



# Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

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## Committee against Torture

### List of issues prior to submission of the fourth periodic report of Montenegro\*

#### Specific information on the implementation of articles 1–16 of the Convention, including with regard to the Committee's previous recommendations

##### Issues identified for follow-up in the previous concluding observations

1. In its previous concluding observations,<sup>1</sup> the Committee requested the State Party to provide information on follow-up to the Committee's recommendations on conditions of detention, investigations of cases of torture and ill-treatment, and impunity for war crimes and remedy for victims (paras. 15, 19 and 23). Noting that a reply concerning the information sought by the Committee was provided on 12 May 2023,<sup>2</sup> and with reference to the letter dated 15 April 2024 from the Committee's Rapporteur for follow-up to concluding observations,<sup>3</sup> the Committee considers that the recommendations included in paragraphs 15, 19 and 23 of the previous concluding observations have been only partially implemented. These points are covered in paragraphs 14–22 of the present document.

##### Articles 1 and 4

2. Further to the Committee's recommendations in its previous concluding observations,<sup>4</sup> please provide information on measures taken by the State Party to bring the definition of torture in its national legislation into full conformity with article 1 of the Convention and ensure that all acts amounting to torture, including extortion of testimony, are not subject to any statute of limitations, and to include as perpetrators persons acting in an official capacity and not only public officials. Please indicate the steps taken to ensure that penalties applicable to acts of torture and to offences of attempted acts of torture and complicity in committing torture reflect the grave nature of these crimes, in accordance with article 4 (2) of the Convention.

\* Adopted by the Committee at its eighty-second session (7 April–2 May 2025).

<sup>1</sup> CAT/C/MNE/CO/3, para. 34.

<sup>2</sup> CAT/C/MNE/FCO/3.

<sup>3</sup> See [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCAT%2FFUL%2FMNE%2F58064&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCAT%2FFUL%2FMNE%2F58064&Lang=en).

<sup>4</sup> CAT/C/MNE/CO/3, para. 7.



## Article 2<sup>5</sup>

3. Further to the Committee's recommendations in its previous concluding observations,<sup>6</sup> please provide updated information on the measures taken by the State Party and on the procedures in place to ensure that all detained persons, including asylum-seekers, are afforded, in law and in practice, all fundamental safeguards against torture and ill-treatment from the outset of their deprivation of liberty, in particular the rights to have access to a lawyer of their choice or, if necessary, to free legal aid, to request and receive a prompt examination by an independent medical doctor free of charge, or by a medical doctor of their choice, to be informed of their rights and the charges against them, both orally and in writing, and to have their detention recorded in a register. Please also provide information on any steps planned to amend the Law on Free Legal Aid of 2011 in order to allow non-governmental organizations and independent entities to provide free legal aid to victims.

4. Further to the Committee's recommendations in its previous concluding observations,<sup>7</sup> please provide information on the measures taken by the State Party to ensure that persons deprived of liberty have timely access to legal representation. Also, please provide information on the measures taken to ensure confidential communication between lawyers and clients and timely access to evidence, as provided by the laws governing the legal profession in Montenegro.<sup>8</sup> Please further provide information on efforts made to monitor the risk of forced confessions before a detainee has had access to a lawyer. In addition, please provide information on measures taken to ensure that any person alleging that he or she has been subjected to torture or ill-treatment has the effective right to lodge a complaint to an independent body without any impediment, including the threat of prosecution, and that protection is provided to such complainants.

5. Further to the Committee's recommendations in its previous concluding observations,<sup>9</sup> please provide detailed information on measures taken and enshrined in the Criminal Procedure Code to ensure safeguards against ill-treatment from the moment of arrest, in particular during the pre-investigation of criminal proceedings and in informal police interrogations ("informative talks").

6. Please provide information on steps taken to improve the protection of lawyers in the exercise of their profession and to improve access to legal aid for all, including steps to ensure that victims of torture and other human rights violations receive legal representation.<sup>10</sup>

7. Further to the Committee's recommendations in its previous concluding observations,<sup>11</sup> please provide information on the steps taken by the State Party to strengthen the independence, autonomy and effectiveness of the Office of the Protector of Human Rights and Freedoms of Montenegro (Ombudsman). In this regard, please provide information on measures taken to amend the Law on the Protector of Human Rights and Freedoms of Montenegro in order to bring it into line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). Please also provide information on plans to create a unit dedicated exclusively to the work of the national preventive mechanism, separate from the other functions of the

<sup>5</sup> The issues raised under article 2 could also touch on issues raised under other articles of the Convention, including article 16. As stated in paragraph 3 of the Committee's general comment No. 2 (2007) on the implementation of article 2, the obligation to prevent torture in article 2 is wide-ranging. The obligations to prevent torture and other cruel, inhuman or degrading treatment or punishment under article 16 (1) are indivisible, interdependent and interrelated. The obligation to prevent ill-treatment in practice overlaps and is largely congruent with the obligation to prevent torture. In practice, the definitional threshold between ill-treatment and torture is often not clear. See also section V of the same general comment.

<sup>6</sup> CAT/C/MNE/CO/3, para. 11.

<sup>7</sup> Ibid., para. 9 (c).

<sup>8</sup> A/HRC/56/62/Add.1, paras. 87 and 88.

<sup>9</sup> CAT/C/MNE/CO/3, para. 9.

<sup>10</sup> A/HRC/56/62/Add.1, para. 89.

<sup>11</sup> CAT/C/MNE/CO/3, para. 13.

Protector's Office, especially the complaints division, and on measures taken to ensure the full independence of the mechanism in the fulfilment of its mandate.

8. In the light of the Committee's previous concluding observations,<sup>12</sup> please provide information on the measures taken to prevent and combat all forms of violence against women, including domestic, sexual and gender-based violence,<sup>13</sup> especially those cases involving actions or omissions by State authorities or other entities that engage the international responsibility of the State Party under the Convention. In this regard, please provide specific information on the steps taken by the State Party to enact the drafted legal amendment to the Criminal Code that recognizes femicide as a crime. Please provide disaggregated statistical data on reported complaints of sexual and gender-based violence, domestic violence and femicide. Please also provide the number of open investigations, prosecutions and convictions and information on the sentences imposed in each instance. Please further provide information on existing gender-based and domestic violence prevention policies and on measures taken to strengthen the shelter system. In that regard, please provide information on the number of shelters available in the country for women and girls who are victims, or could be at risk, of violence. Please also provide information on remedies for survivors of such crimes.

9. Please provide the following information on trafficking in persons for the period under review:

(a) Annual statistical data, disaggregated by age, sex, country of origin and employment sector of the victim, on victims of trafficking and complaints lodged and reports registered by the police regarding this crime, the number of complaints that have been investigated and have led to prosecutions and convictions and the punishment imposed;

(b) A brief description of the means of redress provided to all victims of trafficking, including whether medical and psychological assistance is provided, the number of shelters and their occupancy rate, social support schemes, vocational training, the procedure for obtaining compensation and the percentage of cases in which compensation has been awarded;

(c) Measures taken to proactively identify trafficking victims, in particular children forced to beg and women forced to engage in prostitution;

(d) The initiatives taken to train migration and other law enforcement personnel, prosecutors, judges and labour inspectors to investigate cases of trafficking, prosecute and punish those responsible, assist and protect victims and communicate with children who are victims;

(e) Any initiatives to strengthen regional cooperation to prevent and combat trafficking.

### Article 3

10. Please provide information on measures taken during the reporting period to ensure that no one, including persons convicted of terrorist offences, is returned to a country where he or she would be at risk of torture. Please provide information on the current asylum return and extradition procedures and, in particular, on the protection afforded to ensure that refugees, asylum-seekers and persons who are extradited or sent back do not face any risk of refoulement, in particular "chain refoulement". Please outline the measures taken to ensure that effective remedies are available during removal proceedings, in particular, review by an independent judicial body, especially at the appeal stage. Please state whether persons threatened with expulsion, return or extradition are informed of their rights to request asylum and to appeal against a deportation order. If so, please indicate whether such a remedy has an automatic suspensive effect. Please provide information on the measures taken to identify vulnerable persons seeking asylum in Montenegro, including victims of

<sup>12</sup> Ibid., para. 29.

<sup>13</sup> CEDAW/C/MNE/CO/3, paras. 25 and 26.

torture or trauma, and to ensure that their specific needs are taken into consideration and addressed in a timely manner.

11. Please provide up-to-date information on the number of asylum applications received during the reporting period, the number of successful applications and the number of asylum-seekers whose applications were accepted because they had been tortured or might be tortured if returned to their country of origin. Please include information, disaggregated by sex, age and country of origin or receiving country, on the number of persons who have been returned, extradited or expelled since the consideration of the State Party's previous periodic report. Please provide details of the grounds on which they were sent back, including the list of countries to which they were returned. Please also provide updated information on the type of appeal mechanisms that may exist and on any appeals that have been made and their outcome. Please state how many removals, extraditions and expulsions were carried out by the State Party during the reporting period on the basis of diplomatic assurances or the equivalent thereof, specifying the States that provided the assurances, the minimum assurances or guarantees required and the mechanisms put in place to monitor whether such assurances or guarantees were respected. Please provide information on the current statelessness determination procedure for former Yugoslavian refugees and other persons in the area of procedural guarantees and effective access to socioeconomic rights for statelessness persons.

#### **Article 5–9**

12. Please provide information on any new legislation or measures that have been adopted to implement article 5 of the Convention. Please provide information on any extradition treaty concluded with any other State Party and indicate whether the offences to which article 4 of the Convention refers are cause for extradition under such treaties. Please indicate what measures have been adopted by the State Party to comply with its obligation to extradite or prosecute (*aut dedere aut judicare*). Please provide information on court cases based on the obligation to extradite or prosecute. Please state whether the State Party has concluded any mutual legal assistance treaties or agreements and if these treaties or agreements have been used to exchange items of evidence in connection with prosecutions concerning torture or ill-treatment. Please provide examples.

#### **Article 10**

13. Please provide information on educational programmes developed by the State Party to ensure that all public officials, in particular law enforcement officials, military personnel, prison staff and medical personnel employed in prisons, are fully acquainted with the provisions of the Convention and are aware that breaches will not be tolerated and will be investigated, and that any offenders will be prosecuted. Please also provide details on the programmes used in the training of police officers and other law enforcement officials in non-coercive investigative techniques, including the Principles on Effective Interviewing for Investigations and Information-Gathering. Please indicate whether the State Party has developed a methodology to assess the effectiveness of training and educational programmes in reducing the number of cases of torture and ill-treatment and, if so, please provide information on that methodology. In this regard, please provide detailed information on how the State Party ensures that training programmes are effectively implemented in practice in all places required and that they reach all the front-line operational police officers and prison officials. Please indicate the measures taken to give effect to the provisions of article 10 (2) of the Convention. Please provide detailed information on the training programmes for judges, prosecutors, forensic doctors and medical personnel dealing with detained persons on detecting and documenting the physical and psychological sequelae of torture, including whether the programmes contain specific training on the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol, as revised). Please also provide information on basic training in international human rights standards, including the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, that urgently recruited police officers undergo.

## Article 11

14. Further to the Committee's recommendation in its previous concluding observations<sup>14</sup> and the information received from the State Party in follow-up to those concluding observations, please provide detailed information on measures taken towards eliminating overcrowding in penitentiary institutions. Please also provide information on the continuing efforts made to improve infrastructure and material conditions in order to bring detention centres into line with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules). Please further provide information on the State Party's ongoing efforts to implement a comprehensive policy designed to address overcrowding in all detention facilities, including in pretrial detention units, and improve the prison system. Please provide statistical data on prisoners in all prison facilities, as well as on the extent to which the number of prisoners in each facility exceeds its capacity. Please also provide information on the efforts pursued by the State Party to limit the use of pretrial detention and the duration thereof.

15. Please provide information on the measures taken by the State Party to ensure access to health services and medical care in all detention facilities, including for detainees in police custody. In that regard, please provide detailed information on the medical infrastructure of detention facilities, as well as the capacity in terms of medical personnel.

16. Please provide information on inter-prisoner violence, in particular sexual assault, including the number of complaints, any action taken by the State and the outcome of such action. Please comment on reports of sexual harassment and assault of female prisoners<sup>15</sup> and indicate whether the State Party has taken measures in line with the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules) for the protection of the physical integrity of female detainees. Please provide information on the existence of gender-specific screening for female detainees upon entry due to their special needs, biological and gender-specific, or particular vulnerabilities due to social and cultural roles, and on the measures taken to ensure that female detainees have access to adequate and specific health facilities and hygiene services and are detained in gender-sensitive conditions. Lastly, please provide information on the measures taken or planned to monitor and document incidents of sexual or gender-based violence in detention and on measures taken to ensure that female detainees have regular contact with and visits from their families and close relatives, in particular their children.

17. Further to the Committee's recommendation in its previous concluding observations,<sup>16</sup> please provide a comprehensive overview of the health situation of persons with psychosocial and intellectual disabilities held in the Dobrota psychiatric institution, the duration of their internment, the material conditions of the facilities and the type of specialized support that those persons receive. Please also provide information on the measures taken by the State Party to design and implement a plan for the transition of those persons to independent living, if possible.

## Articles 12 and 13

18. Further to the Committee's recommendations in its previous concluding observations<sup>17</sup> and the information received from the State Party in follow-up to those concluding observations, please provide information on measures taken to ensure prompt, thorough, independent and impartial investigations into all allegations of torture and ill-treatment, to prosecute and punish perpetrators and to provide effective remedies to the victims. Please also provide information on measures to suspend prison officials under investigation for torture or inhuman or degrading treatment. Please include statistical data on complaints received and investigated, as well as the number of prosecutions and convictions. Please provide information on the challenges that may justify delays in the investigative process, in particular during the pretrial phase, and on measures taken or

<sup>14</sup> CAT/C/MNE/CO/3, para. 15.

<sup>15</sup> CEDAW/C/MNE/CO/3, para. 45.

<sup>16</sup> CAT/C/MNE/CO/3, para. 17.

<sup>17</sup> Ibid., para. 19.

planned to address them, as well as on the typical length of the pre-investigation and investigation periods.

19. Please provide detailed information on specific measures taken to eradicate all forms of ill-treatment by law enforcement and prison officials. In this regard, please provide the number of complaints of torture or inhuman or degrading treatment received by the Office of the Protector of Human Rights and Freedoms of Montenegro during the period under review, and the number of complaints filed against the Prison Administration and the Police Administration, as well as other law enforcement agencies, and on the outcome of the complaints. Please also provide information on allegations of excessive use of force.

20. Please provide information on measures taken to strengthen the independence of judges and prosecutors to ensure that they can investigate and prosecute cases of torture and ill-treatment impartially and uphold the guarantees of a fair trial.<sup>18</sup>

21. Please provide detailed information on measures taken to ensure the efficient and effective pre-investigation processing of complaints and reports of alleged torture, including statistical data, disaggregated by crime, ethnicity and gender, on complaints relating to torture, attempted torture and complicity or participation in torture that have been filed during the reporting period, as well as related investigations, prosecutions, convictions and penal and disciplinary sentences.

22. Further to the Committee's recommendations in its previous concluding observations<sup>19</sup> and the information received from the State Party in follow-up to those concluding observations, please provide information on the State Party's efforts to combat impunity for war crimes. In this regard, please provide updated information on:

- (a) The total number of war crimes investigations opened;
- (b) The number of convictions rendered under the principle of command responsibility for war crimes, including cases of torture, during the period under review;
- (c) The status of the investigations into all cases of war crimes currently under consideration by the State Party and the progress made in re-examining old cases;
- (d) Steps taken or planned to strengthen regional cooperation beyond requests for mutual legal assistance;
- (e) Efforts made by the State Party to ensure that all victims of war crimes receive redress and judicial and/or administrative compensation, and what specific mechanisms have been established to ensure fair and comprehensive reparations.

23. Please provide update and detailed information on the advancements of the trial of Slobodan Curcic, ongoing since 2022, regarding the alleged murder of two individuals and the rape, as war crimes, of a Bosniak woman in Foča in 1992.

#### Article 14

24. Further to the Committee's recommendation in its previous concluding observations,<sup>20</sup> please provide detailed information on continuing efforts of the State Party to ensure that victims of acts of torture and ill-treatment have an enforceable right to request and receive from the State Party full and effective redress, including means of rehabilitation and care specifically tailored to their needs. Please provide information on the number of cases in which victims of torture and ill-treatment have been provided with redress.

25. Please provide detailed information on the draft law on amendments to the Law on Veterans and Disability Protection, adopted on 28 December 2024, that excludes victims whose family members did not have Montenegrin citizenship at the time of their death as civilian war victims, thus creating an obstacle for victims of war crimes to seek reparations. Please also provide information on measures taken to ensure that victims receive adequate

<sup>18</sup> [A/HRC/56/62/Add.1](#), para. 24.

<sup>19</sup> [CAT/C/MNE/CO/3](#), para. 23.

<sup>20</sup> *Ibid.*, para. 33.

reparations, and on the nature of these compensation and rehabilitation measures, in particular for victims of torture as a war crime.

#### Article 16

26. Further to the Committee's recommendations in its previous concluding observations,<sup>21</sup> please provide information on the State Party's ongoing efforts to prevent violence, harassment and intimidation against journalists and media property. Please also provide information on existing procedural guidelines for handling and investigating cases of threats and violence against and murder of journalists and attacks on media property. Please further provide updated information on:

(a) The progress of investigations into current and past cases of attacks against journalists, with a view to ensuring that perpetrators are brought to justice;

(b) The specific steps taken to make progress in the investigation into the murder of Dusko Jovanovic and the wounding of Olivera, and the efforts being made to bring to justice those responsible for the attempted murder of journalist Tufik Softic in November 2007;

(c) How to ensure that the recommendations from the Commission for Monitoring the Actions of Competent Authorities in Investigations of Cases of Threats and Violence against Journalists, Murders of Journalists and Attacks on Media Property are fully implemented.

27. Please provide an overview of the legislation and policy measures taken to address violence against children, not only in the home but also by peers, and the effective implementation of the prohibition of all forms of violence against children, including corporal punishment, contained in the Family Law. Please also provide information on the situation of child marriages in the Roma and Egyptian communities.

28. Please provide information on measures taken to effectively prevent hate crimes against lesbian, gay, bisexual, transgender and intersex persons, members of the Roma and Egyptian communities, persons with disabilities and members of ethnic or religious minorities. Please also provide information on the specific steps taken to ensure equal access to justice for individuals who are victims of hate crimes.<sup>22</sup>

#### Other issues

29. Please provide updated information on the measures taken by the State Party to respond to threats of terrorism. Please describe whether those measures have affected human rights safeguards in law and in practice and, if so, how they have affected them. Please also describe how the State Party has ensured that counter-terrorism measures are compatible with all its obligations under international law, especially the Convention. Further, please indicate what training is given to law enforcement officers in this area; the number of persons who have been convicted under legislation adopted to combat terrorism; the legal remedies and safeguards available in law and in practice to persons subjected to counter-terrorism measures; and whether there have been complaints of the non-observance of international standards in applying measures to combat terrorism and, if so, what the outcome was. Please also provide information on measures taken by the State Party to ensure that all anti-terrorist units wear clear identification.

<sup>21</sup> Ibid., para. 27.

<sup>22</sup> A/HRC/56/62/Add.1, para. 126.

**General information on the national human rights situation, including new measures and developments relating to the implementation of the Convention**

30. Please provide information on any other relevant legislative, administrative, judicial or other measures taken since the consideration of the State Party's previous report to implement the provisions of the Convention or the Committee's recommendations, including institutional developments, plans or programmes. Please indicate the resources allocated and statistical data. Please also provide any other information that the State Party considers relevant.

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