



European Organisation of
Military Associations and
Trade Unions

Brussels, Belgium
<http://euromil.org/>

Meeting of the Joint Committee on Foreign Affairs and Defence

Dublin, Tuesday 20 February 2024 at 3.15pm

Statement from Emmanuel JACOB, President of the European Organisation of Military Associations and Trade Unions (EUROMIL)

1. The European Organisation of Military Associations and Trade Unions (EUROMIL) is an umbrella organisation composed of 38 military associations and trade unions from 23 European countries. It is the main Europe-wide forum for cooperation among professional military associations on issues of common concern. EUROMIL strives to secure and advance the human rights, fundamental freedoms, and socio-professional interests of military personnel of all ranks in Europe and promotes the concept of "Citizen in Uniform". As such, a soldier is entitled to the same rights and obligations as any other citizen. EUROMIL particularly calls for the recognition of the right of servicemen and -women to form and join trade unions and independent associations and for their inclusion in a regular social dialogue by the authorities.
2. The concept of "Citizen in Uniform" is an important element for modern armed forces. In European armed forces, this principle refers to a concept rooted in democratic values and civic duty. It emphasizes the idea that military service is not only a professional occupation but also a civic responsibility and a reflection of broader societal values. Key aspects of this principle include: universal citizenship, civic education and values, integration of military and civilian life and democratic control over the military.
3. Furthermore, the concept of "inner leadership" aligns closely with the "citizen in uniform" principle. Inner leadership involves the development of personal qualities, values, and skills that contribute to effective and ethical leadership. When combined with the "citizen in uniform" principle, it enhances the overall capability and character of military personnel. Inner leadership fosters a sense of responsibility and accountability, encouraging individuals to take ownership of their actions. Applied to the citizen in uniform, this means that military personnel are not just following orders blindly but are actively engaged citizens who understand the impact of their decisions on the broader society.
4. Overall, the integration of inner leadership with the citizen in uniform principle helps shape military personnel into well-rounded individuals who not only serve their countries in a military capacity but also contribute positively to the broader social fabric as responsible and ethical citizens.



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5. Examples of the "citizen in uniform" principle and the integration of inner leadership in European armed forces can be observed in various countries, each with its unique approach. Herein, examples from a few European nations are illustrated.
6. The German Armed Forces (Bundeswehr)¹ emphasize leadership training throughout a soldier's career. Training academies focus not only on technical and tactical skills but also on ethical decision-making, communication, and adaptability. This reflects the integration of inner leadership principles within the military framework. For employees in business and the public sector as well as civil servants, democratic participation rights in personal, social and organizational matters, from consultation to participation to co-determination, are now a given. The soldiers must also have a full share in these democratic rights as part of the internal leadership. Individually or through their membership in the German Bundeswehr Association, German soldiers can participate fully in the political society by expressing themselves as any other citizen.
7. Similar freedom of expression and participation in normal community life, including political matters, are legal rights in the Scandinavian countries as well as in the Benelux countries. Individually or through their membership in military unions affiliated with trade union federations, the military has a great deal of freedom to express themselves. A restriction that is acceptable for military personnel is the restriction to express themselves on behalf of the armed forces as such or in operational situations that would endanger national and international security.
8. In Greece, for example, trade union work in the armed forces has been legally established since 2016, including freedom of expression. Contrary to what was often the case in the past, conflicts between defense employees and the government are now resolved in a democratic manner. With mutual acceptance and respect of rules, lengthy, time-consuming and costly lawsuits that plagued the military and overwhelmed the legal system are now being minimized.
9. Recommendation 2010(4) of the Council of Europe's Committee of Ministers on human rights of the members of the armed forces mentions:

I. Members of the armed forces have the right to freedom of expression. Any restrictions on the exercise of this freedom shall comply with the requirements of Article 10, paragraph 2, of the European Convention on Human Rights.

47. The right to freedom of expression includes freedom to hold opinions and to receive and impart information and ideas. The exercise of these freedoms by everyone, including members of the armed forces, carries with

¹ Sources: The Library of Congress Country Studies; CIA World Factbook
https://photius.com/countries/germany/national_security/germany_national_security_citizens_in_uniform.html



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it duties and responsibilities. *It may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and necessary in a democratic society in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority or impartiality of the judiciary. Such measures should be proportionate, should not be arbitrary and should be reasonably foreseeable.*

48. Any restrictions on freedom of expression which are imposed where there is a *real threat to military discipline, given that the proper functioning of the armed forces is not possible without legal rules designed to prevent members of the armed forces from undermining it*, should respect the above-mentioned requirements. These restrictions may concern, for example, how military duties are performed or whether the *political impartiality of the armed forces* is affected.

10. EUROMIL is of the opinion that the question of whether military trade unions guarantee military personnel the same right as any other employees - namely, the right to form and join trade unions to protect their interests, negotiate for better working conditions, and ensure fair treatment - and the opinion that such right might undermine discipline or hierarchy, as well as harm the political impartiality of the armed forces, is irrelevant. Different countries have varying perspectives on this matter, and opinions may differ among military personnel, policymakers, and academics. However, one cannot cite a single study or concrete fact in which, in recent decades, the functioning of an armed force or military operational mission has been disrupted by the right of the soldiers involved to abuse their trade union rights, including freedom of expression, individually or through their organization.
11. EUROMIL has stood behind its Irish colleagues since the first steps in the implementation of association law. Despite some limitations, Irish progress over the decades has been used as a positive example of how to gradually establish a system based on consultation and national traditions and culture. The decision on the merits of the European Committee of Social Rights regarding collective complaint No. 112/2014 EUROMIL v. Ireland, published in February 2018 and adopted by the Committee of Ministers on 10 April 2018, was clear regarding the violation of Art 5 and 6§2 of the European Social Charter.
12. However, EUROMIL fears that the positive progress and implementation of various rights, through proposed restrictions, in particular in the Heads 25 and 26 of the Defence (Amendment) bill 2023, will hinder the social dialogue and relationship in a framework of mutual respect. This would not only be detrimental to the military personnel themselves but also to the Irish armed forces as a whole.



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13. In modern European armed forces, the principles of freedom of speech, the right of consultation, and freedom of expression are considered essential pillars, fostering a culture of open dialogue, collaboration, and individual expression to enhance effectiveness, adaptability, and democratic values within the military framework.