELLE mission has now changed, it made sense and was logical and necessary against the background of the threat and security situation on the ground to integrate the mission in Niger into the EUTM Mali mission. Whenever armed conflicts are to be expected, a mandate from the German Bundestag is required.

During the field visit by the Parliamentary Commissioner to Mali at the end of the year under review, there were also complaints about the lengthy **military postal service** from Darmstadt/Pfungstadt via Leipzig to Gao and from there via Niamey to Tillia. A direct connection from Germany to Niger and the establishment of a military post office with two posts in Niamey would make sense.

- *Another source of frustration for service personnel was that no replacement mobile phones, batteries or other devices powered by lithium-ion batteries are allowed to be sent from Germany to Mali by military or civilian means.*

Given the importance of mobile communication, their dissatisfaction is understandable. This should be made possible just as it was in the deployments in Afghanistan.

There was also cause for criticism in the supply of **personal demand items**:

- *They were said to first be transported to Niger and from there to Gao. Although deliveries passed Niamey, stopping and unloading the goods destined for Niamey was not possible. From Gao, they were transported back to Niamey by air, tying up valuable air transport capacity and delaying the supply of goods.*

It would be sensible and expedient to obtain permission from Niger's customs for a stopover and delivery of the goods in Niamey.

The reports on the "Psychological Situation at JSOTF GAZELLE" of 1 June 2021 and of 1 October 2021 also criticised the limited supply of personal demand items. They also recommended better MWR services with more on-site events to bolster soldiers' sense of community. Fortunately, since 20 September 2021 at least MWR telecommunications via Connect-D have been ensured at the Tillia deployment site.

Another issue broached by servicewomen and men on missions in Mali and Niger during the field visit was **pre-deployment preparation and post-deployment follow-up**:

- *Personal equipment was not being issued in time, it was said, (six to eight weeks before the start of the mission) and not in full. In particular, armoured vests were routinely missing and were either sent on later once soldiers were isolating in their accommodation or even to the theatre of operations. This meant deployment preparation, especially theatre-specific training, could not be carried out satisfactorily and properly. Not least, this could turn into a safety risk in the field since every movement and every grip had to be right straight away in an emergency.*
- *Servicewomen and men did not think it made much sense for MINUSMA and EUTM Mali to have common theatre-specific training, although the mandate, task and framework conditions were very different.*
- *Greater flexibility was felt to be desirable in post-deployment debriefings: geographical flexibility in order to avoid journeys of several hundred kilometres for participants, and temporal flexibility in terms of shortening these for soldiers who had already been on deployment often.*

The Bundeswehr should be able to ensure a minimum level of **hygiene standards** for its soldiers on deployments too. Unfortunately, this is not always the case:

- *A petitioner criticised the inadequate cleaning of bedding and personal clothing at the Niamey Air Transport Base in Niger. For instance, despite cleaning, the bedding was dirty and smelled of sweat or vomit. The soldier was on his third deployment there and had already noticed these shortcomings on his two previous deployments. The Joint Forces Operations Command also admitted that in autumn 2019 the chief hygienist on deployment had already criticised the fact that drying the laundry in the air instead of in a dryer led to the clothing becoming infested with fly eggs and that the lack of air conditioning in the storage rooms led to mould sprouting. Furthermore, using the wrong detergent meant the important vector protection against insects washed out fast.*

The Niamey Air Transport Base in Niger is what is known as an “operator solution”, meaning that the infrastructure is set up by a civilian partner with whom a master agreement is concluded. This does not provide for the construction of a field laundry by the Bundeswehr with camp materiel. It is unfortunate, though, to simply maintain the current situation despite knowing better, thus accepting a health risk to servicewomen and men for a period of years. Although it came late in the day, the conclusion of a contract with a civilian company in March 2021 was able to rectify the shortcomings. The Bundeswehr has also commissioned the contractor to construct a laundry building, which is expected to be completed by the end of February 2022.

COUNTER DAESH and Training Support Iraq

In the scope of the COUNTER DAESH/Capacity Building Iraq mission, like in previous years, the Bundeswehr provided mission support in the form of aerial refuelling with the A400M and air transport capacity as required. Furthermore, German servicewomen and men were involved in airspace management with NATO AWACS (Airborne Warning and Control System) reconnaissance aircraft from Konya, Turkey. Most recently, on 29 October 2020, the German Bundestag approved the extension of the mission until 31 January 2022 with a mandate ceiling of 500 German soldiers.

Germany already agreed to make a major contribution to air surveillance and situational awareness in 2020. The Bundeswehr deployed an **air surveillance radar** from the Iraqi Al-Asad Airbase for this purpose. The transfer there took place under great time pressure:

- *One soldier described how the air surveillance radar switched itself off two days after becoming operational in July 2020 to protect itself from overheating in response to the outside temperature being over 30 degrees Celsius. Based on the experience of the Danish contingent before them, it was to be assumed that the radar would not function continuously in the months of April to October without suitable weather protection. However, the formation had not been allowed to procure an air-conditioned air hall that would have enabled smooth operation. The radar had therefore been idle every day between 10 a.m. and 5 p.m. - although NATO had planned 24-hour operation. In addition to this, on arrival in Iraq, hardly any means of communication and no IT equipment had been available. The review of the matter confirmed the problems described by the petitioner. The complexity of the requisite public procurement process - so the Ministry - had meant decentralised procurement of an air hall was not possible. The Air Force Headquarters had therefore decided to procure a deployable radome to protect the radar from dust and heat using the fast-track initiative for*

operations. Once this weather protection was installed, the radar was able return to full service on 15 November 2021. It also transpired that the German contingent in Jordan had not sent the first IT equipment, consisting of a laptop and two smartphones, to the Al-Asad Airbase until 9 July 2020 - the day the German forces arrived there. The required IT services had not all been fully available until January 2021.

The case is an example of the difficulties associated with integrating and linking a new capability into a mission that is already under way. The Parliamentary Commissioner is of the view that the Bundeswehr should have checked before notifying the multinational anti-IS coalition of the capability whether it could consistently ensure the deployment of a radar without existing weather protection under the climatic conditions on the ground and whether it would be possible to complete any procurement procedure required in good time before transferring it to the mission. The planned IT materiel was in no way sufficient. Providing the requested IT equipment for deployments already under way proved too protracted, not just in this case. The IT resources required for deployments should already be aligned with the number of personnel when planning a new deployment as a matter of principle and should be available to the servicewomen and men concerned at the beginning of the deployment. Furthermore, it would be advisable to change the procedure for the provision of IT so as to be able to respond to needs arising at short notice during the deployment.

It is particularly important to create a safe and **secure environment** on the ground for the forces deployed as swiftly as possible. Here, too, the processes take far too long, as the following example illustrates:

- *Several servicewomen and men deployed in Erbil expressed their dissatisfaction at the inadequate protection of the multinational camp. Although the then minister had already seen during a visit in spring 2020 that the accommodation and working areas of the German forces were unprotected, nothing had changed initially. In the event of a missile strike or an attack by armed drones, there would have been zero protection. It was only after a 107 mm rocket struck just 180 metres or so from the German accommodation building on 15 February 2021 - more than 14 months after the minister's visit - that steps began to be taken to erect protective walls and structures to at least keep a possible fragmentation and explosive impact to a minimum. However, these would only be effective against missiles striking outside the camp. According to the Ministry of Defence, protected accommodation facilities have been in place since the end of the year under review.*

The field visit by the Parliamentary Commissioner to Iraq planned for December of the year under review unfortunately had to be cancelled due to the pandemic-related restrictions in the country of deployment and the tense security and threat situation. The heightened threat situation in Iraq also led the ministry - including at the suggestion of the Parliamentary Commissioner - to revise the **foreign assignment allowance** awarded. It is examining whether it should be raised in response to increased missile attacks on the Al-Assad Airbase, at the Baghdad location and in Erbil. The necessary consultation with the responsible ministries had not been entered into at the end of the reporting year.

In the year under review, the troops also complained about **problems in daily military life** that should really no longer play a role after several years of deployment in Iraq:

- *During a video conference between the Parliamentary Commissioner and the German contingent for Capacity Building Iraq, soldiers discussed the inadequate postal service in Baghdad, which was provided by the US Army. Mail often arrived late, they said, and was sometimes damaged or even destroyed. The review of the matter confirmed that about two-thirds of parcels arrived demolished, owing to them being opened by US customs. The Joint Forces Operations Command was able to arrange for Bundeswehr soldiers to now be able to use the civilian postal service via the German Embassy in Baghdad.*

This solution was achieved within just 14 days. Not only is this to be welcomed in every respect, at the same time it shows that suitable measures can be implemented quickly without high bureaucratic hurdles.

NATO in the Baltic

With the ENHANCED FORWARD PRESENCE mission in the Baltic States, NATO assures the Baltic States and Poland of its support as an Alliance and has been deploying what are termed battlegroups in all Baltic States and Poland since 2017. Germany has been the Framework Nation for the multinational Battlegroup Lithuania for five years. Its focus is on joint training and exercises.

- *During the Parliamentary Commissioner's field visit to Lithuania in June 2021, many servicewomen and men complained that they felt the mission there - in contrast to the missions in Mali or Afghanistan - was a "second-class mission". The reason cited for this was the lack of general awareness, recognition and appreciation for this mission - both in the Bundeswehr and in the public and political sphere. Whilst many saw Mali and Afghanistan as combat missions, the mission in Lithuania sometimes had the reputation of being a "trip to the training ground". This repeatedly resulted in practical problems, such as the supply of spare parts, which took far longer than for other missions.*

The soldiers' feelings are understandable given that apart from the case described in the chapter on "*Innere Führung*" the mission in Lithuania was hardly covered by the media in the year under review, whilst the mission in Afghanistan in particular was almost omnipresent due to the withdrawal of troops and the dramatic evacuation operation.

Practical problems were caused by the lack of **air conditioning** in troop accommodation at the Pabrade military training area in Lithuania:

- *One petitioner reported that the accommodation containers heated up very quickly when exposed to sunlight, in addition to the high humidity. The Federal Ministry of Defence deems it acceptable for "individual days with high temperatures to impact the stress tolerance of individual soldiers depending on their constitution" and recommends the use of sun protection or intensive airing once the sun has gone down. Retrofitting air-conditioning in the accommodation containers was not justifiable, it said, for economic reasons; the Pabrade troop camp would probably no longer be used once the target infrastructure was finished by the host nation Lithuania in 2022.*

The dissatisfaction of servicewomen and men is very understandable given that the Lithuanian armed forces themselves have equipped all accommodation and office containers with air conditioning from the beginning. It is to be hoped that the target infrastructure will provide for better air-conditioning of the accommodation.

- *In Rukla, too, during a field visit servicewomen and men heavily criticised the lack of air-conditioning in the accommodation at summer temperatures of over 30 degrees. The fact that these only dropped slightly at night made working and, above all, regenerating and sleeping extremely difficult. During hot spells lasting several days or even weeks, physical and mental performance was severely impaired. The review of the matter found that the original plans in 2016 had already provided for air-conditioning of the accommodation in Rukla. The Federal Ministry of Defence could not understand why this had failed to materialise thus far.*

Given that the planned construction of a new German-Lithuanian barracks in Rukla is not scheduled for completion until 2028, it is pleasing that the Bundeswehr Joint Forces Operations Command now intends to retrofit the accommodation containers with air-conditioning units by the summer of 2022. Going forward, the Bundeswehr should generally pay more attention to the temperature conditions in accommodation from the outset of future missions and air-condition them if necessary.

Apart from the climatic conditions, servicewomen and men also criticised the cramped accommodation containers in Rukla:

- *They reported a lack of space for additional lockers to store personal kit and equipment. There was also a general lack of common rooms and meeting rooms. This was bad for camaraderie, as there was no possibility to meet up after duty hours in compliance with the corona protection measures.*

Only the planned new building can rectify this situation. Until then, the Bundeswehr should examine whether it can increase existing space capacities, for example by using containers.

During the Parliamentary Commissioner's field visit in the year under review, the soldiers stationed there for several months, like their predecessors, were also highly critical of the **catering** in Rukla:

- *Both the quality of the individual meals and the culinary variety were below par. There was a lack of fresh ingredients, salads and vegetarian options, and they would also have liked to see currywurst, pizza and schnitzel on the menu. What was more, the food on offer was often heavily over-seasoned. In contrast, the food at the mess hall at the Pabrade training area was very good, it was said. It would be good if a similar standard could be offered at Rukla.*

Even if, as the host nation, Lithuania provides the catering, the Bundeswehr should at least establish a standard on site that comes close to that of a German mess hall. All the more so because in some cases the soldiers are

unable to fall back on other food options as MWR facilities are closed due to the pandemic. In terms of the quality and quantity of the food provided in Rukla, the Bundeswehr should monitor compliance with the contractually agreed services more closely, especially in terms of nutritional-physiological aspects, and adjust the existing agreement if necessary. Previously, the Joint Forces Operations Command had refused to follow the recommendation of the Bundeswehr Subsistence Office and to establish and staff the position of a food service sergeant in order to broaden the expertise in catering matters on site and to be able to better support communication with the Lithuanian partners. The change of course announced by the Ministry of Defence at the end of the reporting year that it intended to now implement this demand, which the Parliamentary Commissioner has also raised for a long time now, as of February 2022, comes late but is nevertheless sensible and very much to be welcomed.

Since the beginning of the Covid-19 pandemic in spring 2020, **psychological and pastoral care** for German soldiers in Lithuania has been provided by means of a “reach-back procedure”. This means that specialised personnel are only transferred to the mission in case of acute need. However, the servicewomen and men who are usually deployed in Lithuania for up to six months face special strains and stress, especially in view of the pandemic-related restrictions. The Ministry of Defence has stated that it has since stepped up psychological support for troops on site. The Joint Forces Operations Command’s intention to switch to permanent military psychological mission support in Lithuania as of February 2022 is the right course of action. In September 2021, it notified the Armed Forces Office, which is to coordinate the assignment of the military psychologists for the quasi-operational commitment in Lithuania, of the need for mission posts.

Very High Readiness Joint Task Force (VJTF)

Operational readiness within 48 to 72 hours is the requirement for the NATO spearhead VJTF. In 2023, Germany will once again assume leadership of the VJTF and provide up to 2,700 soldiers. 37 Armoured Infantry Brigade is preparing for its NATO mission with various exercises, laying important foundations to soon be operationally ready as a digitally connected multinational battlegroup. At various training grounds, above all at Altmark Combat Training Centre, the designated troops learned important foundations for joining the VJTF. The Covid-19 pandemic made it necessary to flexibly adapt the exercises, with the result that no large deployment as a brigade or field exercise for the combat service support battalion took place as originally planned. This also reduced the number of participants overall.

Originally, the **PUMA** infantry combat vehicle, which was introduced to the force in 2015, was to be deployed as part of the VJTF 2019 of 9 Armour Demonstration Brigade. However, its limited operational capability led to reverting back to its predecessor model MARDER. In July 2020, the operational suitability test again revealed deficiencies in the PUMA infantry combat vehicle, some of which were considerable, significantly compromising the system’s capabilities. A decision to deploy it in the VJTF 2023 would therefore not have been justifiable at that time. Since then, under high pressure, the armoured infantry combat vehicle system underwent major modifications with the PUMA VJTF, which involved further improving the optics, weapons effect and protection of the soldiers. The tank will not be equipped in time with modern radios for the VJTF preparation phase. Since a lot of practice munitions are still at 9 Armour Demonstration Brigade after the execution of the last VJTF mission, the troops had to simulate the command post exercise without the requisite materiel in the meantime, for instance. Back in 2020, during a field visit to Lüneburg servicewomen and men flagged the fact that they had had to resort to using permanent infrastructure due to the lack of command post tents. All findings show that the resourcing with command post materiel is insufficient throughout the entire Army. For instance, there are delays in the area of mobile communication systems, jeopardising command and control capabilities in the context of the 2023 VJTF.

During the 2018 Trident Juncture NATO exercise in Norway, it already became clear that **interoperability** was the most important challenge the exercise force faced. The participating armies were generally unable to communicate with each other because IT systems were technically incompatible. Only systematic IT standardisation and the development of IT systems that are capable of working together can remedy these problems in the long term. The fear that the implementation of the “Bundeswehr Mobile Communication System” project by the upcoming 2023 VJTF and in turn multinational command and control capabilities will also be compromised in the future is therefore quite understandable. The Federal Office of Bundeswehr Equipment, Information Technology and In-Service Support had no influence on its prioritisation during the drafting of the 2019 budget. However, the software urgently needed to implement complex large-scale projects is still not

available. This results in valuable time being lost in the implementation of projects. There is an urgent need for action on the part of the Ministry of Defence to push ahead with the introduction of the software.

Service and combat medal

Servicewomen and men who do their work in a more than exemplary manner and achieve outstanding results often respond when praised that they were only doing their duty. That what they did went without saying. This mindset is characteristic of the majority of the troops. They do their duty not as an end in itself, but as a matter of inner conviction. It is important for such loyal and brave service to be duly recognised and valued. An important instrument to do just that is to award medals and decorations. They have a high symbolic value, as they are a sign of the high esteem the Bundeswehr holds personal achievement in, one that at the same time is clearly visible to all.

It is also indispensable that the Bundeswehr awards medals equally for comparable acts and situations. As stated in the section on the end of the Afghanistan mission, the swift award of the “MilEvakOp” service medal for the soldiers involved in the **evacuation operation** from Kabul is to be emphatically welcomed.

The Ministry of Defence stated that it had now compiled and evaluated all comparable deployments since 1991 in cooperation with the Bundeswehr Centre of Military History and Social Sciences. According to this, a total of 14 deployments involving armed forces had been carried out: twelve national airlift or diplomatic evacuations and two military evacuation operations. The latter two were Operation Libelle in Albania on 14 March 1997 and Operation Pegasus in Libya from 26 February to 3 March 2011. For both military evacuation operations, there was consensus with the Office of the Federal President that the service medal should be awarded. The award would be implemented in a timely manner, it was said. It is to be welcomed that the new MilEvakOp service medal is also to be awarded for previous operations, thus honouring the special commitment of the servicewomen and men deployed on these operations.

There was also a need for action in connection with awarding the combat medal. So far, this medal can only be awarded if the incident occurred after 28 April 2009. The then Minister of Defence awarded this medal for the first time to Sergei Motz, a 21-year-old private, first class who was killed in action during an ambush on his patrol near Kunduz on 29 April 2009. He received the medal posthumously.

In 2019, the Ministry of Defence moved the **cut-off date** for the award of the Bundeswehr service medal to the earlier date of 1 November 1991, making it possible to honour participation in many earlier Bundeswehr missions. The ministry subsequently also decided to move forward the cut-off date for the combat medal. The approval of the Federal President required for this was secured on 21 September 2021. The date for the combat medal should now be officially brought forward as soon as possible in order to finally duly honour the special commitment shown by the servicewomen and men in question.

The criteria for awarding the Bundeswehr service medal are set forth in Type A General Publication 2650/9 “The Bundeswehr Service Medal”. This states that “the person to be decorated must have actively participated in combat operations at least once or suffered terrorist or military violence at high personal risk”. In other words, there needs to have been a specific threat to the troops to be decorated, for instance, because the soldier was in the impact area of an enemy explosive device. The mere presence at a camp or the presumed lack of protected accommodation during enemy fire is not sufficient, even if this entails an abstract danger situation. Despite some discretionary latitude, a strict standard generally applies to avoid inflationary awards to bystanders. Awarding medals too lightly would set a precedent and result in a flood of award applications, which in turn would significantly devalue the combat medal. Each individual case must therefore be examined on its own merits. Two incidents illustrate this:

- *Camp Pamir in Kunduz was the target of several rocket attacks on 6 July and 31 August 2019. One soldier complained that he had not received a combat medal yet in this context. He was one of 53 soldiers from the German RESOLUTE SUPPORT contingent for whom the award of the combat service medal had been requested from the Joint Forces Operations Command. The Joint Forces Operations Command had doubts as to whether the criteria for awarding the combat medal had actually been met for all the members of the unit listed.*

Given the high number of applications, this is understandable and not objectionable. The command took the submission as an opportunity to review whether the persons nominated had actually been directly personally

endangered and exposed to a high level of violence at the time of the event. As a result, it initiated a new application in five cases.

- *In a submission, another soldier also expressed his disappointment at not receiving a combat medal yet despite being personally endangered during his deployment in Iraq. Due to rocket attacks on the Taji Military Complex in central Iraq on 11 and 14 March 2020, the commander of the German forces for Capacity Building Iraq had applied to the Bundeswehr Joint Forces Operations Command in June 2020 for 47 soldiers to be awarded the combat service medal.*

In this case, the review by the Joint Forces Operations Command that followed resulted in the petitioner subsequently being awarded the combat medal. However, it was unfortunate that the Operations Command did not immediately check this for the other 46 soldiers affected by the missile attacks. At the suggestion of the Parliamentary Commissioner, it then did, seven more soldiers subsequently being awarded the combat service medal as a result.

Medals and decorations should be awarded **close to the time** of the event. Unfortunately, this is not always the case with the service medal:

- *For instance, a soldier deployed with COUNTER DAESH in 2018/2019 complained about not being awarded this decoration. The review of the matter found there had been processing errors, mainly due to weaknesses in the “requesting tool for service medals and decorations”. It was not until October 2019, when the soldier who had since returned to Germany enquired, that it became apparent that the application for the service medal submitted in February 2019 in the country of deployment had not yet been finally processed in the aforementioned system. The Federal Office of Bundeswehr Personnel Management later rejected the application because no address to send the medal to had been entered in the request tool. Since the tool did not automatically inform the applicant of such a rejection, the petitioner’s formation did not realise that processing had still not been completed until the petitioner’s submission in October 2020. Following a new application, the service medal was finally able to be awarded befittingly in January 2021.*

The soldier’s frustration that his participation in the COUNTER DAESH mission was only honoured after a two-year delay is understandable. The Ministry of Defence has notified the Parliamentary Commissioner that the request tool has since been revised so that processors now receive a pop-up message when they launch the application if they have received new cases. This should ensure the timely processing of the necessary steps for awarding medals and decorations.

MWR telecommunications

Staying in touch with family and relatives during Bundeswehr deployments abroad and quasi-operational commitments is hugely important, especially given the long periods in post on deployments. The master agreement in place since October 2020 provides free access to video telephony and telephony, MWR radio and television, electronic print media and the Bundeswehr’s feature film service, as well as faster access to the Internet. However, the implementation of the new contract was delayed by more than eight months due to the pandemic. It was not completed until mid-June 2021 in Lithuania, where the Bundeswehr equipped a major exercise with MWR media for the first time.

Above all when using the telephone service, soldiers have to make sure their device has the proper technical settings to actually use free **Internet telephony**:

- *One servicewoman described how her mobile phone provider had charged her high telephone fees for telephony during the deployment. The Ministry of Defence stated that the provision of MWR telecommunications was Internet-based over an MWR media cloud. The troops could access this cloud via the local WLAN network. The soldiers received personalised access data for this and an information brochure before the start of a mission. Activation took place once the user contract between the contracting company and the authorised user had been signed. The soldier had been phoning not using the wireless Internet provided, but instead using the regional mobile network at the conditions applicable there. To avoid similar cases in the future, the Joint Forces Operations Command and the contractor had since initiated precautionary measures. Inter alia the soldiers arriving in the country of deployment are to receive information about the procedure right at the beginning of the deployment. In addition, the contractor had revised the information brochures and updated the web portal.*

The new master agreement combines the previous individual land and sea contracts, so that the Navy can now finally also benefit from the contractual services. However, the provision of contractual services on board **seagoing units** continues to be problematic:

- *Several soldiers deployed on the frigate BAYERN during the Indo-Pacific voyage complained about the poor Internet connection on board. Communication with family and relatives was very limited, although they had been told during pre-deployment training that MWR telecommunications on board would be ensured during the entire mission. During the short phone calls home, however, they could hardly understand anything. This led, for instance, to mothers having to explain to their children why their fathers were not contacting them.*
- *The same problem with insufficient bandwidth was experienced by the crew of the combat support ship BONN during the EUNAVFOR MED IRINI mission. One soldier described how there were satellite telephones for communication with home, but the telephone calls were pretty poor quality due to time lags and were also limited in time. The crew also had access to a 6 Mbit line for the Internet, which was far too little for the 204 women and men on board. Sometimes it was not even possible to send a text message and video telephony did not work at all.*

For many years, crews have quite rightly criticised the poor bandwidths for Internet use on board seagoing vessels. In harbours and coastal waters, this is not a problem, as there the on-board wireless Internet works over the local mobile phone networks, but at the same time depends on their range. Even though this range can be up to 30 km seaward depending on the region, this option is not available or only available to a limited extent during sea voyages. To increase data transmission rates, the Federal Office of Bundeswehr Equipment, Information Technology and In-Service Support expects to install better antenna systems on all seagoing units from 2024 onwards - so the Ministry of Defence - as part of the "Immediate Initiative for Satellite Communication on Ships". It is good that the Bundeswehr has finally clearly recognised the imbalance that exists between Internet use on land and at sea and intends to alleviate it. What does not make sense, though, is that this realisation is only dawning now. The Navy could have installed modern satellite communications much earlier.

11. Security clearance checks

In addition to counterespionage, security clearance checks are an important instrument for successfully countering and preventing extremism in the Bundeswehr. With the introduction of pre-employment screening for soldiers in 2017, the Bundeswehr created an instrument to identify suspected extremists prior to employment. Identifying such persons promptly is also particularly important because, under the current legal situation, there are high hurdles to dismissing temporary-career volunteers after the fourth year of service. The prerequisite for **dismissal** is then a corresponding ruling by a disciplinary court or a serious criminal court ruling. In the last electoral term, the Federal Cabinet adopted changes to the Act Relating to the Legal Status of Military Personnel which would make simplified dismissal possible within the first eight years of service. This bill, which unfortunately was not passed in the German Bundestag in the 19th electoral term, should be taken up by the new governing coalition and implemented swiftly. Anyone engaging in anti-constitutional activities, adopting racist or anti-Semitic views or seriously mistreating subordinates or committing sexual abuse has no place in the armed forces and must leave swiftly. The reputation of the majority of servicewomen and men who are loyal to the constitution and who steadfastly champion the free democratic basic order must not be damaged by this group of people. It is good that the Career Centres already have the option of rejecting applicants during the application process because of doubts about their loyalty to the constitution. In the first half of 2021, they made use of this option in 48 cases.

Assignments such as those in the Special Forces Command require especially qualified training and special knowledge and skills on the part of the servicewomen and men. In other areas of the Bundeswehr, too, high combat efficiency is only possible through outstanding combat skills, special knowledge of the possible uses of explosives or cyber operations skills. Assignments that require such qualifications are subject to particularly high security requirements. They teach an individual military lethality that very clearly exceeds that of other soldiers. They also require a high level of trust on the part of the Bundeswehr in those entrusted with such a task. This also needs to be reflected in the quality of the security clearance check. For this reason, lawmakers introduced a **more intensive security clearance check** for servicewomen and men in these assignments in May of the year under review, both in terms of content and time. This expands the screening of Internet activities, including activity on social networks, for instance. The time intervals for updating the clearance checks are also shorter.

Lawmakers have also created a new provision for security clearance checks for reservists. This makes it possible to generally subject **reservists** to a simple security check, closing a loophole in the Security Clearance Check Act and ensuring that only reservists for whom there are no security-relevant findings are granted access to Bundeswehr war weapons and ammunition.

Military Counterintelligence Service

The changed regulations governing security clearance checks also present the Military Counterintelligence Service with new challenges. In 2021, the Office received 61,252 requests to conduct a security clearance check. This is 6,136 more than in the previous year. In particular, the number of pre-employment screening checks for soldiers to be carried out has increased. Whilst in 2020, around 27 per cent of the total number of requests was for pre-employment screening, in the year under review this figure was 35 per cent. This can be explained in particular by the fact that the application procedures that were suspended during the lockdown phase from spring 2020 have now been resumed. In 2021, the Federal Office of Military Counter-Intelligence was able to complete 53,511 security clearance checks. That is 13,000 fewer than in the previous year - with rising numbers of new requests coming in.

The figures show that the intelligence service is already unable to fully manage its tasks with the personnel at its disposal. Little has changed in the staffing situation there since 2020. The proportion of posts filled has even deteriorated slightly and was 76 per cent at the end of the year under review (79 per cent in 2020), although the total number of filled posts has increased by 78. This has to do with the fact that the office received 157 new posts, so that it now has 1,718 posts (1,561 in 2020). Department P, which is responsible for security clearance checks, had 244 posts in the year under review, 188 of which are filled (77 per cent proportion of posts filled). In contrast to the previous year, however, all 188 posts are actually available to Department P, since a secondment of personnel, which was put in place to prioritise the area of counter-extremism, has expired. The task now is to fill the vacant posts with suitably qualified personnel who meet the special and high demands of working in an intelligence service. The ministry explains that it has already taken a number of measures to improve the proportion of posts filled at the Military Counterintelligence Service. These include targeted personnel recruitment measures as well as a direct recruitment procedure advertising positions specifically for the Federal Office of Military Counter-Intelligence.

Processing times

The pandemic situation has clearly left its mark on how long it takes for security clearance checks to be processed. This is clear when one compares the average processing times of cases in the years 2017 to 2019 with the lead times in 2021. Whilst in the period from 2017 to 2019, for instance, a level 2 security clearance check took ten weeks, the average is now 20 weeks. If one looks at the lead times of the security clearance procedures broken down by quarters in this reporting year, one sees that the Federal Office of Military Counter-Intelligence managed throughout the course of the first pandemic year to keep pre-employment screening for soldiers in particular just within reasonable limits by constantly prioritising them. Whilst the processing time for stage 1 pre-employment screening had tripled at times to nine weeks in 2021 (compared to the average time of three weeks for the period 2017 to 2019), it now takes five weeks to complete. The Office's efforts to reduce the time taken for all security clearance checks during and especially at the end of the pandemic year 2021 are unmistakable. Nevertheless, the ongoing epidemic situation puts the Office under pressure, as in spite of these efforts, it has not been possible to return to the situation before the outbreak of the pandemic. Particular attention needs to be paid to stage 1 pre-employment screening. Delays in this area can potentially lead to applicants not being appointed and trained in time.

Meanwhile, the backlog of uncompleted security clearance checks continues to rise. It is true that the Covid-19-related restrictions initially led to a decrease in requests and positively impacted processing times. However, once the pandemic has subsided, the backlog of applications will continue to increase, making swift and at the same time more diligent processing all the more urgent. Add to this the fact that the changes in the law described above will take effect from autumn 2022, which will once again noticeably increase the number of security clearance checks to be conducted: As things currently stand, the new security clearance check will initially apply to around 1,300 soldiers. Although the majority of them have already undergone security clearance checks, the intensified screening in terms of time and content will result in an increased need for the Military Counterintelligence Service

to process them. In addition to this, reservists will also have to undergo a simple security clearance check from 1 October 2022. The ministry assumes that approximately 13,500 cases will have to be processed annually in the first three years and 7,200 cases annually from 2025. An additional estimated extra volume of about 1,000 security clearance checks per year will be generated by voluntary military service in homeland defence.

There are also changes in **functional counter-sabotage protection**. This is designed to protect against unauthorised access to IT systems of outstanding importance for the functioning of the Bundeswehr. Persons who have sufficient authorisation or access to these high-value IT systems will also be subject to security clearance checks in the future. Here, the ministry expects an increase in the number of security clearance checks to be conducted in the mid-four-digit range. To cope with this additional volume, a total of 52 additional posts have been planned, 16 of them in the primary agencies of the Military Counterintelligence Service. Three posts in the remit of the security officer at the Armed Forces Office and 21 civilian posts for full-time security officers have not yet been finally decided on. The 52 posts planned for the remit of the Military Counter-Intelligence Service are to be made available as early as 1 April 2022 to ensure that they are ready for work when the amendment comes into force on 1 October 2022. The prerequisite is that these can actually be filled, though. Given that the staffing level at the Military Counterintelligence Service is already insufficient, a major concern is that the gap between incoming requests and request completion will widen further still in the coming years. The ministry itself admits that filling all the vacant posts at the Military Counterintelligence Service and training the staff will take several years, even if the greatest efforts are made.

As in the past, clearance procedures at **higher security levels** also often still take far too long when security-relevant findings emerge. Thorough investigations are time-consuming from a military security perspective, and depending on the requirements of the security level and the individual circumstances of the person concerned. The personnel situation in the wake of the pandemic is another reason for delays in the internal administrative processes inside the Federal Office of Military Counter-Intelligence. However, "idle times" sometimes spanning several years where no progress is made in the procedure despite the decision being ready, are unacceptable.

- *A security clearance check for a petitioner initiated in July 2018 had still not been completed in August 2021. Although the Federal Office of Military Counter-Intelligence had decided in September 2018 to submit an opinion to the security officer, the case remained unprocessed for two years for no apparent reason. It was not until the responsible security officer at the petitioner's formation enquired that the matter was processed further in February 2021. The delay meant the petitioner was unable to attend several training courses.*
- *The level 3 security clearance procedure of another petitioner, commissioned in August 2017, dragged on until July 2021. In this case, the petitioner was neither able to attend a specialised training course nor be promoted at the usual time. On the one hand the ministry cited the need for investigations as a reason for the long processing time. On the other hand, though, it stated that the petitioner's case had quite simply not been further processed for about two years once the investigations had been completed.*

In security clearance procedures, difficulties arise not only in the cooperation with the major agencies, but already at formation level. The following case exemplifies how important a smooth and delay-free **flow of communication** is between the security officers and the S 1 department at formation level and the Federal Office of Military Counter-Intelligence in terms of swiftly completing security clearance checks:

- *A corporal, junior grade complained that the level 2 security clearance check initiated for him in the course of an intended integrated assignment still had not been completed after almost two years. The review of the matter found that the unit's security officer had not initiated the check, which had already been ordered by the Federal Office of Bundeswehr Personnel Management in March 2019, until three months later. After one year, he enquired by telephone whether it was possible to issue provisional findings for the level 2 security clearance check. It transpired that certain circumstances had required a change of responsibility at the Military Counterintelligence Service unit. The petitioner's interview finally took place at the beginning of September 2020 - almost one and a half years after the check was commissioned - and this despite the order being marked as URGENT.*

It is to be welcomed that the command authority in question intends to use the case as an opportunity to raise awareness again in the subordinate area on the need for close and continuous communication between the areas concerned.

Close communication between all the agencies involved is of particular importance in the case of servicewomen and men who are not serving at their parent unit due to a temporary assignment.

- *A senior NCO candidate needed a certificate of security clearance to attend a training course. He had been temporarily assigned to another unit for some time prior to the course. His parent unit, whose staff are actually responsible for the check including in the case of a temporary re-assignment, failed to initiate the security clearance check required to issue the certificate, although the training schedule was finalised. His current unit had not realised this. The failure to initiate the check could no longer be rectified and the petitioner was removed from the training course. Had he successfully completed it, he would have been promoted to sergeant as early as in spring 2019. Fortunately, the Federal Office of Bundeswehr Personnel Management indemnified the petitioner.*

There are also certainly technological aspects at play in the difficulties raised in submissions. Improving the communication flow between multiple agencies involved in an official procedure, creating transparency and optimising internal administrative processes are not least **digitalisation issues**. Requesting and submitting the security clearance data on paper is now a thing of the past thanks to the implementation of ELSE software. The security declaration can be filled out electronically, avoiding postal lead times and illegible applications. Further requests from authorities can also be automated using the software. In addition to continuous evaluation and improvement of this process, the development of an app-based ELSE application is planned so that it can also be used on smartphones. Aside from the digitised application on ELSE, the security clearance process continues to be paper-based. This is set to change. Under ministerial leadership, the entire vetting process, from completing the security declaration to notification of the result, is to be made digital. This includes not only automating processing steps and communication between the authorities involved. The ministry's foremost hope is that digitalisation will significantly shorten processing times. It remains to be seen when, in particular, the technical requirements for this project will be implemented. Under the current plans, this is not expected to happen until 2024 at the earliest. After all, this is highly sensitive personal data, whose storage and transmission also require appropriate protection mechanisms. Digitalisation is an important step, not least against the backdrop of the E-Government Act, under which public authorities will be obligated to offer their administrative services on online portals from 2022. This idea is also to allow the person undergoing the clearance check to access a digital administrative portal they can communicate and exchange data over during the security clearance procedure. This is particularly to be welcomed as it is likely to be an important building block in bringing transparency to the security clearance procedure, which the servicewomen and men in question often found wanting.

Until now, under the customary administrative practices of the Federal Office of Bundeswehr Personnel Management, a lack of security clearance also prevented applicants from being appointed to the status of temporary-career volunteer. Those concerned were then in a **de facto service relationship**, which in some cases led to considerable uncertainties regarding their military rights and obligations. The following petition was able to put an end to this practice:

- *A soldier who had been designated for appointment as a temporary-career volunteer (4-year enlistee) was then supposed to be dismissed after six months because at that time there were still no preliminary findings from the security clearance check. However, the explanatory memorandum on Section 37 (3) of the Act Relating to the Legal Status of Military Personnel states that a security clearance check that has not yet been completed may not prevent the establishment of a temporary-career volunteer's service relationship. The ministry therefore instructed the Federal Office of Bundeswehr Personnel Management to adjust its internal procedures accordingly. Now, if the preliminary findings of the security clearance check are not available after six months, the soldier's period of service is set in stages. Only once the security clearance check has been completed and a security risk has been established does dismissal pursuant to Section 55 (4) of the Act Relating to the Legal Status of Military Personnel take place, as the requirements for the career (lack of suitability) are then not met.*

Security clearance procedures that drag on for long periods of time are particularly frustrating if there are reasons that were already known during the application procedure and should have led to the rejection of the applicant from the outset. **Futile security clearance procedures** arise in particular when the person concerned or "persons jointly concerned", such as spouses, have not been in Germany in the last five years, but in a state with special security risks (pursuant to Section 13 (1) number 17 of the Security Clearance Checks Act). As a rule, the check cannot be carried out with the necessary investigative depth and the security clearance check has to be discontinued on the grounds of a procedural impediment. The following case is an example of this:

- *A soldier criticised his dismissal for failure to be granted level 1 security clearance, four months after he had started his service and when he was in the middle of his training. This sudden decision also presented him*

with challenges in his private life. The reason for the dismissal was that he had been in the Russian Federation at times during the last five years. This information had already been included in the security clearance procedure initiated during the recruitment process. The human resources departments in charge of the matter had nevertheless assigned him as per his wishes and asked him to start his service.

This example also shows that a security clearance check that has no chance of success from the very start not only unnecessarily keeps the Bundeswehr agencies involved busy (personnel processing agencies and security clearance officials). It above all leads to a huge lack of understanding on the part of those affected who openly gave information about their residence status as early as they possibly could, notably in the security declaration during their recruitment procedure. The ministry has acknowledged this problem and plans to amend the application form for the Bundeswehr so that no more futile security clearance checks are carried out by the Federal Office of Military Counter-Intelligence. The Bundeswehr Career Centres will already take a decision on these applications before the security clearance check is initiated.

12. Law violations and the administration of justice

Disciplinary attorney's offices and disciplinary and complaints courts

A recurring subject during field visits and in petitions is the excessive length of judicial disciplinary proceedings and the disadvantages this entails for the servicewomen and men concerned. Delays of this kind to proceedings can result in considerable career disadvantages. For instance, under number 246 of Type A General Publication 1340/49 on "Promotion, Recruitment, Transfer and Admission of Service Personnel" no career advancement is allowed for those undergoing disciplinary investigations, preliminary disciplinary investigations, judicial disciplinary proceedings or criminal investigations or judicial proceedings. Delays like this can, however, also be problematic for the formations concerned if they have to continue to employ a soldier for years at a time who may be dismissed in judicial disciplinary proceedings.

Section 17 (1) of the Military Discipline Code stipulates that disciplinary cases must be dealt with in an expedited manner. Non-judicial disciplinary measures can also only be imposed by disciplinary superiors within six months of the disciplinary offence. This sometimes means that disciplinary offences that have come to light and do not meet the threshold for initiating judicial disciplinary proceedings are not punished if the investigation drags on for longer than six months as they are then time-barred:

- *The disciplinary investigations conducted against a captain because he failed to distance himself from messages with right-wing extremist and racist content sent in a WhatsApp group dragged on for more than three years. As it was no longer possible to impose a reduction in salary for this, the competent superior refrained from initiating judicial disciplinary proceedings and merely established that there had been a disciplinary offence.*
- *In another case, a junior-ranking soldier had posted a video clip in his WhatsApp status showing firefighters dancing to the song "Cotton Eye Joe" and the lyrics "When the squad leader says the asylum seekers' home is burning." The initiating authority refrained from judicial disciplinary proceedings because it was a one-off, thoughtless mistake. By that point, however, imposing a nonjudicial disciplinary punishment was no longer possible due to the time that had passed.*
- *In one case, also described in the 2020 Annual Report, of what was dubbed a "shit run" at eleven degrees Celsius, during which two course participants collapsed and had to be carried along on makeshift cloth stretchers, orders not to pursue judicial disciplinary proceedings were issued with a finding that disciplinary offences had been committed. The initiating authority did not consider it "absolutely necessary" to initiate judicial disciplinary proceedings against two instructors. Here, too, the disciplinary superior could no longer impose a nonjudicial disciplinary punishment because of the time that had passed.*

Judicial disciplinary proceedings also drag on for a very long time, often for several years. One reason for this is the recurring **vacancies** in the staff of the disciplinary attorney's offices. It is particularly unfortunate when staffing shortages mean the attorneys there have to take on additional primary tasks of the office, which negatively impacts the processing of cases. Sometimes delays also occur when criminal proceedings with the same subject matter are under way. As long as this is the case, the disciplinary attorney's offices suspend the judicial

disciplinary proceedings in accordance with Section 83 of the Military Disciplinary Code, only resuming them once it has learned the outcome of the criminal proceedings. In individual cases, there are avoidable delays due to insufficient communication between the disciplinary attorney's offices and the public prosecutor's offices and criminal courts, which the Federal Ministry of Defence does not deny. It has therefore informed the disciplinary attorney's office at the Federal Administrative Court about this. It intends to monitor this issue more closely as part of its technical supervision.

The time from the accusation to the scheduling of the main hearing at the respective disciplinary and complaints court is often particularly long. In addition to the turnover of judges at the disciplinary and complaints courts and the slow filling of these posts, one reason cited for the delays in the last two years is a lack of courtrooms in which longer hearings with several witnesses could be conducted in compliance with the corona protection measures. Given the immense disadvantages already described for the soldiers in question, this explanation is disconcerting. Suitable premises should then have been rented.

The following cases show examples of massive procedural delays both at the disciplinary attorney's offices and at the disciplinary and complaints courts:

- *In February 2012, the disciplinary attorney's office with jurisdiction over the matter began preliminary disciplinary investigations against a soldier on suspicion of unauthorised absence from duty on a three-digit number of days. In March 2012, the soldier left the Bundeswehr. In 2013, the Ministry of Defence already stated that there had been no progress in the proceedings from mid-December 2012 to mid-June 2013, despite the fast-track principle applying. In April 2014, charges were brought before the competent disciplinary and complaints court. All of the Parliamentary Commissioners' enquiries to the court as to the status of the proceedings remained unanswered until February 2019. After the disciplinary attorney's office had had to correct the charge sheet again in October 2020, the disciplinary and complaints court finally closed the proceedings with a disciplinary court decision handed down on 14 July 2021 - more than seven years after the case was referred to the court and more than nine years after the start of the investigation.*
- *In June 2017, a senior NCO was given a severe disciplinary fine on suspicion inter alia of loading ammunition without a valid assignment. After the competent instituting authority had initiated judicial disciplinary proceedings with additional allegations against the soldier two years later in August 2019 in the parallel investigations by the disciplinary attorney's office, it finally discontinued the proceedings in January 2021, finding that there had been a disciplinary offence. Only the original accusation of loading without a valid assignment had been confirmed.*
- *In January 2016, a soldier committed multiple thefts. Although the competent local court had already sentenced him to a fine in February 2017, the formal initiation of judicial disciplinary proceedings did not follow until two years later in September 2019. After another two years, at the end of September 2021 the instituting authority also discontinued the proceedings against the soldier, who had in the meantime left the Bundeswehr, finding that he had committed a disciplinary offence.*
- *In January 2014, a soldier objected in his submission to the duration of the disciplinary proceedings against him for an incident in September 2012. The initiation of judicial disciplinary proceedings in June 2014 was followed in March 2015 by charges before the disciplinary and complaints court, with additional charges though, the last of which was alleged to have occurred at the end of 2013. In May 2016 and August 2017, the disciplinary attorney's office filed a further supplementary charge sheet with the disciplinary and complaints court. A verdict is not expected until 2022.*
- *In November 2017, the competent disciplinary attorney's office became aware of possible breaches of duty by a soldier at the end of 2015 and launched preliminary disciplinary investigations against him. After the formal institution of judicial disciplinary proceedings in November 2018, the soldier was charged before the competent disciplinary and complaints court in June 2019. As a result of the establishment of further disciplinary and complaints court chambers, jurisdiction changed in the reporting year to another chamber, where 95 judicial disciplinary proceedings were already pending when the disciplinary case was taken over, some of which were significantly older. Since the court repeatedly has conciliation proceedings, complaints and petitions to deal with in parallel, the main hearing is not expected to be scheduled in the near future.*

Accelerating judicial disciplinary proceedings in a lasting way was one of the fundamental aims of the **expert group** set up by the Federal Ministry of Defence in 2019 to review the Military Disciplinary Code. In its final

report of 9 September 2021, this group calls *inter alia* for the staffing situation at the courts to be improved and the cases in which disciplinary court orders apply under Section 102 of the Military Disciplinary code to be expanded. In short, in simple cases and with the agreement of all parties involved, this allows the presiding judge of the disciplinary and complaints court to rule on the matter without what can sometimes be an extensive main hearing. Expanding the possibilities to use this option should therefore lead to part of the judicial disciplinary proceedings being completed more swiftly and effectively. Furthermore, the expert group urges all nonjudicial disciplinary punishments (disciplinary fine, confinement to barracks and disciplinary confinement) to be expanded to include a severe variant. Here, disciplinary superiors announce in front of the troops that they have imposed this type of disciplinary punishment on a soldier. So far, this has only been possible in the case of a severe admonition. In addition to this, enforcing disciplinary confinement is to be made easier, as disciplinary superiors only rarely use this measure, which is very effective from an educational point of view, because of the effort involved. The Parliamentary Commissioner has closely followed the work of the expert group and considers the proposals to be sensible and suitable to contributing to an acceleration of all future disciplinary matters over the medium term. For these to have an effect, the Federal Ministry of Defence is now called upon to quickly examine which proposals from the final report it intends to adopt in order to be able to initiate a corresponding legislative procedure as soon as possible.

Requests for review and information

As the petition authority, under Section 3 of the Act on the Parliamentary Commissioner for the Armed Forces the Parliamentary Commissioner has the right to demand information and access to files from the Federal Minister of Defence and the agencies and persons subordinate to her. At the same time, she may give the competent authorities the opportunity to settle a matter. Against this background, the Parliamentary Commissioner consistently requests the ministry or the Bundeswehr agencies she views as suitable to review submissions and other matters she deals with *ex officio* and to comment on them to her, enclosing the documents and records arising from the investigation.

In isolated cases it still happened that the agencies or superiors contacted did not process requests for information promptly or did not send the requested investigation records in full until reminded to do so:

- *Only after four letters relating to a reportable event in September 2020 did the responsible agency send the requested comments in mid-April 2021.*
- *In another case, an officer of the formation contacted also only responded once the Parliamentary Commissioner had written to the formation leader four times about a reportable event from October 2020. He apologised for the delay in processing, communicating the state of affairs verbally. In the meantime, the competent disciplinary attorney's office had already initiated preliminary disciplinary investigations. The Parliamentary Commissioner will now request further information from it.*
- *For another reportable event in October 2020, the Parliamentary Commissioner likewise had to write to a formation leader four times before the headquarters platoon leader submitted comments in July 2021 - but without enclosing the investigation documents. Only after another written request did the Parliamentary Commissioner finally receive the investigation documents in October 2021 - a year after the incident.*
- *In February 2020, the Parliamentary Commissioner asked the competent disciplinary attorney's office to keep her up to date on a reportable event from January 2020. 16 months later, after three interim enquiries about the progress of the case, the disciplinary attorney's office announced in June 2021 that the accused soldier had switched to a different organisational element since early January 2021 and that it had therefore handed over the case to the new disciplinary attorney's office now in charge.*

Matters concerning the Parliamentary Commissioner for the Armed Forces matters must be dealt with as matters of urgency. However, only in very few of the cases that were handled hesitantly was it to be assumed that the agencies or their directors did not take the requests of the Parliamentary Commissioner seriously. In most cases one has the impression that an excessive workload and excessive red tape are often why the processing of enquiries that should be answered swiftly drags on for several months. At the same time, there is evidently some uncertainty as to how to deal with requests from the Parliamentary Commissioner. Referring to Type A General Publication 2600/2 "Matters concerning the Parliamentary Commissioner for the Armed Forces", a revised version of which has been in force since 14 July 2021 and is printed in the section "Statutory foundations of the office and tasks of

the Parliamentary Commissioner for the Armed Forces and of service personnel's right of petition", can help here. The provision under No. 307 provides examples of the documents and records to be sent to the Parliamentary Commissioner that have arisen in the course of the review.

Anonymous submissions are a special case. Section 8 of the Act on the Parliamentary Commissioner for the Armed Forces states that "Anonymous petitions shall not be dealt with". This primarily means that anonymous petitioners have no right to have their submission processed. The number of anonymous petitions has increased in recent years. Some are of a denunciatory nature, but some also contain serious accusations against superiors or blatant wrongdoing at a unit. Even if, in principle, anonymous submissions are not processed, the Parliamentary Commissioner is free, in exceptional cases, to take up the allegations contained therein *ex officio* in accordance with Section 1 (3) of the Act on the Parliamentary Commissioner for the Armed Forces and to request the Bundeswehr review them. This only happens in a few cases, however. Anyone who wishes to criticise superiors, fellow soldiers or draw attention to other problems should do so openly and by name.

One reason petitioners often cite for their wish to remain anonymous is the concern that they will suffer disadvantages as a result of their statements. This is contrary to the law on petitions, which expressly requires petitioners to state their name. In order to protect petitioners, Section 7 of the Act on the Parliamentary Commissioner for the Armed Forces stipulates that soldiers may not be disciplined or discriminated against if they contact the Parliamentary Commissioner for the Armed Forces. Furthermore, under Section 9 of the Act on the Parliamentary Commissioner for the Armed Forces, it is left to the Commissioner's discretion to refrain from disclosing the name when processing a petition. If petitioners so wish and the case is suitable because it is not a personal matter (e.g. appraisal, promotion, difficulties with superiors or fellow soldiers) but a general one (e.g. lack of kit, materiel or equipment, structural problems), the Parliamentary Commissioner makes use of this discretionary latitude.

Offences against sexual self-determination

In the year under review, the Parliamentary Commissioner was repeatedly faced with cases of offences against sexual self-determination. In addition to 23 submissions (2020: 25) in which servicewomen and men complained of sexual harassment or even sexual assault, the Parliamentary Commissioner also evaluates the reportable events for suspected offences against sexual self-determination. In 2021, 303 reportable events came to the Parliamentary Commissioner's attention. After the number had fallen significantly last year compared to previous years (2020: 224, 2019: 345, 2018: 288), this was an increase again. The lower number of reported suspected cases of offences of sexual self-determination in the Estimate of Bundeswehr Morale and Incident Reporting in 2020 was possibly due to the Covid-19 pandemic. Parties where excessive alcohol consumption played a role - not infrequently the cause of sexual assaults - were more or less unable to take place in 2020. Servicewomen and men were also working from home more, so that fewer situations arose that led to sexual assaults. The increase in 2021, when regular operations had resumed in large parts and more parties with alcohol consumption took place, seems to confirm this. However, the high numbers of the years before Covid-19 were not returned to in 2021. How many of the reported cases were ultimately confirmed could not be clearly determined by the end of the year under review, because in some cases the investigations had not yet been completed.

In any case, it is difficult to determine the actual number of sexually motivated assaults, as the victims are often afraid to report harassment for fear of suffering professional or personal disadvantages. Shame also plays a significant role in this context. It should also be borne in mind that the number of confirmed cases does not necessarily tell the whole story. Especially in cases of sexual assault, it is often a case of one person's word against another, with the result that proceedings have to be discontinued because the offences cannot be proven with the necessary degree of certainty. But this does not mean that they did not take place. Often, the discontinuation of criminal or disciplinary investigations is an additional burden for the victims of sexual assault.

- *For instance, a servicewoman reported that a fellow soldier had tried to slap her on the buttocks when getting ready on the shooting range and that he had sent her lewd messages on social media on multiple occasions. In this case, misconduct that would have justified conducting judicial disciplinary proceedings was not able to be proven with sufficient likelihood. However, the soldier was cautioned to act extremely properly, especially when dealing with servicewomen, and not to create any situation that could lead to misunderstandings.*

Overall, however, an increasingly sensitive approach to allegations of offences against sexual self-determination has been seen in many areas of the Bundeswehr in recent years. The investigation documents submitted in the respective cases showed that the Bundeswehr takes misconduct in connection with sexual self-determination very seriously and investigates suspected cases in this regard immediately and extensively. There is an increasing awareness that sexual harassment and violations of the right to sexual self-determination can constitute a serious attack on the dignity and physical integrity of the person concerned. It is also positive that the Bundeswehr is already intensively raising awareness on the topic of “Protection against harassment and sexual harassment during service” in the first few months of service. However, the fact that the new **central service regulation** on “Dealing with sexuality and sexual misconduct in the Bundeswehr”, which is to be addressed to all members of the Bundeswehr and contain explanations on the relevant legal and statutory foundations, has still not come into force warrants criticism. This service regulation is intended to put victims and their superiors in a better position to protect themselves or to react appropriately to such incidents. The good intentions behind this are for nought though if the regulation takes years to materialise.

The following example shows action still needs to be taken:

- *A servicewoman described how she had been made a financial offer for possible sexual favours when she was on guard duty. Judicial disciplinary proceedings were initiated against the accused soldier, which had still not been concluded by the end of the year under review.*

Supervisors should always be aware of how important it is to deal sensitively with victims of assault when they make a report. In this sensitive field, victims may otherwise quickly feel misunderstood with their testimony. Irrespective of this, it is the task of the leadership to promote and demand a culture of mutual respect. Recurrent information and discussion leads expectations, perceptions and behaviour to change. In the long run, this creates an awareness of how to interact with each other appropriately.

Bullying

Bullying was the subject of submissions in this reporting year again. The Parliamentary Commissioner also monitored the investigation of allegations of bullying in connection with reportable events. In total, the Parliamentary Commissioner dealt with 37 submissions and 52 reportable events.

Conflicts are inevitable at any workplace. The Bundeswehr is no exception. However, if there are regular instances of uncomradely and disrespectful behaviour, if individual soldiers deliberately badmouth others, withhold information from them or pass it on incorrectly, exclude comrades or become verbally or physically abusive, then not only do the victims suffer, it also has a negative impact on the quality of the work. Not every conflict, such as an argument or disagreement between soldiers or with their superiors, constitutes bullying. The line to socially unacceptable behaviour is only crossed when behaviour is intended to violate the dignity of a person and create an environment characterised by intimidation, hostility, degradation or insults. The Federal Labour Court has defined bullying as systematic hostility, harassment or discrimination towards employees either by other employees or by superiors. In this context, it speaks of “behaviour which taken in its entirety is unlawful”.

In the cases presented, systematic bullying could not be proven though. However, as was the case in previous years, conflicts had escalated to such an extent that individual soldiers subjectively had the impression that they were being bullied.

- *For instance, a servicewoman complained that she felt unfairly treated, excluded and bullied, especially after she had applied for a transfer. The investigations carried out in this context could not sufficiently prove that the petitioner had been bullied or deliberately ostracised. However, the accused superior was found to have a brash, partly very direct and also “rough” manner, with the result that an inappropriate choice of words and tone could not be ruled out. She was therefore cautioned and instructed to ensure she interacted appropriately in the future, to behave in a manner appropriate to her rank and to show the expected respect at all times.*

This clear approach by the higher authorities is to be welcomed. Even if the line after which bullying occurs has not yet been crossed, disrespect and other transgressions by individuals can paralyse entire work areas, lead to an increase in sick leave and have a negative impact on team cohesion and work performance.

It is hugely important to raise awareness not only among superiors, but also every single soldier, so that a working atmosphere that fosters bullying cannot develop in the first place. It is striking that in the cases that have come to

the Parliamentary Commissioner's knowledge where entire work areas are suffering from highly escalated conflicts, the Medical Service is disproportionately affected. The Bundeswehr would possibly be well advised to investigate the causes of this more closely and to examine whether the soldiers employed in the Medical Service are exposed to extraordinary strain that fuels workplace conflicts.

It may also be advisable to expand the conflict management models used so far to include the use of alternative instruments, such as mediation. Mediation in particular makes it possible to creatively deal with conflicts in an atmosphere of respect. This is particularly important when personnel will need to get along constructively in the future. Here, the involvement of the Psychosocial Support Service can also be of great benefit.

Drugs and alcohol

The use of narcotics and serving in the Bundeswehr, especially armed, are incompatible. Even one-time use of narcotics, whether on or off duty, constitutes a violation of the duty to serve faithfully under Section 7 of the Act Relating to the Legal Status of Military Personnel. A soldier's operational readiness can potentially be compromised not just during the acute effects of the individual case of drug use, but also beyond that time due to the unforeseeable and unpredictable effects. In the first four years of service, servicewomen and men who are found to have used illegal drugs are therefore routinely dismissed without notice pursuant to Section 55 (5) of the Act Relating to the Legal Status of Military Personnel.

- *A soldier was cycling at night one weekend when he was off duty with 1.68 per mille breath alcohol concentration and proven cocaine in his blood. During questioning, he stated that he had drunk alcohol on the evening in question due to service-related and major family problems. He had no recollection of having consumed cocaine, he stated. Despite his behaviour otherwise being impeccable, the Bundeswehr dismissed him without notice pursuant to Section 55 (5) of the Act Relating to the Legal Status of Military Personnel.*

Excessive consumption of alcohol also harbours considerable risks and routinely leads to uncontrolled behaviour, especially at social gatherings after duty. Examples include causing each other bodily harm, insults or sexual harassment. The following case shows that it can also lead to serious accidents:

- *During an after-duty gathering, several junior-ranking soldiers and NCOs consumed alcohol. In the course of the evening, a junior-ranking soldier decided to urinate out of a window, standing on the outside windowsill to do so. A senior NCO noticed this but closed the window anyway. As the room was on the ground floor, he thought the soldier could walk around the building seeing as he had not bothered to make the trip to the toilet. The sergeant was not aware that there was a stairway to the basement below the window. The junior-ranking soldier plummeted to the ground and suffered several broken bones. The others did not comply with his request to call an ambulance, so he finally had his mobile phone brought to him and called one himself. The injured soldier later described the incident as a "stupid joke" and was angry first and foremost at how his comrades behaved after the fall.*

Superiors have an important role in relation to all drug use and addiction and should keep a watchful eye on their subordinates. A trusting relationship and a sensitive approach to an admitted addiction can bring about a positive change in the lives of those affected:

- *A senior NCO confessed to his unit commander that he was not only addicted to gambling but also to narcotics. His decision to go clean and the therapy that followed enabled the soldier to return to duty five months later - initially with the restriction that he could neither handle ammunition nor drive vehicles. The instituting authority discontinued the judicial disciplinary proceedings that had been initiated against him. The soldier had not only managed to rid himself of his addiction, but at the same time had significantly improved his performance after returning to duty. Moreover, there had been no loss of respect or trust in him as a military leader and superior. Further reasons for the discontinuation of the proceedings were that the soldier had already considerably reduced his debts, he had confessed and shown remorse and had no previous disciplinary or criminal record.*

This case should encourage servicewomen and men who find themselves in a similar situation to also confide in their superiors.

Crimes against the Bundeswehr

In the 2021 reporting year, as of 13 December 2021, a total of 113 attacks or offences had been committed against the Bundeswehr (2020: 96). There were 23 acts of violence against members of the Bundeswehr (2020: 18). Among the 90 acts of violence against Bundeswehr property (2020: 78), there was one arson attack (2020: three) and four acts of sabotage (2020: four).

Loss of weapons and ammunition

According to the Federal Ministry of Defence, two small-arms weapons (signal pistols), almost 4,000 individual items of ammunition of various calibres and eleven individual items of explosives went missing from the Bundeswehr in Germany and from German contingents in the year under review. Often the cause of the loss is unclear (category “missing”). Booking errors also come under this category.

In the year under review, the Parliamentary Commissioner dealt with around 30 reportable events involving suspected ammunition theft. The majority of these cases involved the discovery of ammunition during searches of dwellings by law enforcement authorities, which were often based on other suspicions. In two cases, the finds were made following reports by partners or ex-partners of soldiers:

- *In one case, an officer heavily under the influence of alcohol went on the rampage in his accommodation. He allegedly behaved aggressively towards his girlfriend, smashed bottles inside the building and threw them as well as a chair out of the second-floor window, damaging a parked vehicle in the process. He was also said to have insulted fellow soldiers who were present. After he had allegedly asked a comrade to get a box from his room and hide it, considerable quantities of manoeuvre ammunition were seized in it. The disciplinary superior prohibited the soldier from participating any further in weapons and firearms training and referred the matter to the public prosecutor's office. The disciplinary attorney's office also launched preliminary disciplinary investigations.*
- *In another case, the police found 92 manoeuvre cartridges by chance when searching a soldier's parents' house on another charge. The superior then immediately banned the soldier from performing his duties and from wearing his uniform. The Bundeswehr later dismissed him without notice.*

The loss of ammunition, weapons or weapon parts must always be taken extremely seriously. It gives cause for concern when experienced soldiers have no understanding of this, like in the following example:

- *After firearms training during an NCO follow-on training course, the armoury staff noticed that a G36 magazine was missing. The deputy and acting company commander thereupon initiated another thorough search and ordered that no member of the company leave duty until the magazine was found. This was finally the case 40 minutes after the normal end of duty. A staff sergeant complained that this constituted collective punishment and was not very family-friendly because of the extra time on duty it had caused. According to the brigade commander in charge, the missing magazine was part of the G36 rifle, the off-duty possession of which was likely to constitute a violation of the War Weapons Control Act and thus entail considerable criminal-law consequences. The acting company commander's targeted action was therefore motivated by the principle of the duty of care towards his subordinate soldiers and also the desire to avoid misuse by third parties.*

The Parliamentary Commissioner is also of the view that the actions of the deputy company commander are to be judged as reasoned and exemplary in every respect. This incident, like the reportable events, show that those in charge regularly initiate extensive checks and investigations in the case of such incidents, and punish failures to properly comply with documentation requirements with sometimes severe disciplinary fines.

Under the heading “Digitising the last mile of ammunition supply”, the Ministry of Defence has initiated an open-ended investigation into the extent to which it can “extend” **electronic documentation procedures** to be as close as possible to the soldier firing the weapon in order to make seamless inventory monitoring even more reliable. This measure is to be expressly welcomed. After all, diligence and accurate records must be the top priority when dealing with weapons and ammunition.

13. Voluntary military service and homeland defence

Since the suspension of compulsory military service, voluntary military service continues to be an important instrument for recruiting personnel for the Bundeswehr. At the end of 2021, 8,518 women and men were completing voluntary service in the Bundeswehr (2020: 8,251, 2019: 8,337). Out of these, 8,171 began their service in the reporting year (2020: 7,194, 2019: 7,642). During the probationary period, 1,798 of these servicewomen and men ended their service in the armed forces prematurely, 1,482 left at their own request primarily for personal reasons, and 316 were dismissed by the Bundeswehr primarily due to a lack of physical or personal aptitude. It is very encouraging that the number of recruits has increased slightly compared to previous years despite the ongoing Covid-19 pandemic and that the Bundeswehr was able to transfer 2,215 military service volunteers to the status of temporary-career volunteer by the end of 2021 (2020: 2,151).

With the above-mentioned 8,000 military service volunteers who began their service in the year under review, the planned number of 9,635 volunteers was not reached under pandemic conditions. In comparison, in the year under review there were just under 40,000 Federal Voluntary Service volunteers and around 52,000 women and men completing a Voluntary Social Year. This shows that voluntary military service is not as popular by comparison. The Bundeswehr must be aware of the special value of military service volunteers as well as their potential both for further enlistment in other careers and for the reserve, and therefore always strive to further improve the conditions for prospective candidates and applicants. It is positive that the assessment that forms part of the **application procedure** is now often completed in the space of a day.

Nevertheless, excessively long application procedures were repeatedly the subject of criticism in 2021. The pandemic meant that only reduced capacities were available to conduct aptitude tests. To use these capacities in a targeted way, the recruitment organisation agencies stepped up pre-selection, which they did not routinely communicate to applicants, however, when they enquired about the status of their application.

- *Statements such as: “We are not able to give any information”, “the application has not been processed yet and the desired appointment date of July/August would not be possible anyway”, “you should not kick up a fuss ...” are not acceptable, regardless of the application’s prospects of success.*

To give applicants planning certainty, it is necessary - including during the pandemic - to inform them in a qualified way about the status of their application at regular intervals.

Lack of **organisation and communication** leads to dissatisfaction, as the following example illustrates:

- *For example, a former military service volunteer (as well as some of his former comrades) had to wait a year for the requested financial compensation for the entitlements he acquired during a stay at a combat training centre in 2020. Although the company had processed his applications and sent them by post to the agencies responsible for further processing, they were not received there. No record of dispatch had been kept, nor was there any mechanism to ensure they had been received.*

Even if the agencies in question have since eliminated the organisational shortcoming behind this, the disappointment this caused the young man and the feeling that he was treated badly as a military service volunteer is understandable and does not reflect well on the Bundeswehr as an employer.

Another source of frustration is the insufficient information provided to military service volunteers about the fact that, under the statutory regulations, their periods of prior service are always automatically counted if they want to change to the **career of reserve officers** in the line service after their voluntary service and enlist as a temporary soldier for the training period required for this. Since this reserve training in the military service must be completed within three years and the minimum period of enlistment as a temporary-career volunteer soldier is two years, applicants cannot have more than one year of previous service.

- *A highly motivated military service volunteer, whose application had been rejected by the Bundeswehr because of his previous service of more than one year, complained that neither the senior personnel NCO in charge nor the S1 department had known about this regulation and informed him. As a result, he had spent months pursuing a goal that was doomed to failure from the very start.*

The Federal Ministry of Defence stated that the legal basis for the career of reserve officers in the military service was described in the manual on the processing of personnel matters. There was also a clear reference to the compulsory crediting of periods of prior service here, the ministry argued, so every unit was informed. But this is obviously not enough. The information for the responsible staff and the military service volunteers themselves

needs to be much better. For instance, the Bundeswehr could actively inform soldiers about this when they enter service. The Bundeswehr cannot afford to lose good personnel.

The project “**Your Year for Germany** - Voluntary Military Service in Homeland Defence” was launched on 6 April of the year under review. This service consists of seven months of military training in the force and a six-year reserve assignment. During this period, reservists perform at least five months of reserve duty close to home, for instance in disaster and relief operations. This does not impact the voluntary military service already in place, the new service is merely a supplement. The 843 homeland defence volunteers who actually entered service in the year under review first received their training at one of the eleven basic training units of the Joint Support and Enabling Service or at the Air Force Training Battalion. This was followed by “Special Training in Homeland Defence” at the Joint Support and Enabling Service and “Voluntary Military Service Basic Training - Homeland Defence Air Force” at the Air Force. The focus of the “Special Homeland Defence Training” is on qualification for security tasks in the defence of buildings and facilities as well as acquiring the capability to perform supplementary tasks of special relevance to homeland defence. This includes combat duty, engineer training, supplementary medical training, signal training as well as self-protection and fire safety. The “Voluntary Military Service Basic Training - Homeland Defence Air Force” course includes training sections on guard and security tasks for typical Air Force infrastructure and advanced NBC training as well as fire safety assistant training.

In the three quarters after 6 April 2021, a total of 840 positions were conceptually available for the new voluntary service, comprising 250 homeland defence personnel in the Joint Support and Enabling Service and 30 in the Air Force per quarter. With 899 personnel assigned in the year under review, the Bundeswehr exceeded this target. The figures confirm the high level of interest in assuming this task for the common good. It is very pleasing that a total of 302 homeland defence personnel re-enlisted. 298 changed to the status of a “traditional” military service volunteer with a service period of between 13 and 23 months and four to the status of temporary-career volunteer. This notwithstanding, 201 soldiers left their service prematurely. The reasons cited for this were mainly personal ones. The Bundeswehr dismissed 15 persons.

Different ideas as to what homeland defence in the Bundeswehr means - so not just flood relief and support during pandemics - also caused young women and men to leave the Bundeswehr again. Many also complained about a lack of information on training contents and procedures, as well as the excessive length of security clearance checks, which in individual cases entailed having to repeat basic training. It is good that many young people begin their service with a lot of enthusiasm and drive. Nevertheless, the Bundeswehr should take the reasons for the **dropout rate** of 25.6 per cent seriously and include them in the evaluation of the pilot project. It is important to give young people a realistic picture of the Bundeswehr and serving in it during the recruitment process in order to prevent disappointment and a possible premature end to service. The following example is intended to illustrate this:

- *During a field visit, the Parliamentary Commissioner learned that many young applicants at the Career Centres were being pushed into homeland defence, although they actually had other preference. Soldiers voiced the suspicion that the Career Centres had quotas to meet. In some cases, applicants who had already been advised not to apply (in career counselling) were later contacted in an attempt to attract them to homeland defence. The ministry informed the Parliamentary Commissioner that it was true that in cases of posts becoming vacant again at short notice, the recruitment organisation routinely contacted suitable applicants who had not been considered before for a variety of reasons to see whether they were still available to be assigned. These “follow-up” actions were a common additional measure for recruiting personnel.*

This is not objectionable in principle. But the recruitment organisation needs to communicate this transparently so that applicants do not get the feeling that as long as the quota is met it does not matter whether they really have the aptitude.

The Parliamentary Commissioner also gained a personal impression of the daily military lives of the women and men in homeland defence through her visits to 467 Logistic Battalion in Volkach and the Federal Ministry of Defence Guard Battalion. In autumn of the year under review, she also invited servicewomen and men to Berlin to share their experiences. The participants praised the opportunity to gain a wide range of different insights into the Bundeswehr by serving as volunteers in homeland defence and were pleased to have met good instructors. However, in some cases they were disappointed about being assigned to basic and special training far from home, contrary to what had previously been communicated at the Career Centres, about insufficient communication of training contents ahead of time and the lack of information about organisational and personnel measures. The

Parliamentary Commissioner was impressed by the great dedication and motivation shown by those completing voluntary military service in homeland defence. She welcomes the new service and its planned continuation.

14. Reserve

The increasing importance of the reserve in maintaining the operational capability of the armed forces was evident once again in the year under review. At an average of 5,078 soldiers deployed daily by the Bundeswehr to provide assistance in the Covid-19 pandemic, reservists significantly increased the active force's staying power and also made it possible to maintain operational readiness in the required quality for the core mandates of operations, quasi-operational commitments and standing operational tasks. But reservists were also active in combatting the pandemic. Since the call by the Minister of Defence in 2020, 7,658 reservists eligible under military law had volunteered to help by the end of the reporting year. Out of these, 513 voluntary enlistments were added in 2021. From the "reserve.helps" pool alone, 1,519 reserve women and men were called up for service. A total of 18,340 call-ups were made in the year under review to combat the coronavirus. The fact that the National Territorial Commander of the Bundeswehr was provided with 1,000 additional posts for reservists specifically for the pandemic response also shows how indispensable the committed, voluntary work of the reserves was.

Given the unwavering, extraordinarily high commitment of the women and men in the reserve, their unabated disappointment at being excluded from the payment of the **corona bonus** in 2021, which is aimed at existing active personnel, was understandable. This makes it all the more welcome that the Bundeswehr has addressed this situation, which is perceived by those concerned as a sign of a lack of esteem and respect. The Corona Special Bonus - Public Health Sector, which was already collectively agreed in the last quarter of 2020, now applies to reservists for the period from 1 March 2020 to 28 February 2022 thanks to an amendment to the Benefit Payments and Dependents Maintenance Act. The prerequisite for receiving this *ex officio* special payment was that the reservists worked primarily at public health offices or authorities during this period. Entitlement to the special bonus also existed for support personnel who were assigned to serve at a public health office or authority and were seconded from there to provide services, for instance, at vaccination centres, old people's homes or nursing homes.

Another positive aspect is that the revision of the Military Career Regulation in June 2021 has made it easier to enter the reserve officer career as a lateral entrant. Whilst training in a post was previously only possible if the post to be filled required a specific degree, such as medicine or law, and the applicant could offer this, applicants from other courses of study can now also be trained in a post that does not have to be degree-specific. The advantage of this is that the Job Reservation Act applies and there is an entitlement to benefits under the Benefit Payments and Dependents Maintenance Act. This used not to be the case, with training taking place outside a post. Unfortunately, however, this new option of lateral entry was still suspended in the year under review; the Bundeswehr is examining ways to optimise it. To avoid losing interested applicants, it should complete this swiftly.

Reserve assignment for retiring service personnel

The Ministry of Defence developed the **Reserve Strategy – a vision for the reserve in 2032** in autumn 2019 as a basis for the evolution of the **reserve**. An implementation plan in 2020 comprised a large number of individual measures to be implemented. The Reserve Coordination Group, which was launched in the same year, was given the task of successfully implementing the strategy. The core element of the strategy, reserve assignment for retiring service personnel, has been in force since 1 October of the year under review. Since then, all Bundeswehr servicewomen and men who are eligible to leave active service and who are no older than 57 years of age are assigned to the reserve for a period of six years. The assumption is that this will be about 10,000 soldiers per year. Reserve assignment for retiring service personnel is designed to ensure a rapid increase in personnel in the event of a state of tension or defence. Those leaving service will be assigned to a post in line with needs, where they can use the capabilities they have acquired during active service as effectively as possible. The principle of voluntary service by reservists in peacetime remains in place. Implementing the reserve assignment for retiring service personnel is also a challenge for the administration in terms of recording, calling up and scheduling exercises. It is important that the reservists assigned this way have everything they need for sustainment training at their disposal as soon as possible. In addition to personal kit and equipment, this means in particular usable major equipment. Only then can the motivation to serve as a reservist be triggered or upheld.

Homeland defence is a central task for the Bundeswehr. In crisis situations, the homeland defence forces must be prepared *inter alia* to secure and defend Germany's critical defence infrastructure as the rear area of a possible collective defence scenario. Furthermore, they are available for support tasks in the scope of administrative assistance in the event of natural disasters, such as the flood disaster in the summer of the year under review, in the event of particularly serious accidents or terrorist situations, and also - like in 2021 - in the event of a pandemic. To be able to adequately meet future challenges in **homeland defence**, the Bundeswehr began in the year under review to merge and strengthen the regional security and support companies already in place into a homeland defence force with a total of five homeland defence regiments as the core of the territorial reserve. The pilot project - the Bavarian federal state regiment - which had been completed very successfully at the end of the year under review and which reservists had sole responsibility for, led to extensive knowledge being gained about the necessary personnel and materiel resourcing of homeland defence formations and units, which will be incorporated into the restructuring of homeland defence. This is a great success for the women and men in the reserve.

Reserve services

Despite the 1,000 additional posts for the reserve, not all of the planned reserve services were able to take place in the year under review due to the ongoing pandemic. The Bundeswehr instead had to prioritise call-ups on the basis of objective criteria and those necessary for task fulfilment, which was understandable and correct. However, this led to dissatisfaction and disappointment among some reservists:

- *For instance, one motivated reservist regretted that he was unable to carry out the four-week service he had hoped to perform to at his mirror post to replace a section head on leave because service days had been retained for the Covid-19 pandemic response.*

However, the weighting the Bundeswehr accorded to reserve services in this case was necessary and understandable.

- *In another case, an ongoing reserve exercise was not extended by roughly seven months as originally planned because of a lack of service days and had to be terminated after just three weeks. In addition to the incomprehension and frustration on the part of the person concerned, the termination also resulted in special financial hardship for him. To mitigate this, though, the Bundeswehr did allow the reservist to serve ten days longer.*

There is no right to complete reservist duties. The scope of reservist services is based exclusively on the force's need for people eligible under military law and not on reservists' personal needs and concerns. Appeals, for instance against a negative result in the military medical assessment, therefore generally already fail at the hurdle of admissibility. The disappointment of the women and men who are rejected is understandable, but ultimately the assessment findings serve to protect their health.

A total of 30,930 reservists were assigned in the year under review. During this period, 18,274 reservists - both assigned and non-assigned - supported the active troops in 41,693 services, the duration of which ranged from one day to twelve months. Only 152 reservists were called up to deal with the consequences of the **flood disaster** in the summer of the year under review. These figures quickly show that the active troops are already absolutely reliant on a reliable reserve. The extent to which this relieved the active troops in 2021 was not only evident in the fight against the coronavirus and in the wake of the flood disaster. A significant number of reservists (127) from several regional security and support companies from all over Germany also served in the response to African swine fever in Brandenburg.

The Bundeswehr regularly emphasises that the importance of reservists for the Bundeswehr cannot be overestimated. Their importance will increase in the coming years, it says, because national and collective defence is once again gaining in significance. To ensure that this does not remain just empty words, the Bundeswehr must take the concerns of the women and men in the reserve seriously and tackle them. In general, this is also the case. Nevertheless, there were submissions in the year under review in which reservists reported a lack of recognition and appreciation. This also includes complaints about the preparation of appraisals or the processing of career changes dragging on:

- *In one case, for instance, the appraisal process for a highly qualified reservist was clearly too long at around eight months. Checklists and monitoring mechanisms were not consistently applied. The only positive aspect was that the delays had no impact on the reservist's subsequent promotions.*
- *In another case, the intended career change of a petitioner from a junior-ranking reserve soldier to a non-commissioned officer in the reserve has already been ongoing for more than four years. The reasons for this include the fact that the Bundeswehr required the petitioner to participate in the first module of "Joint Military Training", although he already had the qualification "Soldier - Regional Security and Support Forces Armed Forces". After recognising the mistake, he was scheduled for the reserve NCO course at short notice. However, training capacities in 2020 were already fully utilised. The NCO course announced for the year under review was cancelled. Participation in the course will not be possible until 2022 at the earliest.*

In addition to the process taking far too long, this case once again highlights the **insufficient training capacities** for reservists that have existed for years. The Bundeswehr urgently needs to raise these capacities in order not to permanently lose highly motivated, high-performing reservists.

Benefits payments and dependents maintenance

The provision under Section 13 of the Benefits Payment and Dependents Maintenance Act, which sets forth an **enlistment allowance** for longer service (at least 33 days) under certain conditions, led to dissatisfaction and the feeling of being treated unfairly on several fronts. One of the prerequisites for receiving this allowance is the enlistment agreement being received by the Federal Office of Bundeswehr Personnel Management before the 15th day of reservist duty in the calendar year. The legislator does not base this on the 15th day of reservist duty to which the enlistment agreement applies, but rather on each day of reservist duty already performed in the calendar year. This provision, which is sometimes misunderstood in terms of which reservist duty applies, leads to enlistment agreements missing the deadline because the relevant agency does not receive them until after the 15th day of reservist duty in the calendar year. The Bundeswehr should therefore communicate the legal provision more comprehensibly and comprehensively.

Irrespective of this, the reservist also has a duty to help ensure timely receipt by the Federal Office. In line with the general legal principle of the burden of proof, the onus is on the reservist if there are doubts regarding the timeliness of receipt. The reasons for a delay can be manifold, are not always comprehensible in retrospect and are not necessarily within the petitioners' sphere of influence:

- *In one case, a reservist did not receive a copy of his enlistment agreement, which had been lost in the mail for a time and never arrived at the relevant agency, until a good five weeks after the start of his reservist duty after frequent enquiries by telephone and e-mail. In this respect, he no longer had any way at all to influence timely receipt of this agreement by the Federal Office of Bundeswehr Personnel Management. He was therefore not paid the allowance.*
- *In another case, a reservist had to wait a good four months for payment of the enlistment allowance he was entitled to for the year 2020. The investigations carried out revealed that the payment office responsible had only gained knowledge of the formal obligation two months after it had been received. On the document of the agreement, there was the processing agency's receipt stamp, which proved that the agreement had been received on time. It was not comprehensible why a submission was first required for the allowance to be paid.*

To avoid cases like this in the future, the Bundeswehr should simplify the very bureaucratic procedure for paying the enlistment allowance.

The rationing of enlistment opportunities engenders dissatisfaction, disappointment and the feeling that in practice there is a two-tier system of reservists – notably important and less important – among those concerned. The units have to make a selection and cannot offer every reservist an enlistment. This does not warrant criticism, however, because it ensures that an enlistment allowance is only paid if the Bundeswehr actually needs more than 32 days of reserve duty.

The issue of **subsistence costs and additional subsistence expenses** was also a regular subject of concern for those on reserve duty. Since the last amendment to the Payment of Benefits and Dependents Maintenance Act, they have been provided with meals free of charge for the duration of duties away from home (outside of temporary duty travel). The prerequisite is that the obligation to participate in government furnished meals has

been officially ordered. If there are no government furnished meals or if an exemption applies, reservists receive a subsistence allowance. There are no further legal claims to subsistence benefits in kind. The new legal provision often led to problems in practice, as the following example shows:

- *A reservist who had been temporarily assigned to serve abroad in Europe for three months applied for a subsistence allowance because there were no government furnished meals at his duty location. This was rejected on the grounds that the temporary duty order did not contain the official obligation to participate in government furnished meals. This had not been included as the staff had been unaware of the change in the legal situation since January 2020.*

The case proves how important it is to communicate new legal situations all the way into the units. Here, the Bundeswehr needs to become better and faster.

- *In another case, a reservist was not reimbursed for the food expenses he incurred at a hotel in New Delhi during his five-day quarantine period due to Covid-19. The pandemic meant that he had had to take his meals mainly at the hotel, which was costly. He had to pay for the expenses himself.*

It is regrettable that the Bundeswehr does not see itself in a position to solve such extraordinary situations flexibly and pragmatically.

It is very commendable that the Bundeswehr has managed in less than a year to digitise the maintenance allowance procedure and introduce the **Unterhaltssicherung-Online** app. Benefits under the Payment of Benefits and Dependents Maintenance Act can now be applied for and provided quickly, digitally and unbureaucratically. Data from the app flows directly into the processing system at the Federal Office of Bundeswehr Personnel Management. In a second expansion phase, the Bundeswehr hopes to connect the app to the electronic personnel file and the personnel management system. The aim is to eliminate the need for repeated provision of documents by providing internal access to documents already available within the Bundeswehr. If the 40,000 or so applications for subsistence allowances received by the Office of Bundeswehr Personnel Management in the course of a year are submitted via app in the future, this would be a considerable contribution to reducing bureaucracy at the Bundeswehr.

There has been some movement on the issue of **living in government accommodation**, which those on reserve duty are generally required to do. Exemptions are possible, especially in the case of assignment close to home. However, a claim to payment of the costs for the daily journey home, as active soldiers have, only exists if it can be proven that no government accommodation is available. The Bundeswehr has now taken up the suggestion by the Parliamentary Commissioner to create a formal option to choose between accommodation and reimbursement of travel expenses for the distance between the person's home and duty location.

Permission to wear uniform after retirement

On reaching the age of 65, all assignments and commitment to reservist work independent of assignment with the status of soldier end. Reservists are then no longer eligible under military law and the Bundeswehr can no longer call them up for service. At the same time, the Federal Government's obligation to provide the clothing and personal kit required for the performance of reservist duties free of charge ends. The reservists then have to return the clothing. This fundamentally makes sense and does not warrant criticism. However, the Bundeswehr is currently examining to what extent the permission to wear uniform and in turn the issuance of uniforms should be revised. One particular subject of the review is whether reservists who have passed the general age limit should or may represent the Bundeswehr in public in uniform. The findings of this review are not available yet. Irrespective of a change in the law, exemptions should be possible, for instance for reservists involved in the German War Graves Commission or in maintaining war graves.

15. Veterans

An order of the day on 23 November 2018 by the then Minister of Defence defines a veteran of the Bundeswehr as anyone who is actively serving as a soldier in the Bundeswehr or who has been honourably discharged from this service, so who has not lost their rank. The **veterans badge**, which all veterans are eligible for, is intended to make veterans visible in public. By December 2021, the Bundeswehr had issued 73,029 veterans badges upon application.

The Guide to Bundeswehr Veteran Activities, which entered into force in 2019, aims in particular to encourage greater recognition and appreciation of veterans' accomplishments, pairing societal appreciation with support and care from the Bundeswehr. It is pleasing to see that the planned Veterans' Office, which is to serve to improve the care and raise the visibility of veterans and those injured during deployment, is taking concrete shape. The financial and personnel resources seem to be secured. In contrast, there has unfortunately been no progress regarding the establishment of the planned **veterans' home** offering temporary accommodation to veterans in need. The 2023 Invictus Games in Düsseldorf, on the other hand, are a visible sign of recognition of the courage in facing life displayed by veterans who have suffered permanent impairments as a result of injuries during deployment and service or as a result of physical or mental illness.

The end of the Afghanistan mission was a central topic this year, especially for the veterans who served in Afghanistan. A special tribute, for instance in the form of a **special stamp**, would be a positive symbol of gratitude and recognition. Overall, there is still work to be done in many areas to support veterans, and the Bundeswehr should not relent in its efforts in this regard.

16. Sport and physical training

Top-level sport

The Bundeswehr is one of the largest sponsors of high-performance sport in Germany. There are 850 promotion posts available in 15 sports promotion sections. Since 2013, the Bundeswehr has also supported Paralympic athletes. Promoting top-level sport is not a core task of the Bundeswehr, but it is one of the national tasks the armed forces participate in.

At the XXXVII **Summer Olympics** in Tokyo from 23 July to 8 August 2021, which were postponed until 2021 due to the pandemic, top athletes sponsored by the Bundeswehr accounted for around 36 per cent of the athletes. While Germany's results were rather sobering at ninth place in the medal table, the Bundeswehr chalked up a success: Bundeswehr athletes won 20 out of 37 medals, translating into a share of 54 per cent and the highest figure since the 1992 Summer Olympics in Barcelona. In more than half of all cases, eleven times, women stood on the winners' podium. In its summary, the Bundeswehr speaks of "highs and lows in Tokyo". Among the highlights were the gold medals for canoeist Staff Sergeant (OR-6) Ricarda Funk and the soldiers in the men's kayak four with Sergeant (OR-5) Max Lemke, Sergeant (OR-5) Tom Liebscher and Sergeant First Class (OR-7) Roland Rauhe. Private First Class (OR-3) Julia Krajewski won gold in eventing - the first woman ever to do so. For Sergeant (OR-5) Johannes Vetter, Bundeswehr Military Athlete of the Year 2020, on the other hand, the Games were disappointing. As the favourite for gold in the javelin throw, he struggled with the unfavourable surface and failed to make it to the final.

Shortly afterwards, the XVI **Summer Paralympics** were held in Tokyo from 24 August to 5 September 2021. Among the 133 members of the German team were 18 athletes sponsored by the Bundeswehr under individual contracts and two military athletes. In Tokyo, 19 of the total of 43 medals were won by the Bundeswehr (around 44 per cent). Staff Sergeant (OR-6) Tim Focken was the first Afghanistan veteran wounded in action to take part in the Games. He came 14th in his discipline "small bore rifle, prone 50m SH, mixed". As flag bearer at the opening ceremony, cyclist Michael Teuber, and as flag bearer at the closing ceremony, marksman Natascha Hiltrop ensured the visibility of the para-athletes sponsored by the Bundeswehr.

The athletes are a good advertisement for the force. Even though the Bundeswehr's **public relations work** regularly highlights their successes and sporting events, their visibility to the outside world could be better still. The cooperation launched with the Sport Information Service, Germany's largest sports news agency, is an example of how the spotlight can be put on the Bundeswehr's work here more. The 850 soldiers sponsored by the Bundeswehr not only receive the crucial financial security and freedom to prepare for sporting competitions. They also find excellent conditions and support at the sports promotion sections as well as at the Bundeswehr Sports School and the Centre for Sports Medicine in Warendorf.

Even after their active career, the athletes can be a real benefit to the force. In the scope of the "**Sport und Physical Fitness Trainer**" project launched in 2019, the Bundeswehr has recruited former top athletes as full-time trainers and created 45 posts for this purpose, for example to deploy them in basic training. Once the project finished at the end of the reporting year, these posts were made permanent as of 1 January 2022 and supplemented by two additional posts. The majority of these posts have already been filled. The ministry hopes this will

professionalise sports and physical training and improve soldiers' motivation during training. At the same time, this gives former athletes prospects after their active sports career, so the force and top athletes both benefit. However, it must be ensured that none of the posts are later reclassified as military posts. The promising concept should be expanded to reach even more soldiers. However, the Ministry of Defence has stated that an increase in the number of posts is not possible for the time being. It should reconsider this in the long term. For example, the Army Officer School would like to have its own team of sports instructors with former top athletes. The project can only have the best possible impact if it is broadly based.

Sport and physical training in the force

As professional as the structures and opportunities for top athletes are, the **sports and physical training infrastructure** for the troops is inadequate at some locations. And yet it is the basis for the best possible practice of sport, for the physical fitness of soldiers and as such for their basic ability to survive in the field. It is unacceptable that in some cases there has evidently been no improvement for years:

- *There is no end in sight when it comes to the renovation of the indoor swimming pool of the naval combat swimmers located at the Eckernförde site. For almost ten years, this swimming pool has been awaiting reopening. The combat swimmers' complaint that "We can't very well go to the local open-air pool," is clear when it comes to action urgently being needed. The soldiers have had to put up with long travel times to other locations to complete their diving training. What is more, the fitness room at this location has become too small now that the number of personnel has increased.*

The construction work required to enlarge the fitness room is expected to continue until 2023. In the meantime, the Ministry should consider offering the use of privately operated gyms.

There is also room for improvement when it comes to equipping the individual troops with sportswear:

- *During the field visit to the Bundeswehr Sports School in Warendorf, there was criticism that although the athletes were excellently equipped with clothing, the rest of the troops were insufficiently equipped with what was also outdated sports clothing. There was a lack of rain jackets and sportswear tailored to the different seasons, it was reported. Many soldiers therefore preferred to use their own functional clothing. The ministry shares this criticism and in 2018 a working group had already started in the scope of the "Modernisation of the sportswear of Bundeswehr service personnel" project to determine the necessary purchases and their costs. The prioritisation of other personal equipment purchases has meant that these procurements have not yet taken place. Partial implementation is now planned from 2025.*

The concern is justified; the soldiers need functional clothing if they are to keep fit. The ministry should implement the modernisation of sportswear more swiftly.

Individual physical training is an important building block for the physical fitness of the force. The following example shows that it is not always easy to do justice to this and at the same time implement the principle of the duty of care:

- *During a field visit to Bad Reichenhall, servicewomen and men expressed their lack of comprehension towards the rules for doing physical training when working from home. They were only allowed to do physical training if they had secured prior written permission and supervision was ensured - a difficult requirement to meet when working from home. The ministry defends the regulation, arguing that "voluntary physical training in the remit of the Bundeswehr" was restricted under pension law to minimise the soldiers' risk of possible injury and, in the event of injury, to indeed receive compensation under the Military Pensions Act. Voluntary physical training at the gym or outdoors at one's own risk - but without entitlements under pension law - was nevertheless permitted.*

The ministry's argumentation is plausible. Nevertheless, a dilemma remains: On the one hand, soldiers are expected to keep fit. On the other hand, in its capacity as employer, the Bundeswehr also has to ensure that no injuries occur during physical training as part of duty.

The physical fitness of servicewomen and men is also a topic that features time and again during field visits and in petitions:

- *Overall, the status of physical training in the Bundeswehr left much to be desired, it was reported. Not all superiors consistently implemented the requirements. The target of 180 minutes of physical training as part of duty per week was often not met. The German sports badge was no longer expected. There were no consequences if a 3,000-metre run was failed multiple times. There was also criticism that failure to meet the criteria of the basic fitness test had no consequences.*

The Ministry of Defence does not confirm this picture. The Bundeswehr had functioning mechanisms to ensure physical fitness and individual basic skills, it countered. Physical training was continuously being further developed. This tallies with the fact that, according to Warendorf Sports School, the central service regulations are to be revised in the coming reporting year. For example, military fitness is to be given greater consideration.

Physical training and sport also have an important role as a form of therapy. They are the key to mobility and autonomy for those injured in action; training has a physical and mental impact. In the best-case scenario, injured service personnel can regain their ability to serve. The **Invictus Games** in The Hague, which will not take place until 2022 due to the pandemic, are a great opportunity for personnel injured on operations to prove their abilities. The decision to bring the Games to Germany and to host them together with the city of Düsseldorf from 9 to 16 September 2023 shows that the Bundeswehr is also committed to promoting this. It is an important signal that, in addition to para-sports for competitive athletes, great importance is being attached to sports competitions for servicewomen and men who have sustained war injuries. Broad ideological support from the German Bundestag would be a positive form of recognition for the athletes and would once again underline how much they are valued.

17. Diversity in the Bundeswehr

Women, men, persons with or without a migration background, transsexual, bisexual and homosexual persons, older and young soldiers - together they all make their contribution so that the armed forces can accomplish its mission. In recent years, as an employer the Bundeswehr has increasingly recognised the benefits of the diversity of its personnel and that it can only ensure its future viability if it appeals equally to all sections of the population, irrespective of social origin, sexual identity or religious affiliation.

Rehabilitation

This has not always been the case. Homosexual servicewomen and men faced considerable discrimination for a long time on the grounds of their sexual orientation. It was not until 3 July 2000 that the Bundeswehr repealed the 1984 decree on the personnel management of homosexual soldiers, thus ending the systematic discrimination against homosexual soldiers. Fortunately, the previous Minister of Defence not only used the 20th anniversary to apologise for the decades of systematic discrimination against homosexual soldiers in the Bundeswehr, but also initiated a Compensation Act. The Act on the rehabilitation of soldiers who were discriminated against under service regulations because of consensual homosexual acts, because of their homosexual orientation or because of their gender identity has now come into force. It is not only aimed at homosexual soldiers, but also includes transgender soldiers who suffered disadvantages in the Bundeswehr before 3 July 2000 because of their sexual identity. In addition to rehabilitation, each person affected receives compensation of EUR 3,000 upon application. Under certain conditions, the compensation amount can even be EUR 6,000. A rehabilitation and compensation office at the Ministry of Defence and the Staff Element for Equal Opportunities, Diversity and Inclusion within the FMoD Area of Responsibility provide advice on the procedure.

The Parliamentary Commissioner is aware of persons who were discriminated against for years and suffered considerable personal and professional disadvantages in the Bundeswehr yet were not and are not being sufficiently compensated - not even under the new law. There should be a hardship provision for these cases. Furthermore, the new coalition in the Federal Government and the German Bundestag should set the cut-off date significantly later - as unanimously demanded at the time when the bill was being debated - because systematic discrimination did not end on 3 July 2000.

Transidentity

Experience with the “Transidentity in the Bundeswehr” guide also shows that the Bundeswehr has made great progress with regard to the acceptance of transidentity persons. Feedback indicates that the guide provides both

those affected and those officially involved in the procedure with the necessary information and confidence in how to act. In individual cases, however, there are still occasional uncertainties, such as in connection with **hormone treatments** or the **change of civil status**:

- *Transgender servicewomen and men highlighted that they did not always receive their drugs for this in time within the framework of military medical care, because they were not in stock in Bundeswehr pharmacies. They had to procure and pre-finance the high-priced medicines privately. The Medical Service Command pointed out that if these medicines were not available on time, the military medical service or, if necessary, civilian doctors would issue a prescription with which the medicines could be procured free of charge from a public pharmacy.*
- *Servicewomen and men who wanted to undergo gender reassignment procedures quite rightly criticised the fact that unit physicians had requested proof of a change of civil status in accordance with the Transsexuals Act (change of first name and/or change of gender) as a prerequisite for the assumption of costs. Under the provisions of Book 5 of the Social Code, which guide the actions of the Bundeswehr in these cases, however, the statutory health insurance funds provide the benefits irrespective of a change of civil status. In this context, the Bundeswehr has repeatedly promised to raise awareness of this among the responsible unit physicians.*

Occasionally, however, proof of the change of civil status is also requested if documents supporting the application are missing. The change of civil status is then considered a strong argument for the irreversibility of the wish for gender reassignment. In these cases, the request is not objectionable from the Parliamentary Commissioner's perspective if it is clearly communicated that the proof is considered a substitute for the missing document. The new guide for the military medical service on self-determination of gender identity has clarified this point.

Uncertainties for transgender people still exist in the context of **job applications** however:

- *This relates to two formulations in the central regulation on military medical assessments. In the section on the assessment of intelligence and psyche (2.3.19, 2041 2nd paragraph) it says: "Psychosexual problems (gender identity disorders or similar) can call into question the ability to fit into the community and thus aptitude in terms of health." "Gender difference disorders (for instance intersex persons) or gender identity disorders" are also to be assessed under the health code GZr VI 83, which leads to permanent unfitness for service.*

The people concerned quite rightly feel discriminated against as a result. The World Health Organisation (WHO) has abolished the diagnosis of "gender identity disorder", which transidentity came under, so it no longer constitutes a mental disorder. The military medical assessment thus urgently needs revising.

The Bundeswehr has already done a great deal to ensure **equal linguistic treatment** of all servicewomen and men. There are currently no provisions on the linguistic inclusion of the third gender and non-binary gender identities. According to the Federal Ministry of Defence, an inter-ministerial agreement is required before a new, common Bundeswehr guide can be drawn up, the Federal Ministry of the Interior having lead responsibility for this.

Discrimination

Despite all the efforts, discrimination against individuals on the grounds of their sexual identity or orientation still exists:

- *One soldier complained that a comrade had outed him without his consent even before he had joined the company. As a result, his sexual orientation had been the subject of comments and discussions from day one. His superiors did not intervene at all or only half-heartedly in the event of inappropriate comments and behaviour, in some cases even playing this down. The investigations confirmed the petitioner's allegations. The way the competent superiors investigated the matter and the initial assessment that all the soldiers who stood accused of wrongdoing had not yet crossed the threshold of a disciplinary offence with their statements and behaviour also warranted criticism. Preliminary disciplinary investigations were initiated through command supervision channels, which had not yet been completed at the end of the year under review.*

Parliamentary interpellations and press reports revealed that the Bundeswehr had already produced a study entitled "**Bunt in der Bundeswehr**" on diversity in the Bundeswehr in 2019. To date this has remained unpublished for

no obvious reason. The example presented above makes it clear that there is still a need for information within the force. Only consistent exposure and punishment of misconduct can ultimately lead to real equality, equal status, tolerance and acceptance. A misguided sense of solidarity towards the offending party leads to untoward practices and improper conduct being covered up. Above and beyond this, any form of discrimination is not only dishonourable, but in the Bundeswehr also always constitutes a breach of the duty of comradeship, which must be dealt with resolutely in each and every case.

Not every subjectively perceived case of unequal treatment actually constitutes discrimination.

- *A Muslim petitioner had claimed discrimination on the grounds of her faith, as she was barred from serving in the Bundeswehr because she wore a headscarf. The Federal Ministry of Defence clarified that appointment as a soldier in the Bundeswehr was based solely on the principle of selection of the best, as laid down in the Basic Law and also in the Act Relating to the Legal Status of Military Personnel, so on aptitude, ability and professional performance. Gender, origin, faith or ideology played no role. Every single soldier could practice his or her own religious convictions in everyday military life. Irrespective of this, the constitutional mandate to ensure the functioning of the armed forces required specific guidelines on uniform and appearance. These were set forth in the uniform regulations and applied to all servicewomen and men, regardless of their religious affiliation. The uniformity of the uniform and the state's requirement of neutrality left no room for the display of symbols of a particular ideological or religious conviction.*

18. Work-life balance

Reconciling work and family commitments is often still a major challenge for servicewomen and men. Regular transfers, deployments and training courses demand a high degree of commitment and flexibility not just from the individual soldier in question. They also place a great deal of strain on the soldiers' families. The impacts of the Covid-19 pandemic continued to cause difficulties in the year under review, even though the expanded possibilities for working flexibly from different locations have helped. The Bundeswehr has already made great efforts not only to support its servicewomen and men during this difficult period, but also to fundamentally further improve work-life balance in the Bundeswehr. Nevertheless, it is often not easy for many soldiers to reconcile their work and private lives. Personnel management has a great responsibility here and should unwaveringly examine the compatibility of all personnel decisions with soldiers' family commitments.

Problems of a commuter army

Commuting continues to make it considerably more difficult for servicewomen and men to reconcile family and working life and can also have health impacts. Service personnel continue to be among the occupational groups having to cope with the longest commutes between home and work. It is not just the long journeys that negatively impact health. Being separated from their families and friends during the week also reduces soldiers' social support network, which is an indispensable resource for psychosocial relief, to a minimum. So it is not surprising that the accumulation of mental problems among soldiers increases with the physical distance from their social network.

The Bundeswehr is aware of the possible negative ramifications of commuting on the mental health of servicewomen and men. The planned regulation "Maintaining and increasing the mental fitness of servicewomen and men" intends to ensure that the families and those important to service personnel are involved early and permanently to create understanding for the special nature of service in the armed forces and to compensate, at least to some extent, for the unavoidable physical distances through informal proximity. Furthermore, it aims to build "bridges into society" to achieve a better understanding of the special situation that serving in the Bundeswehr constitutes in the soldiers' communities as well, thus strengthening the social support available to soldiers. These efforts notwithstanding - it will never be possible to completely avoid changes of residence, relocations for the whole family or longer commuting phases. The Bundeswehr is increasingly endeavouring to have **assignment patterns** within the region of the soldiers' home, but these measures come up against their limits when the posts necessary for the assignment pattern are not available in the region or if needs, aptitude, qualifications and professional performance stand in the way. The special nature of the Bundeswehr's mission and tasks repeatedly places constraints on the ideal work-life balance. It is good that the Bundeswehr has a social network. It can help servicewomen and men who no longer feel able to reconcile professional and private needs.

Petitioners often feel misunderstood and badly advised by personnel management on their wish to be **assigned close to home**. From an objective perspective, such complaints could hardly be confirmed. In the vast majority of cases, personnel management was very accommodating and open-minded towards soldiers' preferences. Unfortunately, a lack of assignment options or a lack of substitutes meant that even understandable transfer requests cannot always happen. Unless there are serious personal reasons, work has priority. It is and remains highly important to actively involve soldiers in the decision-making process and to communicate the reasons for their request being denied transparently and openly. This makes it easier to accept a negative decision, even if it does not make the soldiers' family situation any easier. However, good communication is necessary on the part of all those involved. Time and again, attempts by personnel management to support soldiers in difficult personal situations also fail because those affected themselves act in an unfortunate way, show little willingness to compromise or do not submit the necessary evidence or do not do so in time. Solutions for the best possible work-life balance are only ever possible if all those involved are committed to the process and think through all options together in an open and constructive manner.

In the past, there has been uncertainty about recognising **serious personal reasons** in applications for a transfer close to home. Some personnel managers had not realised their discretionary latitude and had based their decisions solely on the recommendation of the consulting unit physician. In response to this, the Parliamentary Commissioner suggested that personnel managers be made more aware of this and that a guideline be developed.

The Federal Ministry of Defence has taken up this suggestion and made it clear in writing to the Federal Office of Bundeswehr Personnel Management that consulting physicians must limit themselves to medical aspects in the military medical assessment. Welfare aspects, financial burdens, social conditions, family aspects and other aspects are to be reviewed and assessed by personnel management. The recommendation of the consulting physicians therefore was not a final assessment. The recommendation was an essential aspect, but it was up to each personnel manager, within the framework of his or her own comprehensive decision-making power, to recognise serious personal grounds. This involved reviewing whether the disadvantages for the soldier associated with an assignment at a specific location were so drastic that they were unreasonable from a welfare point of view. If these criteria were met, the Bundeswehr's interest in deploying the soldier where she or he was needed, which in principle has priority, can exceptionally be overridden within the scope of what is possible for the Bundeswehr. A guideline to this effect is currently being developed.

It is excellent that commuters in uniform can now **travel by train free of charge** within Germany for private purposes and that the journeys can be booked using an app. This scheme is a success and has been well received and used by servicewomen and men. It is not only a plus in terms of the attractiveness of service. It also increases contact with the general public. As servicewomen and men reported, they have repeatedly had constructive discussions with fellow travellers about the Bundeswehr and security policy.

Nevertheless, technical difficulties sometimes lead to dissatisfactory results:

- *One petitioner reported, for instance, that there had been a system failure at the Bundeswehr computer centre in Strausberg in March 2021 and that she had had to buy a ticket. The Bundeswehr refused to reimburse her on the grounds that there was no legal entitlement to free rail travel.*

At least the positive side effect of the letter was that the Bundeswehr has since advised users of the rail travel service to reserve an e-token, which is necessary for purchasing tickets, and to store it outside the app as an additional "back up". Another option, it said, was to plan ahead and book tickets early.

The Bundeswehr initially proceeded bureaucratically in a case concerning **separation allowances**:

- *A soldier suffering from a mental stress disorder, who found it difficult to manage his affairs due to his illness, had inadvertently only invoiced the one-way mileage allowance for several months, although it was obvious that the return journey also needed to be reimbursed. The accounting office requested him to submit the evidence he had already filled out in paper form again in electronic form, although he did not have the necessary official access for this and declared part of the claims to have expired. After examining the case, the Ministry of Defence ordered a refund of the amounts in full. The petitioner can settle future claims in a simplified procedure.*

In connection with parental leave, the entitlement to an **overnight separation allowance** to finance a commuter flat was an issue in the year under review. As this entitlement is dependent on the entitlement to military pay, it is suspended during parental leave. Secondary accommodation either has to be maintained at one's own expense

or relinquished with the consequence of having to look for accommodation again when resuming service, which is no mean feat, especially in duty locations with a housing shortage.

- *A servicewoman therefore suggested extending the entitlement to an overnight separation allowance to cover the duration of parental leave. The Ministry of Defence was able to secure an improvement during the inter-ministerial negotiations on the Military Pay Structures Modernisation Act. The entitlement to reimbursement of accommodation costs now continues for a period of up to three months, including during parental or care-giving leave.*

Even if the servicewoman's request was only able to be implemented in part, the new legal situation provides tangible relief for many of those affected, including from the perspective of the Parliamentary Commissioner.

On the other hand, commuters over 25 years of age who are not entitled to a separation allowance still face financial problems when they serve in expensive **urban centres** and have to rent a second home there because they are not entitled to accommodation at the barracks.

- *The wish of a soldier over 25 years of age who is not entitled to a separation allowance and who is serving at the Wilhelmsburg Barracks in Ulm to also live there is therefore understandable.*

The suggestion repeatedly made in the annual reports that every soldier should be provided with barracks accommodation still applies. A solution is needed for soldiers who are not obligated to stay in official accommodation, especially in urban centres, which protects them from the otherwise considerable additional burden of rent costs.

In municipalities with cheaper housing, other solutions are also feasible. In Torgelow and Gera, for instance, there is good cooperation between the Bundeswehr and the respective municipality. Here, soldiers who need housing outside the barracks can take advantage of attractive offers from the stock of municipal housing.

Alternative working models

The provisions governing mobile working, combined with the provision of official mobile IT equipment, are an important step towards a better work-life balance. They have been well received by the troops, with 5,952 servicewomen and men performing their duties in the scope of teleworking in the year under review. The experience gained during the Covid-19 pandemic with mobile working has also strengthened its acceptance amongst superiors. In light of the uncertainties regarding the selection, number and approval procedures in the past, it is to be welcomed that the different agencies as well as each individual soldier now have working aids and information material at their disposal which not only explain the basics of **teleworking** or mobile working better, but also offer decision-making aids and make procedures more transparent. Nevertheless, a study published by the Bundeswehr at the end of November 2020 entitled "Digital culture at the Federal Ministry of Defence and its executive agencies" came to the conclusion that 84 per cent of those surveyed would like more information about technical innovations in the Bundeswehr and about mobile working.

- *The current version of the relevant service regulation on teleworking states: "The decision on participation (in teleworking) is made by the management of the agency with the involvement of the responsible gender equality commissioner." One command incorrectly interpreted the regulation as this involvement only having to take place if the decision on the application was positive.*

This example makes it clear how important constant information and training are for all servicewomen and men involved in personnel matters.

Soldiers often complain about the long period of time between a teleworking job being approved and the provision of the requisite **technical equipment**. In the reporting year, it usually took around 18 months. The Bundeswehr states that the backlog of applications that has already existed since the end of 2019 has been significantly exacerbated due to the Covid-19 pandemic by a further sharp increase in the number of applications and the pandemic-related freeze on the rollout of teleworking jobs. In addition to this, a large number of prioritised applications were received, leading the service provider to push back older applications in its delivery planning. To optimise the procedure, those eligible will now receive the equipment in several steps, in line with the availability of the individual components. Furthermore, in the scope of regeneration, existing desktop workstation computers are to be replaced with laptops wherever possible and additional laptops purchased. The medium-term plan is to enable mobile work with all laptops. However, the Federal Ministry of Defence concedes that these

measures will not provide relief in the short term, but only gradually. The Bundeswehr claims that by strengthening teleworking it has created an instrument that can increase the resilience of soldiers and ease their workload. However, this will only be true if prompt use is indeed possible.

Servicewomen in particular try to achieve a better work-life balance through **part-time work**, although the Bundeswehr is increasingly favouring teleworking. In principle, working part-time seems to be increasingly accepted in the Bundeswehr. However, “part-time leadership” is a model that is not yet truly practiced. Individual complaints from part-time employees who felt that they were not accepted by their superiors or treated as second class did not bear out.

Some part-time employees complained that they were assessed less favourably than their full-time comrades. The Ministry of Defence has taken steps to ensure that the statutory prohibition of discrimination against part-time employees also applies to servicewomen and men. As part of a gender-specific analysis, the military appraisal rounds are regularly assessed for systemic hurdles and obstacles that could stand in the way of equal career participation opportunities. These reviews also include comparing full-time to part-time employment and statistically flag potential anomalies in the award of performance scores and development forecasts. Based on these findings, the ministry intends to take measures in the assessment process itself to counteract potential disadvantages for part-time employees. In particular, the plan is to raise awareness among the superiors conducting the appraisals and the specialised personnel management staff. This is a good and important approach to strengthen part-time service and to counteract possible discrimination against part-time personnel.

Occasionally there are complaints about incorrect or slow **processing of applications** in connection with telework, part-time work or parental leave. Often, incomplete application documents are the cause of the delays. Occasionally, though, the soldiers and personnel management fail to communicate to the necessary extent. Regular two-way communication is indispensable to convey wishes, expectations and the persons’ individual circumstances in such a way that they can be taken into account.

Childcare

Ensuring childcare that is tailored to needs and reflects the special requirements of the military profession is an ongoing issue for servicewomen and men with parental responsibilities. In the year under review, which continued to be marked by Covid-19, home-schooling, alternate online and in-person lessons and months of school and day-care closures all placed an extreme strain on children and parents alike. Despite the return to normal operations after the summer holidays, there were still isolated closures or limited operation of schools and day-care centres. The expansion of the options for taking special leave to care for children when a child is ill or when childcare facilities are closed introduced in response to the Covid-19 pandemic was a great help in this situation and provided tangible relief for military families.

Although the Bundeswehr is still unable to guarantee seamless childcare, it was able to further increase the number of **childcare places** in the year under review. It currently has a total of 1,079 childcare places nationwide. These comprise 575 rights to a place (including 29 places for training course participants), 129 places in day-care and large-scale day-care centres and 375 places in Bundeswehr-affiliated day-care centres and one Bundeswehr-owned day-care centre.

- *During a field visit in Bonn, servicewomen and men pointed out that although there was a Bundeswehr day-care centre, demand was far higher than the number of places available. The Ministry of Defence stated that for the 92 day-care places at the “Regenbogenhaus” day-care centre (66 of which were available to service personnel), there was now a second additional admission date in January of each year. Furthermore, the number of places had been increased to a total of 100 places thanks to the construction of a new building. Securing additional places at the day-care centres of other government departments in Bonn had been examined, but unfortunately had not been possible so far. Although there were still some rights to places at day-care centres in Cologne, the undoubtedly desirable improvements in Bonn would require further efforts. In particular, the change in the operator of the “Regenbogenhaus” day-care centre, which was due to take place in summer 2022, was expected to offer more potential solutions.*
- *Servicewomen and men at the Wilhelmshaven base complained that this - the largest Bundeswehr base - did not have its own day-care centre. The Federal Ministry of Defence explained that it had rejected such considerations because a separate facility could only be considered if childcare needs could not be met by purchasing rights to places at external day-care centres. This had always been possible at the Wilhelmshaven*

site. There was currently a total of 67 rights to outside places, which was sufficient. There was no waiting list. The problem that had existed at the beginning of the year, where children from the under-3 age group had not been able to move up to the over-3 age group due to a lack of places, had been resolved in cooperation with the city of Wilhelmshaven.

- During a field visit to 10 Transport Helicopter Regiment in Faßberg, the tight situation regarding comprehensive childcare at the Faßberg and Munster locations was also an issue. The commissioner for family and career/service in the Bundeswehr informed the Parliamentary Commissioner that neither the Faßberg community commander nor the responsible social services were aware of any cases in which an eligible claim to a childcare place could not be enforced. To date, childcare problems at this location arising at short notice had always been able to be solved in agreement with the town of Faßberg and the parents or guardians concerned. The situation at the Munster site was more problematic, though. The Bundeswehr had held a total of ten rights to places there since 1 September 2020. Demand for an additional 25 places had since been identified, but the city of Munster's own needs meant it had not been possible to acquire more rights to places. Efforts were still being made to meet the additional demand. The possibilities were limited, however, due to the generally tight childcare situation in Munster.

The possibility of **reducing working hours** to care for children or relatives has given rise to questions in the past:

- A soldier wanted to know whether the terms “parent” and “children” under Section 5 of the Military Personnel Working Hours Ordinance also included stepchildren and stepparents. At the same time, he criticised the fact that possible support and relief for carers - for instance, by reducing weekly duty hours - was contingent on the person in need of care living in the carer's household.

These questions were clarified in the year under review. The Working Hours Ordinance for Civil Servants was amended as of 1 January 2021. To avoid unequal treatment under public service law, the same amended regulations have been incorporated into the Military Personnel Working Hours Ordinance. According to the Ministry of Defence, the concept of close relatives has now been expanded and aligned with Section 7 (3) of the Caregiver Leave Act. *Inter alia* stepchildren and parents-in-law are now also considered close relatives. The previous condition that close relatives had to be part of the soldier's household has been lifted. A reduction in working hours can now also take place if the person to be cared for is in fact looked after and cared for by the soldier at the person's own home.

Servicewomen and men still do not understand why the possibility to reduce regular weekly working hours from 41 to 40 hours pursuant to Section 5 (1) of the Military Personnel Working Hours Ordinance is contingent on the **receipt of child benefit**, as is also the case for civil servants. This does not reflect the reality of life, especially for divorced parents who take alternate care of their children. In view of consistent case law on this issue, whereby the receipt of child benefit has been recognised multiple times as a lawful differentiation criterion, the Ministry of Defence does not see there being any legal disadvantage. However, it concedes that the principle of whose charge the child is in, which is the basis of child benefit law, does not adequately reflect the real-life burdens of divorced and separated parents who care for their children equally in an alternating model. A change in child benefit law in this vein, which would then also have knock-on effects on the possibility of reducing working hours, was worth considering in this respect, it said. The Parliamentary Commissioner is also of the view that changing the regulations to reflect changing social realities would be very desirable.

In connection with the granting of **special leave** for the purposes of childcare during the Covid-19 pandemic, one soldier faced an entirely different problem:

- He criticised the fact that single soldiers whose children are twelve or older cannot apply for special leave to care for their child during the pandemic. His daughter was twelve years old and was receiving instruction online because no emergency supervision was being provided at school. However, he himself was absent for more than twelve hours on work days. Since a child of this age was not capable of looking after herself, he suggested that the age limit be raised to 15. The Ministry of Defence rejected this suggestion citing the need for equal treatment for employment relationships outside the Bundeswehr. Instead, it cited the possibilities of unpaid leave for servicewomen and men, ranging all the way to part-time work.

However, in the view of the Parliamentary Commissioner, these proposals do not constitute real alternatives to the coveted special leave, because they are all associated with a considerable financial burden. This is something that single parents, in particular, often cannot afford.

Sometimes, **care during the school holidays** for children from military families is also problematic:

- *During a field visit to Munster, servicewomen and men criticised a lack of childcare during school holidays. The commissioner for family and career/service in the Bundeswehr explained how a children's holiday camp had been planned at the site in 2020 under the auspices of the Protestant Support Association for Soldiers. The idea had essentially been for soldiers from the local units to provide childcare for the children while they were on duty, either by being relieved of their official duties or by being granted special leave. The Ministry of Defence had issued a decree declaring this project legally inadmissible. To deploy and temporarily assign military personnel for an official assignment, an official purpose must exist pursuant to Section 10 (4) of the Act Relating to the Legal Status of Military Personnel. Providing childcare during school holidays was not one of these purposes. Regardless of how important it is to reconcile family life and service, the legal framework conditions must be observed. However, it remains possible for every member of the Bundeswehr to be involved in providing holiday care for children in his or her free time, outside of service, for example by using up leave and working hours credits.*

It is good that, in cooperation with the Bundeswehr Welfare Association, the Bundeswehr is now examining the form in which childcare during the school holidays can take place at Bundeswehr locations in the future - also in terms of ensuring and improving its educational and professional quality. A first measure is to take place at the Mayen site. Once the experiences there have been evaluated, the plan is to take a decision on a possible roll-out to further locations.

Understandably, **single** or divorced servicewomen and men with children often come up against their limits when trying to manage their jobs, childcare and organising everyday life on their own. Those who are deployed far from home often lack the family support network that could ease some of this burden. Here, servicewomen and men are particularly reliant on support from their comrades and superiors. If they do not receive this support, they can quickly become overwhelmed, leading to chronic stress and health problems. However, the permanent feeling of being overwhelmed can also lead to them not realising the assistance they are being afforded:

- *One soldier described that as a single father he was not recognised and supported at his unit. His situation was often met with incomprehension, he said. However, the review of the matter found the opposite to be the case. The superior and fellow soldiers had even demonstrably made an effort to meet their duty of care and to help the soldier within the scope of their possibilities. The superior had prepared the statement on the requested father-child health care as quickly as possible, and it had taken just four working days to approve his application for teleworking.*

Evidently, his difficult personal situation meant the soldier was unable to acknowledge these efforts, which led to tensions at work.

- *Another single-parent soldier complained that he regularly incurred childcare costs for his eleven-year-old daughter due to temporary duty travel and deployments in the military police outside of his regular duty hours. These costs - unlike for civilian employees - were not tax deductible for soldiers. He also criticised the fact that taking a child into accommodation which he received a separation allowance for would lead to a reduction in the separation allowance. The Federal Ministry of Defence considered the complaint justified and announced an extension of the entitlement to reimbursement as part of the amendment to the Act on Equal Opportunities for Female and Male Military Personnel of the Bundeswehr. This would enable the reimbursement of additional unavoidable care costs for children as well as for persons in need of care in the future, not just in the case of participation in basic and follow-on training, but also in the case of absence from the regular place of duty for service-related reasons. It would also be possible to derogate from the reduction in the separation allowance as of September 2021 if the parents had no alternative to admitting children to the accommodation for which they received the separation allowance and they gained no financial advantage from it.*

The ministry is thus departing from the principle that with the admission of children, renting separation allowance accommodation no longer only fulfils the purpose of personal accommodation which is directly service-related, but also represents a measure of care itself, with the costs thereby incurred being directly attributable to the soldier's private life. This decision and the expansion of care costs are additional important building blocks in reconciling service in the Bundeswehr with family obligations.

- *A servicewoman felt discriminated against as a single parent due to wording in an appraisal and feared disadvantages in her selection as a career soldier. The wording read: “She thus has particularly sought-after and needed qualifications in special foreign assignments that also extend beyond the major organisational element of the Navy. So far, [...] has not been able to reconcile participating in said special foreign assignments with her private life. Here, she has failed to prove that she can meet the common user requirements in this area.”*

This wording was unlawful, as the reference to family obligations is not related to work performance, which is the only performance to be assessed in appraisals and appraisal reports, and can also be detrimental. The disciplinary superior was instructed to rewrite the appraisal report or to delete the relevant passage. It is good that this example will be included in the training of unit commanders and battalion commanders at the Leadership Development and Civic Education Centre in the future.

For **divorced service personnel** who do not want to lose contact with their children, flexible staff planning can be a solution:

- *A marine, who suffered massive health problems due to his divorce, had expressed the wish to be deployed close to home in Bavaria and in this context had filed an application for recognition of serious personal reasons. The lack of a naval post in Bavaria meant the soldier was first temporarily assigned to a post close to home in another branch of the armed forces and was advised to opt for a permanent solution by changing his branch of service.*

The successful children’s book for military families “Jonas is waiting for the weekend” published by the Central Institute for Marriage and the Family in Society could be helpful for all soldiers with children. It deals with the subject of commuting and weekend relationships from a child’s perspective. Two more recent works deal with the challenges of deployment abroad from the perspective of two children “Lena and Mum’s Deployment Abroad” and “Lena and Dad’s Deployment Abroad”. The books can be obtained free of charge from the Catholic Military Chaplain’s Office at the different sites. The dedication shown by a single-parent servicewoman with experience of deployment abroad is also remarkable. She had noticed that there was no **children’s book** dealing with serving as a soldier as a mother. She therefore launched a book entitled “My Mum is a Soldier” at her own expense to support female comrades through her own experience. This servicewoman’s initiative deserves great respect.

19. Health

Medical care

The Bundeswehr Medical Service has the task of ensuring the provision of health care for servicewomen and men in Germany and on deployment. The trade-off here is that they do not have a free choice of doctor and instead have to consult the Bundeswehr’s Medical Service on all health matters, first and foremost the unit physician responsible for them at the medical centres, which ensure outpatient medical care throughout the country.

An important prerequisite for the **medical centres** being able to adequately care for service personnel is them being sufficiently staffed. Irrespective of the number of posts available, the daily number of entries is decisive first and foremost, i.e. the number of post holders actually on site each day, which fluctuates due to deployments, leave, initial and follow-on training as well as for other reasons, which can also lead to staffing shortages time and again.

In the year under review, both Covid-19 administrative assistance and the administrative assistance in the context of the flood disaster as well as the Covid-19 vaccination campaign at the Bundeswehr placed extraordinary strain on the Medical Service. The Medical Service deserves great praise and recognition for coping with these additional tasks while at the same time ensuring the health care of soldiers in basic operations as well as on deployments. However, staff shortages at the medical centres can lead to problems for the troops:

- *One soldier described how at times there was only one doctor on duty at a medical centre, with the result that it was often not possible to get appointments for recruits who had fallen ill for several days. During basic training, the focus was on physical performance and in this respect there was an increased risk of injury. Treatment by a civilian doctor was possible, but under the relevant service regulations it always required a prior referral by the military medical service. Even if treatment by a civilian doctor - with a time delay -*

solved the problem of immediate care, only the unit physician could make a qualified decision on fitness for duty and thus on further participation in the training. The medical centre concerned did try to provide the best possible care with its limited resources. Nevertheless, the severe staff shortage had impacted the entire training at the site, it was reported.

This situation is worrying because basic training has been shortened due to the pandemic and missed parts of the training cannot be caught up. Training deficits then ultimately jeopardise successful completion of basic training. This also shows that the Bundeswehr cannot be permanently available for administrative assistance tasks, and that civilian disaster preparedness and civil protection need to be strengthened with a view to future scenarios of this kind.

Responsibilities are not always clearly divided between the different medical centres:

- *A soldier wanted to have his upcoming discharge examination carried out at the medical centre that had previously provided him with general and dental care. The health records required for the discharge interview were not available there. He was told that another medical centre was responsible for him as a member of a field detachment. However, the soldier had been there and his health records were not available there either. The head of this medical centre again referred him to the centre he had first visited. In the end, the soldier left the Bundeswehr without a discharge examination. The Medical Service Command found it incomprehensible that both centres, without seeking a pragmatic solution, had concentrated on who might be officially responsible. For a solution-oriented and timely handling of the matter, it would not have mattered at which medical centre the discharge examination took place.*

The personnel involved at both medical centres evidently lacked both patient centricity and the willingness to assume responsibility. At least the failure to conduct a discharge examination does not entail disadvantages for the soldier with regard to a possible future reservist activity. The responsible Career Centre can conduct a subsequent assessment in this case.

Greater **patient centricity** at medical centres would also have been desirable in other cases:

- *It is repeatedly the case that soldiers are absent from their regular duty location for longer stretches of time prior to being discharged, for instance for vocational advancement measures. In order not to have to make long journeys to the competent medical centre at the regular duty location just for the discharge examination, they would like assessments to be possible at other centres as well.*

Fortunately, the Medical Service Command has advised the Parliamentary Commissioner that this is quite feasible by mutual agreement and arrangement. The scope of the discharge examination could even be reduced with the aid of the health documents on file, if the person concerned did not have any profound health disorders and if an adequate fitness for assignment examination or assessment was available that was not older than 36 months, it was said. The medical centres should make use of this provision in the interests of the soldiers.

In such cases, **digital health records** - a demand many of the previous annual reports feature - would be very useful. In submissions and during field visits, servicewomen and men also repeatedly complain about the outdated paper records at the Bundeswehr Medical Service.

- *During a field visit to Flotilla 2 in Wilhelmshaven, soldiers also reported that sending their health records from ship to ship led to considerable delays.*

Improving work processes through further digitalisation at the Medical Service is also one of the priorities expressed by members of the Bundeswehr in a survey conducted as part of a study on digital culture at the Ministry of Defence and its executive agencies.

- *A study participant from the Bundeswehr Medical Service summed it up as follows: "No more searching, phoning around and disappearing health records. It would be easier to make entries, this would then be possible immediately in the treatment room on the PC. Also considerably less or no more paper. Patient signatures would be possible on digital signature boards, X-ray images would be digitally included right away."*

In this context, it is pleasing that the Bundeswehr's announcements on the planned introduction of digital health records seem more realistic than in previous years. By the end of 2025, what the Bundeswehr calls an initial capability should be in place for digital health records. The digitalisation of the military health service was launched at the end of November 2020. The project, called "IT Support for Regional Medical Facilities", is to be

completed by the end of 2022. Digital health records for soldiers are to include all the health documents created during the period of service. The impression that the Bundeswehr has finally opened a door to the digitalisation of health care after years of hesitation and testing is also reinforced by developments in the area of **online consultations**. The Department of Orthopaedics and Trauma Surgery at Bundeswehr Hospital Berlin has confirmed the benefits of video communication between doctors and patients in a study. At the level of unit physicians, work is beginning to make video consultations possible. The technology was still in its infancy, the Ministry of Defence said, but the first step in the right direction had been taken.

Active servicewomen and men receive free medical care from the **military medical service**. This includes all medical services required to maintain health, prevent and detect damage to health at an early stage and to treat illnesses, and is based on the Bundeswehr regulations governing free medical care. Consequently, it is repeatedly the case that soldiers complain about not receiving certain medical services or the assumption of costs for certain medical services:

- *One servicewoman reported that she had been recommended a vaccination against human papillomavirus (HPV) as a follow-up measure due to an abnormal finding in connection with cervical cancer at a civilian clinic. The Regional Medical Support Command refused to cover the costs, citing current regulations and directives, which were also based on a decision by the Standing Committee on Vaccination (vaccination between the ages of 9 and 14, at the latest at the age of 18). This decision was upheld, even though the gynaecology department at the Bundeswehr hospital in Westerstede also recommended the vaccination. An entitlement existed only to medically necessary and economically appropriate services and not for those that might make sense. The soldier felt disadvantaged because patients in the same situation covered by statutory health insurance received the vaccination.*

The review by the Bundeswehr Medical Service Command revealed that there was a gap in coverage. The servicewoman's petition ultimately led to the Regional Medical Service Support Command issuing a free medical care directive to all regional medical facilities. This means HPV vaccination can now also be provided in cases like that of the petitioner, irrespective of the age of the women concerned, based on individual indication and specialist recommendation, as part of free military medical care. This is expressly to be welcomed.

There was also criticism from servicewomen in connection with the assumption of costs for **gynaecological examinations** by civilian doctors:

- *They complained that free military medical care only covered one check-up per year. Beyond that, there were no further referrals to civilian gynaecologists, for example for assessments or the prescription of contraceptives. The Ministry of Defence justified the practice by saying that contraceptives were neither used for the treatment nor the prevention of a disease and were therefore not included in the scope of free military medical care.*

It is pleasing that, following a recent decision by the ministry on 26 March 2021, gynaecological consultations required for the prescription of contraceptives will in future be assessed as preventive measures for the prevention of diseases. Servicewomen can now make use of them twice a year under free military medical care, although the costs of contraceptives are still to be assumed by the servicewomen themselves.

- *Time and again, servicewomen and men complain about their applications for a preventive health cure after a deployment abroad being rejected. The main issue here is the six-month period after the end of the deployment within which such a cure must be taken. Those affected see this as too short.*

Preventive health cures are not measures provided under free military medical care, they come under the scope of "MWR and care". So they are not health cures aimed at treating a health disorder. **Preventive health cures** are designed instead to preventively counter the possible development of a deployment-related health disorder. It should therefore be as close to the deployment and its stresses and strains as possible. In this respect, the period of six months makes sense. The authorising agency (medical support centre) also has the option of postponing the start date of a preventive health cure for a short period of time if there are good reasons for doing so. In this respect, it always depends on the individual case. Due to the pandemic, for instance, it was possible to exceed the six-month application period by three months from March 2020 to May 2021 if the health resort was unable to admit the patient as planned due to closure or reductions in admission capacity as a result of a lockdown. Denying a preventive health cure for failure to comply with the deadlines does not mean, moreover, that those affected are left without assistance if the problem persists. Under free military medical care, they can apply for a health cure

to maintain their fitness for service and, if a health disorder requiring treatment exists, they receive the necessary treatments and therapies as part of free military medical care.

In the year under review, the Bundeswehr also looked into the introduction of a **digital vaccination card** but decided against it for the time being. Paper-based proof in the form of an international vaccination certificate was sufficient for service purposes, it felt. The Ministry of Defence stated that a swift solution was not possible with the existing software products. Nevertheless, by requesting advice from BWI (the Bundeswehr's central IT service provider), the Medical Service is still pursuing the solution of a digital vaccination card. This is a positive signal of the Bundeswehr's fundamental interest in up-to-date digital solutions and of its confidence in BWI's innovative capabilities.

Deployment-related mental illnesses

Since entering into force in 2007, the Act on the Continued Employment of Personnel Injured on Operations has helped numerous soldiers who have suffered mental trauma on operations to concentrate primarily on their recovery within a legally protected framework and to have (professional) prospects again.

The **Central Point of Contact, Guidance and Coordination** for soldiers suffering from the consequences of operations set up for this purpose handles all concerns and applications from active and former soldiers concerning the Act. It also advises and informs the agencies involved in the procedure, including the applicants, on the application of this Act and the Deployment-Related Accident Regulation. By the end of December 2021, it had processed 1,581 cases for people suffering from the consequences of operations. Out of these, 546 cases concerned the application procedure for admission to the protected period (active soldiers) or for appointment to a special type of military service (former soldiers). The protection period is the time during which injured soldiers require medical services for the treatment of their health problem and, if necessary, vocational qualification services or benefits in order to become fit for work again. 1,035 soldiers were in the protection period, 547 of them in a special type of military service. The duration of the period of protection depends heavily on individual recovery and the different general circumstances of the soldiers in question. The aim of all the measures is to reintegrate them into permanent employment, be it as a career soldier, as a civil servant for life or in a permanent employment relationship at the Federal Ministry of Defence and its executive agencies or in the civilian sector.

The Ministry of Defence is planning an **evaluation** of the Act on the Continued Employment of Personnel Injured on Operations based on the many years of experience in applying it. The intention is to examine to what extent the objective of the law is being achieved with the means provided or whether changes are necessary in this respect. This is to be expressly welcomed with a view to ensuring optimal care for the soldiers in question.

Difficulties are encountered time and again when it comes to **reintegrating** service personnel suffering from mental illness into service. Those affected complain about the way they are treated during service, which is sometimes not very caring. The Parliamentary Commissioner has repeatedly flagged the need for support for superiors. So it is encouraging that the Central Point of Contact, Guidance and Coordination for soldiers injured during operations has now planned a project to "support the reintegration of service personnel injured on operations". This project is initially aimed at former soldiers on a special military service contract. In the further course of the project, the plan is to also integrate active soldiers admitted to the protection period as well as those with deployment injuries already in the reintegration process. In addition to a range of measures to support superiors and those injured on deployment, a supplementary survey is planned to determine the support needs of superiors in dealing with soldiers injured on operations. It is to be hoped that this will lead to a further improvement in integrating the soldiers affected.

In connection with the assignment of personnel injured on operations to what are known as non-established posts during the protection period, there are often difficulties with regard to the availability of organisational and budgetary resources, for instance because of the lack of available infrastructure (office space), IT equipment (IT concept) or care by the in-house medical officer (no hours available). This makes professional reintegration more difficult and leads to those who have been injured in action not feeling sufficiently valued and taken seriously in their work. In this respect, it is to be welcomed that the PTSD commissioner has suggested examining the possibility of creating temporary transitional posts or non-established "integration" posts for persons with deployment-related injuries during their occupational medical rehabilitation. Being transferred to such a post would focus both the soldier and the superiors on the goal of professional reintegration and aid the personal motivation of those affected. In addition, this could be linked to the earmarking of corresponding resources.

Reintegrating servicewomen and men who have been injured on operations is particularly problematic if they have been on sick leave for a long period of time. Since 2020, Type A General Publication 2640/36 “Structured reintegration into service of Bundeswehr soldiers” has been in place, which is designed to enable **those on long-term sick leave** (released from all duties for more than six weeks within a twelve-month period) to return to service. The next disciplinary superior up is routinely responsible for the process. He or she makes the soldier an offer of reintegration and invites him or her to a mandatory initial interview. Further interviews to agree on measures, to implement them and to monitor their success take place after the soldier has given his or her consent. It is to be hoped that this provision will help avoid long periods of sick leave, especially in the case of soldiers who have suffered mental trauma during deployment and for whom the stated aim of the Act on the Continued Employment of Personnel Injured on Operations is not only medical but also occupational rehabilitation. However, initial figures on cases of structured reintegration that have taken place indicate that the level of awareness of the scheme in the individual major organisational elements is still low. Here, the Ministry of Defence and the highest commands and agencies should make every effort to fully disseminate information across the board so that this procedure can benefit all those who wish to take part. The employer’s duty of care demands it.

In the case of servicewomen and men suffering mental illness, lengthy courses of treatment which stop them resuming service can influence the recovery process. Based on this realisation, the Psychotrauma Centre at Bundeswehr Hospital Berlin has developed an occupational medicine-oriented **rehabilitation programme** at the Bundeswehr. The guiding principle here is the earliest possible reintegration with occupation-related target expectations in addition to psychotherapy, embedded in an overall military psychiatric treatment plan. So far, 32 patients have participated in five rounds of the programme. According to the Psychotrauma Centre, the results have been promising. For instance, the number of sick days of the participants had decreased significantly, it reported, and the average number of service hours per week had increased from 12.7 hours to 19.2 hours. Both job satisfaction and self-esteem had increased noticeably, and daily structure and time management had improved considerably. It is to be hoped that in the future as many soldiers as possible who have suffered mental trauma during deployments will be able to benefit from this scheme and that a broader roll-out will not fail due to a lack of personnel.

Under the Act on the Continued Employment of Personnel Injured on Operations, medical rehabilitation of servicewomen and men suffering from mental illnesses following deployment includes in-patient and out-patient treatment of the illness. In the case of service personnel subject to a **confidentiality obligation**, the question arises as to what extent this may complicate their treatment. The Federal Ministry of Defence states that the therapy sessions between therapists and soldiers are generally subject to medical confidentiality. Moreover, treatment is possible even without detailed knowledge of military operations. Nevertheless, the ministry admits that those affected may feel a conflict of conscience regarding the confidentiality agreement and feel inhibited in their descriptions as a result, preventing them from unburdening themselves. In this case, therapy sessions with military psychiatrists who provide psychotherapy and hold an extended security clearance including security investigations (level 3 clearance) would be much easier for those affected. For this reason, military psychiatrists with the corresponding security clearance are planned at locations with a special volume of similar cases and at the respective nearby Bundeswehr hospitals. This has already been implemented for the Calw location. These efforts are to be expressly welcomed. However, if the person concerned is already being treated by an outpatient civilian therapist and only wants to open up to him or her because of the trusting relationship, the problem still exists. Here, ways should be sought to strike a balance between therapy and confidentiality.

The past year was certainly especially trying for soldiers suffering mental trauma related to deployments and their families given the restrictions caused by the pandemic. Many support services, such as the specialist counselling seminar “Support and Care under One Roof”, could not take place. All the more reason, then, to hope that these measures will be available again next year. They are an indispensable part of the comprehensive treatment and care concept for this group of people. Since the realisation has become widespread that the immediate social environment of mentally ill soldiers contributes significantly to their protection and recovery, the Bundeswehr has done a lot to factor this in. The provision under Section 20a of the Act on the Continued Employment of Personnel Injured on Operations, which enables **significant others of the soldiers** who have suffered deployment-related trauma to be involved in the therapy, has been implemented. At parent-child facilities, in-patient medical-rehabilitative parent-child measures can take place with the inclusion of the other parent. For the implementation of soldier-family measures in regular operations, there is thus the possibility, as far as it is an in-patient rehabilitation measure, to include a significant other. This is very positive.

However, families should not only be taken into consideration when servicewomen and men fall ill. In connection with the preventive health cures for soldiers after a deployment abroad, it emerged that the additional absence away from the family this entailed was an obstacle to applying for a health cure of this kind. So it would be desirable to create a family rehabilitation measure that could be offered as an alternative to a preventive health cure for affected soldiers alone. This would allow the special strain placed on families during the absence of the soldier to be taken into account. It would be good if the efforts to introduce such a family regeneration measure in the context of establishing the general regulation "Maintaining and increasing mental fitness" were successful. For the Act on the Continued Employment of Personnel Injured on Operations to apply, the completion of an assignment in the field is required:

- *During a field visit to 51 Tactical Air Wing "Immelmann", the Parliamentary Commissioner learned that soldiers based in Germany assigned with air photograph interpretation (image or sound documents) during missions in the reach-back procedure have been trying for some time to have these procedures recognised as quasi-operational commitments. The background to this is that they would then come under the Act on the Continued Employment of Personnel Injured on Operations and would be entitled to psychological support and after-care. This was cited as being particularly important for soldiers without previous deployment experience.*

It is to be welcomed that the Bundeswehr is planning a study to determine the mental toll the work of servicewomen and men involved in air photograph interpretation and drone pilots takes.

Disablement pensions

If soldiers' health suffers as a result of performing military service, an accident suffered during military service or conditions specific to military service, they can claim this as a **service-related disability** to receive entitlements under the disablement pension scheme. Here, too, the problem of the duty of confidentiality and secrecy described in the chapter on deployment-related mental illnesses arises.

Another issue to be clarified arose in connection with the Covid-19 pandemic:

- *Servicewomen and men raised the question of the extent to which it was possible for Covid-19 to be recognised as a service-related disability and to receive the associated social security benefits.*

For health problems to be recognised as resulting from a service-related disability they must be more than temporary. Since a period of up to six months is considered temporary, a service-related disability is only possible if contracting corona has led to health problems lasting longer than six months. The key prerequisite for recognition as a service-related disability is Covid-19 being contracted in connection with service. This is usually not the case if it is proven to be based on an infection outside of service. On the other hand, a connection with service is indicated if there was close contact with an infectious person during service and the disease occurred or the infection was established no later than within the space of two weeks. In these cases, it is therefore especially important for the facts of the case to be fully and carefully investigated and reviewed. In the case of a Covid-19 infection during a deployment abroad, claims under pension law are potentially possible if the illness was caused by circumstances differing significantly from those in Germany. Differing conditions in this sense include, apart from climatic influences, epidemics or an increased risk of infection.

In addition to disablement pensions, which apply to health problems related to service both at home and abroad, there are also **special foreign assignments benefits and pensions** for damage to health resulting from deployment accidents in the context of special foreign assignments. Contracting Covid-19 while on deployment abroad can also be considered a deployment accident. The Ministry of Defence has developed a guide for this purpose in which it establishes criteria and standards for determining and assessing the facts of the respective case. This gives the processing agencies confidence in electing the right course of action and ensures a uniform and transparent procedure for those concerned. It is also positive that the ministry has stated that during the administrative procedure there will be comprehensive documentation of the specific circumstances of the infection to preserve this as evidence if it cannot recognise a Covid-19 disease as a service-related disability or deployment accident due to the person not having any symptoms or the infection being brief. This can accelerate and facilitate the further course of the proceedings in the interests of the persons concerned if there are long-term effects that occur at a later date.

The German **Foundation for Hardship Cases** makes a lasting contribution to overcoming the multifaceted problems faced by those with service-related disabilities. There are many different possible scenarios here. Deployment-related health problems, especially mental illnesses such as post-traumatic stress disorder are to be highlighted in this context. In the year under review, the Foundation processed a total of 176 applications and spent a record amount of almost EUR 2.5 million on support, a good EUR 1.5 million was spent on emergency aid alone for 120 applications in connection with the flood disaster. With the outstanding help of the Bundeswehr Welfare Association, the Foundation for Hardship Cases was able to provide the service personnel impacted by the floods and their families with effective help within a few days of the application being submitted.

The issue of **radar victims** has occupied the Office of Parliamentary Commissioner for the Armed Forces for many years and has constantly featured in the annual reports. In this reporting year as well, the Parliamentary Commissioner held talks with the Chair of the German Association to Support Radar Victims (Bund zur Unterstützung Radarstrahlengeschädigter Deutschland e.V.). Unfortunately, the Parliamentary Commissioner has to note that progress is sometimes very slow with regard to the question of the extent to which a change in previous compensation practices could be considered in light of new scientific findings. Regarding the study commissioned by the Federal Ministry of Defence on possible genetic damage to the descendants of radar technicians, the 2018 annual report already predicted that the ministry's announcement that it would present results by the end of 2020 would not be tenable. The bitter truth is that, as things stand at the end of the year under review, the completion of this study is likely to be delayed until June 2022. Considering that the recommendation for this study was issued at an expert symposium held in February 2015, this is very disappointing and virtually impossible for the victims to understand.

Severely disabled persons

There are an estimated 1,200 severely disabled servicewomen and men and approximately 600 soldiers with disabilities in the Bundeswehr. They require special care from the Bundeswehr as their employer. The framework for this is provided by the Directive on Welfare Services for Severely Disabled Persons in the FMOD Area of Responsibility (Welfare Directive). To find out what services are available and what entitlements exist, those affected can contact the representatives for severely disabled persons, the Social Services or the respective inclusion commissioner. Outside the Bundeswehr, the pension and integration offices are important points of contact. However, it is not always easy to find the right contact person for individual questions and problems. In some cases, there are also uncertainties as to who is fundamentally responsible for what. It is therefore to be welcomed that the Federal Office of Bundeswehr Personnel Management now has a "Central Point of Contact for Disabled and Severely Disabled Service Personnel", which began its work at the end of September 2021. This central point of contact identifies the relevant points of contact for service personnel - including those outside the Bundeswehr - and then establishes contact for them there if necessary.

Suicides and attempted suicides

In the middle of the year under review, the Ministry of Defence presented the Guide on "Dealing with Crises, Attempted Suicides and Suicide in the Bundeswehr", which had already been announced for 2017 - a guide expressly aimed not just at command personnel. On just over 60 pages, the guide summarises the most important information for service personnel. It provides advice on how to recognise crises at an early stage and helps those affected to find ways out of seemingly hopeless situations. It offers both relatives and the person's work colleagues and friends help in dealing appropriately with such challenging situations. Particularly valuable are the very concrete recommendations for action as well as the different supporting institutions which are listed. Be this military chaplaincy, social work, social counselling, the Bundeswehr Psychological Service, unit physicians, the commissioner for surviving dependants, even the military police and legal affairs division as well as the network of caretakers for those who have suffered trauma during deployments - they are all poised to offer their specialist expertise. So the Bundeswehr is in a very good position to help. There is probably no better network in Germany for a single occupational group aimed at providing help in personal crises. A network that can provide services tailored to the individual, sometimes very complex nature of each case.

The Parliamentary Commissioner registered 20 suicides (2020: 11, 2019: 21, 2018: 17) and 58 attempted suicides (2020: 61, 2019: 52, 2018: 57) by servicewomen and men in 2021. These statistics are based solely on the reportable events submitted to the Parliamentary Commissioner as daily reports from the Ministry of Defence,

including a few cases of purely verbal suicide intentions or those feared by relatives. The actual number of suicides and attempted suicides may be higher, as it is to be assumed that not all cases are reported as reportable events. The information provided in the form of reportable events is based solely on events reported by superiors, who have to learn of the cases themselves in the first place to be able to report them, if data protection allows. Only doctors have access to medical records, for instance. Finally, the statistics for the 2021 annual report also include cases that have not yet been conclusively reviewed. These may therefore also include cases where the suspicion of an attempted suicide is not confirmed.

The Parliamentary Commissioner reviews every suicide or attempted suicide that comes to her knowledge. She enquires, for instance, about possible service-related causes such as deployments abroad. She also reviews how the Bundeswehr dealt with each individual case: Did it possibly miss any signs? How did it deal with the victims and their relatives after the event? How did comrades react, did they receive help after the event?

In one case, it was only through such a review by the Parliamentary Commissioner that the Joint Forces Operations Command was able to bring a potential deployment trauma to light of a reservist who had died by suicide, also informing the **Bundeswehr Social Services**. The relevant regional service centre of the Social Services then actively sought out the parents of the deceased, providing them comprehensive advice and promising them further support. The case also led to the new policy that the Joint Forces Operational Command will independently inform the Bundeswehr Social Services whenever it learns of an attempted suicide or suicide in the future. This is to ensure that the Social Services can take proactive action. It would be good if all the other Bundeswehr agencies that learn of suicides or attempted suicides - where data protection regulations allow - would commit to actively forwarding this information as well.

The efforts, sympathy and willingness to help on the part of superiors and comrades are exemplary in the vast majority of such cases:

- *A company commander supported a soldier after his suicide attempt with a variety of measures. These included regularly talking to the soldier, checking that he kept his therapy appointments, talking to his comrades, helping him to find a meaningful way to spend his free time, actively supporting him during his reintegration and finally even having comrades look after the soldier's dog.*
- *In another case, search parties from a battalion supported police and military police in the search for a suicidal comrade.*

These examples are proof of how tangibly servicewomen and men practice the appeal contained in the Act Relating to the Legal Status of Military Personnel to stand by their Bundeswehr comrades in need and danger.

20. Care

Military Personnel Working Hours Ordinance

Since the beginning of 2016, soldiers' service has been based on the regulations set out in the Military Personnel Working Hours Ordinance - the Bundeswehr's transposition of the European Working Time Directive. In the area of occupational health and safety, a better work-life balance and with a view to ensuring superiors are more mindful when it comes to using the resource of time, the new regulation has had many positive effects. However, the time windows to be complied with and the resulting entitlements to time off in lieu majorly impact the Bundeswehr's options for how it organises service. Some European partner armies have therefore not implemented the directive in the military sector or have only implemented it in part. The **European Court of Justice** has now limited this in a ruling handed down on 15 July 2021. However, this ruling also recognises exceptions for certain groups if the core area of military activity is ultimately affected. Guard services, basic training or the need to assist in operations involving a military commitment by the armed forces of a Member State are cited specifically. The Bundeswehr should examine these exceptions in detail.

- *In the course of many field visits to the different branches of the armed forces and major organisational elements, the Parliamentary Commissioner noticed from what servicewomen and men recounted that there are areas for which it is urgently necessary to establish separate legal regulations so that soldiers do not violate the regulations on working hours when performing their duties.*

An ongoing issue in relation to working hours is the inadequate implementation of **digital time and attendance recording** that was criticised at many locations:

- *During a field visit to the Bundeswehr Military Police and Staff Duty School, the Parliamentary Commissioner learned that the “Zeus” recording system, which was introduced in 2009, was increasingly malfunctioning, making it necessary to add and enter information manually.*
- *In the mountain infantry at Bad Reichenhall, servicewomen and men complained about time and attendance recording on monthly sheets, which everyone had to complete by hand, and which unnecessarily tied up personnel.*
- *Soldiers at the Armor School in Munster even suspected that the modernisation of the time and attendance recording system was being deliberately slowed down and delayed.*

Since 2016, the Bundeswehr has had the opportunity to equip all its agencies with digital time and attendance recording. For civilian employees at the Bundeswehr, digital time recording has existed for some time. So it makes no sense that the Ministry of Defence is not planning the final roll-out of this project until 2025. It should consider interim solutions such as the introduction of the automated time and attendance recording system already used in parts of the Bundeswehr. This is particularly necessary for time and attendance recording systems that are rather old.

The faulty programming of the **personnel operational planning system** at Bundeswehr Hospital Berlin, which has existed for years, has also not improved yet:

- *For instance, one petitioner’s working hours account showed more than 51 hours of overtime for years, although he was actually 34 hours in the red. Programming errors had led to working hours being booked twice and breaks being counted twice as working time, for instance. The working group that has now been established at the Bundeswehr Hospital should quickly propose lasting solutions to ensure that the personnel operational planning system functions properly.*

If the working and service conditions of servicewomen and men do not allow them to complete the work in the scope of basic operations, so within the legally prescribed weekly working time of 41 hours, lawmakers have provided that an exception can be ordered under working hours law. The time frame for the possible exception is always the duration of the measure. One possibility for compensating for extra hours worked is to pay the **exception allowance**. Soldiers deployed in the scope of an exception then receive an allowance of EUR 91 for each day for which they cannot be granted time off in lieu:

- *Uncertainty and dissatisfaction arose among many service personnel because during the Covid-19 administrative assistance, the provisions for granting the exception allowance were inconsistent. They reported that the decision to order this often depended on which branch of the armed forces the individual soldiers seconded to administrative assistance belonged to.*

The legal structures for compensating special working hours-related burdens are different for basic operations and for the exceptions under working hours law. For occupational health and safety reasons, time off in lieu is to be granted first and foremost for extra hours worked in both cases. The compensation for special working hours-related burdens during a support service therefore depends on the defined working hours scheme and on the service requirements after returning to the home formation.

If the employee remains in basic operations, any overtime ordered and actually worked is compensated for by hours of time off in lieu in accordance with the provisions of the Military Personnel Working Hours Ordinance. If it is foreseeable that time off in lieu, which takes precedence, cannot be granted within one year for compelling service-related reasons, overtime is compensated for financially instead if the other requirements of the Military Personnel Overtime Remuneration Ordinance are met. In addition to this, the hardship of service at inconvenient times (at night or at weekends) is compensated for financially in accordance with the Hardship Allowances Ordinance. The decision on the type of compensation for overtime is made by the respective disciplinary superior on the basis of his assessment of the service requirements and staffing situation for the next twelve months within his or her unit.

In summary, it can be said that the different situations of the services in the scope of administrative assistance, taking into account the respective individual case on site, can lead to a different legal classification as per the working hours regulations described above and in turn to a different type of compensation for special working

hours-related burdens. “Top-down” standardisation of the legal classification of support services under working hours law would therefore not be expedient.

Allowances

The system of allowances at the Bundeswehr is still non-transparent and confusing. As already suggested in previous annual reports, this needs to be thoroughly addressed and catalogued. In individual cases, lawmakers took feedback from soldiers in the year under review as an opportunity to provide clarification.

- *Servicewomen and men from 912 Electronic Warfare Battalion in Nienburg/Weser flagged the fact that the maritime allowance newly introduced in the Military Pay Structures Modernisation Act meant that soldiers could no longer claim the electronic warfare allowance for electronic reconnaissance missions. Lawmakers had not noticed the gap that had arisen and eliminated it by retroactively amending the law.*

With this amendment, lawmakers have also repealed the provision on the competing medical specialist’s allowance and seafarer’s allowance. As a result, ship medical officers can receive an increase of EUR 220 per month in addition to the medical specialist’s allowance. It is also good that the **leadership allowance** can now also benefit soldiers deployed as deputies in a leadership role. However, it does not make sense that the deputy only receives this allowance if the deputisation lasted at least 21 days in a calendar month. This reference to just one calendar month should be deleted.

There is also a need to improve the **IT allowance**. As things currently stand, this allowance is only paid to those responsible for maintaining and ensuring IT operations and the IT infrastructure at defined central facilities of the Ministry of Defence and its executive agencies. This limitation falls short. The allowance should be paid to all servicewomen and men responsible for processing and securing sensitive security and military data.

It is good that the Ministry of Defence has brought an amendment to the Hardship Allowance Ordinance into the inter-ministerial talks with the Federal Ministries of the Interior and Finance with the aim of providing **extended basic capability forces** (specialised Army forces with extended basic capabilities) with an entitlement to this allowance.

On the other hand, the design of the functional allowance and hardship allowance caused dissatisfaction among the **divers of the engineer corps**:

- *They felt they were being discriminated against compared to Navy divers. The Army’s engineer and explosive ordnance divers only received the hardship allowance on a case-by-case basis, calculated by the hour for the respective dive. This hourly rate is calculated according to the respective diving depth and amounts to EUR 24.25 for a diving depth of more than ten metres, for instance. Navy personnel who are used as clearance divers or are undergoing training for this, by contrast, receive a flat-rate monthly hardship allowance of EUR 550. In addition to this, if they are used as clearance divers with a valid clearance diver’s licence, they are paid an allowance of EUR 225 per month.*

However, the Federal Ministry of Defence’s justification that, given the extraordinary stresses faced during diving operations, a distinction had to be made between an operation in inland waters (the typical theatre of operations for the Army’s engineer and explosive ordnance disposal divers) and the sea (the typical theatre of operations for maritime divers) could not be dismissed out of hand.

The **support forces** serving with the Naval Special Forces Command also felt disadvantaged:

- *They complained about not being eligible for the allowance for Special Forces support forces with special skills. Currently, this allowance is only available to SOFCOM support forces, which is part of the Army.*

The request submitted by the Armed Forces Office to the Federal Ministry of Defence to expand the group of persons entitled to this allowance is to be supported.

It is to be entirely welcomed that lawmakers have created a **corona bonus** in reflection of the special strain nursing staff at hospitals and other such institutions were and are under:

- *One noteworthy gesture of solidarity was the letters from several petitioners at Bundeswehr Hospital Berlin, who did not want to take advantage of the corona special payment intended for them because, as they reported, they had not been exposed to these special additional burdens requiring self-sacrifice during their*

service. They requested that the money intended for them go to those comrades working directly in nursing and care.

It was not possible to change the recipients retroactively for legal reasons. However, one can only fully agree with the servicewomen in terms of their expression of appreciation for their fellow soldiers deployed in the healthcare sector.

Applications for allowances must be processed carefully, in accordance with the legal requirements and, above all, without delay:

- *This was found wanting in the case of a sergeant who, as head of a family support centre, had applied to receive the leadership allowance. Whilst the time between the submission of the application in July 2020 and the rejection of his application a good month later can be considered reasonable, the fact that the decision did not contain the mandatory information on his right of appeal and that his appeal against the rejection remained unprocessed for almost a year until his submission caused the matter to move forward again does warrant criticism.*

Old-age pensions

There was good news for retired **career soldiers** in the ruling handed down by the Federal Administrative Court on 9 September 2021. The subject of the proceedings was the extent to which deployments abroad have an additional pension effect. In principle, the Military Pensions Act stipulates in Section 25 (2), sentence 3 that periods of service completed in the context of an international deployment abroad can be counted twice. However, until the Leipzig court ruling it was unclear how far in the past a deployment abroad could be and still be subject to this favourable provision. The Federal Ministry of Defence held the opinion that only deployments abroad that had taken place from December 2002 onwards were eligible. Several servicewomen and men did not agree with this constraint, arguing *inter alia* that the Military Pensions Act did not contain any such cut-off date provision. The Federal Administrative Court confirmed this. However, only career soldiers who retired after 13 December 2011, the date on which the special pension provision came into force, can benefit from the provision under Section 25 (2), sentence 3.

The Act on the Sustainable Strengthening of the Bundeswehr's Personnel Operational Readiness has led to noticeable improvements in pensions for retired **temporary-career volunteers**. For instance, Section 3, sentence 1, number 2b of Book VI of the Social Code stipulates with binding effect from the beginning of the year under review that retired temporary-career volunteers are subject to pension insurance contributions in relation to the transitional allowances they are entitled to upon leaving the Bundeswehr.

The provision applies to all former personnel receiving transitional allowances from 1 January 2021. In addition to this, all temporary-career volunteers who have left service since 31 December 2018 and are entitled to transitional allowances, regardless of their age and previous insurance, have access to statutory health insurance. They have a right to join the voluntary insurance scheme and receive a subsidy towards health insurance contributions after the end of their period of service. The decision to take out private health insurance remains another option. However, those who ended their service before 2018 cannot take advantage of the new provision. It would be desirable for the positive legal ramifications of both amendments to apply retroactively to older cases as well.

Incidentally, when reorganising the pension scheme lawmakers forgot that not every retired temporary-career volunteer is a member of the statutory pension insurance scheme:

- *For instance, a Bundeswehr physician said that the new regulation was of no use to her. Her pension insurance was provided by the pension funds of the medical associations. Any contributions under pension insurance law would therefore have to be paid to this institution. Lawmakers had quite simply overlooked this.*

The Ministry of Defence has promised to close this loophole. It is already conducting the necessary coordination talks with the Federal Ministry of Labour and Social Affairs, which is the lead ministry here, with the participation of the German Pension Insurance Scheme. The Parliamentary Commissioner will be continuously monitoring how this progresses.

Non-food MWR

The Bundeswehr's MWR (morale, welfare and recreation) offices and family support centres do important and significant work for servicewomen and men. Opportunities to cultivate a sense of comradeship and camaraderie and convincing MWR services serve to forge strong ties with the force and are thus also a means of personnel retention and recruitment. In the year under review, MWR facilities again faced major challenges as a result of the Covid-19 pandemic. Face-to-face meetings were hardly possible. Organising individual support remotely and not being able to guarantee it in person required adaptation and new possibilities to be explored.

The contents of the new **specialist strategy** for "MWR and care in the Bundeswehr", which came into force on 16 July 2021, are to be welcomed. The strategy defines the framework conditions needed to meet the current and future challenges for MWR and care in a modern, attractive, needs-based, appropriate and effective way. It is geared towards active and former members of the Bundeswehr, veterans, reservists, relatives and significant others as well as the surviving dependents of the aforementioned group. "Significant others" is also to include not just relatives, but also others with whom the eligible persons state they have a special relationship.

The **specialist concept** for "MWR and care" currently in preparation is designed to flesh out the details of the specialist strategy. It will detail specific measures, equipment and tasks and then also serve as the document to establish a budget for purchases. It is therefore to be hoped that the work on this will be completed quickly. However, the newly enacted regulations must also be made known to the personnel responsible for MWR and care in the force, and they must be made available to them in a form that is easy to apply. This also includes dealing more closely with the topic of MWR and care at meetings and conferences and, in the longer term, at commanders and first sergeants' training courses. The subject should also be more in the spotlight during training at the Leadership Development and Civic Education Centre or other training centres.

The MWR offices make an important contribution to on-site support and the new specialist strategy sets forth trained full-time personnel at each location for these. These personnel are to provide supportive advice to the heads of agencies or commanders on matters of duty-related and non-duty-related MWR. This meets a long-standing demand made in many annual reports: MWR is not a task that can be performed as a part-time role. What is important above all is regular, ideally two-way communication between the heads of the agencies, commanders and full-time MWR personnel. Only then can they jointly build up experience, pass on expertise and develop good local MWR services. Out of the 176 MWR offices at the different sites, 102 now have full-time managers. The other offices should now quickly follow suit. For the offices to work constructively and, above all, with legal certainty, the work on the relevant service regulation also needs completing. The regulation governs the infrastructure, room furnishings and material resources and provides instructions for the work of the offices.

The **family support organisation** and its family support offices and centres also make a significant contribution to the MWR services for service personnel and their families, especially in connection with deployments. It is very encouraging that a service regulation now sets forth that the family support centres are to be equipped with the latest technology, as called for in last year's report. Furthermore, increasing the event allowance per person and event by EUR 6 to EUR 18 improves the financial resources available for family support overall. Equally positive is the further expansion of family support in individual areas. For instance, the demand for family support in Emsland in the north has been met since 1 April 2021 by transforming the Leer family support office into a family care centre. Another plus is a standardised, free service number for family members, which went live in the year under review, enabling easy and low-threshold contact to the respective family support centre or family support office around the clock. This telephone number is listed on the homepage of the respective family care facility.

Family support is an expression of care during long absences such as deployments, quasi-operational commitments and recognised missions. When soldiers stay in a theatre of operations for several months this can take a psychological toll on them. Splitting one's family life into two worlds has a lasting impact on the structures and cohesion of families. So involving the families of soldiers or their contact persons in all care and support measures is essential. However, **longer exercises** can also entail burdens for soldiers and their families. For this reason, the extension of the scope of application of family support to exercises with absences of more than 30 days in the year under review is very much to be welcomed.

The improvements made in the year under review to further developing **post-deployment debriefings** are also particularly pleasing. As an alternative to the three-day "standard debriefing", a five-day debriefing can now also be held, providing extra time for follow-up for particularly intense stresses and strain. The fact that family

members and designated significant others are now also allowed to participate in the debriefings is a considerable qualitative improvement in post-deployment follow-up.

The publication of Type A General Publication 2640/6 “Maintaining and increasing mental fitness”, which is also supposed to contain improved family regeneration measures, is still pending. This should now happen swiftly.

Food MWR

The continuous reduction in the size of the force and above all the end of compulsory military service led to changes in the need for food MWR at the sites and locations. The system for this has been based on various pillars for decades. These include the all ranks clubs run by independent, private holders of a canteen lease, and the officers and non-commissioned officers’ clubs, run by the servicewomen and men.

The **all ranks clubs**, which there are some 180 of, offer a uniform range of goods, the “basic range”, at set prices. Until now, leaseholders were contractually tied to Heimbetriebsgesellschaft mbH & Co. KG for the purchase of goods. This company was able to secure advantageous purchase prices by concluding master agreements with suppliers and pooling the purchasing volume of many all ranks clubs. The nationwide system introduced in 1975 with Heimbetriebsgesellschaft as the umbrella company ensured that all soldiers at all locations in Germany could be supplied at the same conditions, especially when military service still was compulsory. So the Federal Ministry of Defence’s termination of the business management contract with Heimbetriebsgesellschaft and the dissolution of the contracts between Heimbetriebsgesellschaft and the leaseholders on 1 January 2022 marks a watershed. Heimbetriebsgesellschaft deserves special recognition for its decades of loyalty and excellent partnership. The catering and lease contracts between the Bundeswehr Subsistence Office for the Federal Government and the all ranks clubs will remain in place. In future, the leaseholders will be responsible for purchasing and invoicing themselves. The Federal Ministry of Defence provides subsidies for all ranks clubs where sales are low.

The number of **mess associations** continued to decline in the year under review. Whilst in 2016 there were still around 183 mess associations in the Bundeswehr, there were only 132 mess associations in the year under review. The high level of commitment shown by the servicewomen and men here is to be expressly commended. They continue to deserve support because, as much as one understands the need for reorientation and standardisation in the area of food MWR, mess associations undoubtedly promote cohesion in the Bundeswehr. The mess associations do excellent work that is highly appreciated on site at the locations and that promotes the attractiveness of the Bundeswehr. It is in the Bundeswehr’s interests to continue to positively support this work and commitment, despite changes in the need for on-site MWR services.

The realignment of food MWR began back in 2012 with the “Concept for the realignment of government-furnished meals and food MWR in the Bundeswehr”. To determine exactly what is needed on site at the locations, the staff of the Bundeswehr Subsistence Office have since been developing and finalising **catering and food MWR concepts** with all those involved at the locations. These concepts describe the need for catering services and food MWR services. At the same time, they serve to assess the infrastructural condition of these facilities and, if necessary, form the basis for infrastructural measures. At the end of the year under review, 110 catering and food MWR concepts had been completed. It is important that the needs and insights of the servicewomen and men on site are incorporated into the concepts. However, it is also crucial that the infrastructural implementation of these concepts makes progress:

- *The catering and MWR concept at the Aachen site has been finalised since 23 December 2019. However, the current priorities and capacities of the building administration and construction industry mean construction measures cannot begin until 2026.*
- *At other locations, economic feasibility studies first need to be carried out before the preservation or construction of new buildings can begin. At the Lüneburg site, for instance, the troops waited almost 18 months for the result of an economic feasibility study on the continued use of the open mess hall building. It has now been available since November 2021. Nevertheless, there is still a need for clarification as to which catering and MWR model is to be implemented at the property. The decision is scheduled for the end of January 2022. The pizza vending machine set up in the entrance hall is not an adequate solution at any rate.*

The new MWR concept for MWR 2019+ envisages the “open mess hall” model as the operating model in the future and in turn the replacement of the old type of all ranks clubs. The catering and MWR concepts are not part of this programme; nevertheless, the infrastructural aspects these define are to be aligned in the future with the

“open mess hall” operating model. The core idea of this model is that one service provider per property provides a service in keeping with the times and tailored to the location. The contracts for this are awarded by tender. Currently, a trial is underway at the eight pilot locations of Panker, Höxter, Prenzlau, Daun, Dornstadt, Niederstetten, Laupheim and Kiel:

- *At the Panker site, the food MWR services in place since October 2020 have been very well received despite pandemic-related restrictions applying at different intervals. According to the Federal Ministry of Defence, there is a lively exchange with the service provider (“Arche Casino GmbH”) at the local level, which is seen as very profitable for all sides.*
- *Services have been provided at the Höxter site since 1 June 2021. The contract went to the service provider “plan B GmbH”.*

The plan is to evaluate the “open mess hall” pilot projects in 2022 and then to make a decision on the nationwide roll-out of this project. Once the “open mess hall” model has been implemented, the old type of all ranks clubs will no longer exist. The existing leaseholders will then have the opportunity to participate in the tenders to operate the new facilities.

Catering

A healthy diet is essential for the health and fitness of servicewomen and men and in turn for the operational readiness of the force. The daily meals provided for soldiers are based on the reference values of the German Society for Nutrition, and balanced meal plans are drawn up for mess and field kitchens with the involvement of the Medical Service.

- *A recurring and increasingly important topic is the growing desire of many service personnel to see an additional vegan option at mess halls and at training grounds. They were critical of hardly any regional and seasonal products or plant-based products being included in the range on offer. The Ministry of Defence stated that vegetarian diets were already catered for at the mess halls. The Bundeswehr Subsistence Office was continuously adding to the range of vegan and vegetarian products by monitoring what was available on the market.*

Both vegetarian and vegan diets are becoming increasingly widespread in society. The Federal Ministries of Health and Food and Agriculture are also supporting food services offering more fibre and less meat through the INform Action Plan. It would be an important signal to the troops to expand the existing product range promptly to include plant-based milk and meat substitutes.

- *The request for balanced and nutrient-optimised meals is also increasingly being heard in connection with packed lunches, especially for exercises lasting several days. A central concern is reducing the number of white flour products and sugary desserts and drinks and offering more seasonal, unprocessed products.*

In this respect, the Bundeswehr should also adapt its product range.

The freshness of products, especially during stays at training grounds, and too much packaging waste are other concerns the troops have voiced:

- *Servicewomen and men from the staff of 37 Armoured Infantry Brigade in Frankenberg and 701 Armoured Engineer Battalion in Gera expressed their desire to be able to eat fresh products in the field from the troop dining facility. The Ministry of Defence stated that fresh food should also be served in the field as a general principle. The regional manager of the Subsistence Office would advise the units concerned on the topic of marching rations/packed lunches and discuss the issue at a mess hall committee meeting.*

This initiative is good, but it should be standard practice that the units and mess halls be informed to this effect.

- *Servicewomen and men from 23 Mountain Infantry Brigade criticised how much waste the packaging of the packed lunches caused. Packed lunches accounted for just under eleven per cent of all meals served in troop dining facilities in 2020, according to the Ministry of Defence. The type of packaging was determined by legal frameworks to ensure compliance with food law requirements, it said. However, the Medical Service Command and the Bundeswehr Subsistence Office were continuously reviewing the possibilities to avoid packaging waste.*

It should be self-evident that the servicewomen and men affected by the planned closure of catering facilities should be involved in the process in good time:

- *It took a petition to establish that the planned closure of the dispensing kitchen at the Neckarzimmern underground installation would have meant that many soldiers would no longer have had the opportunity to eat a hot lunch. After their intervention, the dispensing kitchen remained in operation to comply with the Bundeswehr's duty of care.*

In principle, **field rations** in the form of group rations are to be organised in such a way that a hot lunch is possible in the field, for example through the use of field kitchens. The tactical field kitchen, which is currently still tied to a specific carrier vehicle, will be replaced by a new container-based catering system - the mobile field kitchen. The cold testing of the mobile field kitchen, which had still been pending, took place successfully in Norway in January 2021. The heat testing part was also successful in Spain in August 2021. Minor design changes still require technical retesting, such as driver testing. In Germany, this is a basic prerequisite for readiness for series production. From 2022, the mobile field kitchen will gradually replace the tactical field kitchen.

Military chaplaincy

Military chaplaincy makes an indispensable and important contribution to the force. Especially when deployed abroad, the military chaplains provide valuable spiritual support, often across and also beyond different religious denominations. They are available to talk to all servicewomen and men, including those who are not baptised or who have a different faith - by no means just about religious matters, but also about fundamental topics such as family, health, housing, prospects and experiences. In her numerous conversations with soldiers, the Parliamentary Commissioner repeatedly saw that military chaplaincy provides great support during deployment and service. Military chaplains give advice on all manner of questions and provide support in all manner of situations - both on duty-related and private matters, in Germany and abroad. As such military chaplaincy also strengthens the operational readiness and staying power of the troops.

The very difficult and dangerous deployment in Afghanistan placed great strain on most soldiers and military chaplaincy proved to be a great help on the ground at the camp. The military chaplains deserve special thanks and recognition for this. Not least at the base of the evacuation operation in Tashkent in Uzbekistan, military chaplaincy made an important contribution to coming to terms with what had happened in Kabul and the terrible experiences there. This holds true for many servicewomen and men who were involved during the past twenty years of the Afghanistan mission, and also for those wondering what the meaning and purpose of their own deployment was. Especially after returning home, talking to the military chaplains often provided important support and help in finding a way back into the normality of everyday (service) life:

- *A servicewoman who had been deployed to Afghanistan several times summed up the importance of military chaplaincy by saying: "I can't imagine a deployment without military chaplaincy."*

Being a soldier is not a normal profession, it takes a great deal of responsibility, even in peacetime, more than is often the case elsewhere in society. This makes it all the more important, in the interests of prevention, too, to invest sufficiently in strengthening ethical and moral foundations, in strength of character and mental resilience. Much of this can be taught by the military chaplains in **character guidance classes**. The Centre for Ethical Education in the Armed Forces in Hamburg makes an important contribution here. As the Parliamentary Commissioner learned during her field visit to the centre, the centre has its own didactics portal for character guidance classes for follow-on training and the work with military chaplains. Here they can find a variety of materials and drafts of entire lessons, including a card game for military chaplains, designed to enable them to integrate ethical questions and moral problems into the character guidance classes in a readily accessible, playful way. Character guidance classes are the key foundation for soldiers to develop ethical skills for their occupation as soldiers and have been well practised since 2010. Ethics and morals in the armed forces are not job-specific ethics or special morals but rather a matter of applying the ethical and moral principles that apply in society as a whole and are enshrined in our Basic Law.

- *During a field visit on board the frigate BRANDENBURG in Wilhelmshaven on 20 July 2021, the Parliamentary Commissioner saw the character guidance classes being successfully implemented. The close cooperation and good relationship between the commander and the military chaplain were tangible. After the pastor had introduced the class to the topic with a lively mixture of video clips and knowledge transfer,*

he had them deal intensively with questions of morals and ethics in a subsequent discussion, which the commander also participated openly and honestly in.

As this example shows, having military chaplains teach the character guidance classes has proven successful on all fronts, as they are outside the military hierarchy but, with their interpersonal and spiritual competence, enable a trusting exchange of ideas and self-determined learning within the force. The aim here is that the guiding principles of soldiers being citizens in uniform and of *Innere Führung* (leadership development and civic education) are practiced day in and day out by each and every soldier, firmly based on the Basic Law - for democracy, freedom and the rule of law.

The Bundeswehr stands for diversity, tolerance and openness to the world. So it was an historic occasion when Zsolt Balla was appointed the first **military rabbi** of the Bundeswehr on 21 June 2021. The seat of the Chief Military Rabbi will be in Berlin. A good 100 years after the end of the First World War - and almost eight decades after the Holocaust - there will thus be military chaplaincy for Jewish servicewomen and men in the German armed forces for the first time again. It was a great honour and pleasure for the Parliamentary Commissioner to attend the ceremony marking Rabbi Balla's appointment. Up to ten military rabbis will be able to work under the Chief Military Rabbi. In future, the Jewish military chaplaincy will be established at five branch offices with a regional focus. The chaplaincy is aimed at Jewish and non-Jewish soldiers and their families. Like other military chaplains, they will give character guidance classes and accompany deployments. This is the first expansion of military chaplaincy in the Bundeswehr since the conclusion of the national treaty with the Evangelical Lutheran Church in 1957.

The introduction of Jewish military chaplaincy is also expected to provide new momentum for **Islamic military chaplaincy**, since around 3,000 servicewomen and men of the Muslim faith serve in the armed forces. Given that Islamic communities are organised differently from other religious communities - for instance, because no registers of members are kept - it is difficult to organise similar structures for Muslims in all areas, the Ministry of Defence has said. Furthermore, the associations known in Germany did not represent the majority of Muslims living here, it stated. This meant that a central contact person who could supervise Muslim military chaplaincy on behalf of the Bundeswehr and on the basis of a national treaty would not be available for the foreseeable future. Regardless of this, servicewomen and men of the Muslim faith deserve military chaplaincy based on their faith. To this end, the ministry intends to create support services based on individual contracts rather than establishing organisational structures. This is very much to be welcomed and should be implemented during this electoral term. It would be a sign of appreciation and recognition for the service Muslims perform in the Bundeswehr.

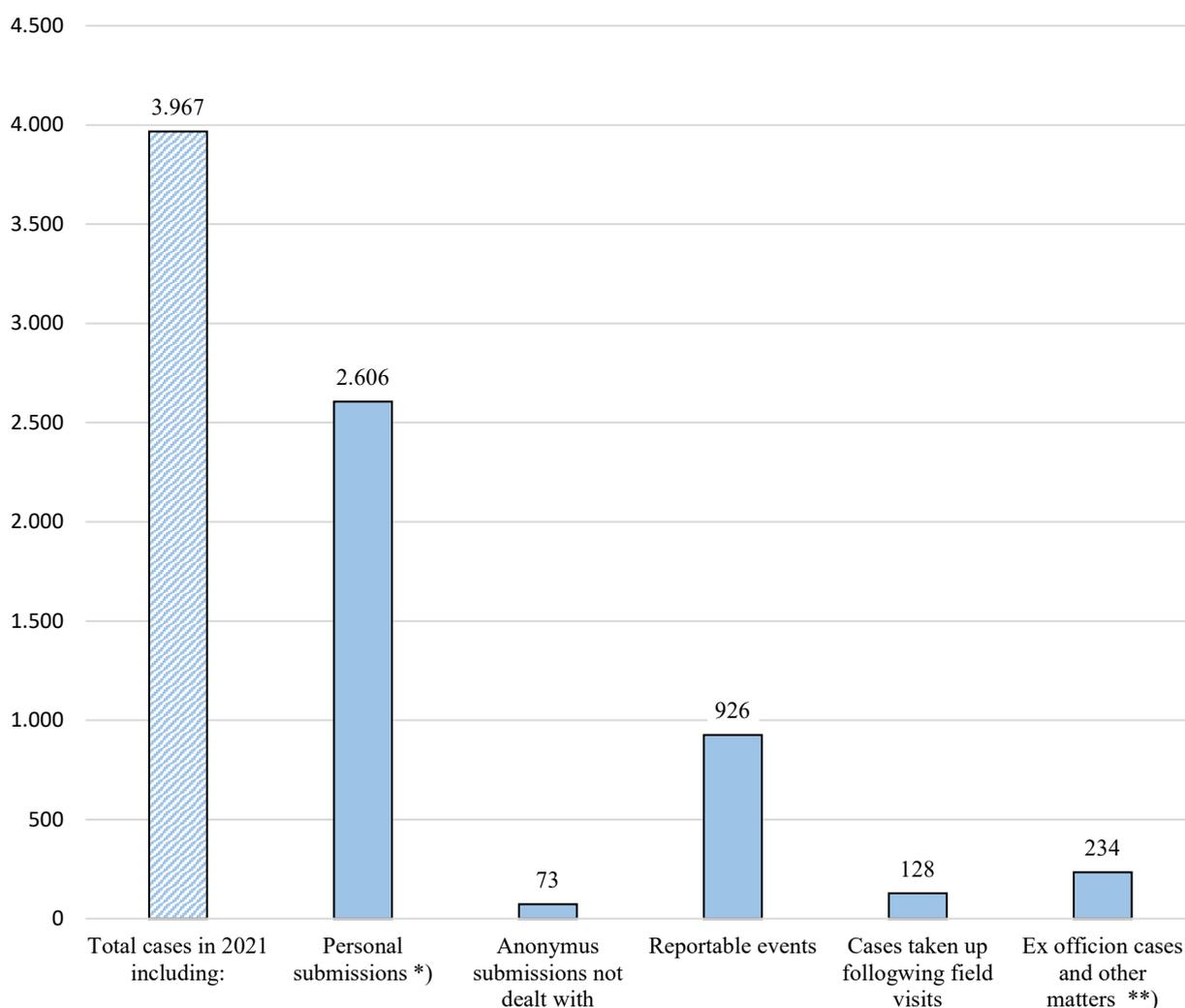
Dr Eva Högl

Parliamentary Commissioner for the Armed Forces

21. Cases and petitions: Statistical overviews

A total of 3,967 cases were recorded. Cases are all matters processed to which a file reference number has been attached. Apart from submissions from servicewomen and men, their family members and other individuals, they encompass “reportable events” in the Bundeswehr which are reviewed by the Parliamentary Commissioner, cases that are taken up following a field visit and cases the Parliamentary Commissioner deals with *ex officio*. This latter category includes cases opened on account of information the Parliamentary Commissioner for the Armed Forces obtains from, for example, press reports or discussions. In addition to this, letters sent by civilian employees to the Petitions Committee of the German Bundestag and general enquiries from private individuals are recorded as ‘other matters’.

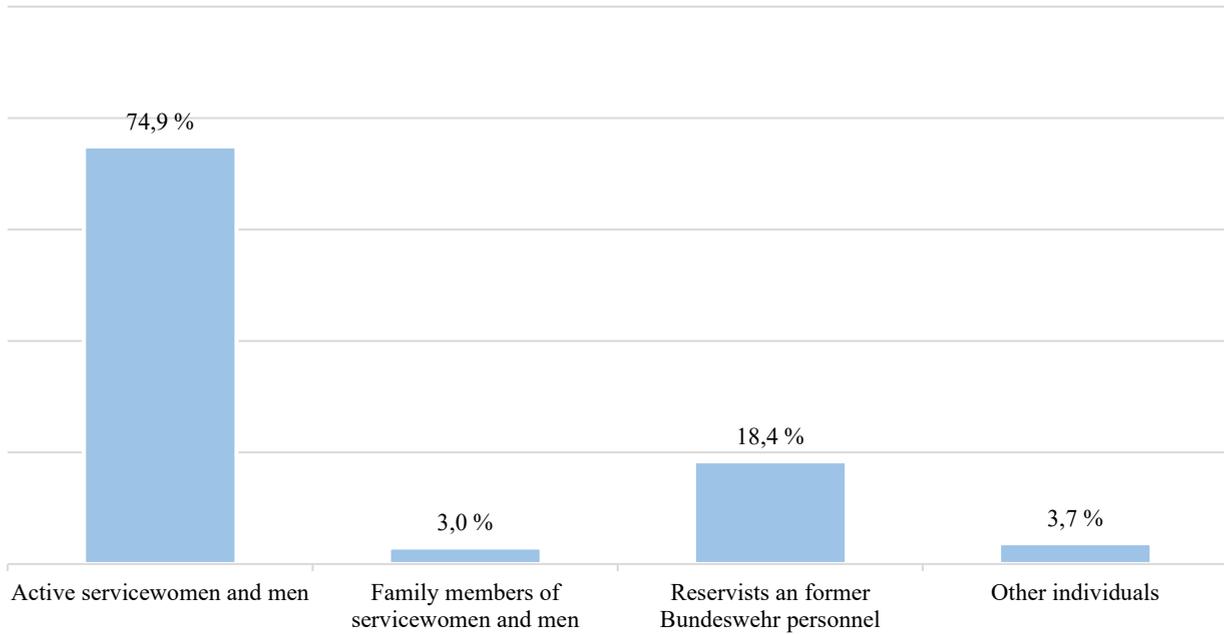
Breakdown - absolute figures



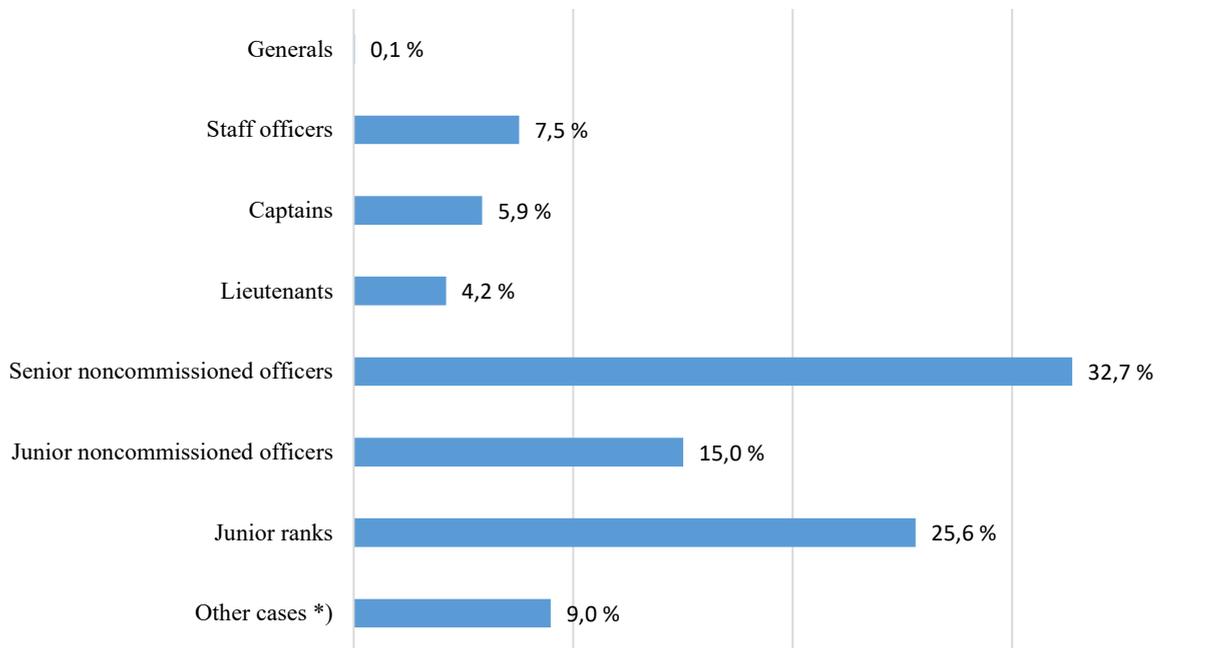
*) Petitions from service personnel and their family members

***) Information from press reports and discussion, letters from civilian employees, general enquiries from private persons

Breakdown of 2.606 personal petitions by petitioners in per cent



Breakdown by rank in per cent



*) including by family members

Breakdown of the 3,967 cases by requests (7,176)

(Up to three requests are brought together in one case, which is why the number of requests is higher than the number of cases).

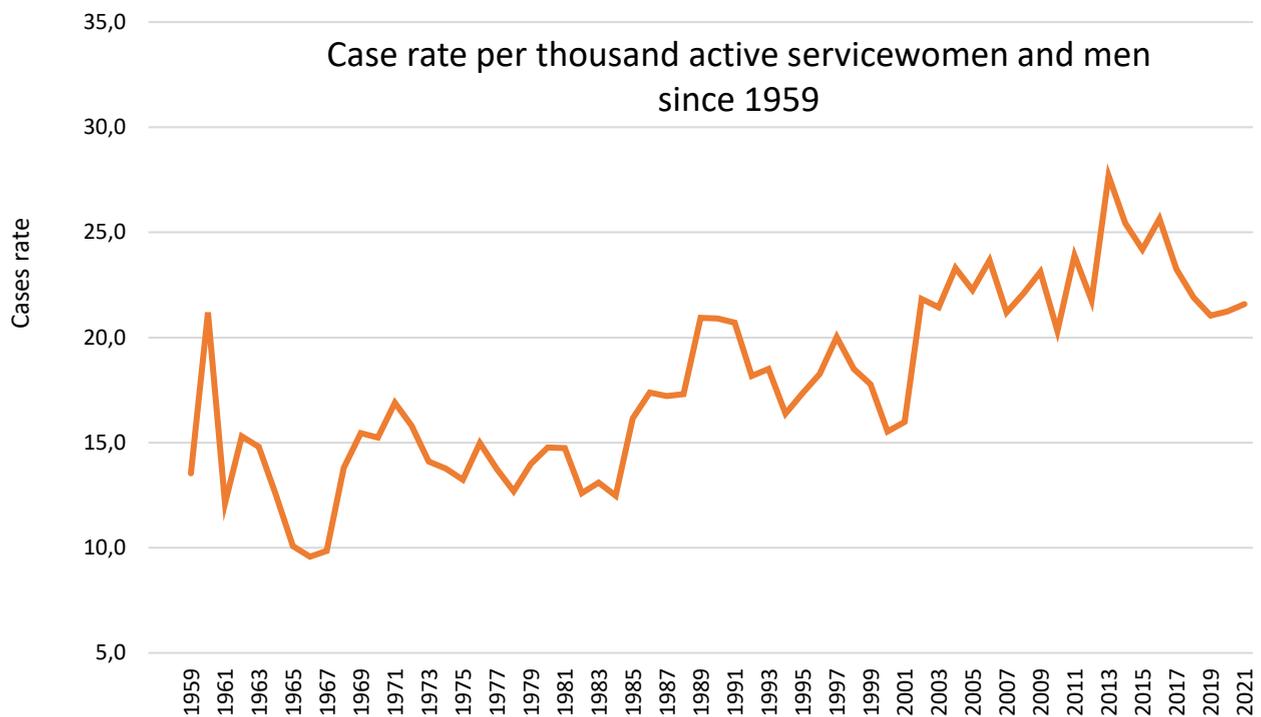
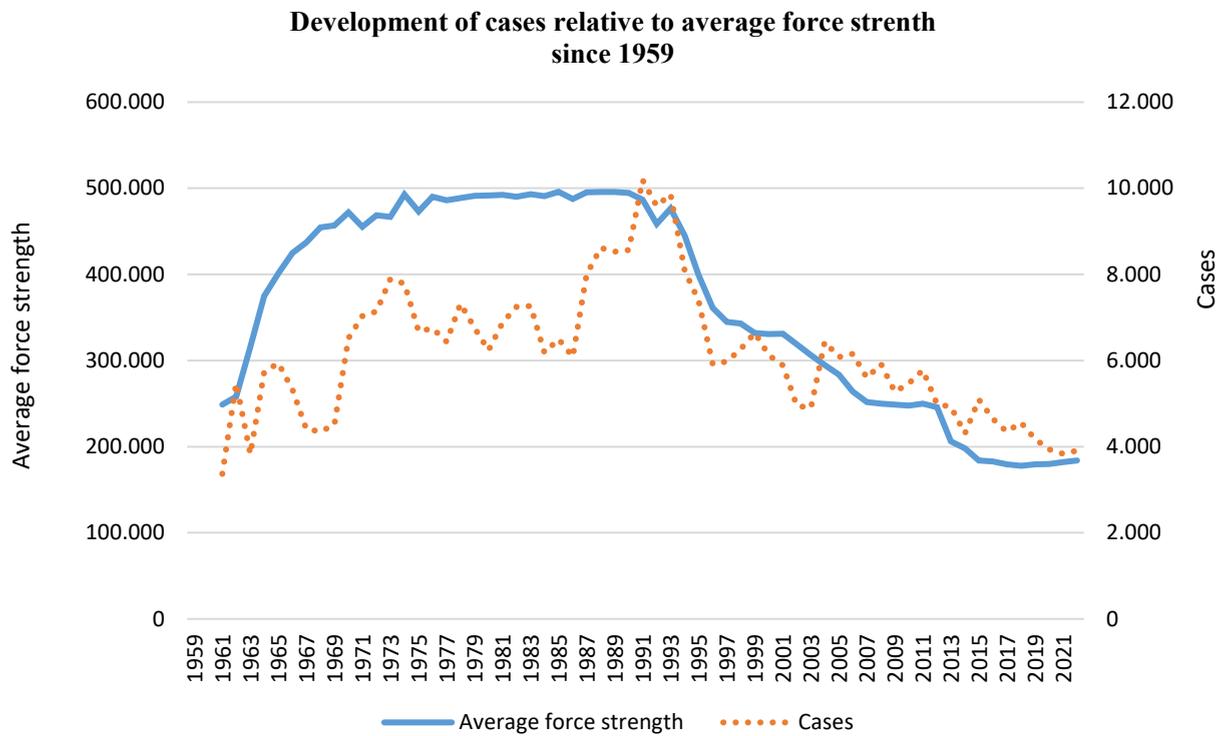
Category	Number
Personnel matters relating to active servicewomen and men	2,210
<u>including:</u>	
Assignment planning, appraisal, promotion	666
Pay and subsidiary areas of pay law	476
Establishment and termination of service statuses	404
Processing of personnel matters and personnel management	387
Matters relating to reservists	137
Personnel structure	41
Disciplinary law, law violations	1,058
<u>including:</u>	
Offences against sexual self-determination	328
Violation of the free democratic basic order	311
Pensions and benefits, social affairs	726
Leadership, comradeship	663
Health, Medical Service, free medical care	495
Work-life balance	387
<u>including:</u>	
Matters relating to commuters	279
Deployments abroad, equipment for deployments	375
Infrastructure, accommodation	207
Training, equipment for training	201
Working hours	134
Catering, clothing, welfare	112
Safety issues, accidents	110
Diversity	94
<u>including:</u>	
Women in the Armed Forces (equality issues)	53
Sexual diversity	24
Service personnel with migration backgrounds	10
Behaviour and conduct of servicewomen and men on and off duty	91
Suicides, attempted suicides	84
Other matters^{*)}	329

^{*)} Does not fall within remit, referral to Petitions Committee, requests for access to records, responses to annual report.

Development of the number of cases between 1959 and 2021

Year under review	Total number of cases recorded	Average Bundeswehr force strength (active servicewomen and men)	Case rate per thousand active servicewomen and men
1959	3,368	248,800	13.5
1960	5,471	258,080	21.2
1961	3,829	316,090	12.1
1962	5,736	374,766	15.3
1963	5,938	401,337	14.8
1964	5,322	424,869	12.5
1965	4,408	437,236	10.1
1966	4,353	454,569	9.6
1967	4,503	456,764	9.9
1968	6,517	472,070	13.8
1969	7,033	455,114	15.5
1970	7,142	468,484	15.2
1971	7,891	466,889	16.9
1972	7,789	492,828	15.8
1973	6,673	472,943	14.1
1974	6,748	490,053	13.8
1975	6,439	486,206	13.2
1976	7,319	488,616	15.0
1977	6,753	491,424	13.7
1978	6,234	491,481	12.7
1979	6,884	492,344	14.0
1980	7,244	490,243	14.8
1981	7,265	493,089	14.7
1982	6,184	490,729	12.6
1983	6,493	495,875	13.1
1984	6,086	487,669	12.5
1985	8,002	495,361	16.2
1986	8,619	495,639	17.4
1987	8,531	495,649	17.2
1988	8,563	494,592	17.3
1989	10,190	486,825	20.9
1990	9,590	458,752	20.9
1991	9,864	476,288	20.7
1992	8,084	445,019	18.2
1993	7,391	399,216	18.5
1994	5,916	361,177	16.4

Year under review	Total number of cases recorded	Average Bundeswehr force strength (active servicewomen and men)	Case rate per thousand active servicewomen and men
1995	5,979	344,690	17.3
1996	6,264	342,870	18.3
1997	6,647	332,013	20.0
1998	6,122	330,914	18.5
1999	5,885	331,148	17.8
2000	4,952	318,713	15.5
2001	4,891	306,087	16.0
2002	6,436	294,800	21.8
2003	6,082	283,723	21.4
2004	6,154	263,990	23.3
2005	5,601	251,722	22.3
2006	5,918	249,964	23.7
2007	5,276	248,995	21.2
2008	5,474	247,619	22.1
2009	5,779	249,900	23.1
2010	4,993	245,823	20.3
2011	4,926	206,091	23.9
2012	4,309	197,880	21.8
2013	5,095	184,012	27.7
2014	4,645	182,703	25.4
2015	4,344	179,633	24.2
2016	4,560	177,800	25.6
2017	4,173	178,881	23.3
2018	3,939	179,791	21.9
2019	3,835	182,219	21.0
2020	3,907	183,969	21.2
2021	3,967	183,725	21.6
Total	384,525		

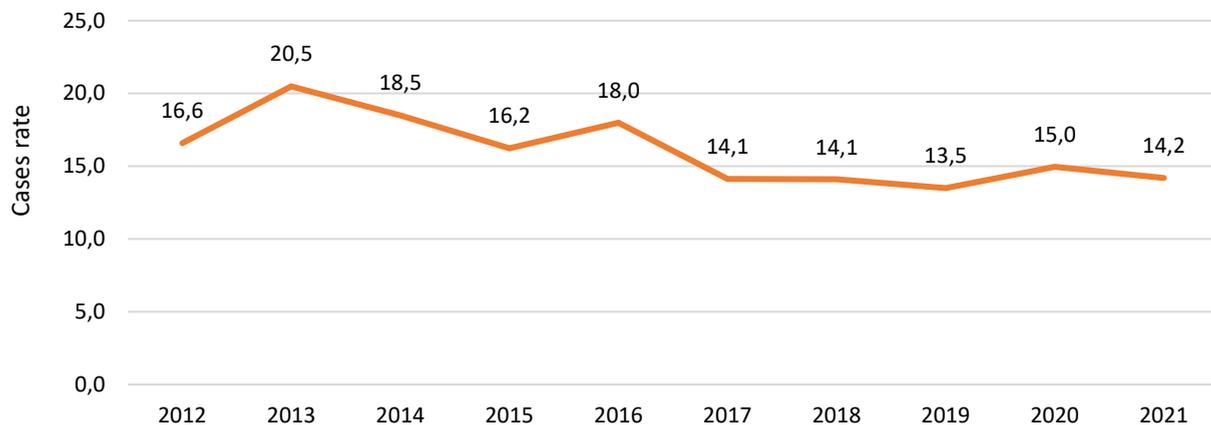


**Development in personal petitions
relative to average force strength since 2012**

(Statistics on personal petitions have only been able to be recorded since the introduction of a new data recording system at the Office of the Parliamentary Commissioner for the Armed Forces in 2012).

Year under review	Average Bundeswehr force strength (active servicewomen and men)	Total number of personal petitions	Rate of personal petitions per thousand servicewomen and men
2012	197,880	3,281	16.6
2013	184,012	3,770	20.5
2014	182,703	3,379	18.5
2015	179,633	2,917	16.2
2016	177,800	3,197	18.0
2017	178,881	2,528	14.1
2018	179,791	2,534	14.1
2019	182,219	2,459	13.5
2020	183,969	2,753	15.0
2021	183,725	2,606	14.2

Petition rate per thousand active servicewomen and men since 2012



22. Visits, meetings, discussions of the Parliamentary Commissioner for the Armed Forces**Field visits**

20.01.	Hammelburg	Infantry Training Centre
21.01.	Stadtallendorf	Rapid Response Forces Division
22.01.	Fritzlar	36 Attack Helicopter Regiment
12.02.	Schoenefeld	Vaccination Centre at Berlin Brandenburg Airport (BER)
16.02.	Nörvenich	31 Tactical Air Wing "Boelcke"
17.02.	Bonn	Joint Support and Enabling Service Headquarters Bonn Public Health Office
18.02.	Bonn	Federal Office of Civil Protection and Disaster Assistance
11.03.	Wilhelmshaven	Frigate "SCHLESWIG-HOLSTEIN" (Flotilla 2)
29.03.	Bad Reichenhall	23 Mountain Infantry Brigade 230 Pack Animal Centre
30.03.	Bad Reichenhall	231 Mountain Infantry Battalion
31.03.	Bischofswiesen	232 Mountain Infantry Battalion
29.04.	Oldenburg	1 Armoured Division
17.05.	Wilhelmshaven	German Naval Museum Naval Base (F125 "SACHSEN-ANHALT" commissioning)
20.05.	Calw	Special Forces Command
25.05.	Leipzig	Army Training Command
26.05.	Delitzsch	Army NCO School
27.05.	Dresden	Army Officer School
28.05.	Dresden	Bundeswehr Museum of Military History
01.06.	Kiel	Flotilla 1
01.06.	Laboe	Naval Memorial
02.06.	Eckernförde	Sea Battalion
03.06.	Flensburg	Naval Academy Mürwik
14.06.	Lüneburg	3 Reconnaissance Support Battalion
15.06.	Hamburg	Bundeswehr Command and Staff College
16.06.	Gera	701 Armoured Engineer Battalion 37 Armoured Infantry Brigade (Staff)
17.06.	Burg	171 Logistic Battalion
30.06.	Trollenhagen	Special Forces Command (Exercise Black Star)

05.07.	Hanover	Bundeswehr Military Police and Staff Duty School
06.07.	Celle	Air Manoeuvre Training and Exercise Centre
07.07.	Neustadt am Rübenberge	33 Armoured Infantry Battalion
09.07.	Schwielowsee	Bundeswehr Joint Forces Operations Command
12.07.	Hamburg	Centre for Ethical Education in the Armed Forces
13.07.	Seedorf	31 Paratroop Regiment
14.07.	Munster	Armour School
15.07.	Faßberg	10 Transport Helicopter Regiment
19.-20.07.	Wilhelmshaven	Flotilla 2 Naval Base (German Bundeswehr Association Garrison Day) Evangelical Lutheran Military Chaplaincy Character guidance classes
21.07.	Leer	Rapid Response Command Medical Service
22.07.	Osterholz-Scharmbeck	Bundeswehr Logistics School
25.-28.07.	Vilnius/Rukla/Nemencine (Lithuania)	German Contingent NATO ENHANCED FORWARD PRESENCE 10 Armoured Division Exercise Swift Sword
30.07.	Schwielowsee	Bundeswehr Joint Forces Operations Command Video conference with the German Contingent CAPACITY BUILDING IRAQ, Erbil (Iraq)
19.08.	Eckernförde	Navy Special Operations Forces Command
13.-14.09.	Hammelburg	Infantry School / Army Special Forces Training Base Special Forces Command Ten-week Qualification Programme
15.09.	Veitshöchheim	10 Armoured Division
16.09.	Volkach	467 Logistic Battalion General Basic Training / “Voluntary Military Service in Homeland Defence” Pilot Project
17.09.	Strausberg	Bundeswehr Centre for Public Affairs
04.10.	Berlin	Centre for Psychiatry and Psychotraumatology / Psychotrauma Centre at Bundeswehr Hospital Berlin
06.10.	Lehnin	Rapid Forces Division (Exercise)
08.10.	Berlin	Federal Ministry of Defence Guard Battalion
19.10.	Vienna	Austrian Parliamentary Commission for the Federal Armed Forces
28.10.	Appen	Air Force NCO School

01.11.	Klietz	Federal Ministry of Defence Guard Battalion: Special training “Voluntary Military Service in Homeland Defence”
04.11.	Kropp/Jagel	51 Tactical Air Wing “Immelmann”
08.11.	Gardelegen	Army Combat Training Centre
09.11.	Hamburg	Bundeswehr Command and Staff College Bundeswehr University
15.-16.11.	Warendorf	Bundeswehr Sports School Bundeswehr Centre for Sports Medicine
17.11.	Bonn	Federal Office of Bundeswehr Infrastructure, Environmental Protection and Services
18.11.	Cologne	Federal Office of Personnel Management of the Bundeswehr
23.-28.11.	Mali, Niger	German Contingent for MINUSMA and EUTM Mali
13.12.	Koblenz	Federal Office of Bundeswehr Equipment, Information Technology and In-Service Support
14.12.	Büchel	33 Tactical Air Wing

Meetings and discussions of the Parliamentary Commissioner and her staff

In the year under review, in addition to field visits, the Parliamentary Commissioner held many talks with numerous associations, foundations, offices, committees and individuals of importance to the Bundeswehr - including the Bundeswehr Association and the Reservists’ Association, the General Spokespersons’ Committee and the Spokespersons’ Committees of various major military organisational elements, those responsible at the Federal Ministry of Defence and the heads of the highest federal authorities as well as the major military organisational elements, members of the Bundestag and federal state parliaments, academia, trade unions, the media, diplomats and military chaplains.

The Parliamentary Commissioner participated in international and national conferences and meetings, giving speeches and presentations, including the 13th International Conference of Ombuds Institutions for the Armed Forces (online conference), a workshop of the Geneva Centre for Security Sector Governance with international ombuds institutions, the General Officers’ Conference of the Army, the Advisory Committee on Extremism of the Army Headquarters and various Commanders’ Conferences of the Bundeswehr Association. She also took part in events such as the International Commemoration Ceremony marking the Day of National Mourning, the final parade of the Afghanistan evacuation mission in Seedorf, the Grand Tattoo at the end of the Afghanistan mission, the digital Bundeswehr Open Day and events organised by associations and foundations. The Parliamentary Commissioner attended the inauguration of the Chief Military Rabbi Zsolt Balla and visited a temporary accommodation centre for local Afghan employees in Berlin-Marienfelde.

In the year under review, the staff of the Parliamentary Commissioner attended appointments for meetings and discussions with units, staffs, offices and authorities of the branches and major organisational elements. Due to the pandemic, this was mostly done by telephone or online.

Visitor groups

13 visitor groups were hosted at the Office of the Parliamentary Commissioner for the Armed Forces by the Parliamentary Commissioner or her staff – to the extent that the restrictions in response to the Covid-19 pandemic allowed. Three of these were international groups with servicewomen and men from the partnership seminars of the Leadership Development and Civic Education Centre. 10 visitor groups came from the Bundeswehr’s branches and major organisational elements.

23. Statutory foundations of the office and tasks of the Parliamentary Commissioner for the Armed Forces and of service personnel's right of petition

Excerpt from the Basic Law for the Federal Republic of Germany
of 23 May 1949 (Federal Law Gazette I S. 1), most recently amended by Article 1 and 2 Sentence 2
of the Act of 29 September 2020 (Federal Law Gazette I p. 2048)

Article 17

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

- (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

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

Act on the Parliamentary Commissioner for the Armed Forces

(Act pursuant to Article 45b of the Basic Law - WBeauftrG) in the version of the Announcement of 16 June 1982 (Federal Law Gazette I, p. 677), most recently amended by Article 15 (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 or her 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 leadership development and civic education. 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 petition 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 Discipline 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 or her 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 or her 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

upon his or her dismissal,

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 section of the Bundestag budget.

Section 17 Representation of the Commissioner

(1) If the Commissioner is prevented from performing his or her functions, and from the end of his or her term of office to the beginning of the term of office of his or her 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 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 in the version 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)

Expert 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),
most recently amended by the Announcement of 7 Oktober 2020 (Federal Law Gazette I p. 2563)

Rule 113 Election of the Commissioner

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**

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 or she has opened a case file in the same matter and whether he or she 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.

**Excerpt from Type A General Publication 2600/2
Matters concerning the Parliamentary Commissioner for the Armed Forces**Contents

- 1 Constitutional position of the Parliamentary Commissioner for the Armed Forces
- 2 Tasks and powers of the Parliamentary Commissioner for the Armed Forces
 - 2.1 Tasks
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 - 3.6 Visits conducted by the Parliamentary Commissioner for the Armed Forces
- 4 Notification of servicewomen and men, rights and obligations
- 5 Data protection
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1 Constitutional position of the Parliamentary Commissioner for the Armed Forces

101. The Parliamentary Commissioner for the Armed Forces is appointed by the German Bundestag to safeguard basic rights and act as an auxiliary organ of the Bundestag in the exercise of parliamentary

oversight. The details are regulated in the Act on the Parliamentary Commissioner for the Armed Forces (Act pursuant to Article 45b of the Basic Law – WBeauftrG) in the version of the Announcement of 16 June 1982 (Federal Law Gazette I p. 677), most recently amended by Article 15(68) of the Act to Restructure Civil Service Law of 5 February 2009 (Federal Law Gazette I p. 160).

2 Tasks and powers of the Parliamentary Commissioner for the Armed Forces

2.1 Tasks

201. The Parliamentary Commissioner for the Armed Forces 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 when, as a result of
 - + his or her visits pursuant to Section 3(4) of the Act on the Parliamentary Commissioner for the Armed Forces (WBeauftrG),
 - + as a result of communications from Members of the German Bundestag,
 - + as a result of petitions pursuant to Section 7 WBeauftrG or
 - + in any other way, circumstances come to his or her attention that suggest a violation of the basic rights of service personnel or the principles of *Innere Führung*.

2.2 Powers

202. In performing the tasks assigned to him/her, the Parliamentary Commissioner for the Armed Forces shall have the following powers in particular:

- a) She or he may demand information and access to records from the Federal Minister of Defence and all the Minister's subordinate agencies and personnel. These rights may only be denied for compelling reasons of secrecy. The decision to deny these rights shall be taken by the Federal Minister of Defence or her or his permanent official deputy; he or she shall explain it before the Defence Committee.
- b) If instructed by the German Bundestag or the Defence Committee and in response to a petition that is based on a complaint from the petitioner, she or he may hear the petitioner, as well as witnesses and experts.
- c) She or he shall have the right to visit units, headquarters, agencies and authorities of the Federal Armed Forces and their installations at any time, even without prior notice. The right to make such visits shall be vested exclusively in the person of the Parliamentary Commissioner for the Armed Forces. This right shall also be held by the Chief Administrator if she or he is authorised to do so by the Defence Committee. The exercise of this right may only be denied for compelling reasons of secrecy. To this end, the decision of the Federal Minister of Defence is to be obtained.
- d) She or he may also attend closed sessions of criminal courts or administrative courts that are concerned with her or his area of jurisdiction and military service courts. During such proceedings, she or he shall have the same right of access to records as the parties to the proceedings and the representative of the instituting authority. He or she shall also be entitled to the powers under sentence 1 in application and appeal proceedings under the Code of Military Discipline and the Code of Military Appeals before the military service courts as well as in proceedings before the courts of administrative jurisdiction that are related to his or her area of responsibility; in these proceedings, he or she shall have the right to access records to the same extent as a party to the proceedings.
- e) She or he may give the authorities concerned an opportunity to settle the matter.
- f) She or he may refer a case to the authority responsible for the institution of criminal or disciplinary proceedings.

203. With the exception of the right to make unannounced visits pursuant to paragraph 202(c), the powers of the Parliamentary Commissioner for the Armed Forces may be exercised by her or his staff. Fact-finding visits conducted by her or his staff shall be announced in advance.

3 Procedural arrangement

3.1 General remarks

301. Matters concerning the Parliamentary Commissioner for the Armed Forces shall be dealt with as matters of urgency. Should an extended period of time be required to deal with such matters, the Parliamentary

Commissioner for the Armed Forces shall be informed of the progress made at appropriate intervals by the agency that has to comment on the matter.

All the agencies tasked with dealing with these matters must treat them as secret and confidential. This shall also apply if a matter concerning the Parliamentary Commissioner is forwarded through official channels or to multiple agencies.

Should doubts arise as to whether compelling reasons of secrecy demand the denial of a request when the Parliamentary Commissioner for the Armed Forces requests information or access to records, or during a visit, a decision of the Federal Minister of Defence is to be obtained immediately. The Parliamentary Commissioner shall be informed of the decision reached.

3.2 Processing

302. If the Parliamentary Commissioner for the Armed Forces has written personally to members of the Bundeswehr, the individual to whom the letter has been addressed shall reply. If the Commissioner has written to an agency of the Bundeswehr, the head of the agency shall reply. As a matter of principle, final comments shall be signed by the agency management.
303. If the Parliamentary Commissioner for the Armed Forces has written to agencies of the Bundeswehr, the agency dealing with the matter and able to provide information must issue a confirmation of receipt.
304. Investigations that are required shall be conducted by the disciplinary superior competent to do so in each case. Affected or accused persons who are named in the petition are not to be tasked with any such investigation. Any deficiencies identified shall be remedied. The same shall apply if an agency of the Federal Armed Forces is tasked by the Federal Ministry of Defence (FMoD) with answering a request from the Parliamentary Commissioner for the Armed Forces.
305. The processing of matters concerning the Parliamentary Commissioner for the Armed Forces within the Federal Ministry of Defence shall be guided by the relevant provisions of the Supplementary Rules of Procedure of the Federal Ministry of Defence (GO-BMVg).
306. Should superiors of a petitioner be asked by the Parliamentary Commissioner for the Armed Forces to comment, they shall arrange for the facts of the matter to be reviewed and shall convey the results of the investigation, together with their own comments, to the Parliamentary Commissioner for the Armed Forces.
307. The documents compiled in the scope of the review are to be conveyed to the Parliamentary Commissioner for the Armed Forces. These shall generally include in particular
- records of any questioning that has taken place, records regarding hearings,
 - official statements and/or comments,
 - decisions on the referral of a matter to the criminal prosecution authority,
 - orders to initiate proceedings,
 - disciplinary orders,
 - orders to refrain from proceedings,
 - military human resources measures and decisions (e.g., dismissals, extension of the period of service).
308. Should agencies subordinate to the Federal Ministry of Defence be immediately concerned with cases raised by the Parliamentary Commissioner, that is without the involvement of the Ministry, Type A General Publication 500/1, 'Cooperation of the Federal Ministry of Defence with its Subordinate Agencies', shall apply as a matter of principle. With regard to cases of significance for the management of the Federal Ministry of Defence, the relevant specialist authority within the FMoD is to be notified for information only. In cases of outstanding fundamental and/or strategic significance, the authority within the Ministry responsible for this specialist area is to be notified through official channels prior to the dispatch of the comments. Branch FÜSK III 1 is to be notified in all cases for information only.
309. Comments from agencies of the Bundeswehr that have been submitted following requests from the Parliamentary Commissioner for the Armed Forces made in response to reports pursuant to Type A General Publication 2600/10 'Estimate of Bundeswehr Morale and Incident Reporting' classified as 'restricted' are to be forwarded to Branch FMoD FÜSK III 1 following their dispatch.

This applies to

- petitions or reports concerning ‘suspicions of criminal acts under the Military Penal Code’ (paragraphs 322 to 325 of Type A General Publication 2600/10),
 - petitions or reports concerning ‘suspicions of offences against sexual self-determination and other forms of sexual harassment by or against members of the Bundeswehr’ (paragraph 341 of Type A General Publication 2600/10),
 - petitions or reports concerning ‘suspicions of espionage, extremism or violation of the free democratic basic order, committed by or against members of the Bundeswehr’ (paras. 361 to 363 of Type A General Publication 2600/10).
310. In addition to this, upon request, all comments submitted to the Parliamentary Commissioner for the Armed Forces by agencies of the Bundeswehr are to be forwarded through official channels to the Federal Ministry of Defence, with the main case files that have been compiled, following their dispatch, if
- the matter is to be assigned political or public/media significance, or
 - judicial disciplinary proceedings or criminal proceedings have been instituted concerning the case in question, or their institution is to be expected.
311. In so far as servicewomen or men release the physicians who have treated them or medical assessors from their duty to maintain medical confidentiality in connection with their petitions to the Parliamentary Commissioner for the Armed Forces, this shall, in case of doubt, relate exclusively to comments made directly to the Parliamentary Commissioner.
- Copies of these comments and annexes attached to them that are to be forwarded to other agencies within the jurisdiction of the Federal Ministry of Defence through official channels must not contain any facts or assessments that are subject to medical confidentiality.
312. Comments addressed to the Parliamentary Commissioner for the Armed Forces shall, where applicable, be drafted in such a way that statements subject to medical confidentiality are summarised in a separate annex and shall be conveyed only to the Commissioner directly together with the original copy of the letter.
313. With regard to petitions, their contents and the comments on them, all concerned shall also have a duty to observe confidentiality in their dealings with one another pursuant to the provisions of the relevant legislation and/or collective agreements (e.g. Section 14 of the Act Relating to the Legal Status of Military Personnel, Section 67 of the Federal Civil Service Act, Section 3(1) of the Collective Agreement for the Public Service).
314. As a matter of principle, petition matters shall be concluded by a letter from the Parliamentary Commissioner for the Armed Forces. Should the Parliamentary Commissioner give notification of the conclusion of proceedings, the agency that has received the notification is to make the outcome of the review by the Parliamentary Commissioner for the Armed Forces known to all the agencies dealing with the petition.
315. Petitions that the Parliamentary Commissioner for the Armed Forces forwards to agencies of the Federal Armed Forces or the Federal Ministry of Defence for them to comment on may only be dealt with as complaints under the Military Complaints Regulations (WBO) when construing them in this fashion is consistent with the express will of the petitioner. If necessary, the petitioner is to be asked if this is the case.

3.3 Hearings

316. Should the Parliamentary Commissioner for the Armed Forces exercise her or his rights to information and access to records (para. 202 (a)) this is to be supported in every respect. In so far as this is required, administrative or special leave shall be granted for a hearing pursuant to Section 9 of the Leave Regulations for Military Personnel (SUV) in conjunction with Section 5 para. 2 of the Leave Regulations for Military Personnel. The possibility of temporary duty travel may be examined with due consideration for the current directives situation.
317. If servicewomen or men are to be heard on matters subject to official confidentiality, permission to give evidence is to be obtained from the competent disciplinary superior. Permission to give evidence shall be deemed to have been given if the evidence does not contain any classified information or only classified information whose security classification is no higher than ‘restricted’ (VS-NUR FÜR DEN

DIENSTGEBRAUCH). Should the persons providing evidence be employees, the regulations set out in civil service and collective agreement law governing secrecy on official matters shall apply *mutatis mutandis*. The persons heard shall state when giving evidence to the Parliamentary Commissioner for the Armed Forces that their statements contain classified information.

318. The persons heard shall be reimbursed in accordance with the Judicial Remuneration and Compensation Act of 5 May 2004 (Federal Law Gazette I pp. 718, 776), most recently amended by Article 6 of the Act of 21 December 2020 (Federal Law Gazette I p. 3229). This shall be done upon application by the Office of the Parliamentary Commissioner for the Armed Forces.

3.4 Processing of requests when a complaint has been made concurrently

319. Should a complaint have been submitted under the Military Complaints Regulation (WBO), including a disciplinary complaint under Section 42 of the Military Discipline Code (WDO), and should a petition on the same matter have been submitted, the Parliamentary Commissioner for the Armed Forces shall be informed about the current status and progress of the complaint case. A copy of the complaint decision shall be forwarded to her or him unbidden. She or he shall be informed separately of any recourse to legal remedies or of the non-appealability of the ruling delivered on the complaint.
320. Should a matter raised by a petition have import wider than a complaint submitted under the Military Complaints Regulations, this part of the petition shall be dealt with in the same way as other petitions.
321. The legal remedies available under the Military Complaints Regulations and the Military Discipline Code shall not be replaced by a petition to the Parliamentary Commissioner for the Armed Forces. Even if a petition to the Parliamentary Commissioner for the Armed Forces is to be regarded as a complaint or application under the Military Complaints Regulations or Military Discipline Code, the time limits set in the Military Complaints Regulations and Military Discipline Code shall only be observed if the petition has been received by the authority competent to accept such a complaint or application within these time limits.

3.5 Processing within the jurisdiction of the agency concerned

322. The following arrangements shall apply for the processing of cases that the Parliamentary Commissioner for the Armed Forces refers to the agencies of the Bundeswehr for them to settle within their own jurisdiction:
- a) Should the case be directed against a servicewoman or man, it shall be forwarded to the immediate disciplinary superior who is competent to deal with it.
 - b) Other cases shall be forwarded to the agency that has to judge on the subject matter of the case.
323. The agency referred to in paragraph 322(b) shall have to deliver a decision to the petitioner through official channels, but it may also be communicated orally by the competent disciplinary superiors.

3.6 Visits conducted by the Parliamentary Commissioner for the Armed Forces

324. Visits conducted by the Parliamentary Commissioner for the Armed Forces on special grounds (e.g. in connection with reportable events or should several identical or similar petitions have been submitted from the same agency) shall be reported by the heads of the agency concerned to the Federal Ministry of Defence by fax/email using the following template:

Federal Ministry of Defence
Branch FüSK III 1
Stauffenbergstraße 18
10785 Berlin

(Email: BMVg FüSK III 1/BMVg/BUND/DE) for information only through official channels:

Higher commands and higher federal authorities of the respective major organisational element or military agencies immediately subordinated to the Federal Ministry of Defence

(Army Headquarters (KdoH), Air Force Headquarters (KdoLw), Navy Headquarters (MarKdo), Joint Support Service Command (KdoSKB), Bundeswehr Medical Service Command (KdoSanDstBw), Cyber and Information Domain Service Headquarters (KdoCIR), Bundeswehr Operations Command (EinsFüKdoBw), Bundeswehr Planning Office (PlgABw), German Military Aviation Authority (LufABw), Leadership and Development and Civic Education Centre (ZInFü), Bundeswehr Command and Staff College (FüAkBw), Federal Office of Military Counter-Intelligence (BAMAD), Federal Office

of Bundeswehr Personnel Management (BAPersBw), Federal Office of Bundeswehr Equipment, Information Technology and In-Service Support (BAAINBw), Federal Office of Bundeswehr Infrastructure, Environmental Protection and Services (BAIUDBw), Federal Office of Languages (BSprA), Bundeswehr Education Management Centre (BiZBw), Bundeswehr University Hamburg/Munich (UniBw HH/M), Office of the Evangelical Lutheran Church for the Bundeswehr (EKA), Catholic Military Episcopal Office (KMBA), Disciplinary Attorney General for the Armed Forces at the Federal Administrative Court (BWDA), Bundeswehr Centre of Military History and Social Sciences (ZMSBw))

Subject:

Re: Field visit by the Parliamentary Commissioner for the Armed Forces on special grounds

- Date and time

- Agency

- Location and living quarters

- Grounds

4 Notification of servicewomen and men, rights and obligations

401. All servicewomen and men shall be notified of the functions and powers of the Parliamentary Commissioner for the Armed Forces by their immediate disciplinary superior at the beginning of their basic training and, once again, following their posting to their parent unit.

402. Every servicewoman and man has the right to submit petitions to the Parliamentary Commissioner for the Armed Forces directly without having to go through official channels.

403. The Commissioner's address is:

Parliamentary Commissioner for the Armed Forces

Platz der Republik 1

11011 Berlin

(Email: wehrbeauftragte@bundestag.de)

Pursuant to paragraph 145 of Type A2 General Publication 2630/0-0-2, 'Life in the Military Community', this address shall be displayed on the agency's information board or information portal.

403. Petitions/letters from members of the Bundeswehr to the Parliamentary Commissioner for the Armed Forces shall be conveyed by the internal postal service. They may be posted in the agency.

404. Servicewomen and men may only contact the Parliamentary Commissioner for the Armed Forces individually.

405. Anonymous submissions shall not be dealt with.

406. Should servicewomen or men contact their disciplinary superiors before writing a petition, they shall be given advice and assistance. It may constitute a disciplinary offence and simultaneously a criminal offence under Section 35 of the Military Penal Code if superiors use orders, threats, promises or gifts, or any other means that run counter to service regulations to persuade subordinates not to submit petitions to the Parliamentary Commissioner for the Armed Forces, or suppress such petitions. Any attempt to do so shall also be prosecutable and may be punished as a disciplinary offence.

407. No servicewoman or man may be officially disciplined or discriminated against because she or he has submitted a petition to the Parliamentary Commissioner for the Armed Forces. Compliance with the prohibition of discrimination pursuant to the second sentence of Section 7 of the Act on the Parliamentary Commissioner for the Armed Forces is to be ensured. Should the petition contain breaches of official duties or criminal acts, for example insulting or libellous remarks, this may be punished through disciplinary channels or prosecuted in the criminal courts as a disciplinary offence (cf. para. 3323 of Type A General Publication 2160/6, 'Military Discipline Code and Military Complaints Regulations').

408. Servicewomen and men may not enclose documents whose security classifications are 'confidential' (VS-VERTRAULICH) or higher with their petitions to the Parliamentary Commissioner for the Armed Forces. This prohibition also extends to the provision of information that, to their knowledge, is subject to security classifications higher than 'restricted' (VS-NUR FÜR DEN DIENSTGEBRAUCH). Should the communication of such circumstances seem necessary from the point of view of the petitioner, a reference to this may be included in the petition, or the petitioner shall make contact directly with the

Office of the Parliamentary Commissioner for the Armed Forces in order to present her or his concerns while abiding by the provisions on confidentiality. Classified information may only be processed and sent electronically using Information Technology authorised for classified information (VS-IT). It is consequently not permitted to forward classified information subject to the security classification ‘restricted’ (VS-NUR FÜR DEN DIENSTGEBRAUCH) by e-mail over the public Internet. Classified information subject to the security classification ‘restricted’ (VS-NUR FÜR DEN DIENSTGEBRAUCH) may be sent by private courier services as a normal letter and/or parcel. The envelope or parcel shall not be labelled as classified.

409. In the performance of the tasks entrusted to him or her, the Parliamentary Commissioner for the Armed Forces shall have the power to demand information and access records from the Federal Minister of Defence and all subordinate agencies and persons. These rights may only be denied for compelling reasons of secrecy. The decision to deny said rights shall be made by the Federal Minister of Defence in person or by her or his permanent official deputy. As a matter of principle, classified information forwarded to the Parliamentary Commissioner for the Armed Forces whose security classification is ‘confidential’ (VS-VERTRAULICH) or higher shall be sent via the Federal Ministry of Defence to the classified information registry of the recipient.

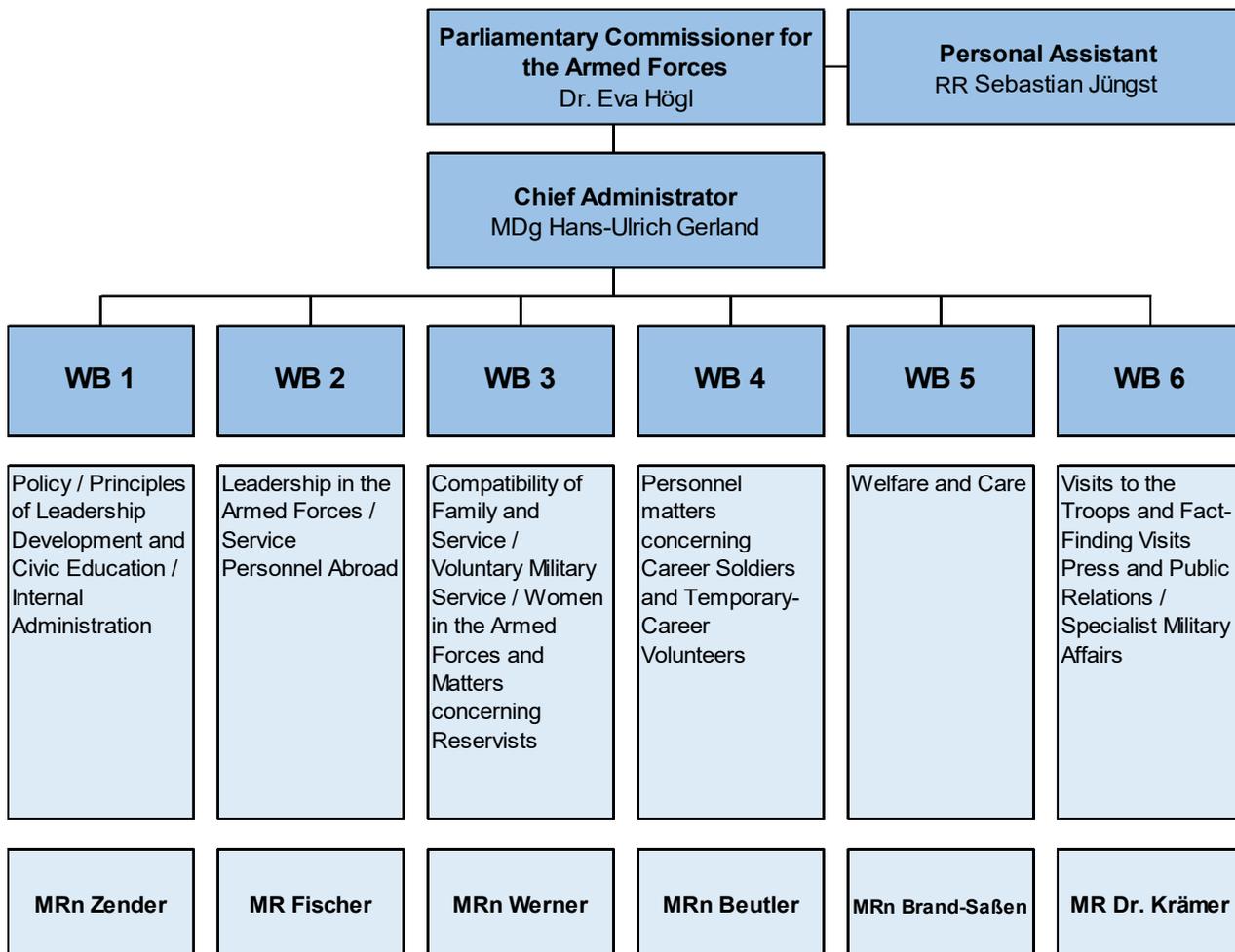
5 Data protection

501. The European General Data Protection Regulation (GDPR) and the German Federal Data Protection Act (BDSG) must be complied with when processing matters concerning the Parliamentary Commissioner for the Armed Forces (questioning, requesting comments, compilation of reports/templates, transmitting replies etc.). In this regard, the explanatory provisions of Type A General Publication 2122/4 “Data Protection – Rules for implementing the European General Data Protection Regulation and the Federal Data Protection Act” shall apply, in particular in relation to the information obligations to be met. Furthermore, the protection mechanisms set forth – up to protection level 3 – must be complied with.
502. As a matter of principle, the information obligations pursuant to Article 13 ff. GDPR shall be complied with as follows: The petitioner has already been informed about the act of processing by the Parliamentary Commissioner for the Armed Forces. An information obligation does not apply here. The third parties named during processing of the petition must generally be informed during the proceedings (e.g. in the context of answering questions) (cf. Type A General Publication 2122/4, paras. 5001 ff., Chapter 5 “Sample Information Obligations”).

6 Cooperation in a spirit of trust

601. It shall be expected of all superiors that they cooperate in a spirit of trust with the Parliamentary Commissioner for the Armed Forces and therefore give her or him the opportunity to gather information quickly and thoroughly. This will make it possible to significantly promote servicewomen and men’s understanding of our country’s constitutional system and legal order, as well as their confidence both in democracy and in the Bundeswehr.

24. Organisational chart of the Office of the Parliamentary Commissioner for the Armed Forces



Postal address:
Platz der Republik 1
11011 Berlin

Address for visitors:
Neustädtische Kirchstraße 15
10117 Berlin

Phone: +49 30 227-38100
Fax: +49 30 227-38283
IVBB-Rufnummer: +49 30 1818-38100
wehrbeauftragte@bundestag.de
www.bundestag.de/parlament/wehrbeauftragte

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