



EUROMIL Contribution to the UPR
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The European Organisation of Military Associations (EUROMIL), which was established in 1972, is an umbrella organisation composed of 33 military associations and trade unions from 20 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 fulfilment 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:

1. Working conditions

The issues presented below relate to the **UDHR Art. 23** and the **ICESCR Art. 7**, which provide for just and favourable working conditions.

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.1. Reintegration into civilian life

An issue affecting contractual soldiers is their inadequate social and financial protection when they terminate military service. At the end of their contract, States should ensure that their employees are able to compete and be integrated into the civilian labour market. However, this issue is not regulated in Montenegro, where former contract soldiers and their families end up in very difficult and precarious material and social situations.

The only protective measure in place is a statutory severance pay foreseen for contract soldiers in the amount of 12 gross salaries for those who have served for no less than 10 years, and of 15 gross salaries for those who have served for no less than 20 years.



A.2. Health and safety at work

Although the Law on the Army of Montenegroⁱ provides that the Ministry of Defense will take care of issues relating to health and safety at work, the Ministry of Defense has not adopted a Rulebook regulating this area. Without such provisions, examination of the working environment at workplaces and assessment of vulnerability and risk at the workplace have not been carried out, meaning that no preventive measures have been defined. Therefore, employees in the armed forces work with no ascertained adequate protection in the workplace, especially in terms of fire protection, environmental protection and occupational health and safety.

A.3. Discrimination

A recent issue among members of the Army relates to an alleged abuse of Article 104 of the Law on the Army of Montenegroⁱⁱ, relating to temporary assignments of personnel in different units. Article 104 was abused in 2020 when a large number of members of the Army were temporarily sent to other units, i.e. garrisons, in which they suffered a lack of work engagement and work conditions.

EUROMIL believes that the reason for such behaviour is discrimination based on trade union, religious and national affiliation, for which proceedings have been initiated before the competent judicial state authorities.

2. The right to adequate housing

The right to adequate housing is a human right recognized as part of the right to an adequate standard of living, provided in the **UDHR Art. 25** and **ICESCR Art. 11**.

However, the law of the Ministry of Defence regulates the monthly compensation of part of the costs of renting an apartment only to officers and non-commissioned officers, and excludes contract officers, contract non-commissioned officers and contract soldiers, who are not entitled to this compensation. The Law on the Army of Montenegroⁱⁱⁱ lists those categories under the definition of 'professional military personnel', thus meaning that the Rulebook on compensation discriminates against them.

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ⁱ *Law on the Army of Montenegro, Official Journal of Montenegro No. 51/2017, 34/2019, Article 31* point 2 (provision of material resources and necessary reserves) and point 6 (fire protection, environmental protection and occupational health and safety), 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.

ⁱⁱ *Law on the Army of Montenegro, Official Journal of Montenegro No. 51/2017, 34/2019, Article 104*, provides that the Minister, at the proposal of the Chief of the General Staff, due to the needs of the service, may temporarily assign a person serving in the Army to work in another organizational unit of the General Staff, command or unit of the Army and the Ministry for a period of up to 6 months. Against the act referred to in paragraph 1 of this Article, an appeal may be filed with the Appeals Commission, in accordance with the law regulating the rights and obligations of civil servants and state employees. Moreover, the appeal referred to in paragraph 2 of this article does not delay the execution.

ⁱⁱⁱ *Law on the Army of Montenegro, Official Journal of Montenegro No. 51/2017, 34/2019, Article 7* 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 the right to the monthly compensation of part of the costs of renting an apartment also belongs to soldiers under contract and civilians, and not only to officers and non-commissioned officers, as currently regulated by the *Rulebook on Compensation of Costs of Person in Service in the Army, Official Journal of Montenegro No.16/16, Article 30*.