



European
Social
Charter

Charte
Sociale
Européenne



COUNCIL
OF EUROPE

CONSEIL
DE L'EUROPE

23/08/2012

RAP/RCha/MNT/I(2012)Add

EUROPEAN SOCIAL CHARTER

REPLIES TO SUPPLEMENTARY QUESTIONS

1st National Report on the implementation of
the European Social Charter

submitted by

**THE GOVERNMENT OF
MONTENEGRO**

(Article 1§2
for the period 01/05/2010 – 31/12/2010)

Report registered by the Secretariat on 7 August 2012

CYCLE 2012



Montenegro
Ministry of Labour and
Social Welfare

Ref. No:11-410/2012-2
Podgorica, August 7, 2012

SECRETARIAT GENERAL
DIRECTORATE GENERAL
HUMAN RIGHTS AND RULE OF LAW

DIRECTORATE OF HUMAN RIGHTS

*HEAD OF THE DEPARTMENT OF THE
EUROPEAN SOCIAL CHARTER AND THE
EUROPEAN CODE OF SOCIAL SECURITY,
EXECUTIVE SECRETARY
OF THE EUROPEAN COMMITTEE OF SOCIAL RIGHTS
Mr. Regis Brillat*

Dear Sir,

Reference letter noted as ESC 170/HK/CT from 14 June 2012

Questions addressed to Montenegro

Article 1&2 (prohibition of discrimination in employment /forced labour/right to earn one's living in an occupation freely entered upon):

-What is the length of, if any, compulsory minimum period of service required of those serving in the professional armed forces?

-Are there circumstances, such as specialised training of specific operational requirements, which entail a different compulsory minimum term of service in

the professional armed forces and under what conditions may the persons concerned leave the service before the expiry of this term?

Answer:

When it is professional armed forces about Law on the Armed Forces of Montenegro ("**Official Gazette of Montenegro**", No. 88/09 as of 31.12.2009) in Article 6 defines that professional military personnel shall be:

- 1) contract soldiers;
- 2) non-commissioned officers (NCOs) and contract non-commissioned officers;
- 3) officers and contract officers.

There is no minimum period of service which is required for serving in the professional armed forces.

In addition, professional military person can also leave a service whenever he/she wants and in that sense there is no limitation at all, except in the case of reimbursing the costs of education. Connecting to that, Articles 78 and 81 of the Law on the Armed Forces of Montenegro prescribe as following:

„Scholarships

Article 78

The Ministry may, by public notice, make Agreement on Scholarships Funding in accordance with the law.

Scholar under paragraph 1 of this Article, that has not completed education, by his/her fault or does not enter the Armed Forces service, by his/her fault, shall be obliged to reimburse to the Ministry the costs of education, in accordance with the Scholarship Agreement, upon the completion of education.

Obligations following graduation

Article 81

Cadet, i.e. scholar who has completed education shall be obliged to spend in the Armed Forces service twice as long as the duration of education or scholarship.

A professional member of the Armed Forces who has been sent to education or training shall be obliged to serve in the Armed Forces twice as long as the duration of education or training, unless the Agreement provides otherwise.



graduated Air Force School shall be obliged to spend in the military service two years longer than a person referred to in paragraph 1 of this Article, unless the Agreement provides otherwise.

Yours sincerely,

for Acting DEPUTY MINISTER
PhD. Vesna Simovic



SECRETARIAT GENERAL

**DIRECTORATE GENERAL
HUMAN RIGHTS AND RULE OF LAW**

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ESC 170
HK/CT



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CONSEIL DE L'EUROPE

Ms Vjera Soc
Senior Adviser for International
Cooperation
Ministry of Labour and Social Welfare
Rimski trg 46/81000 Podgorica
Montenegro

Strasbourg, 14 June 2012

Dear Ms Soc,

The European Committee of Social Rights is currently examining the States' reports on the European Social Charter with respect to the thematic group on "employment, training and equal opportunities" and has instructed me to forward to you the enclosed questions.

The Committee would be grateful if you could reply to these questions before 27 July 2012 in order to allow the information to be taken into account in Conclusions 2012.

Yours sincerely,

Régis Brillat



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EUROPEAN COMMITTEE OF SOCIAL RIGHTS

COMITE EUROPEEN DES DROITS SOCIAUX

14 June 2012

Questions addressed to Montenegro

Article 1§2 (prohibition of discrimination in employment/ forced labour/ right to earn one's living in an occupation freely entered upon):

- *What is the length of, if any, compulsory minimum period of service required of those serving in the professional armed forces?*
- *Are there circumstances, such as specialised training or specific operational requirements, which entail a different compulsory minimum term of service in the professional armed forces and under what conditions may the persons concerned leave the service before the expiry of this term?*