



Convention on the Rights of the Child

Committee on the Rights of the Child

Fifty-fifth session

13 September–1 October 2010

Written replies by the Government of Montenegro to the list of issues (CRC/C/OPAC/MNE/Q/1) related to the consideration of the initial report of Montenegro under article 8, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (CRC/C/OPAC/MNE/1)*

(17 August 2010)

Reply to the issues raised in paragraph 1 of the list of issues (CRC/C/OPAC/MNE/Q/1)

1. The concept of general (total) military service, as stated in the Initial Report on implementation of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict for the period 2006–2008 (paras. 30–35), has not existed in Montenegro since 30 August 2006 (Decision of the President of the Republic of Montenegro on halting to all affairs in connection with performing recruitment obligation and obligation of serving military service), that is since 15 August 2007 (Article 7 of the Law on Defence and Article 162 of the Law on the Army of Montenegro). Namely, the mentioned regulations do not entail obligatory serving of military service, i.e. service in army reserve of the Army of Montenegro, but prescribe that all the Montenegrin nationals are subject to military obligation only during war or emergency state, excluding the nationals – citizens younger than 18 years of age.

2. The legislation of Montenegro does not apply to the public administration authorities or military authorities of foreign states, or to the recruitment or use of people in general (including children) in hostilities or armed groups.

Reply to the issues raised in paragraph 2 of the list of issues

3. In accordance with the Law on the Involvement of the Army of Montenegro Units in the International Forces and on the Participation of Civil Defence, Police Forces and Employers from Public Administration Authorities in Peacekeeping Missions (*Official Gazette of Montenegro*, No. 61/08), all persons (the members of the Army of Montenegro, civil defence and police forces, as well as the employees from the public administration authorities), involved in peacekeeping missions and other activities abroad must be prepared, trained and equipped.

4. In accordance with the Preparedness and Equipment Plans and Training Programme, the members of the Army of Montenegro, civil defence, police forces and employees from the public administration authorities are trained to perform duties in the international forces, peacekeeping missions and other activities abroad.

5. However, none of these persons can be younger than 18 years of age, nor can they be sent to the international forces, peacekeeping missions or other activities abroad, unless they sign up on a voluntary basis.

Reply to the issues raised in paragraph 3 of the list of issues

6. The criminal legislation of Montenegro shall be applicable to anyone who commits a criminal offence in its territory.

7. The criminal legislation of Montenegro shall also be applicable to a national of Montenegro if s/he commits abroad a criminal offence, should s/he be caught in the territory of Montenegro or extradited to it. Criminal legislation shall be applied to a perpetrator who became a citizen of Montenegro after the completion of a criminal offence.

Reply to the issues raised in paragraph 4 of the list of issues

8. The Law on Foreign Trade in Weapons, Military Equipment and Dual-Use Items (*Official Gazette of Montenegro*, No. 80/08), among other things, prescribes that prior to deciding on an application for issuance of licence, the Ministry competent for foreign trade issues as well as for provision of services in relation to controlled goods shall acquire approval from the ministries in charge of foreign affairs, defence and internal affairs and, where any of these ministries do not give the approval, such licence shall not be granted (Article 17).

9. The above-mentioned law prescribes the criteria that must be respected while making decisions on granting the licence for conducting foreign trade in weapons, military equipment and dual-use items, including the criterion of “respect of human rights in the country of final destination”, and those rights include the rights of the child, that is, respect of international obligations of Montenegro,

especially sanctions imposed by the United Nations Security Council, international treaties on non-proliferation of weapons as well as other international obligations.