



Document 5

(2015–2016)

**Report from the Parliamentary Ombudsman's
Committee for the Norwegian Armed Forces
regarding its activities in the period
1 January 2015 – 31 December 2015**

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Front row, from left: Åse Wisløff Nilssen, Roald Linaker, Signe Øye. Back row, from left: Sven Flo, Per Egil Evensen, Bjørn Hernæs, Irene Lange Nordahl.

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To the Storting.

1. INTRODUCTION

In accordance with the instructions from the Storting (attached), the Parliamentary Ombudsman's Committee for the Norwegian Armed Forces hereby submits this report on the activities of the Ombudsman and the Ombudsman's Committee in 2015.

Pursuant to the instructions for the Committee as approved by the Storting, the Ombudsman's Committee is charged with safeguarding the general rights of personnel in the Armed Forces and helping to enhance efficiency in the Armed Forces by means of its activities. The Committee carries out its day-to-day activities independent of the Storting, and members of the Storting may not serve simultaneously as members of the Ombudsman's Committee. The membership of the Committee encompasses individuals with a wide range of backgrounds and experience. The Committee is to consist of seven members who are appointed by the Storting for a four-year term. One of the members is appointed to serve as the chair and is designated as the Ombudsman for the Armed Forces. A vice chair and deputies are also appointed to serve on the Committee.

The instructions state that the Ombudsman is responsible for the day-to-day activities of the office. The Ombudsman receives an annual salary. The other members receive compensation according to the pay scale for parliamentary committees.

On 3 December 2013, the Storting appointed the following members to the Parliamentary Ombudsman's Committee

for the Norwegian Armed Forces for the period from 1 January 2014 to 31 December 2017.

Members:

1. Roald Linaker, Ombudsman, Bardu
2. Signe Øye, Hobøl
3. Bjørn Hernæs, Vice Chair, Sør-Odal
4. Sven Flo, Stryn
5. Per Egil Evensen, Halden
6. Åse Wisløff Nilssen, Kongsvinger
7. Irene Lange Nordahl, Sørreisa

Deputies:

1. Kjell Engebretsen, Drøbak
2. Anne Helen Rui, Larvik
3. Kari Lise Holmberg, Skien
4. Monica Molvær, Ålesund
5. Geir Are Winther, Tromsø
6. Mikal Kvamsdal, Oslo
7. Lene Aure Hansen, Drammen

This document is based on the Ombudsman's Committee's activities at meetings and inspections, as well as on the work performed at the Ombudsman's office, including all case proceedings. As usual, the document also contains input and reports from a number of entities within the Armed Forces, all of which have in common that they are part of the work with and for the units and personnel in the Armed Forces.

Oslo, mars 2016

Bjørn Hernæs, Signe Øye, Per Egil Evensen, Sven Flo, Åse Wisløff Nilssen, Irene Lange Nordahl,

Roald Linaker, Ombudsman

2. THE OMBUDSMAN'S COMMITTEE'S ACTIVITIES IN 2015

In 2015 the Ombudsman's Committee carried out the following inspections:

1. KNM Harald Haarfagre, Madla Basic Training Establishment, Stavanger
2. KNM Tordenskjold Naval Training Establishment, Haakonsværn Naval Base, Bergen
3. Norwegian Military Representative to NATO and Military Mission in Brussels (MMB)
4. 138 Air Wing, Ørland Main Air Base, Ørland
5. Air Force Academy, Trondheim
6. Armed Forces HR and Conscription Centre (FPVS), Hamar/Oslo

In addition to its meetings during the inspections, the Committee convened in March, September and December. On these occasions the Committee has met with, among others, the Minister of Defence, the Chief of Defence, the Head of the Joint Medical Services, the Inspector General for the Army, the Norwegian Military Chaplain Corps, the Spokesperson System in the Armed Forces/Conscription Advisory Committee, and the Norwegian Veterans Association for International Operations (NVIO).

2.1. Main issues

The activities of the Committee have resulted in some issues which it wishes to point out in particular:

2.1.1. Gender-neutral compulsory military service

The Committee feels that the introduction of gender-neutral compulsory military service is being well received. As from 2015 military service is no longer voluntary for women. In the coming years, far more women will be conscripted than is currently the case. This requires adapting barracks and living quarters as well as clothing and equipment for personnel. The Committee is very pleased to note that these efforts are well underway. The Armed Forces is addressing many challenges within specified resource limits. The Committee wonders whether it would be a good idea to make extra resources available to ensure a good start for the introduction of gender-neutral compulsory military service.

2.1.2. Restructuring in the Armed Forces

The Armed Forces is carrying out many major restructuring processes simultaneously. The inspections, meetings and talks with employees and their organisations have left the Committee with the impression that this is being seen as a challenging and demanding situation. At the same time, the employee survey conducted in 2015 registered many positive responses, and a high degree of job satisfaction, commitment and motivation is reported. Restructuring in the Armed Forces has been ongoing for many years and it appears that it will continue for some time. Over time this may negatively affect the working

environment. Here it is essential to safeguard employee interests and co-participation at all levels.

2.1.3. School pupils need more knowledge about the Armed Forces

The Spokesperson System in the Armed Forces believes that wider knowledge about the Armed Forces is needed within the school system. The Committee agrees with the Spokesperson System that general knowledge about the Armed Forces must not be diminished. As the ultimate instrument of power for the Norwegian government, the Armed Forces should be presented as part of the structure of the Norwegian state, including through knowledge-disseminating activities in the schools.

2.2. Summary of the inspections in 2015:

In general the Committee found much to be lauded during its inspections: good leadership with clear points of view, excellent work ethic, and positive working environments. Short summaries of each inspection follow.

2.2.1. KNM Harald Haarfagre (HH)

Located at the Madla establishment in Stavanger, HH is a joint school for the Norwegian Navy and Norwegian Air Force and is Norway's largest basic training school. Each year nearly 4 000 new conscripts receive training here. The primary course content is basic military training, including military conduct, ethics and attitudes, weapons training, combat tactics and physical training. The training provides basic skills for further specialised training in the Navy and Air Force. HH also carries out basic officer training. During 2015, the entire Navy Officer Candidate School was moved from Haakonsværn to Madla, reinforcing the importance of the Madla establishment as an Armed Forces training centre.

The Committee wishes to highlight in particular the challenges in relation to EBA (property, buildings and facilities), not least in connection with the introduction of gender-neutral compulsory military service. HH is in need of a comprehensive EBA plan that can quickly be realised. This applies to barracks facilities, gym and recreation building. Likewise, upgrading of the current local training grounds at Ulsnes is needed. The Committee wishes to acknowledge the unit's diligent HSE efforts.

2.2.2. KNM Tordenskjold (T)

Established in 1964 and located at Haakonsværn Orlogsstasjon in Bergen, KNM T is the Navy's training and knowledge centre for naval warfare. The centre comprises various departments and uses classroom activities in addition to practical training held outdoors, indoors, on board, on the surface and underwater, in computer labs, simulators and scenario trainers, for training targeted primarily towards national military needs and preparedness as well as support of civilian agencies and NATO. The instruction is comprehensive and complex and requires high degrees of skill and experience to carry out.

As with a number of other units the Committee inspects, KNM T sees it as problematic to break up and introduce fragmentation of well-established, effective training regimens. This is military training that requires military conduct, ethics and leadership at every level and in every discipline. Dividing the training between civilian and military education for certain disciplines would result in loss of a valuable, integrated perspective in knowledge and training, and will pose a number of problems.

The Committee wishes to highlight the unique competency that KNM T possesses. This is knowledge in fields that are necessary for and specific to naval warfare, naval and maritime security and development. In a similar vein, the Committee notes the positive effect evident from the Navy's sports and fitness centre and how the promotion of sports and physical fitness is organised and given priority in the training. This appears to be having a very positive effect.

2.2.3. Norwegian Military Representative to NATO (NOR Mil Rep)/Military Mission in Brussels (MMB)

The NOR Mil Rep is subordinate to the Chief of Defence and reports to him. The MMB represents all Norwegian personnel assigned to positions at NATO HQ, including the NATO Agencies and Bodies and project organisations serving in Belgium, except for the SHAPE group and Norwegian military liaison personnel on the EU military staff. The NOR Mil Rep is the Chief of Defence's permanent representative in the NATO Military Committee. The MMB represents the Chief of Defence in committees, working groups and panels that develop a basis for decision-making for NATO. The MMB also provides military counsel to Norway's ambassador to NATO and the Norwegian Ambassador to the EU. The NOR Mil Rep/MMB and associated employees and conscripts have a very important function on behalf of their country. This demands a strong and clear presence and a high degree of expertise. The Committee found the conditions to be good for the conscripts and employees and their families. They described well-designed social measures, good relations between colleagues and an atmosphere of inclusiveness. Binders, the Norwegian spouses club, also contributes significantly to these efforts.

To maintain the positive focus and to secure recruitment of future personnel, the employees and leadership report that improvements are needed to expand opportunities to bring along spouses/partners and children. This includes clear and consistent rules concerning leaves of absence from family members' jobs and pension accrual. Better opportunities for schooling and day care are also needed. Several of the employees felt there was a lack of clarity and predictability regarding the job situation at home once their tour ends.

7. Ørland Main Air Base/138 Air Wing (LV)

The air base is located in Ørland municipality, Sør-Trøndelag county (central Norway) and has been part of the NATO infrastructure programme since 1954 as an impor-

tant bridgehead and base for receiving forces. The main air base has a substantial operations organisation with a wide-ranging span of command and control of subordinate units. The base is undergoing extensive expansion and development, and as a future main base for new fighter aircraft its role will become even larger and more complex. Conscripts are a vital resource for carrying out the many tasks of the main air base. Moreover, highly trained military and civilian personnel are needed to maintain and safeguard the current and future status of the main air base. For quite some time there will be major construction activity alongside the regular duties that are being carried out. This requires good planning and coordination, and the Committee was impressed by the level of these activities. From what the Committee has been told, the new fighter aircraft base is on schedule.

The EBA structure of Ørland Main Air Base is quite old and run-down, not least when it comes to the housing and quarters, conscript barracks, workshop, office facilities, gym and recreation building. This is recognised by both the leadership and the Norwegian Defence Estates Agency (Forsvarsbygg). In the Committee's view, the main air base needs to be granted resources for personnel-oriented EBA and development. This is important for maintaining and increasing operational abilities, and for recruitment to the base. The Committee commends the attitude of the employees and conscripts in carrying out their many and complicated duties at Ørland Main Air Base. This main air base of the future must be completed on all levels and in every area. Only then will a new fighter aircraft base fulfil its purpose.

2.2.4. Royal Norwegian Air Force Academy

Established in 1949, originally in Oslo. In 1961 the academy was moved to Trondheim, where it is still located at the Kuhaugen establishment in the city. Academy activities are based on three pillars: Air Force leadership, air power, and Air Force history, culture and tradition. The Air Force Academy is one of Norway's three military academies and provides the foundation for military academia. The Air Force Academy provides education and training in all structural elements of the Air Force. Certain parts of the education are coordinated with the other military academies, particularly within the area of logistics. Also provided are studies in human resource management (HRM) and engineering in cooperation with civilian study locations. The cadets, who are officers during this training, receive a highly professional education and are recruited to all levels of Armed Forces leadership.

2.2.5. Armed Forces HR and Conscription Centre (FPVS)

The FPVS has main offices in Hamar and Oslo in addition to its examination and classification centres for civilians before enlistment around the country. The FPVS is the human resources (HR) department of the entire Armed Forces, looking after all Armed Forces personnel from

individual conscripts to lifelong officers. It was reorganised and launched 1 October 2015, with a framework of 320 work-years, to function as the competent authority, develop strategies and organise activities, and administer management by objectives. The FPVS is a contact centre, service centre and resource centre for individuals, conscripts, employees, leadership and units at every level. Running the FPVS requires a high level of expertise. Joint management of conscripts fulfils training and personnel needs for the Armed Forces structure for national preparedness and transfers of conscripts to the civilian portion of the comprehensive national defence. This requires efficient utilisation of conscripts as well as just, and to the highest degree possible equal, treatment of conscripted personnel. This begins with a good, medically based selection process for military service. Additionally, the FPVS is responsible for military and civilian recruitment and personnel allocation within Norway and abroad. The Armed Forces Housing and Welfare Service and the Spokesperson System are also part of the FPVS.

Requirements to increase efficiency and the transformation of the Armed Forces human resources area will necessitate further changes within the FPVS. The Ombudsman's Committee notes that the Armed Forces HR structure is also subject to strict demands pertaining to cost-cutting and potential centralisation. A reduction in the number of entrance examination offices from seven to two has been proposed. This would entail longer travel for many conscripts for Part 2 of the examination of liability for military service. At a time of major restructuring processes in the Armed Forces, it may be very problematic to introduce reductions in an HR organisation that also serves the important function of looking after all Armed Forces personnel. The Committee also notes there have been substantial cuts in the Armed Forces Housing and Welfare Service.

3. FOLLOW-UP OF ISSUES FROM LAST YEAR'S DOCUMENT 5

In the 2014 annual report, the Committee chose to highlight certain recurrent issues. The Committee wishes to report briefly on the status of some of these matters to keep the Storting apprised. Significant effort has gone into remedying the deficiencies described last year. However, in the Committee's view, efforts to address many of these topics are still needed. The Committee will continue to follow up these issues during the coming report period.

3.1. EBA – property, buildings and facilities

The Committee pointed out that all its inspections found extensive deficiencies in EBA structure, including some critical HSE challenges to address. One serious example was the fire station at Bardufoss Air Base, where major HSE challenges existed while a long-planned new station was still on hold. The Committee is pleased to report that

this construction project was approved and begun in the course of 2015.

3.2. Introduction of gender-neutral compulsory military service

The Committee stated that the introduction of gender-neutral compulsory military service would entail extensive challenges in relation to the EBA mass and other adaptations to more women being conscripted for national service. As specific examples the Committee mentioned the HMKG base, the Madla base and Ørland Main Air Base. It is welcome news that a number of measures are now underway to address these challenges. To facilitate the introduction of gender-neutral compulsory military service, consideration should be given to granting further resources to the Armed Forces in order to satisfy new needs for EBA and personal clothing and equipment.

3.3. Closing down of cleaning services managed by Forsvarsbygg

Last year the Committee noted that the closing down of cleaning services managed by Forsvarsbygg would pose significant challenges. Problematic issues pointed out to the Committee hinged on two points: 1) safeguarding personnel rights in the transfer of ownership of undertakings, and 2) security-related challenges at facilities with special-sensitive levels. The Committee notes that the closing-down process has been somewhat postponed, in part to protect employee rights, particularly with regard to older workers and pension-related matters.

3.4. Constant restructuring of the Armed Forces is enervating for personnel and leads to a lack of predictability

The Committee made reference to feedback from personnel on the constant restructuring of their sectors, which over time leads to "restructuring fatigue". In 2015 the Committee has also found it to be the case that Armed Forces employees feel great uncertainty about the future based on the many substantial restructuring processes which the Armed Forces is undergoing, including the coming long-term plan.

3.5. Length of time required to obtain security clearances

At every unit the Committee inspected in 2014, the recurrent problem of lengthy processing time for security clearance was brought up as a main challenge for conscripts, officers and civilian personnel alike. The issue has been thoroughly examined by both the Committee and the Norwegian Parliamentary Intelligence Oversight Committee. The Minister of Defence reported to the Storting on measures that were planned implemented. Also, in talks with the Committee, the Minister highlighted the progress made on the issue. It is good news that the processing time for security clearance has been reduced. The addition of more personnel resources for processing, better adminis-

trative tools and a pilot scheme for earlier processing for conscript clearances are all contributing to this. The Committee will continue to follow up this matter.

4. OTHER INPUT TO THE COMMITTEE

The Ombudsman's Committee receives input from Armed Forces units which carry out a significant amount of work with and for Armed Forces personnel. The Committee wishes to highlight certain main points from the input in the following.

4.1. Spokesperson System in the Armed Forces

The Spokesperson System in the Armed Forces (TMO) is a cooperative scheme between soldiers conscripted to serve their general compulsory military service and Armed Forces leadership at the local and central levels, including political leadership. The purpose of the scheme is to safeguard conscripts' interests and to serve as a mouthpiece for this group. The TMO is a very important partner in cooperation for the Ombudsman and the Committee. TMO regulations state that the Ombudsman must inform the Storting annually of how this scheme is functioning. The Committee feels the scheme is working exceedingly well. There are impressive activities taking place at all levels by the roughly 400 spokespersons elected from amongst conscripted personnel. These day-to-day activities are performed by the Conscription Advisory Committee, which consists of five national spokespersons plus one principal spokesperson each from the Army, Navy and Air Force. These are enlisted personnel, which helps to maintain continuity.

The TMO is concerned about announced potential cutbacks in the Armed Forces Welfare Service. Although the cuts reportedly will not affect conscripts, there are concerns that the 30 per cent cost-cutting will necessitate reductions in welfare and personnel as well. The welfare scheme is a vital instrument for ensuring the recruitment and well-being of conscripts, and weakening its scope and professionalism may have very negative ramifications.

The TMO feels there is a need for greater awareness of the Armed Forces in Norwegian schools and is promoting the introduction of such knowledge as a competency goal in the school system. Fewer and fewer people are performing national service in the Armed Forces, and general knowledge about the Armed Forces is declining. The TMO's position is that the Armed Forces, as the ultimate instrument of power for the Norwegian state, should be identified more prominently as part of the national organisational framework, for instance through knowledge-disseminating activities in the schools.

The TMO is also concerned that too little attention is being paid to adapting clothing and equipment for conscripts, not least extra-small and extra-large sizes. Gender-neutral compulsory military service is now a reality,

and in light of the anticipated higher number of women from summer 2016 it is particularly important to have access to properly fitting personal clothing and equipment. This has impacts on motivation, safety and the fair opportunity to perform national service under good and equal conditions. The TMO also points to deficiencies in a substantial proportion of conscripts' barracks and living quarters, as well as gyms and recreation buildings. The TMO appreciates that efforts are underway to carry out necessary maintenance and new construction, but stills feels there is a significant backlog and a need to satisfy minimum standards. The introduction of gender-neutral compulsory military service intensifies the need to modify barracks. It is the TMO's experience thus far that there are no extra allocations from the political level for this purpose, so the Armed Forces must assume the financial burden.

This year's TMO project for soldiers is themed around mutual respect as a joint responsibility. The aim of the project is to prevent sexual harassment and show that this is a responsibility shared by everyone, from soldiers to officers to employees. The project is designed to define and raise awareness of unwanted sexual attention and to help to change attitudes. The Ombudsman's Committee wishes to acknowledge the TMO's dedicated efforts regarding this issue, which are helping to make a real difference in the Armed Forces as a whole.

4.2. Armed Forces Joint Medical Services

The Norwegian Armed Forces Joint Medical Services (FSAN) is the competent authority and force producer for the fields of military and veterinary medicine. FSAN plays a role within NATO and provides deliverables for the comprehensive national defence. FSAN works to ensure that the Norwegian Armed Forces at all times has ready access to comprehensive, operational and resilient systems for medical and veterinary services – in support of Armed Forces operations in advance of, during and after military operations. FSAN helps to safeguard, develop and maintain full and complete military medical and welfare services in times of peace, crisis, conflict and war. To achieve its performance targets, FSAN depends upon cooperation with civilian educational institutions and much of the national health care system. Civilian-military cooperation must be strengthened to ensure adequate medical and veterinary services that function well during crisis and war. *In the view of FSAN, this requires modernising the comprehensive national defence as it relates to medical services and public health, and must build on a system for inter-ministerial coordination and decision-making.*

In meetings and other talks, the head of FSAN has given the Ombudsman's Committee a detailed presentation on the restructuring of FSAN in 2015 towards a new, simplified, less bureaucratic organisation with shorter lines of communication between leadership and the service-providing specialist circles. This is meant to take FSAN in an even more operational direction and is

a measure to strengthen the Armed Forces medical corps and focus on civilian-military cooperation.

4.3. Defence Staff/Personnel Department (FST/P)

The FST/P is the competent authority for the Armed Forces' efforts regarding health, safety and the working environment (HSE). In practice these efforts are carried out through the HSE section, which is tasked with strategic HSE and administrative management of the Armed Forces' Occupational Health Services. This includes developing regulations, implementing policy, and control and follow-up of Armed Forces HSE efforts. The Committee notes that this is a systematic, comprehensive effort over time, including the annual preparation of an HSE action plan. This plan is approved by the Armed Forces main working environment committee, FHAMU, and provides a solid working basis for HSE efforts. The FHAMU committee meets regularly and has a broad-based, representative membership. Cases that have been dealt with include emissions from munitions, problems related to exhaust fumes, whistleblowing in the Armed Forces, safety provisions relating to working hours, Armed Forces employee surveys, the National Service survey, needs for EBA and personal clothing/equipment in connection with the introduction of gender-neutral compulsory military service, handling of radon in buildings, use of moist snuff, reporting of accidents and undesired incidents, and restructuring.

The Committee notes that the response rate to the employee survey in 2015 is high (70.1 per cent) and contains many positive responses. High degrees of job satisfaction, commitment and motivation were reported. Certain groups experience high stress in periods. Incidents of unwanted sexual attention, teasing and harassment appear to have increased somewhat in 2015. The Committee sees that this has been noted and that countermeasures are underway. The Committee wishes to emphasise the importance of making active use of this type of employee survey, and that such surveys provide a valuable basis for improving conditions that require targeted measures.

4.4. Armed Forces' chief safety representative

Since 2001 the Armed Forces' chief safety representative (FHVO) has functioned within the Armed Forces to safeguard the interests of employees in cases involving the working environment. This is in accordance with the requirements set out in the Working Environment Act and directives from the Chief of Defence. In its input to the Committee, the FHVO points out that there are relatively few serious incidents and injuries related to the physical working environment in the Armed Forces, thanks largely to diligent, highly competent and experienced personnel.

The Committee notes that the FHVO is concerned about the growing uneasiness among employees with regard to constant restructuring and efficiency measures in the Armed Forces. Descriptions of the Armed Forces'

uncertain economic situation, a heightened focus on a lack of balance between resources and ambitions, and the constant and rapid implementation of mitigating measures all add challenges to the working environment in the Armed Forces. The speed with which restructuring processes are being introduced is problematic in light of the FHVO's expectations regarding risk assessment, adequate consideration of the working environment and satisfactory handling of working environment-related ramifications resulting from choices made and decisions implemented. More and better information to employees about coming changes is requested to ensure co-participation.

The Committee notes a growing concern at the FHVO with regard to further restructuring and budget cutbacks in the Armed Forces. There are worries about how this will affect the psychosocial working environment and whether the FHVO's intended role as the protective service is being compromised. The Parliamentary Ombudsman's Committee for the Norwegian Armed Forces expects that employees' interests regarding all aspects of the working environment will be adequately protected and will follow up on these conditions.

4.5. Norwegian Defence University College – Defence Training and Competence Centre

The Norwegian Defence Training and Competence Centre (FOKUS) carries on a long, important tradition and societal obligation for the Armed Forces. Its primary target group comprises conscripts, enlisted soldiers and petty officers, military apprentices and officer candidates during their candidate training. The FOKUS centre receives its assignments from the Head of the Defence University College. Assignments primarily comprise counselling and career guidance, courses relating to specific jobs/careers, and courses/educational offerings up to and including the university/university college level and tailored to individual competency needs. There is a steadily growing need for these services within the primary target group, and the centre is an important instrument for purposes of conscript recruitment. Furthermore the FOKUS centre has co-responsibility for organising and adaptation of subject courses for earning university credits during national service.

Increased demand for education and adaptation of educational opportunities is anticipated once gender-neutral compulsory military service is fully introduced. Figures from Statistics Norway indicate that young women seek education at even higher rates than young men. In the Committee's view, it is vital that the FOKUS centre provides targeted career guidance and facilitates good educational opportunities for the new group of conscripts. It is also important that the FOKUS centre carries out strategic planning and development in light of the expanding group of recruits forming the basis for the Armed Forces' future specialist corps. It is beneficial to provide professional career guidance and relevant civilian qualifications by way of extending and converting military competence,

which in turn may offer greater predictability and lead to longer service time for this conscript group.

4.6. Armed Forces HR and Conscription Centre (FPVS)

The FPVS will be an HR centre for the entire Armed Forces, where development and support of HR services take place. The HR centre is one of three main actors in the new supplier model for HR in the Armed Forces. The other two are the Defence Staff/Personnel Department (FST/P) and HR in the unit DIF/BRA. In the course of 2015 the FPVS established new, functional routines for conducting new processes and coordination across sections and units.

The FPVS is responsible for coordinating, initiating and carrying out all Armed Forces recruitment measures. Particular importance is attached to increasing the ratio of women and the proportion of personnel with technical competence in the Armed Forces' new technological investments. Through school visits, dedicated events and participation in education fairs, the FPVS informs young people about national service, schooling and educational opportunities in the Armed Forces, which is Norway's largest apprenticeship enterprise. In 2015 the Armed Forces entered into 302 new apprenticeship contracts and now has a total of 616 apprentices, the highest figure in several years, in 31 different trades.

With the introduction of gender-neutral compulsory military service in 2015, the Armed Forces now has access to all the young people in a cohort group. Under a two-part examination and classification scheme, roughly 97 per cent of prospective conscripts attend the initial interview. Roughly 22 000 of these are selected as best suited to further service and are called in to Part 2 for further testing. In 2015 particular emphasis was placed on minimising the health-related dropout rate. Conscripts who begin their national service are well qualified and highly motivated. In 2015 a total of 7 741 conscripts completed their national service, including 1 279 women, the highest ratio ever for Norway.

4.7. Chaplain Corps

In meeting with the Head of the Norwegian Military Chaplain Corps (FPK), the Ombudsman's Committee was given a thorough presentation and status overview on the Corps' efforts in connection with the Armed Forces pilot project for counsellors on religion and life stance. The national budget for 2014 provides funding for the FPK to conduct a two-year pilot project with religious and life stance counsellors who have specialised knowledge about Islam and secular humanism. The project has its background in studies on religious diversity among members of the Armed Forces as well as recommendations from, among other sources, the 2008 TMO national conference, which adopted the principle that all conscripts must be provided access to spiritual counsellors from within their religion. Additionally, in 2012 an amendment to the Norwegian

Constitution changed the relationship between Church and State. In 2015 the Ministry of Defence approved a new service scheme for chaplains which allows clergy other than only Church of Norway ministers to serve as chaplains in the Armed Forces.

The project will submit a report with proposals on how to expand the servicing of religious and life stance needs of Armed Forces personnel. What is the best way to serve personnel with different religions and life stances? What must be done to give adequate respect to the diversity of life stances in the Armed Forces? The answers to these and other questions may provide a framework for changes and adaptations in the Armed Forces. The pilot project will conclude in the course of 2016. In the view of the Committee, the efforts under this project are well underway and are being carried out satisfactorily by the FPK.

4.8. Norwegian Veterans Association for International Operations (NVIO)

The NVIO is Norway's largest special interest organisation for military personnel who have taken part in international operations and for their dependents. The organisation has 7 500 members and 59 local associations all across Norway. The NVIO performs nationwide buddy support and family support. Members represent various periods of Norway's modern history. The organisation is non-political and works to promote the interests of veterans and their dependents.

In meeting with the NVIO, the Committee received a full overview of NVIO's comprehensive efforts, through which meeting places are established to facilitate well-being and networking. Many years of continuous, well-organised support for veterans, families and dependents requires resources, development and constant renewal. In addition to some work-years involved in running the organisation, a great deal of work is based on volunteerism. This provides society with a very inexpensive support structure serving an important preventative function. The Committee strongly feels that the recognition which society has now come to give veterans must continue and be further cultivated. It is reasonable that such an important organisation is given the necessary resources and budget to continue and expand its activities.

4.9. Judge Advocate General

The Committee's overall impression from the review conducted by the Judge Advocate General and the Judge Advocates Northern and Southern Norway is that the disciplinary situation in the Armed Forces is good, with low frequency of reprimands and consistently good quality in the handling of disciplinary cases. According to the Judge Advocate General, this is partly due to the fact that the Judge Advocates Northern and Southern Norway are contacted for advice in connection with a large number of cases. It appears that reporting routines at certain units are not adequately followed. The Judge Advocate General states that this is unfortunate, particularly with regard

to the legal rights of the person reprimanded – which is a fundamental component of the scheme for the review and control of reprimands. It is important that reprimands are forwarded for review and control within one month of their issuance, pursuant to provisions of the disciplinary regulations, so that any errors or deficiencies may be followed up quickly. The total number of reprimands reviewed by the Judge Advocate General's office for 2014 was 554. This amounts to a reprimand rate of 6.5 per cent per soldier work-year, roughly the same level as in other years in the period 2005–2013. This is less than half the typical reprimand rate from the period 1994–2002.

5. OTHER ACTIVITIES

In addition to the Committee's inspections and meetings, the Ombudsman and his office conduct meetings and talks year-round with Armed Forces representatives, employee organisations and individuals upon request. The Ombudsman or his administrative director lecture regularly at all courses held across the country for the conscripts' elected spokespersons.

The Ombudsman also participates in international activities through the Geneva Centre for the Democratic Control of Armed Forces (DCAF). Norway has a long-standing tradition of cooperating in this work and is an important contributor. The Ombudsman attends the International Conference of Ombuds Institutions for the Armed Forces, which in 2015 was held in Prague. In addition, the Ombudsman's office has also served as a cooperating institution for DCAF in drawing up the handbook *Gender and Complaints Mechanisms*, to which the Norwegian Ministry of Defence also contributed. Norway's involvement in these efforts has led to participation in meetings with the Organization for Security and Co-operation in Europe (OSCE) in Vienna as well as an event linked to NATO HQ in Brussels in connection with the 15th anniversary of UN Security Council Resolution 1325. There are many countries seeking to implement the Norwegian ombuds model, and the Ombudsman and his office strive to support these efforts through DCAF as far as possible.

6. COMPLAINTS

6.1. Lengthy processing time

The Office of the Ombudsman receives numerous enquiries from conscripts, officers and civilian employees who experience very lengthy processing times in the Armed Forces.

Conscripts may encounter lengthy processing times in connection with, for example, complaints regarding proficiency reports. Officers and civilian employees, too, find that it sometimes takes a long time for their cases to be decided, especially with regard to appeals of previous decisions. The Ombudsman has sometimes also waited a

long time to receive a response to its enquiries from the Armed Forces.

Under good personnel management, applications and other matters are handled in a quick, expedient manner. While most cases are dealt with in this way, there are still some that take an unreasonably long time to be resolved. The Ombudsman does not know the exact reason for the long processing time, but he assumes it may be due to a combination of limited staffing and large workload. In the view of the Ombudsman's Committee, the Armed Forces would benefit from a situation in which all personnel feel their needs are well met and personnel matters are resolved without undue delay so they can concentrate on their main task – the defence of Norway.

Cases reviewed by the Office of the Ombudsman

In the 2015, the Office of the Ombudsman reviewed 26 registered cases submitted by conscripts. In addition to the formal, registered complaints, the office provided input and advice on numerous enquiries, and thus helped to resolve cases in an informal manner. The case topics most frequently submitted are discussed below. The Ombudsman ruled partially or wholly in favour of the complainant in roughly 25% of the cases in 2015, which appears to be a stable figure. Most of the complaints are reviewed by the director of the Ombudsman's office, who is a legal expert.

Types of cases for conscripts:

Types of cases for conscripts:	2014	2015
Compulsory military service, conscription, registration	3	0
Call-up, appearance, exemption, postponement	2	9
Time accumulation, time credits, length of service, etc.	2	0
Posting, transfer, change of location, demobilisation, etc.	7	5
Conditions of service, security clearance, testimonial of service	13	4
Uniforms, personal equipment, compensation for loss	0	0
Leaves of absence	1	0
Disciplinary and criminal cases	2	1
Remuneration, financial conditions	7	2
Illness-related cases	16	3
Social welfare cases	2	2
Total	55	26

6.2. Conscripted personnel

Compulsory military service – conscription, registration

The Office of the Ombudsman handles numerous enquiries by telephone and in person from this category throughout the year. No written complaints in this category were received in 2015.

Most of the enquiries concern matters related to rights, alternatives to national service, the opportunity to choose one's service start-up date, and requests for a new service location. The Ombudsman's role in this type of case often consists of providing input and advice, and it appears that the Armed Forces HR and Conscription Centre goes to great lengths to comply with the conscripts' personal wishes. Clarifying discussions often lead the conscripts to decide that they do not need to lodge a written complaint.

Some enquiries concern individuals who want to perform national service, but who have not been called up or who have been exempted on medical grounds. Many mistakenly believe that they have a right to perform national service since there is a principle of general compulsory military service. However, the number of people called up to national service is based on the needs of the Armed Forces, and some individuals have therefore been disappointed that they do not get the opportunity to serve.

Call-up, appearance, exemption, postponement

Nine cases in this category were registered in 2015. In addition, the Office of the Ombudsman handled several telephone enquiries that did not need to be registered as formal cases.

Applications for postponement of/exemption from refresher exercises usually result in a relatively large number of enquiries from people who believe that being absent from work or away from home will cause great hardship for both their employers and their families. Self-employed individuals often cite financial ramifications for their business as grounds for exemption. In general, the regulations on postponement of or exemption from service have traditionally been strictly enforced.

Cases in this category that are relevant for consideration often require a thorough investigation of the soundness of the grounds put forward by the applicant and a careful assessment of the applicant's personal interests in relation to the Armed Forces' service-related needs. In the Ombudsman's experience, however, the military authorities strive to meet the personnel's needs when these are well justified.

I – Electronic call-up

On 20 April 2015, the Ombudsman for the Armed Forces received a complaint regarding electronic call-up to refresher exercises.

The complainant stated that he is a soldier in the Home Guard and was submitting a complaint regarding two matters in connection with electronic call-up to refresher exercises. Firstly, the complainant believes that conscripts

are treated unjustly by forcing them to accept a privacy statement when responding to the call-up via the Armed Forces website. In addition, the complainant believes that if the Armed Forces requires conscripts to respond electronically, the Armed Forces must also provide the individual soldier with a PC.

The Armed Forces HR and Conscription Centre (FVPS) states that the introduction of electronic call-up to service is a part of the stipulated digitalisation of communication between public agencies and Norwegian citizens. It is also a part of the effort to enhance efficiency within the Armed Forces administration.

The call-up notice provides a telephone number that can be used if a conscript has trouble responding electronically. Thus, conscripts can make a phone call and confirm that they have received the call-up notice. To log on and respond to the call-up notice electronically, the privacy statement must be accepted. This statement contains information about how data is processed in a safe, secure manner, and states that data is deleted from the portal soon after log on.

Moreover, the Armed Forces HR and Conscription Centre states that individuals who do not have their own PC have free access to PCs and the internet at all libraries throughout the country. Soldiers may also obtain access to PCs and the internet at city halls and other public offices if they explain why they need to do so.

In the view of the Ombudsman, electronic call-up is an excellent tool for reaching citizens in a quick, efficient manner. Our experience is that all young people today own or have access to one or more electronic devices that may be used in this connection. In addition, the complainant has not stated that he, himself, does not have such a device.

With regard to the privacy statement, the purpose is to ensure that all data is processed in a safe, secure manner that complies with the Act relating to the processing of personal data (Personal Data Act). However, if conscripts still do not wish to accept the privacy statement, they may use the telephone to respond to the call-up notice.

The Ombudsman for the Armed Forces concluded that the original decision must be upheld.

Time accumulation, time credits, change of location, length of service, reduction of service, etc.

No cases in this category were registered in 2015.

Enquiries in this category often concern the maximum number of work hours permitted per week. Work hours for those liable for national service are regulated in the "Provisions on conscription and compulsory military service, part 5 – Management of personnel during national service", which states that all categories of personnel performing national service are to have roughly the same number of hours of service. The stipulated time of service must not exceed 42.5 hours per week or 42.5 hours on average per week over a 12-week period.

Posting, transfer, change of location, dismissal, demobilisation, reduction in rank

Five cases in this category were registered in 2015. Additional cases were resolved without the need to enter them as written cases. These concerned situations which sometimes were based on a misunderstanding of the facts and regulations. The Ombudsman is able to easily clear up this type of misunderstanding by making telephone contact with the relevant unit. Occasionally the Ombudsman receives enquiries from conscripts who are dissatisfied with their transfer to a new service location or to another type of service. Such cases may arise as a result of a discretionary assessment of a conscript's suitability for a particular type of service or training. In some cases, information of a socio-medical nature comes to light which gives grounds for an individual assessment by the proper authority within the Armed Forces. Also included in this category are occasional cases in which a conscript requests early demobilisation in order to begin an educational programme or assume a new position. It appears that most of these cases are resolved in keeping with the conscripts' needs.

I – Early demobilisation

On 9 August 2015, the Ombudsman for the Armed Forces received a complaint regarding a denial of early demobilisation which was sought due to admission to an educational programme.

The complainant states that he has an ordinary demobilisation date of 25 September 2015. He has been admitted to a three-year bachelor's degree programme at Hedmark University College commencing 13 August 2015. The complainant has been granted a leave of absence in the period from 13 to 21 August, but his application for early demobilisation was denied.

Furthermore, the complainant states that he has difficulty reading and writing and that he has documented dyslexia. It is therefore critical that he attends class from the very beginning of the semester if he is to have a chance of completing his studies. In addition, the complainant believes that the denial of his application conflicts with current regulations and is especially unreasonable given his handicap. Moreover, similar applications from several of his classmates have been approved.

In response, the Armed Forces states that the company in question is comprised of 193 conscripts. This year the company received 62 applications for demobilisation/leave of absence for educational purposes, of which nine conscripts were granted demobilisation for educational purposes as from 24 August. When determining applications for approval, importance was attached to whether class attendance was mandatory in the relevant study programmes. Other factors in the decision-making process were geographic location of the educational institution, stringent admission requirements, and mandatory attendance for demanding classroom instruction. Priority was also given to those entering programmes at the Norwegian

Police University College. In order to approve demobilisation for educational purposes, the company must still have the capacity to perform its tasks.

The complainant stated verbally to the Office of the Ombudsman that he received a telephone call from the company on 17 August in which he was informed that his leave of absence had been extended up to 21 September, and he was satisfied with this decision.

The rule regarding early demobilisation is stated in the *Provisions on conscription and compulsory military service, part 5 – Management of personnel during national service*, item 21, which states in the first paragraph, last point:

Those liable for national service who apply for early demobilisation for educational purposes shall be granted early demobilisation if the service allows this and it can be documented that the study space offered to the conscript cannot be reserved.

The Ombudsman interprets the provision on early demobilisation to mean that there is no automatic right to demobilisation. It is the Armed Forces' need for soldiers that is the deciding factor, which applies to the entire institution of national service. Moreover, early demobilisation is limited to study programmes in which classroom attendance is mandatory.

In this case, the Ombudsman believes that the company has resolved the case in an effective manner. In general, the complainant does not satisfy the criteria for mandatory classroom attendance, but the company has nonetheless taken the complainant's dyslexia into account and instead granted him a leave of absence so he may follow essentially all of the instruction.

The Ombudsman for the Armed Forces notes that the company has resolved the case by granting a leave of absence and that the complainant is satisfied with the decision.

Conditions of service, security clearance, proficiency reports

Four cases in this category were registered in 2015.

The Ombudsman also received several enquiries from conscripts who had questions involving comparison of the conditions of service in the various military units or branches, as some conscripts wonder whether the conditions of service in other units may be more advantageous.

A recurrent theme is the lack of security clearances. In many cases, it has taken an unreasonably long time for conscripts to receive a security clearance. The Ombudsman has discussed this problem with the Armed Forces, and in 2015 there were fewer such enquiries, indicating that the problem is less serious now than in previous years.

In some cases, the proficiency report issued after conscripts complete their national service generates enquiries from individuals who believe they have performed better and deserve higher marks than indicated in the report. The Ombudsman's course of action is to assess whether formal errors were made when the proficiency report was issued

and whether any discretionary assessments are based on biased or irrelevant considerations. In other cases, the conscript did not meet the three-week deadline for lodging a written complaint, and then the Ombudsman cannot help to resolve the matter.

Leaves of absence

No written complaints in this category were registered in 2015.

However, the Ombudsman received a number of enquiries involving questions about the interpretation and practice of the leave of absence directive. When a leave of absence is granted on welfare-related grounds, the conscript's duties must often be transferred to other personnel, and it is therefore crucial that the other conscripts feel that the directive is being implemented in a fair and equal manner as much as possible.

Disciplinary and criminal cases

One case in this category was received in 2015.

The Office of the Ombudsman also provided general advisory services, focusing on the importance of the person disciplined to make use of the ordinary complaint procedures within the Armed Forces.

I – Disciplinary action

The Ombudsman for the Armed Forces received a complaint from a soldier who was disciplined for failing to report for refresher exercises. The complainant contacted the Ombudsman for the first time via email dated 12 May 2015. The response from the Ombudsman stated, among other things:

“If you believe the fine of NOK 1 400 for failing to report for refresher exercises is unjustified, you may appeal the decision to the appeals committee for disciplinary cases. The committee's decision may then be appealed to the Ombudsman, if so desired.”

On 1 September 2015, the appeals committee for disciplinary cases in the Armed Forces took the following decision:

“In disciplinary sentence no. 2 for February 2015 for Home Guard area X, the part of the disciplinary action pertaining to Section 42 of the Act relating to compulsory military service (Compulsory Military Service Act) is repealed. The fine is reduced to NOK 1 250, or six days in detention.”

In an email dated 14 September 2015, the complainant brings his case to the Ombudsman, as he believes the disciplinary action is unjustified.

The complainant states that he worked abroad for all of 2013 and up to May 2014. Prior to this, he had applied for demobilisation from the Armed Forces, as he was often stationed abroad for long periods of time. He interpreted the response from the Armed Forces to mean that he was demobilised. His parents returned his military gear because he was not in Norway at the time.

The Armed Forces had called him up for training in the period from 30 July to 2 August 2014. He saw this letter for the first time when he came home to Norway in May 2014. He then received a reminder call-up notice for new training in 2014. The complainant wrote to the Home Guard asking why he was still receiving call-up notices and reminders. The letters were never answered. He was later summoned by the military police and questioned.

On 24 February 2015, a disciplinary sentence was issued for violation of Section 34 of the Military Penal Code and Section 42 of the Act relating to compulsory military service (Compulsory Military Service Act) with a fine of NOK 1 400. The following is given as the grounds for the sentence:

“For failing to report for mandatory annual training in the period from 30 July 2014, 0900 hours, to 2 August 2014 without obtaining written approval of a postponement prior to training and for failing to submit documentation that he had extended his stay abroad and was therefore unavailable for Home Guard duty.”

The disciplinary action was appealed, but the Home Guard rejected the appeal in a decision of 7 May 2015. The decision states the following:

“There is no question that you were absent from annual training in the period from 30 July 2014 to 02 August 2014 and that you were legally called up for this training. In your complaint, you have stated that you thought you were called up in error because you had returned your gear two years prior and *you therefore thought that you had been demobilised. I refer to the letter of 29 April 2013 (copy attached) in which you were granted leave of absence for a stay abroad up to and including 30 June 2014. You were then notified that you could return your gear to the depot to ensure its safe storage. You were also informed that you must contact the Armed Forces if your stay abroad was shorter or longer than anticipated. There is nothing in the letter that could be interpreted to mean you were demobilised from the Home Guard and excused from national service.*”

The letter of 29 April 2013 from the Armed Forces contains the heading “Leave of absence for a stay abroad”, and states the following, among other things:

“Your employer has documented that you are to work abroad up to July 2014. You are therefore granted a leave of absence for a stay abroad from today's date to 30 June 2014. To ensure your gear is safely stored, you may return it to FLO/Depot camp X.”

In a letter of 22 April 2015, the Judge Advocate of Southern Norway recommended that the disciplinary action be repealed with regard to Section 42 of the Act relating to compulsory military service (Compulsory Military Service Act).

The appeals committee states:

“In the view of the appeals committee, the disciplined soldier has violated Section 42 of the Act relating to compulsory military service (Compulsory Military Service Act) by failing to send in the response card and failing

to apply for an extension of leave of absence for a stay abroad. However, the committee also agrees that since the investigation of the case has focused solely on unlawful absence from training, the disciplinary action should only encompass this. The total punishment meted out should thus be reduced somewhat since the disciplinary action relating to Section 42 of the Act relating to compulsory military service (Compulsory Military Service Act) has been repealed. It would be appropriate to set the fine at NOK 1 250, or six days in detention.”

The Ombudsman finds it difficult to understand how the complainant could interpret the letter of 29 April 2013 from the Armed Forces to mean that he had been demobilised from all service in the Home Guard. The letter makes it very clear that he had only been granted leave of absence for a stay abroad for a limited period of time and that the offer to return his gear was based solely on safety grounds. The complainant alone is responsible for allowing his parents to read and interpret the letter.

In addition, the Ombudsman believes that a lack of response from the Armed Forces may in no way be interpreted as approval of his application for demobilisation. We agree completely with the Armed Forces that there is no doubt that a conscript has a duty to report for military service when called up, provided there is no approved application for postponement or exemption.

The amount of the fine is found to be in conformance with normal practice, and the Ombudsman for the Armed Forces concluded that the original decision must be upheld.

Remuneration – financial conditions

Two cases in this category were registered in 2015. Various questions about regulations were answered by telephone as well.

Cases of a financial nature may be registered under other special types of cases, e.g. social welfare cases, living allowance, business contribution, financial compensation cases, etc.

Illness-related cases, social welfare benefits, compensation, dental care, medical rulings, etc.

Three cases in this category were registered in 2015.

Complaints regarding military medical rulings seem to arise more often when personnel want to perform national service, but are found to be unsuitable for military service for medical reasons.

If a conscript is found to be temporarily unsuitable, postponing his or her national service may disrupt his or her planned timeframe related to education and/or employment.

The military doctors generally show great understanding for the practical drawbacks that an unwelcome medical ruling may create for the conscripts, but in some cases the medical ruling results in the necessary decision to demobilise the conscript, especially due to the risks of

the health-related consequences should he or she perform military service.

During their military service, conscripts will sometimes hesitate to bring up personal problems with their respective military superiors. In these cases, it is important for the Ombudsman to ensure that contact is established between the individual and the relevant professionals in the unit, such as doctors, psychologists, clergy, social workers, etc.

In this type of case, issues may arise related to injuries sustained during military service performed many years ago, and problems may resurface several years after the event occurred.

Social welfare cases

The Ombudsman dealt with only two cases of this type in 2015.

In addition, the Ombudsman gave advice in response to verbal enquiries from conscripts who had a variety of questions relating to social issues. In some cases, the Ombudsman was asked about regulations and documentation needed to support applications.

In general, cases in this category are thoroughly reviewed by the social welfare case administrators in the respective units and the appeals body, the Armed Forces Housing and Welfare Service.

6.3. Armed Forces educational activities

In 2015, the Ombudsman responded to enquiries in this category by providing advice to the individuals involved. As a result, their cases were resolved or they found that they did not wish to submit a follow-up complaint.

Most of the complaints in this category concern conscripts who failed their admission tests for officer candidate schools or who were dismissed from military academies for various reasons.

I – Admission

In early November 2014, the Ombudsman for the Armed Forces received a complaint regarding the admission process for the Norwegian Military Academy’s qualification course (KS KVK).

The complainant, a medical corps officer, applied for admission to KS KVK, which would give him basic officer education (GOU). The selection process included both physical and theoretical tests. The complainant states that he had good results on all the tests except for mathematics, which he failed. As a consequence, he was not admitted to KS KVK for 2015.

In his complaint to the Norwegian Military Academy, the complainant states that he felt there was very little time between the announcement of the new tests and the actual implementation of the tests, and thus he did not have sufficient time to prepare. The Academy did not approve his complaint, noting that the educational level of basic officer education (GOU) is the final level that involves systematic selection based on specific criteria using knowledge and

skills tests. The admission requirements were revised in 2014, and are now the same for both the Norwegian Military Academy and the qualification course, as both educational paths qualify participants for the same educational level – GOU. The head of the Academy also states that the complainant is not disqualified from the job he already performs, from being appointed to another position or from seeking admission to the qualification course at a later time.

In his complaint to the Ombudsman, the complainant asserts that the new admission requirements were changed with retroactive effect. He further claims that there was a procedural error in the processing of his complaint at the Norwegian Military Academy because the complaint was handled by the same personnel that dealt with admissions to KS KVK.

The Inspector General for the Army states that the new procedure for admission to KS KVK was described when the new *Provisions for Education in the Armed Forces* (BUF) were introduced on 1 January 2013. The Army Staff announced on the Army's intranet pages on 22 August 2014 that KS KVK for 2015 would be implemented in accordance with the new procedure set out in BUF. The Norwegian Military Academy has drawn up "admission rules". These rules do not regulate admission, but describe the process related to selection and constitute a synthesis of the Academy assignment, the rules in BUF and specification of the announcement document. Candidates for admission need only be concerned with the rules in BUF and the announcement document in relation to admission requirements.

The announcement specified that admission to KS KVK from and including 2015 would no longer be a single administrative selection process, but would be implemented according to the new procedure set out in BUF. It was stated that the admission process would begin in week 39 with implementation of Phase 1 (skills and knowledge tests) and Phase 2 (interview). Physical tests had to be completed prior to the application deadline. On 15 September, the candidates were called in for admission in the period 22–24 September via email from the Academy's admission office. Phase 1 skills tests (Raven, numerical series, word understanding) and knowledge tests (English and mathematics) had to be passed before continuing to the Phase 2 interview. The Inspector General for the Army states that results from the skills tests in Phase 1 cannot be improved much through practice, while practice may be more useful for improving results from the knowledge tests. The Inspector General also states that he understands the complainant had very little time to refresh his knowledge. It is not possible to appeal the actual result of the tests in Phase 1.

The decision to demobilise personnel that had not passed parts of Phase 1 was taken in a preliminary meeting of the school council during the admission process, and the final decision was taken in a meeting of the admission board on 26 September 2014. The Inspector

General upholds the decision by the head of the Norwegian Military Academy.

The complainant says that he had been led to believe he would be granted administrative admission to KS KVK and that the introduction of new terms and conditions of admission should be accompanied by a transition scheme for those who had been waiting. Neither he, the company commander nor the personnel section knew about the changes in the terms and conditions of admission prior to 20 August 2014. Thus, he had a very short time in which to prepare for the knowledge tests.

In addition, the complainant states that the chief safety representative, the Military Officers' Association (BFO) and the Norwegian Officers' Union (NOF) all had submitted comments on the changes. He feels it is unreasonable that he must comply with a new regimen which was approved while he was waiting in the "queue" for an administrative admission to the course.

The Ombudsman refers to the *Provisions for Education in the Armed Forces* (BUF) of 1 January 2013, *Section 8.3.7 Admission to the qualification course for the Norwegian Military Academy*, which states in the first paragraph:

"Admission requirements and procedures for the *qualification course for GOU* (cf. *Section 5.4*) are the same as for normal admission to the military academies (cf. *Sections 8.3.3–8.3.5*), but the various branches of the *Armed Forces* may establish their own admission requirements for their respective qualification courses."

The admissions requirements are specified in Section 8.3.3, where it states in sub-sections g and i that candidates must pass the minimum requirements established for the knowledge and physical tests. It is also clearly stated that admission to KS KVK must follow the same admission system as that used for the military academies. This means that candidates must pass the physical and knowledge tests in order to be admitted to the Academy.

The previous scheme for administrative admission ended when the above-mentioned changes in BUF went into effect.

The Ombudsman notes that the new admission requirements were announced on 21 August 2014 in DocuLive, and agrees with the Inspector General that the applicants should have ideally been given more than three weeks in which to prepare for the admission tests. However, the Ombudsman does not find that the short timeframe constitutes a procedural error or that a procedural error led to denial of the complaint because the candidate did not pass the knowledge tests.

The Ombudsman believes that everyone must be prepared for the possibility that the terms and conditions of admission to education in the Armed Forces may change over time and that individuals are responsible for familiarising themselves with the applicable regulations.

The Ombudsman for the Armed Forces concludes that the appeal cannot be approved, as the admission process

for KS KVK for 2015 is found to be in accordance with applicable regulations.

II – Dismissal

On 1 June 2015, the Ombudsman for the Armed Forces received a complaint from a cadet who believes he was dismissed unfairly from the Army Officer Candidate School.

The decision regarding dismissal from the Army Officer Candidate School was taken in a meeting of the school council on 5 March 2015. The cadet appealed the decision, which was then upheld by the head of the Norwegian Military Academy in a letter dated 29 May 2015. The complainant had to leave the Army Officer Candidate School on 5 June 2015.

The complainant states he had major stomach pain on 10 August 2014, but the platoon leaders did not allow him to see a doctor. He was not seen by a doctor until 28 August 2014, when he was diagnosed with an infection in the abdomen region and given a prescription for penicillin. He believes that this incident resulted in a strained relationship with the officers in his platoon.

Following a verbal warning, the complainant received a written warning on 18 December 2014 placing him on probation until weeks 7 and 8 of 2015. He received a failing mark during exercises in the time period from 26 January 2015 to 6 February 2015, which means he did not fulfil the terms of his probation. The complainant disputes the correctness of the feedback he received, asserting it was exclusively negative and did not make note of any of his strengths.

The complainant states that the company commander telephoned him on 4 March 2015, the day prior to the meeting of the school council, and reportedly said that he would do everything possible to have him dismissed from the Armed Forces. In addition, the complainant states that his spokesperson in the Military Officers' Association (BFO) was not summoned to the school council meeting and that a representative from the Norwegian Officers' Union (NOF) attended instead. He believes this may have had an impact on the outcome of the meeting.

Moreover, the complainant refers to the officers' assessment given on 10 April 2015, in which he received a mark of C in leadership and self-understanding and a mark of B in mastery and attitudes. He believes this provides a more accurate picture of his performance.

The Army Staff has upheld the decision on dismissal, as the complainant is not viewed as qualified to serve as a sergeant in one of the Army's units.

The Army Staff regrets that the complainant was not allowed initially to see a doctor and that he did not receive adequate feedback during his probation. The first-mentioned incident is partly due to an oversight and breakdown in communication. A lack of feedback regarding his strengths was a conscious choice to emphasise the challenges he had to address. It was later concluded that his strengths should have been mentioned as well. Nonethe-

less, the Armed Forces wishes to point out that this would not have changed the rest of the assessment during the winter exercise, as the challenges mentioned are described correctly.

The company commander denies the assertion that he said he would do everything possible to have the complainant dismissed from the Armed Forces. However, the company commander did inform the complainant of the potential outcome of a meeting of the school council, including dismissal, as assessing this is precisely the reason for a request to hold such a meeting.

The complainant had the option of bringing an evaluator with him, and he chose a fellow cadet. A representative from the servicemen's organisations must also be present to ensure that the process is implemented in a proper and fair manner. On agreement with the BFO and NOF, a representative is summoned from that organisation to which the cadet does not belong to avoid a conflict of roles.

Finally, the Army Staff states that the officers' assessment in April 2015 was based on only two weeks of performance, which was too short a time to give an accurate overall impression. In contrast, the recommendation of the school council and the head of the Academy was based on observations over time through the entire academic year up to 5 March 2015.

The Ombudsman agrees with the Army Staff that the delayed doctor's appointment and the exclusively negative feedback were unfortunate. With regard to the statement by the head of the Academy, the Ombudsman states that there are different interpretations of what was said, and it cannot be ruled out that this is due to a misunderstanding.

During the meeting of the school council on 5 March 2015, the complainant was represented by a fellow cadet according to his own wishes, and representation from the servicemen's organisations appears to be in accordance with usual practice. Therefore, the Ombudsman believes that the school council had the correct membership.

Likewise, the complainant had the opportunity to present his viewpoints during the meeting of the school council, and the circumstances surrounding the delayed doctor's appointment and exclusively negative feedback were reviewed.

Accordingly, the Ombudsman has no reason to doubt that the school council's decision of 5 March 2015 is based on a correct overall picture. The Ombudsman for the Armed Forces therefore finds that the appeal cannot be approved.

6.4. Cases concerning officers

A total of 26 cases in this category were reviewed in 2015, compared with 27 cases in 2014.

In some of these cases, the decision was modified and thus the complainant found that it was unnecessary to pursue further measures. Most of the complaints from officers fell into the following categories: position appointments, passing over an individual for an appoint-

ment, admission to schools, service burden, and various types of financial cases.

Some enquiries concern contracts signed between personnel and their units in which disagreements have subsequently arisen regarding the provisions of the contract or whether the contract is valid vis-à-vis applicable collective wage agreements. There are also issues related to military proficiency reports and disciplinary cases, as well as questions from personnel who were denied the opportunity to perform international service.

I – House rental

On 28 April 2015, the Ombudsman for the Armed Forces received a complaint regarding denial of an application to extend a rental contract on military housing.

The complainant states that he has financial and family problems. The catalyst for his difficult financial situation was reassignment from international service. In his view, this should have been taken into account when assessing the maximum period of residence of eight years. In addition, he states that he has been going through a difficult period since 2010, and that he has been in contact with the Office of Mental Health and Stress Management since January 2015.

He also asserts that it has taken an unreasonably long time for his application to be processed and for his subsequent appeal to be reviewed. His original application for extension of his rental contract was submitted on 12 June 2012, and the final response to his appeal is dated 27 November 2014. Altogether it has taken more than two years and four months. The waiting period has affected him negatively in terms of both work and family. He says that if he is not granted the maximum period of residence, he and his wife will surely end up getting a divorce.

The complainant asks the Ombudsman to assess whether the procedures used in this case have been sound, as well as to overturn the decision so that he is granted a maximum period of residence of eight years.

The Armed Forces states that the complainant's rental contract took effect in November 2007 and terminates on 1 July 2015. The Armed Forces finds no grounds on which to further extend the rental contract.

Military housing is intended to be a temporary solution in a transitional period in connection with the posting of personnel. The maximum period of residence is five years, with the possibility of an extension up to three years in special cases.

The Armed Forces HR and Conscription Centre/the Armed Forces Housing and Welfare Service (FPVS/FBVT) state that the local housing committee denied the application to extend the rental time beyond the normal period. A temporary extension of the rental contract was granted while the extension application and appeal were being processed. This was documented with written rental contracts for each extension. The complainant was notified in writing of the final end date in November 2014.

The complainant also stated in an email on 21 April 2015 that he would move out by 1 July that same year.

The Armed Forces HR and Conscription Centre/the Armed Forces Housing and Welfare Service believe they have gone very far to accommodate the complainant in this case, and they also object to the complainant's blaming the Armed Forces for a potential divorce if the rental contract is not extended again.

The Ombudsman refers to the *Regulations for the practice of the Armed Forces' housing activity* and the *Provision on the Armed Forces' housing activity*. The purpose of military housing is to provide officers with a reasonable living situation for a limited period of time. It is not intended as a permanent scheme, but as a temporary solution for a maximum of five years so they may orient themselves in the private housing market. Under special circumstances, the rental contract may be extended for up to three years.

The regulations give little guidance as to the meaning of "special circumstances". Under Section 7.3 on extension of rental contracts, the final paragraph refers to service-related factors such as posting. Personal factors, such as financial or family circumstances, are not mentioned.

The complainant's rental contract went into effect in November 2007, and it was to expire in November 2012 at the latest. After this, the Ombudsman understands that the application for an extension of the rental period was denied by the local housing committee, and the appeal was denied as well. However, the complainant was given permission to continue to live in the flat while both his application and appeal were being processed. In November 2014 he was given a deadline of seven months in which to vacate the flat.

The Ombudsman does not find that a breach of regulations has occurred in that the complainant was not granted the maximum eight-year period of residence due to financial and family circumstances. In the Ombudsman's view, the fact that his financial problems arose because he was not posted abroad is not directly relevant for the rental contract, as nobody is entitled to serve abroad.

The Armed Forces Housing and Welfare Service has shown great flexibility by allowing the complainant to remain in the flat during the entire application and appeals process and also by giving him seven months in which to find new housing. In addition, the complainant has signed a binding statement agreeing to vacate the flat no later than 1 July 2015.

With regard to the handling of this case, the Ombudsman does not find that any procedural errors have occurred that would affect the outcome. The fact that the application review and appeals process took two years and four months has, in the view of the Ombudsman, benefited the complainant since he was allowed to remain in the flat throughout the entire period.

Like the Armed Forces HR and Conscription Centre/the Armed Forces Housing and Welfare Service, the Ombudsman objects to the complainant's assertion that

the Armed Forces would be responsible for a potential divorce.

The Ombudsman for the Armed Forces concluded that the complainant is not entitled to an extension of his rental contract.

II – House rental

On 22 November 2015, the Ombudsman for the Armed Forces received a complaint of poor treatment when a rental contract for military housing was not extended for seven months.

The complainant says that he and his domestic partner have rented military housing from the Armed Forces for several years. The rental contract expired on 31 July 2015, and the last possible date to vacate was 31 December 2015. However, he has applied for an extension of the rental contract to 31 July 2016.

It is in connection with the last application that the complainant believes he was subject to improper treatment on the part of the Armed Forces. He claims, among other things, that his application was not given substantive discussion, documents were misplaced and the appeals body, the Armed Forces Housing and Welfare Service, has played an active role in the application process prior to a decision being taken.

Furthermore, the complainant states that if they must vacate the residence on 31 December 2015, they will suffer major consequences because his domestic partner is seriously ill, whereas the matter is immaterial for the Armed Forces since the residence will be unoccupied for an undetermined period of time. In addition, the complainant requests deferred implementation of an administration decision pursuant to Section 42 the Public Administration Act so that the moving date is not decided before the formal appeal has been reviewed.

The Armed Forces Housing and Welfare Service states that military housing is a service for specific target groups and is provided for a specific period of time before the individual concerned must find a residence in the private housing market. The normal amount of time allowed in military housing is five years. Under special circumstances, however, the rental contract may be extended for three years, giving a maximum time in military housing of eight years.

In this case, the complainant has lived in military housing more than 14 years. The last extension of the rental contract was granted for one year, with an expiration date of 31 July 2015. The decision was in accordance with the complainant's own wishes and a clear promise to abide by the expiration date. Moreover, he was given a generous deadline of 31 December 2015 in which to vacate the residence.

Additionally, the Armed Forces Housing and Welfare Service does not find that there is any new information about his partner's illness and the couple's life situation than that provided at the time of the one-year extension from 2014 to 2015. With regard to the role of the Armed

Forces Housing and Welfare Service during the application process, the Service states that it is the competent authority with a duty to assist the housing administrations in the various units with regard to questions about regulations and procedures. The application was given substantive discussion according to applicable rules, but the Public Administration Act does not apply here since the matter does not entail the exercise of governmental authority, but rather employer-driven measures.

The Armed Forces believes it has demonstrated good will and readiness to make special accommodations in this case in order to contribute, if possible, to the family's well-being.

The Ombudsman refers to Section 7.2, second paragraph, of the *Regulations for the practice of the Armed Forces' housing activity*:

"The rental contract shall normally be entered into for minimum three years and maximum five years, or may be limited to the duration of the posting if the posting is less than three years."

In addition, *Section 7.3 Extension of rental contracts* states that, on application, the rental contract may be extended up to three years at a time, but the maximum length of residence is eight years.

With over 14 years of rental, the complainant has been permitted to rent military housing much longer than the regulations indicate. When the rental contract was last extended in 2014, the complainant promised to move out by the date of expiration, and the Armed Forces even gave him an additional six months in which to vacate the residence. In other words, he has had one and a half years to prepare to move, but he still has chosen to ignore previous agreements and instead apply for yet another extension of the rental contract.

Pursuant to Section 42 of the Public Administration Act, the appeals body or other superior body may decide that the decision will not be implemented before the appeals deadline has expired. The Ombudsman does not see that the Armed Forces has granted the complainant deferred implementation, so this is not relevant in this case. In addition, the Ombudsman cannot grant deferred implementation, as the Ombudsman is not a part of the defence sector.

Thus, the Ombudsman cannot find any arguments in favour of the complainant in this case. The Armed Forces has demonstrated exceptional good will and gone far to accommodate the family, but all good things must come to an end. The Ombudsman concluded that the appeal cannot be approved.

III – Financial bonus

The Ombudsman for the Armed Forces received a complaint from the Norwegian Officers' Union (NOF) on behalf of a member who had not been given the "Bjønnes bonus".

The Special Wage Agreement for Pilots, also known as the "Bjønnes bonus", was established by a Royal Decree

in 1997 for the purpose of retaining pilots in the Air Force beyond their mandatory service. The agreement was based on the efforts of a working group headed by Tore Bjønnes of the Ministry of Defence, hence the name. The offer from the employer was that pilots who signed a contract to serve an additional four years beyond their mandatory service would receive a monthly bonus. Initially the offer was limited to three contract periods. In 2005, the agreement was revised, and the number of contract periods was increased from three to four. The applicable rates are from 2006, and the first contract period is NOK 20 300 per month, the second is NOK 22 000 per month, the third is NOK 24 500 per month, and the fourth contract period is NOK 24 500 per month.

The Air Force states the employer's assessment at the Inspector General for the Air Force is to serve as the formal basis on which the monthly bonus is allocated. The assessment is done for all servicemen who may qualify for the monthly bonus, and this normally takes place two years prior to the end of their mandatory service. The employer conducts an overall assessment to determine who will receive the monthly bonus.

Factors that are assessed include, but are not limited to, the following:

- Current and anticipated availability of and need for pilots in the Armed Forces;
- Willingness and ability to be flexible in meeting the employer's needs;
- Willingness and ability to tolerate extraordinary burdens, including international operations;
- Focus on flight safety;
- The individual serviceman's demonstrated attitudes and initiative.

The complainant states that he applied for the Bjønnes bonus in 2009 and again in 2011 because the written explanation for denial of his application contained a factual error, which stated that his mandatory service ended on 17 February 1993. This was actually the date when he received his "wings". His application in 2011 was denied as well.

The Air Force states that it gives the bonus only when the employer finds it necessary to retain critical personnel. Thus, there is no application process or separate application form. When a serviceman says verbally or in writing that he or she wishes to receive the bonus, a response regarding the outcome of the assessment will be given, preferably in writing.

The Inspector General of the Air Force does not regard the denial of the Bjønnes bonus as an individual decision pursuant to the Public Administration Act, and refers to Section 2, first paragraph, *litra a* and following, as well as to legal commentary by Geir Woxholth. The complainant received a written denial in 2009, as well as a verbal explanation of the denial of his 2011 application.

Attached to the complaint is an email from the second-in-command of the 717th squadron who states that

the complainant is a pilot and a flight safety officer for the 717th squadron who also serves as a training officer. The second-in-command also states that the complainant performs his duties in an outstanding manner and is exceptionally flexible and willing to step in as needed. Although the complainant performs his job just as well as the other pilots in the squadron, he is the only pilot who has not been offered the Bjønnes bonus.

The NOF notes that the complainant satisfies the criteria used to select those who will receive the bonus, and wonders why all the other pilots in the squadron have received the bonus except for the complainant. NOF believes this may indicate differential treatment and exclusion of a single employee.

The NOF also claims that other pilots are permitted to keep their Bjønnes bonus, even when they are not particularly willing to help out in undesirable situations, no longer hold a position as pilot, or work with flight safety. In this regard, the NOF points out that the complainant took part in the restructuring which resulted in the 717th squadron moving to Gardermoen, while those who chose not to participate in the move were allowed to keep their bonuses. However, the NOF states that the complainant did not wish to apply for the position as main instructor at the Royal Norwegian Air Force Flight Training School at Bardufoss.

Regarding whether the issue of wages falls under the Public Administration Act, the NOF notes that wages in the central government are subject to the Basic Collective Agreement, and are thus subject to negotiations in which the social partners may choose to resolve disputes through arbitration when an agreement cannot be reached.

The Air Force has emphasised that the "*Special Wage Agreement for Pilots*" is not a pay increase, but a personal "recruitment and retention" bonus. As of March 2014, there were 284 employed pilots in the Armed Forces who had completed their mandatory service and were thus eligible for the bonus. Of these, 246 were offered the bonus. This comprises 87 percent of the relevant candidates. In addition, the Inspector General of the Air Force confirms that the 717th squadron has only seven employed pilots, of which six have received the bonus, which again comprises 86 percent. However, this corresponds with the general distribution within the Armed Forces.

Firstly, the Ombudsman wishes to point out that nobody has a right to the Bjønnes bonus. The purpose of the bonus is to recruit and retain pilots in the Air Force, and there may be good reasons that such an instrument exists.

The Ombudsman will further assess whether allocation of the Bjønnes bonus constitutes an individual decision. Section 2, second paragraph, items 1 and 2 of the Public Administration Act contains a special provision clarifying which decisions relating to public servants are to be regarded as an individual decision.

"Decisions relating to the appointment, discharge, suspension, dismissal or transfer of a public official shall

be considered to be individual decisions. The same applies to administrative decisions imposing a disciplinary penalty on a public official or granting him a pension.”

In his commentary on the Public Administration Act, Geir Woxholth writes that the list of items in Section 2, second paragraph of the Act must be regarded as exhaustive and that decisions other than those mentioned are therefore not individual decisions. In the annual report for 1993, the Parliamentary Ombudsman states that a pay increase, with reference to the Gender Equality Act, is not an individual decision because Section 2, second paragraph of the Act must be interpreted antithetically. Cases regarding allocation of grants from public funding related to the position held by the applicant are not regarded as individual decisions, cf. the opinion of the Legislation Department of the Ministry of Justice and Public Security, journal no. 1824/80E. On the basis of the above information, the Ombudsman has determined that the decision to allocate the Bjønnes bonus should not be regarded as an individual decision.

When a decision is defined as an individual decision, this has a number of legal ramifications, cf. Section 3 of the Public Administration Act, e.g. the individual decision must be in writing, the grounds for the decision must be given, and the decision may be appealed. When a decision is not defined as an individual decision, there are no such similar requirements.

It appears that allocation of the Bjønnes bonus is in accordance with the Act, but the Ombudsman also expects that the procedural aspects of the case are carried out according to sound public administration practice.

The bonus comprises a significant sum of money for the individual recipients, and as a whole represents a major expense for the Armed Forces. The Bjønnes bonus comes to an annual total of NOK 243 600–NOK 294 000, and according to the Ombudsman’s calculations, this amounts to about NOK 70 million annually for the Armed Forces.

The Ombudsman also wishes to point out that 246 of the 283 pilots who completed their mandatory service received an offer of the bonus in 2016. In other words, only 37 pilots did not receive such an offer. This means that 87 per cent receive the bonus and 13 per cent do not.

According to information provided by the Air Force, the criteria for selection is highly discretionary and the list is not exhaustive. There is no application process or opportunity to appeal, and grounds for the decisions are not given. In the Ombudsman’s view, there is no transparency or openness around the allocations.

In general, the Ombudsman believes that the Armed Forces has not followed sound public administration prac-

tice when allocating the Bjønnes bonus. The Ombudsman finds it incomprehensible that as many as 87 per cent of the pilots comprise *critical personnel* who are necessary to retain, as the Air Force claims. Similarly, this may seem unreasonable to the 13 per cent of pilots who do not receive the bonus. In addition, the Ombudsman is highly critical of the closed process used for allocating very large sums of money. It also appears that the entire scheme can easily give rise to unfair differential treatment. Therefore, the Ombudsman finds that the case has not been handled in a sound manner, which is a basic requirement of public administration.

In this specific case, the Ombudsman does not have sufficient grounds to assess whether the complainant has been subjected to unfair differential treatment. To pursue this matter further, the Ombudsman would need access to information regarding how all the cases of the bonus recipients were handled. The Ombudsman recommends that the NOF brings this matter directly to the Inspector General of the Air Force.

The Ombudsman for the Armed Forces finds in general that the procedures used to allocate the Bjønnes bonus are not in accordance with sound public administration practice, but does not have grounds on which to determine whether the complainant has been subjected to unfair differential treatment.

6.5. Cases concerning civilian personnel

Three written cases were registered in 2015, as compared with seven cases in 2014.

In addition, the Ombudsman responded to telephone enquiries about general civil service law, position appointments, financial compensation, etc. Some situations were clarified between the parties, resulting in solutions that did not require the Ombudsman to open and review a written case. Civilian employees must first make use of the appeal procedures available via the ordinary administrative body/employer before the case can be brought to the Ombudsman.

The Ombudsman also receives complaints for which the Armed Forces does not have decision-making authority, e.g. pension cases and tax cases, and which the Ombudsman for the Armed Forces does not have the authority to overturn.

Any cases handled in accordance with provisions for state civil servants in general are referred to the Parliamentary Ombudsman.

7. INSTRUCTIONS FOR THE PARLIAMENTARY OMBUDSMAN'S COMMITTEE FOR THE NORWEGIAN ARMED FORCES

(Storting resolution of 21 April 1952, cf. Recommendation S. No. 56 for 1952 with amendments approved in a Storting resolution of 9 April 1956 which increased the number of committee members from five to seven (Section 2 of these instructions), amendments approved in a Storting resolution of 12 June 1989, cf. Recommendation S. No. 189 (1988–1989), Storting resolution of 14 June 2000, cf. Recommendation S. No. 234 (1999–2000) and Storting resolution of 7 November 2003 in which it was decided to appoint deputies and a vice chair, cf. Recommendation S. No. 20 (2003–2004).)

Section 1

The Ombudsman's Committee shall seek to safeguard the basic rights of Armed Forces personnel and help to enhance efficiency in the Armed Forces by means of its activities.

Section 2

The Ombudsman's Committee consists of seven members who are appointed by the Storting for a four-year term. The same number of deputies are appointed at the same time. One of the members is appointed to serve as the chair and is designated as the Ombudsman for the Armed Forces. Another member is appointed to serve as the vice chair. The Ombudsman is responsible for the day-to-day activities of the office. If the Ombudsman is not able to attend a meeting of the committee, the meeting will be led by the vice chair. If the Ombudsman is temporarily prevented from carrying out his or her duties due to illness or another reason, the Storting may appoint a deputy to perform the service for as long as the Ombudsman is absent. The deputy also leads the committee meetings. For an absence up to three months, the Ombudsman may authorise a civil servant at the Ombudsman's office to take over the daily management of the office.

The Ombudsman receives an annual salary. The salary is set by the Presidium of the Storting. The other members receive compensation according to the pay scale for committees.

Section 3

The tasks of the committee are as follows:

- a) to address issues raised by elected spokespersons or personnel regarding utilisation of service time and the conditions under which personnel serve, such as the personnel's economic and social rights, issues regarding training and welfare, cantina operations, pensions, equipment, clothing, diet and housing.
- b) to handle enquiries from civil servants in the Armed Forces when other provisions do not

require the matter to be dealt through official channels.

Section 4

The elected spokespersons and personnel in the Armed Forces may direct enquiries to the Ombudsman outside of the official channels given the limitations stated in Section 3, *litra b*, above.

Section 5

The cases that are to be reviewed are prepared and submitted in general by the Ombudsman. The members may individually or as a group submit cases or request that cases be brought forward for review. The Storting, the Storting's Standing Committee on Defence, the Minister of Defence or the Chief of Defence may submit cases to the Ombudsman for an opinion. Enquiries directed to the Ombudsman in cases stated under Section 3, *litras a and b*, may be submitted to the Ombudsman's Committee only when they are of a general nature or are of common interest. The Ombudsman seeks to resolve cases by making direct contact with the authorities that he/she believes are most relevant to address them.

In connection with cases submitted to him/her, the Ombudsman has the right to seek out information from all parts of the Armed Forces provided that security concerns do not prohibit this.

Section 6

The Ombudsman's Committee shall send a report of its activities to the Storting at the end of each year. A copy of the report must be sent to the Ministry of Defence. The Committee may also send a report on individual cases to the Storting throughout the year, when it so desires. To the extent that the Committee finds it necessary, it may submit the results of an inspection or course of study to the Minister of Defence in the form of a report.

Section 7

The Committee shall hold its meetings as often as is deemed necessary.

Section 8

Documents from the Ombudsman's Committee shall be prepared by the Chair of the Committee on the Ombudsman's letterhead. Case documents from the Ombudsman's Committee/the Ombudsman are part of the public record. However, the Ombudsman shall take the final decision regarding whether a document should be exempted from public disclosure pursuant to the Freedom of Information Act or on the basis of special considerations related to the Committee's or the Ombudsman's activities.

Documents concerning the budget or internal administration of the Ombudsman's Committee/the Office of the Ombudsman may be exempted from public disclosure. Minutes of the committee meetings and documents exchanged between the administration and an employee

are not part of the public record. Cases regarding public disclosure of documents from the Ombudsman's Committee shall be reviewed and decided by the Ombudsman.

"The Ombudsman's case documents" is understood to mean correspondence between the Ombudsman and an individual or between the Ombudsman and the public administration. Documents produced during the public administration's review of the case are not regarded as public documents under the Ombudsman.

The Ombudsman has the same duty of secrecy as the public administration. Members of the Ombudsman's Committee and the Ombudsman's staff also have the same duty of secrecy.

Duty of secrecy also applies after a person has left the service.

The Ombudsman shall keep records in accordance with provisions of the Archive Act.

