



**EUROMIL aisbl**

*(European Organisation of  
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## **EUROMIL Contribution to the UPR** **29<sup>th</sup> Session, Montenegro**

*The European Organisation of Military Associations (EUROMIL), which was established in 1972, is an umbrella organisation composed of 34 military associations and trade unions from 22 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 and promotes the concept of "Citizen in Uniform". As such, a soldier is entitled to the same rights and obligations as any other citizen.*

**While reviewing the fulfillment of Montenegro of its human rights obligations and commitments, EUROMIL would like to draw the attention of the UPR Working Group on the following issues affecting personnel of the Montenegrin armed forces:**

- **International Covenant on Economic, Social and Cultural Rights**

In Montenegro, some employees of the public services do not enjoy their fundamental rights and freedoms. Indeed, members of the Montenegrin armed forces are impeded from fully exercising their economic and social rights.

**A. Art. 11 on housing**

Two categories of personnel of the Montenegrin armed forces are particularly discriminated against, namely the civilian personnel and the military personnel working under temporary contract. For both categories, the Law on the Army of Montenegro, which foresees the right to reimbursement of housing for those who have no housing solution, is not applicable.<sup>i</sup> The law of Ministry of Defence stipulates that this right is not granted to civilians serving in the military and soldiers under contract.<sup>ii</sup>

**B. Art. 7 on working conditions**

**B.1. Health and safety at work**

Although the civilian personnel of the Montenegrin armed forces must wear military uniforms and bear weapons while being in service, they do not benefit from the same rights and financial compensations as the military personnel. This is particularly true in situations where civilian personnel should work in difficult



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conditions in terms of health and safety hazard and have no adequate protection and benefits.<sup>iii</sup> This, in fact, generally applies to all employees in the armed forces.

## B.2. Reintegration into civilian life

Another issue affecting contractual soldiers is their inadequate protection when they terminate military service, and, especially their financial protection. At the end of their contract, States should ensure that their employees are able to compete and be integrated in the civilian labour market. This issue is however not regulated in Montenegro, where soldiers and their families end up in very difficult and precarious material and social situation. The only measure in place is a severance pay foreseen for contractual soldiers who have served for more than 15 years in the military.

## B.3. Contractual issue

Contractual soldiers are faced with an obvious problem in the armed forces of Montenegro, which consist in signing a one-year service contract while clear legal provisions stipulate that contracts may be concluded for a period of three years.<sup>iv</sup>

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<sup>i</sup> Law on the Army of Montenegro, Official Journal of Montenegro No. 88/09, 75/10, 40/11, 32/14 - The right to compensation for expenses related to the service in the Army, Article 101: A person serving in the Army is entitled to the reimbursement of costs related to the service, point 3. right to part of the rental cost of the apartment.

Article 5, paragraph 6 regulates that persons in service in the military are professional military personnel and civilian personnel serving in the Army. Article 6 stipulates that professional military personnel are: 1) soldiers under contract 2) non-commissioned officers and non-commissioned officers under contract 3) officers and officers under contract.

This clearly indicates that this right also belongs to soldiers under contract and civilians, and not only to officers and non-commissioned officers, as regulated by the Rulebook on Compensation of Costs of Person in Service in the Army in Article 2.

<sup>ii</sup> Rulebook on Compensation of Costs of Person in Service in the Army, Official Journal of Montenegro No. 007/17, Article 2 stipulates that ^personnel expenses incurred by the Army in connection with the service in terms of this Rulebook are:

1. Fees for traveling abroad and in the country
2. Separate family life
3. Reimbursement of part of the transport cost
4. Expenses for moving abroad and in the country
5. Field work fee

In addition to the expenses referred to in paragraph 1 of this Article, expenses incurred relating to the service in the Army shall also be considered as compensation for a portion of the cost of



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renting an apartment for an officer or non-commissioned officer. (See Article 101 of the Law on the Army, point 3, and Article 5).

<sup>iii</sup> Law on the Army of Montenegro, Article 27, paragraph 2.8, stipulates that the Ministry of Defence deals with occupational safety and health in the Army. The main problem is that the Minister of Defence has not passed the act and regulated this area.

<sup>iv</sup> Law on the Army of Montenegro, Official Journal No. 88/09, 75/10, 40 / 11,32 / 14, Contract on the service in the Army, Article 35 foresees that a person who meets the requirements of Article 33, paragraph 1 of this Law may be admitted to the service in the Army for a fixed time and duty as a soldier under contract, non-commissioned officer under contract or officer under contract, based on a contract of service in the Army.

The contract referred to in paragraph 1 of this Article with a person who is received in the service of the Army for the first time shall be concluded for a period of one year, and the next contract shall be concluded for a period of three years, if the requirements of the Army are required.

Exception to paragraph 2 of this Article is that a contract may also be concluded for a period shorter than three years if the person completes the number of years of life provided in Article 171, paragraph 1 of this Law (Professional Military Service in the Army shall last: 1. Non-commissioned officer, non-commissioned officer under contract, officer and officer under contract - until the age of 35 years of insurance coverage, in the effective duration and 55 years of age; 2. A soldier under a contract until the age of 45 years.)