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**Human Rights Council**

**Fifty-fourth session**

11 September–6 October 2023

Agenda item 6

**Universal periodic review**

**Report of the Working Group on the Universal Periodic Review**[[1]](#footnote-2)\*

**Montenegro**

**Addendum**

**Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review**

1. This document contains the positions of Montenegro in relation to the recommendations of the fourth UPR cycle. The document is the result of joint work of Government institutions, representatives of the judiciary and the prosecution service.

2. During an interactive discussion, held on 8 May 2023 in Geneva, Montenegro received 247 recommendations. Within the Draft Report adopted by the Working Group, Montenegro accepted 225 recommendations (131.1–131.225), that are in the process of implementation or have already been implemented. Montenegro rejected 15 recommendations (133.1–133.15), while seven (7) recommendations were left for further consideration (132.1–132.7).

3. All terms used in this document in the masculine gender shall mean the same terms in the feminine gender.

4. With regard to the subsequently considered recommendations, the following recommendations do not enjoy the support of Montenegro: 132.1, 132.2, 132.3, 132.4, 132.5, 132.7, and the following positions/comments are communicated as regards them:

**132.1** – Montenegro will define the term International Residual Mechanism by amending the Criminal Procedure Code. In this regard, the International Residual Mechanism is the International Residual Mechanism for Criminal Tribunals, i.e. the term that serves as the general name for the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 and the International Residual Mechanism for Criminal Tribunals.

**132.2, 132.3. 132.4, 132.5** – Montenegro maintains the position defined during previous UPR cycles. With the current Law on Foreigners, the legislative framework for the protection of the rights of legal migrants has been strengthened, therefore it is not necessary to ratify the ICRMW.

**132.7** – Montenegro is fully committed to reducing greenhouse gas emissions. In the coming period, in accordance with the assumed international obligations, it will intensify activities to reduce greenhouse gas emissions.

5. Recommendation 132.6 was subsequently considered; it is supported by Montenegro and it will be implemented.

6. With regard to all other accepted recommendations, Montenegro makes the following comments.

I. International legal instruments and cooperation with human rights mechanisms and institutional framework for the protection of human rights

7. Montenegro maintains the position defined during the third UPR cycle and contained in Addendum A/HRC/38/13/Add.1.

II. Fight against discrimination

8. Montenegro continues to strengthen its legislative and strategic framework on the protection, promotion and advancement of human rights. Priority will be given to the adoption of the new Law on Protection of Equality and Prohibition of Discrimination. The adoption of the Law will require further harmonization of all national laws in the field of anti-discrimination. This will be done in the coming period. Focus will be on better implementation of anti-discrimination laws, but also of national strategies whose action plans specify key measures and define budget funds for their implementation in the field of elimination of all forms of discrimination and improvement of human and minority rights and freedoms. Emphasis will be placed on activities to combat discrimination against all minority and marginalized groups with a view to their full inclusion in all segments of society, especially in the context of their access to employment, social security, housing, health care and education.

III. Fight against torture

9. Montenegro will continue to work on eradicating torture, improving the legislative framework and strengthening the effective application of ratified international instruments. Officers will be continuously trained for the implementation of relevant laws in the field of prevention and protection against abuse and respect for human rights, as well as on ethical standards and rules of conduct. Work will also be done to improve the conditions in facilities for persons deprived of their liberty, in accordance with the adopted strategic documents. Health care for prisoners is provided within prison units and in all public health institutions for prevention and treatment.

10. In the coming period, work will also be done on addressing the challenges regarding the protection of the rights of persons deprived of their liberty with respect to the conduct of police officers and ensuring the implementation of effective investigations for allegations of torture and cruel behaviour of police officers towards these persons. The Protector, which performs NPM tasks, adopted its annual plan of visits to bodies and institutions, and its visibility and independence were improved.

IV. Judicial reform and the fight against corruption

11. In the field of judicial reform, focus will be on further improvement of the normative and strategic framework, in order to strengthen the independence, impartiality, accountability and efficiency of the judiciary in accordance with international standards, its effective application, as well as on continuous training sessions in the judiciary and the state prosecution service.

12. In order to fight corruption effectively, Montenegro will continue to upgrade the institutional and personnel capacities of the authorities, develop analyses regarding the application of the law and improve legislation in accordance with the recommendations of international organizations and international standards. It is also planned to upgrade the infrastructure of judicial authorities. Regular training of judges and state prosecutors will be continued. Revision of existing international agreements on judicial cooperation and signing of new ones will be continued.

V. Freedom of expression, freedom of the media

13. Montenegro is continually taking steps to strengthen the environment for freedom of expression and freedom of the media. During 2023, it is expected to adopt three bills in the field of media – the Law on Media, the Law on Public Service Broadcaster of Montenegro and the Law on Audiovisual Media Services, as well as the first strategic document in this field – the 2023-2027 Media Strategy with its Action Plan for the period 2023-2024. These acts will improve the framework for the protection of journalists, by: defining the concept of journalist; additionally protecting disclosure of journalistic sources and allowing for initiation of urgent court proceedings for limiting the dissemination of media content spreading hate speech; increasing the editorial, financial, institutional and political independence of the public service broadcaster and the Electronic Media Agency; strengthening professional standards, media literacy, boosting the ethics and professionalism of public broadcasters; improving the environment for fair market operations of the media and improving the framework for the work and position of media employees.

14. Montenegro strongly advocates a safe and secure environment for all media employees, and takes to that end all necessary measures to prosecute all attacks on media employees. Amendments to the Decision establishing the Commission for Monitoring Attacks on Journalists will be initiated. The proposed amendments will include appointment of a court representative, since there was no such person in the previous composition of the Commission, and the introduction of the obligation of relevant institutions to submit information on reported and prosecuted cases of attacks on journalists ex officio. It is also envisaged to establish specialized teams/designate contact persons in the Police Directorate and the State Prosecution Service who will specifically monitor and investigate cases of attacks on journalists, and organize specialized training sessions for the said contact persons and officers of the Police Directorate and the State Prosecution Service dealing with cases of attacks on journalists. It is also planned to actively monitor the penal policy of courts through regular annual reporting of the Supreme Court on final judgments in proceedings involving journalists as injured parties, and to organize numerous campaigns and round tables emphasizing the work on prosecuting all attacks on journalists. Finally, in addition to the activities normally carried out by the Commission for Monitoring Investigations of Attacks on Journalists, it is also envisaged to conduct a comprehensive analysis of cases of attacks on journalists including recommendations for improving protection mechanisms, to be carried out by the Media Union in cooperation with the Ministry of Culture and Media.

VI. Fight against trafficking in human beings

15. The activities incorporated in the recommendations are continuously implemented by the competent state authorities. Adequate normative and institutional mechanisms have been established to effectively counter trafficking in human beings. The Government systematically monitors and encourages the implementation of strategic goals in the areas of prevention and education, identification of victims of trafficking, assistance, protection and reintegration of victims, effective prosecution, regional and international cooperation, coordination and partnership. The professional capacities of representatives of the competent authorities concerning the identification and prosecution of cases of trafficking in human beings, as well as the referral of victims, have been strengthened. Preventive and educational activities are being implemented to raise awareness among children and members of the Roma and Egyptian population.

16. Activities are being implemented to intensify cooperation in the region through the signing of bilateral protocols on cooperation with the countries of the region in the field of prevention, joint identification of (potential) victims of trafficking and prosecution of perpetrators.

VII. Combating domestic violence, violence against women and children

17. In line with its international commitments, Montenegro continues to make significant efforts on eradicating gender-based violence. The Operational Team for Combating Domestic Violence and Violence against Women was formed, and the Department for Protection against Gender-Based Violence and Domestic Violence was formed to monitor the implementation of the Istanbul Convention. In accordance with the Istanbul Convention, the recommendations of the CEDAW Committee and GREVIO, the Criminal Code and the Criminal Procedure Code were amended in relation to domestic violence; their adoption is expected this year.

18. In terms of services, Montenegro currently has four shelters for victims of violence and will strive to establish shelters in the southern part of the country. Amendments to the Law on Social Welfare and Child Care will introduce crisis centres for victims of sexual violence.

19. The budget of shelters for victims of violence has been increasing every year, to make sure their funding is stable. The adoption of the National Plan for the Implementation of the Istanbul Convention is underway, which will contain a number of activities to implement the recommendations of the GREVIO Committee, but also the Convention itself. In order to improve the visibility of victims' rights to free legal aid, representatives of the judiciary participate in the promotion of victims' rights in the media, and all the details about the campaign are presented on the website, where victims and potential victims can be informed about their rights in a timely manner. The state is committed to the implementation of the "zero tolerance" principle towards violence against women and domestic violence through efficient and coordinated cooperation of all competent authorities, institutions and organizations.

VIII. Gender equality and empowerment of women and girls

20. Work will continue on empowering women and girls, educating society and strengthening institutional capacities, as key factors for achieving gender equality. Boosting cooperation between the relevant institutions will contribute to better protection of women and girls and persons of different sexual and gender identities from discrimination and all forms of violence. The 2021-2025 National Gender Equality Strategy addressed the issue of strengthening women's access to political offices by increasing the electoral quota, improving public policies through a gender mainstreaming approach, and reducing the level of stereotypes and prejudices, primarily in education, culture and the media. Consistent implementation of the Law on Gender Equality will enable more efficient and effective implementation of policies.

IX. Children's rights

21. The planned amendments to the Law on Social Welfare and Child Care will introduce integrated services that will further improve the field of protection of children from all forms of violence. By signing the United Nations Convention on the Rights of the Child and the Council of Europe Convention on Protection of Children against Sexual Exploitation and Sexual Abuse (the Lanzarote Convention), Montenegro has committed itself to fully protecting every child against sexual violence. Children without parental care and children whose development is hindered by family circumstances are provided with accommodation in the Children's Home *Mladost* in Bijela or in family-based foster care.

22. Montenegro began the process of deinstitutionalization more than 10 years ago. During this time, the number of children in institutions has been significantly reduced. In addition, the development of the Deinstitutionalization Strategy is underway, which will include children, adults and the elderly, as well as of the Strategy for the Prevention and Protection of Children from Violence. During 2023, a state shelter for children and young victims of trafficking will be established.

X. Roma and minority nations

23. Montenegro will continue to improve continuously the position of minority nations and other minority ethnic communities, especially the Roma and Egyptians, through its legal, strategic and institutional framework. Research to monitor minority representation in administrative bodies at the national and local level will continue with the aim of planning measures to achieve their proportional participation. The Law on Minority Rights and Freedoms will be amended in order to improve the procedure of selecting members of national councils, the work of the Fund for Minority Rights Exercise and its Allocation Commission.

24. Montenegro will continue to implement activities aimed at full implementation of the national 2021-2025 Strategy for Social Inclusion of Roma and Egyptians and provide adequate budgetary resources for the implementation of the policy in question and addressing systemic racism and economic inequality, which jeopardize the full enjoyment of their human rights in Montenegro. In the coming period, work will be done on the implementation of accredited education programmes and the fight against anti-Gypsyism, and the implementation of responsible budgeting measures for social inclusion of Roma, with activities that are continuously implemented in the fields of education, housing and employment, as well as social welfare and health care.

XI. Persons with disabilities

25. The implementation of priority strategic goals and measures to improve the position of persons with disabilities in all segments of life will be improved, through the 12 objectives of the 2022-2027 Strategy for the Promotion of Equality and Protection against Discrimination of Persons with Disabilities, which aim to improve the position of this vulnerable group. Institutional capacities for its implementation will be strengthened. The Government will establish the Council for the Rights of Persons with Disabilities in order to monitor the implementation of national policy in this area. The Law on Prohibition of Discrimination against Persons with Disabilities is one of the first laws that needs to be harmonized with the new Law on Protection of Equality and Prohibition of Discrimination and the Convention on the Rights of Persons with Disabilities. After that, necessary efforts will be invested to further harmonize the regulations with the said documents in order to implement it more fully. Further development of inclusive education will continue to promote, protect and ensure full and equal participation in inclusive education without discrimination, exclusion and based on equality with others. In the coming period, the Government will strive to improve support for early development, interdepartmental organization of early interventions for children aged 0–6 years.

XII. LGBTI persons

26. Montenegro will continue to advocate for the improvement and exercise of the human rights of LGBTI persons through the further provision of conditions for the implementation of the Law on Same-Sex Life Partnership. The adoption of the Law on Legal Recognition of Gender Identity Based on Self-Determination, which will enable transgender persons to change the gender designation and personal identification number in personal documents, without the obligation to perform medical interventions beforehand, will complete the legal framework of protection.

27. The 2024-2028 Third National Strategy will include measures and activities to continue improving the quality of life of LGBTI persons in Montenegro.

XIII. Refugees, displaced persons and internally displaced persons

28. Montenegro maintains the position defined during the third UPR cycle and contained in Addendum A/HRC/38/13/Add.1.

XIV. Reduction of statelessness

29. Montenegro maintains the position defined during the third UPR cycle and contained in Addendum A/HRC/38/13/Add.1.

1. \* The present document is being issued without formal editing. [↑](#footnote-ref-2)