European Organisation of Military Associations
Factsheet: EUROMIL

- Founded: 1972
- 34 associations from 23 countries (several of them are linked to ETUC)
- Representing: Approx. 500,000 soldiers and their families
- Representation / Accreditation: EP, EC, OSCE, ODIHR, DCAF, EMI, FoE, NATO PA, Kangaroo Group, ..., NGO with participatory status at the Council of Europe, Special consultative status at ECOSOC (UN)
Mission

Promoting human rights, fundamental freedoms and professional interests of military personnel in Europe
Challenge!

Military discipline
Loyalty to the armed forces
Outside influence
Respect for hierarchy

Represent members’ interests
Promote their welfare
Consult and negotiate on their behalf
everyone has the right to freedom of peaceful assembly and to freedom of association with others, including the right to form and join trade unions for the protection of his interests” (European Convention on Human Rights, Art. 11)

- “with a view to ensuring or promoting the freedom of workers and employers to form local, national or international organisations for the protection of their economic and social interests and to join those organisations, the Parties undertake that national law shall not be such as to impair, nor shall it be so applied as to impair, this freedom” (European Social Charter, Art. 5)

- “everyone has the right to freedom of peaceful assembly and to freedom of association at all levels, in particular in political, trade union and civic matters, which implies the right of everyone to form and to join trade unions for the protection of his or her interests” (Charter of Fundamental Rights of the European Union, Art. 12)
Restrictions on fundamental rights but…

- “No restrictions shall be placed on the exercise of these rights other than such as prescribed by law and are necessary in a democratic society in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others. This article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces, of the police or of the administration of the State.” (European Convention on Human Rights, Art. 11)
- Art 20 and 23 Universal Declaration of Human Rights
- Art 8 International Convenant Economic, Social and Cultural Rights (lawful restrictions Afs)
- Art 22 International Convenant on Civil and Political Rights (lawful restrictions Afs)
- Conventions of ILO: 87 (1948), 98 (1949), 151 (1978) and recommendation 159 (1978)
Fundamental Rights for Military Personnel in the European Union

- Resolution of the European Parliament 1984 demanding the recognition of the right of association of members of the armed forces.

  “50. Urges once more the Member States and the countries interested in joining the EU to introduce rules for the recognition of the right of association within the armed forces for both conscripts and regular service personnel;”

- “Resolution on the Situation of Fundamental Rights in the EU 2004-2008”
  “89. Points out that fundamental rights do not stop at barrack gates and that they also fully apply to citizens in uniform, and recommends that the Member States ensure that fundamental rights are also observed in the armed forces.”

EUROMIL lobbied the EP and was successful introducing social and human rights amendments.

“12. Calls on the Member States to particularly recognise the right of military personnel to form and join professional associations or trade unions and involve them in a regular social dialogue with the authorities; invites the European Council to take concrete steps towards the harmonisation and standardisation of the European armed forces, in order to facilitate the cooperation of armed forces personnel under the umbrella of a new European Defence Union;”
Fundamental Rights for Military Personnel in the scope of the Council of Europe

Parliamentary Assembly of the Council of Europe (April, 2006):

“Members of the armed forces cannot be expected to respect humanitarian law and human rights in their operations unless respect for human rights is guaranteed within the army ranks”.
Fundamental Rights for Military Personnel in the scope of the Council of Europe

- Resolution 903 (1988)
- Parliamentary Assembly Recommendation 1572(2002) of the Council of Europe
- PACE Recommendation 1742(2006)
- Recommendation CM/Rec (2010)4 of the Committee of Ministers to member states on human rights of members of the armed forces (Adopted by the Committee of Ministers on 24 February 2010 at the 1077th meeting of the Ministers’ Deputies) ➔ EUROMIL monitors the follow-up
Each participating State will ensure that military, paramilitary and security forces personnel will be able to enjoy and exercise their human rights and fundamental freedoms…

(OSCE CoC on Pol-Mil Aspects of Security, para 32)

http://www.osce.org/fsc/41355
**Cases!**

- European Court of Human Rights
  - ADEFDROMIL vs France
  - Matelly vs France
  - Judgments Oct 2014

- European Committee of Social Rights
  - EUROMIL vs Ireland (for PDFORRA)
  - Feb 2018
Military Personnel in Europe...

...has trade union rights in the countries marked in green.
...has the right of association in the countries marked in yellow.
...has neither in the countries marked in red.

WITHOUT unions and associations...

...the representation of professional and social interests of employees is impossible!

EUROMIL promotes the concept of "citizens in uniform"...

...as such, a soldier is entitled to the same rights and obligations as any other citizen, including the right of association.
SUMMARY

➢ The right of association in trade unions or professional associations without a well-defined framework for a social dialogue with mutual respect for all partners, is an empty box which will create frustrations and be contra productive!

➢ The right of association for military personnel does not undermine military authority or disrupt the chain of command

➢ No loss of military efficiency or discipline in countries which have granted full association rights for their soldiers
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