

HDIM.NGO/326/06
10 October 2006



European Organisation
of Military Associations
33, av. Général de Gaulle
B-1050 Bruxelles
Tel.: 0032.2.626.06.80
Fax: 0032.2.626.06.99
Email: euromil@euromil.org

***EUROMIL intervention and recommendation to the 2006 OSCE Human Dimension
Implementation Meeting***

WORKING SESSION 12:

Freedom of assembly and association (Tuesday, 10 October 2006)

Freedom of association is guaranteed by Article 11 the European Convention on Human Rights and Fundamental Freedoms of association of this Convention. Furthermore the right to organize is a right foreseen in article 5 of the Revised European Social Charter. It is a right of every citizen to join and to form an association or trade union for the protection of his or her professional interests. In spite of these articles military personnel of several European countries does until now not enjoy the freedom of association and/or the right of consultation.

In some of the European countries the right of association is being denied to active military personnel. Among them are several democratic nations, for example: France, United Kingdom, Italy and Spain. In other countries such as Bulgaria and Portugal the right of association was granted in the past years. Nevertheless, the position of the military associations in these countries, and especially Portugal, is still weak because political and military authorities are not willing to put these rights into practice. Although things are improving in Bulgaria while in Portugal the situation is getting worse every day. Governments and other organizations of nations or above nations, will only have moral grounds to expect their soldiers to sacrifice their lives or demand maximum performance in the missions to be carried out anywhere in the world. The Trade Union of Military Servicemen made every effort for this in the past and will work for this in the future.

Moving to the national level, here we can find a constitution, different laws, decrees, orders and regulations, which also cover the human rights issues. They allow for determining whether the treaties are in fact implemented by the governments that have signed them. It often occurs that they are not. For instance, in Greece there is an on-going discussion about the right of association given by Constitution to all citizens. As a result, Greek active duty military personnel established an association last year, but the commissioner in court is not convinced whether this is in accordance with the law, so there is a claim in court to decide if it is according to the Constitution or not. Similar situation occurs in many other countries as well.

EUROMIL's overall mission is to represent human rights, fundamental freedoms and professional interests of military personnel, mainly of active military personnel, but that is not limited. EUROMIL also represents the retired personnel and relatives of military personnel.

Without some sort of a protective shield, a military society becomes defenseless. In a democratic state, a body representing the interests of professional soldiers should be supported by majority, and have their social legitimation. Soldiers are human beings and should be treated as such.

EUROMIL expects that all European governments respect this and allow their soldiers to set up at least representative organizations that can safeguard the social interests of soldiers.

All European Trade Unions and associations raise an international attention to the new project named the OSCE Code of Conduct. From EUROMIL's point of view crucial value of the Code of Conduct is its contributions to the existing standards in military structures in OSCE participating States.

The representative bodies of professional soldiers in Poland have strong legal basis and they have conditions and capabilities to present opinions and work out solutions on human relations, service conditions, and social welfare of military personnel.

Representing the personal and military service affairs of professional soldiers to the senior officers is perceived as a factor influencing its authority, and thus adding to the integration of the entire military society. It should be emphasized here that representative bodies functioning within the military units are dealt with respect, and their opinions on soldiers' affairs are crucial. Commissioners, being natural allies of commanders, need constant support on the part of these representative bodies.

The Council introduces a new quality in all matters related to professional soldiers. This may be noticed by both, the commanders and professional soldiers. The Council's way of functioning meets soldiers' expectations and is consistent; yet it remains in accordance with a principle of one-man command as well as with current civilization standards. The Council may be a consultative body to the Minister of Defense, and its urging for the amendment to the Act of September 11, 2003 on Military Service of Professional Soldiers may be a good illustration of it. The Council is the only representative body of Polish professional soldiers. Within Polish Armed Forces activity of Military Trade Union is forbidden by law.

This year Polish Konvent of Professional Soldiers had workshop, that takes place in June in Warsaw with some representatives from EUROMIL's organization. The delivered speeches presented various ways of functioning of representative bodies operating in the interest of professional soldiers as well as discussed experience of our partners from the Netherlands, Sweden, Germany, Belgium, Hungary, Portugal, Czech Republic and Ukraine. The EUROMIL's Members of the Board with the President's representative Emmanuel Jacob and Secretary General Andreas Prüfert also took part in our workshop.

The form of international workshops allowed for acquainting the Polish Ministry of defense, commissioners, senior officers and military personnel of the Polish Armed Forces with international conditions in the matter of establishing and protecting human rights of professional soldiers in contemporary Europe. It also enabled to confront the Polish model with solutions functioning in other allied and partnering European countries. The workshop allowed for expressing certain emotions related to establishing a new model of representation of professional soldiers in the Polish Armed Forces.

Recommendation:

EUROMIL appeals to all OSCE governments to accept EUROMIL as professional NGO and relevant social partner for all professional and social issues of active military personnel and to start discussions about this issue with EUROMIL.

Anatol Tichoniuk
Chairman of the Council of Senior Officers
of the Corps of Professional Soldiers
EUROMIL Presidium Member
Warsaw