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## **Report of the Working Group on the Universal Periodic Review\***

### **Montenegro**

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\* The annex to the present report is circulated as received.

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## Introduction

1. The Working Group on the Universal Periodic Review (UPR), established in accordance with Human Rights Council resolution 5/1 of 18 June 2007, held its fifteenth session from 21 January to 1 February 2013. The review of Montenegro was held at the 11th meeting on 28 January 2013. The delegation of Montenegro was headed by Suad Numanović, Minister of Human Rights and Minorities. At its 16th meeting held on 31 January 2013, the Working Group adopted the report on Montenegro.
2. On 14 January 2013, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Montenegro: Estonia, Mauritania, United States of America.
3. In accordance with paragraph 15 of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to resolution 16/21, the following documents were issued for the review of Montenegro:
  - (a) A national report submitted/written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/15/MNE/1);
  - (b) A compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/15/MNE/2 and Corr.1);
  - (c) A summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/15/MNE/3).
4. A list of questions prepared in advance by Czech Republic, Mexico, the Netherlands, Norway, Slovenia, Spain, Sweden and the United Kingdom of Great Britain and Northern Ireland was transmitted to Montenegro through the troika. These questions are available on the extranet of the UPR.

## I. Summary of the proceedings of the review process

### A. Presentation by the State under review

5. Montenegro welcomed the opportunity to present its national report, especially given that Montenegro joined the Human Rights Council as of 1 January 2013. The Government confirmed its commitment to the Council by deciding to appoint the special representative of the Ministry of Foreign Affairs, the Ambassador, on the Council
6. The national report was a result of cooperation between State authorities and non-governmental organizations. The United Nations system in Montenegro supported the process of drafting the report. The Government of Montenegro adopted the national report on the status of human rights in Montenegro on 13 September 2012.
7. Montenegro has achieved significant progress since its previous report in 2008, inter alia, in the following areas: independence of the judiciary; decriminalization of insult and defamation; fight against corruption and organized crime; improvement of the prison system; legal reforms related to anti-discrimination, domestic violence, trafficking in human beings, strengthening of capacities of the Ombudsman; setting up the Council for anti-discrimination, Council for persons with disabilities and Council for rights of the child; advancement of tolerance towards differences, in particular in relation to the LGBT population; social inclusion of the Roma and Egyptian community.

8. The greatest attainment of Montenegrin independence has been the multiethnic harmony and continuation of free democratic elections, promotion of work and support to human rights activists.
9. On 29 June 2012, Montenegro opened the negotiation process for full membership in the European Union (EU). Through harmonization with the *acquis*, implementation of legislative framework and regular monitoring of the respect for human rights and freedoms, the negotiations will lead to further progress in implementing EU and United Nations standards.
10. Significant progress has been made to strengthen the independence and efficiency of the judiciary. The law prescribes more objective criteria for the election and promotion of judges and State prosecutors and the system for their appraisal, and election procedures have been upgraded. The composition of the Prosecutorial Council was changed in order to provide greater independence. Cooperation with international institutions, in particular the European Court of Human Rights (ECtHR), has been advanced. The Courts of Montenegro website ([www.sudovi.me](http://www.sudovi.me)) now makes available final court judgments, ECtHR judgments against Montenegro, publications and characteristic judgments of the Strasbourg Court.
11. The biggest step forward in the provision of systemic conditions for the fight against discrimination in Montenegro has been the adoption of the Law on Prohibition of Discrimination (2010) and the new Law on the Ombudsman (2011); their full implementation lies ahead.
12. The implementation plan for the Law on Prohibition of Discrimination, developed together with the Organization for Security and Co-operation in Europe (OSCE), set the education plan and media promotion plan for anti-discriminatory action.
13. Three important international conferences have been organized so far (two of them took place last year), devoted primarily to lesbian, gay, bisexual and transgender (LGBT) rights.
14. Cooperation with local self-governments concerning gender mainstreaming at the local level has continued and improved. However, more efficient implementation of legislation in this area needs further work, especially with regard to greater participation of women in leadership and combating violence against women.
15. Regarding the rights of the child, the development of the National Action Plan for Children is in the final stage of adoption.
16. In line with the provisions of the Convention on the Rights of Persons with Disabilities (CRPD), legislative, institutional and strategic frameworks for the exercise and protection of rights of persons with disabilities have been upgraded.
17. The Council for persons with disabilities was established; implementation of the Strategy for integration of persons with disabilities (2008-2016) is underway based on the action plan which articulates the efforts of all national resources in this area. The implementation of the Strategy for inclusive education is ongoing.
18. One of the major challenges in the exercise of the rights of persons with disabilities remains the inadequate architectural accessibility of public and other facilities in general use, which is a precondition for full social integration.
19. The Constitution of Montenegro, the Law on Minority Rights and Freedoms and other legal acts, as well as the accepted international documents, created the legislative framework that enables further promotion and protection of minorities. The Fund for protection and exercise of minority rights, the Centre for minority culture preservation and development, and the Minority Councils fully contributed to the exercise of minority rights.

20. Particular attention has been provided to social inclusion of the Roma and Egyptian population in Montenegrin society. In April last year, the Government of Montenegro adopted the new strategic document for improvement of the situation of Roma and Egyptians in Montenegro for the period 2012-2016.

21. One of the major challenges faced by Montenegro is a durable solution to the situation of refugees and internally displaced persons from the former Yugoslavia. This issue is being resolved by the development of a legal framework, strengthening of institutions and through a regional approach (the Sarajevo process) that will include cooperation with the countries of origin of the displaced persons. Aware of the complexity of the issue, in October 2011, the Government of Montenegro set up the Coordinating Committee for monitoring implementation of the Strategy for a durable solution to the issue of displaced and internally displaced persons, with special emphasis on the Roma living in the Konik camp.

22. Out of the total number (around 16,000) of displaced persons (DPs) and internally displaced persons (IDPs) in Montenegro, 9,500 people submitted applications for status resolution by the end of 2012, of which 5,639 applications, or 60 per cent, have been resolved. Montenegro's national housing programme envisages securing the funds to resolve the housing issue for 6,063 people. The time frame for implementation is 2016.

23. Montenegro has been implementing activities to efficiently combat human trafficking. The Government adopted the Strategy for the fight against trafficking for the period 2012-2018 and an accompanying action plan. The documents place emphasis on six main areas: prevention and education; victim assistance; protection and reintegration; coordination and partnership; international cooperation and identification of trafficking victims.

24. Family protection is a key priority; the Law on Protection from Domestic Violence was adopted in 2010 and a strategy was adopted in 2012. The law sets out five measures for the protection of victims of domestic violence, and the principle of urgency is envisaged for cases concerning protection from violence. The obligation to report violence has been introduced for the State authorities, other authorities, health, educational and other institutions. The Criminal Code incriminates criminal offences relating to marriage and family, including domestic violence and neglect and abuse of a juvenile.

25. The Law on Free Legal Aid was adopted in 2011 and provision of free legal aid services was launched in 15 basic courts.

26. Montenegro completed the anti-corruption legislative and institutional framework. The strategic anti-corruption documents are being successfully implemented and a new two-year action plan for the fight against corruption and organized crime is being drafted. The report is in the final stage of harmonization with UNODC. In December 2012, the Council of Europe's Group of States against Corruption (GRECO) noted that all five of the recommendations concerning incrimination that it had issued to Montenegro had been met.

27. One area deserving particular attention in the context of human rights observance relates to the protection of rights of persons deprived of their liberty. The amended Law on Criminal Sanctions Enforcement of June 2011 established the Parole Section, a separate unit of the Ministry of Justice's Criminal Sanction Enforcement Department. The growing trend towards alternative sanctioning and reducing the number of imprisonment sentences pronounced will lead to reduced numbers of people in custody.

28. An essential element of human rights and freedoms that is provided particular protection in Montenegro is the freedom of thought and expression, the right to information and freedom of the media.

29. The Criminal Code amendments of June 2011 decriminalized insult and defamation; just satisfaction in such cases is now sought in civil proceedings only. The Supreme Court set the guidelines for all courts, aligned with the case law of the European Court for Human Rights, and limits the amount of compensation for non-pecuniary damages in insult and defamation cases.
30. The 2010 Electronic Media Law is fully harmonized with the Directive on audio-visual media services. The Agency for Electronic Media was set up under this law as an independent media regulator with full political, financial and institutional independence.
31. The Ministry of Culture proposed amendments to the Electronic Media Law in the first quarter of 2013 with the aim of releasing the Agency from the obligation to provide financial and operational reports to the Parliament.
32. Three self-regulatory bodies have been set up to reinforce the principles of self-regulation, freedom and independence of the media.
33. Montenegro acceded to the Council of Europe Convention on Access to Official Documents; as of 1 February 2013, the new Free Access to Information Law will be applied with a set of new provisions in place.
34. Religious matters and rights of religious communities in Montenegro are clearly covered in the Constitution which guarantees the right to freedom of thought, conscience and religion. The State guarantees equality among the religious communities; Montenegro has signed contracts with the Holy See, as well as with Islamic and Jewish communities.
35. The most valuable practice in Montenegro is the involvement of civil society in all activities advancing respect for human rights and EU membership talks.
36. With particular respect for the importance of preserving a healthy environment, the National Sustainable Development Strategy provides long-term guidance for economic and social development and environmental protection. Montenegro set up the Environmental Protection Agency (EPA), an independent authority, in 2009. In cooperation with OSCE, on 15 April 2011, an Aarhus Centre was set up within the EPA to assist in the application of the UNECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention).
37. The delegation thanked all the countries that contributed through their recommendations to further the development of human rights protection mechanisms in Montenegro.
38. Montenegro is fully cooperating with all mechanisms for human rights protection, in particular with special procedures. The error in the OHCHR compilation was pointed out and has been corrected.

## **B. Interactive dialogue and responses by the State under review**

39. During the interactive dialogue, 54 delegations made statements. Recommendations made during the dialogue are to be found in section II of the present report.
40. Chile drew attention to the significant progress made regarding legislation to protect and promote all human rights and fundamental freedoms. It noted the ratification of seven international conventions and the attendant action plans and strategies for their implementation. Progress achieved in the areas of gender equality and the fight against discrimination was highlighted. Chile made recommendations.
41. China commended the accession of Montenegro to various human rights instruments. Montenegro is committed to promoting gender equality and protecting the

rights of persons with disabilities. Montenegro had taken action to protect minority rights and combat discrimination, improve work on children's education and health and has contributed to international cooperation in the field of trafficking in persons. China made a recommendation.

42. Costa Rica welcomed efforts to guarantee the right to a healthy environment, including awareness-raising and citizen involvement. It acknowledged the institutional framework to monitor the protection and promotion of human rights and measures to increase women's participation in the political sphere. It asked whether measures had been taken to avoid appointing women to fill electoral lists that left them with little possibility of being elected. It made recommendations.

43. Croatia welcomed steps undertaken to implement the recommendations of the 2008 UPR, especially those aimed at ensuring the rights of prisoners and protecting citizens from discrimination. Croatia requested further information on the measures taken to reduce the prison population and improve its conditions. It also requested additional information concerning the finalization of the Strategy for combating homophobia, the role of the civil society and the main principles on which the strategy was based.

44. Cuba welcomed progress in establishing a legislative and institutional framework for the exercise, protection and promotion of human rights and highlighted Montenegro's efforts regarding the rights of persons with disabilities. It commended the action plan for persons with disabilities, with a particular focus on children, and the measures and strategy adopted to combat domestic violence. Cuba made a recommendation.

45. Cyprus commended efforts to combat discrimination against vulnerable groups. Recalling efforts to better integrate persons with disabilities into political, social and economic life, it noted the establishment of the Council for the care of persons with disabilities. Reports indicated, however, that children with disabilities continued to face significant challenges, which raise the question of what measures are envisaged to improve their situation.

46. Estonia acknowledged the establishment of several bodies to monitor the protection of human rights and the ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OP-CAT) and CRPD. It encouraged the Government to continue its actions on gender equality and to implement the strategy and action plan for combating human trafficking. Legislation on freedom of expression has been harmonized with European standards, although more could be done to protect journalists and prosecute violence against them. Estonia made a recommendation.

47. The United States of America recognized success in the areas of LGBT rights, torture prevention and housing for refugees in the Konik camp. Despite efforts to resolve the legal status of refugees, concerns remained about the thousands who are still not registered. The lack of political will and judicial independence to tackle corruption raised concerns. Roma, Ashkali and Egyptians (RAE) face widespread prejudice, often condoned by local authorities, and an action plan for their inclusion lack formal implementation. It made a recommendation.

48. France welcomed the progress made by Montenegro in the field of human rights, noting in particular the ratification of the International Convention for the Protection of All Persons from Enforced Disappearance (CPED) and the adoption of the Law on Gender Equality and the Law on the Prohibition of Discrimination. A number of challenges nonetheless remains. France made recommendations.

49. Germany welcomed progress on the Roma inclusion in education, but was concerned that many Roma, Ashkali and Egyptians were not legally registered. It requested

more information on activities to address the legal status, employment and social integration of those communities. It requested details of plans to promote and defend the rights of the LGBT community. Germany also sought information on plans to investigate and prosecute cases of violence against journalists. It made recommendations.

50. Bulgaria took positive note of the development of the institutional system to protect and promote human rights, particularly the establishment of the Council for Persons with Disabilities and the Council on Children's Rights, and the development of an action plan for children's rights. It asked for further details of the steps taken to include children with developmental disabilities in the education system. Bulgaria made a recommendation.

51. Guatemala welcomed the establishment of national institutions to protect the rights of children and persons with disabilities and combat discrimination, and the strategies and action plans to combat homophobia, prevent torture and provide foster care for children. It shared concerns about discrimination against minority children, refugee children and children with disabilities, particularly regarding access to education, health care and housing. Guatemala made a recommendation.

52. The Holy See emphasized the diverse nature of Montenegrin society and the harmony found among its citizens. It welcomed progress in the field of human rights that led to the establishment of a stable legislative and institutional framework for the exercise, protection and promotion of human rights, and encouraged further efforts in that regard. It made recommendations.

53. Hungary, while noting the legal guarantees for the political representation of minorities and the creation of the six minority councils, expressed concern about deficiencies in funding of those councils. Despite the efforts made, the situation of children with disabilities warranted further improvement. Hungary asked how the authorities intended to address allegations of serious human rights violations committed by police officers. Hungary made recommendations.

54. Indonesia welcomed the comprehensive efforts taken to promote and protect human rights. Indonesia noted the memorandum of understanding on gender equality signed by 14 out of 21 municipalities and the central Government, and hoped that the remainder would follow suit. Indonesia welcomed legislation strengthening the role of the Ombudsman and encouraged the institution's compliance with the Paris Principles. It also welcomed the strategy for a permanent resolution to the problems of displaced persons. Indonesia made recommendations.

55. Italy noted that, despite progress with regard to the judicial system, further work was required to ensure full judicial independence. Barriers to social inclusion for Roma children persisted and further action was urged in that regard. It asked what measures were envisaged to accelerate the examination of legal cases on the restitution of assets that were nationalized by the former Yugoslavian government. Italy made recommendations.

56. Kyrgyzstan welcomed the development of a stable legislative and institutional human rights system and noted that improvements to the rule of law and respect for fundamental rights led to negotiations on EU membership. It drew attention to judicial reforms tackling independence and autonomy, efficiency, access to justice, combating crime – particularly corruption, terrorism and organized crime –, prison reform and the judicial information system. Kyrgyzstan made recommendations.

57. Liechtenstein welcomed the Law on Protection from Domestic Violence, but noted concerns about high rates of domestic and sexual violence against women and girls, and poor prosecution rates for those crimes. Welcoming the national campaign on domestic violence against children, it noted with concern that corporal punishment of children remained both legal and common. Liechtenstein made recommendations.



58. Lithuania commended the adoption of the Law on the Protector of Human Rights and Freedoms (Ombudsman) and the anti-discrimination law which tackles direct and indirect discrimination, as well as the strengthening the Ombudsman institution. However it noted that those laws had not been fully implemented and that the Ombudsman lacked capacity to genuinely address discrimination issues. Although welcoming amendments to the Criminal Code decriminalizing defamation, Lithuania expressed concern about attacks against journalists. Lithuania made recommendations.

59. Malaysia particularly commended Montenegro's ratification of CRPD and efforts to improve women's participation in all areas of life, including in politics and the civil service. Remaining challenges include the lack of capacity affecting the full enjoyment of rights by minority groups, including Muslims, and poor access to public buildings for persons with disabilities. Malaysia made recommendations.

60. Mexico noted actions to protect and promote human rights, particularly the standing invitation issued to special procedures mandate holders and the ratification of most of the regional and international human rights instruments, which require speedy implementation. It highlighted the amended Labour Law guaranteeing women's labour rights and legislative amendments improving conditions for persons with disabilities. Mexico made recommendations.

61. Morocco noted the ratification of most of the international human rights instruments and welcomed the judicial reform and its action plan. Having received numerous refugees and displaced persons, Montenegro has established various bodies to protect their rights and cultures. Noting that material obstacles continue to hinder access to education for Roma children and children with disabilities, it asked how Montenegro intended to tackle the problem. Morocco made recommendations.

62. The Netherlands welcomed the legislative framework providing protection against discrimination and the establishment of the Ombudsman office. Discrimination on the basis of sex, sexual orientation and gender identity persists throughout Montenegrin society, despite the improved legislative and administrative framework. It encouraged the Government to promote and defend the rights of the LGBT community and to prosecute the perpetrators of crimes against them. The Netherlands made recommendations.

63. Norway noted the establishment of various institutions to enforce human rights and their participation in public discussion on said rights. Despite a general positive trend, sustained efforts are required to implement international standards and harmonize the legal framework. It encouraged the Government to address this process as a matter of a priority. Norway made recommendations.

64. The Philippines recognized the significant developments since Montenegro's independence and its accession to numerous human rights conventions, but expressed concern that Montenegro had not yet acceded to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW). Cooperation with regional and international partners to combat human trafficking is commendable. Acknowledging measures to address domestic violence and promote women's and children's rights, it encouraged Montenegro to intensify efforts to implement strategies and action plans in those areas. It made recommendations.

65. Poland took note of the standing invitation to special procedures mandate holders. It commended efforts to protect human rights, noting the establishment of the Protector of Human Rights and Freedoms (Ombudsman) and the Law on the Prohibition of Discrimination. The high rates of children subjected to sexual exploitation or abuse and cases of child engaged in exploitative labour raises concern. Poland made recommendations.

66. The former Yugoslav Republic of Macedonia commended the ratification of core human rights treaties and the establishment of a legislative and institutional human rights framework. Noting the adoption of a law and strategy against domestic violence, it requested details on the legal framework to combat violence against women and the effects of the legislation adopted. More information was requested on the institutional protection of minority rights.

67. The Republic of Moldova applauded efforts by Montenegro to strengthen its human rights protection system. At the same time, it emphasized the importance of effective translation of the human rights standards into practice. It welcomed the development of policies, programmes and strategies to combat human trafficking and prevent and eliminate domestic violence against women and children. The Republic of Moldova made recommendations.

68. Slovakia commended Montenegro on its ratification of core international human rights instruments, notably its signing of the Optional Protocol to the Convention on the Rights of the Child on a communications procedure (OP-CRC-IC). It noted that Montenegro, as a multi-ethnic and multicultural State, promoted intercultural dialogue and cooperation among ethnic and religious groups in the wider region. Slovakia made recommendations.

69. Slovenia welcomed the adoption of legislation and specific measures to address discrimination in general, but especially discrimination on grounds of sexual orientation and gender identity, and legislation to prohibit the publication of information and opinions aimed at inciting discrimination. It also welcomed the adoption of legislation on protection from domestic violence. Slovenia made a recommendation.

70. Responding to comments made, the Montenegro delegation referred to significant steps taken to address the high level of homophobia in Montenegro. In December 2011, the Government set up three working groups (with equal numbers of representatives from ministries and NGOs), with the aim of creating the conditions for LGBT persons to obtain equal status in the community.

71. The new law strengthening the competences of the Protector of Human Rights and Freedoms (Ombudsman) was highlighted. It was set up as the national mechanism for the protection of persons deprived of liberty against torture and other forms of cruel, inhuman or degrading treatment or punishment. The Parliament of Montenegro appointed a Deputy Ombudsman for the prevention of torture and the protection of persons deprived of liberty.

72. Montenegro has adopted a series of strategic documents on anti-corruption: the Strategy for the fight against corruption and organized crime and the Strategy for the reform of judiciary 2010, including the action plan. The creation of a Commission composed of high-ranking members of the executive, judiciary, Parliament, political parties and NGOs to coordinate and monitor anti-corruption policy was an important step forward. Montenegro has also established specialized anti-corruption governmental departments; undergone GRECO evaluations concerning the State's corruption practices conducted public campaigns to enhance awareness of corruption; implemented judicial training for judges and prosecutors dealing with corruption and instigated disciplinary procedures against a number of officers regarding corruption and organized crime. Montenegro intends to implement activities related to improving anti-corruption legislation; strengthen cooperation between bodies dealing with combating corruption and conflict of interest; develop integrity plans and campaigns to promoting reporting of corruption and protection for citizens who report it.

73. Reference was made to the judicial reform being undertaken in cooperation with the courts, prosecution and the bar and all stakeholders. Parliamentary committees are working

on amendments to comply with the recommendations of the Council of Europe's Venice Commission on strengthening the accountability of judicial office holders.

74. Montenegro has invested huge efforts into improving legislation and implementing policies for persons with disabilities, including through developing support services at the local level, such as centres for children with developmental difficulties; personal assistance; home support for children with highest degree of disability; teaching assistants; appropriate transport for such children; inclusive education and specialized health care. External monitoring of institutions is carried out by independent civil society organizations and the Ombudsman.

75. Concerning attacks, threats or violent behaviour against journalists, according to the most recent data, prepared just before this session, all but three cases have been resolved. As a result, 13 persons have been indicted and adjudication has been achieved in 10 cases, with imprisonment sentences in all but one case.

76. Responding to questions concerning overcrowding in the penitentiary system, the Montenegro delegation explained that the criminal sanction enforcement system has greatly improved over the last two years, with the support of the European Union and a project to support the reform of the penitentiary system in partnership with Germany and the Netherlands.

77. Montenegro is strongly committed to resolving the status of DPs and IDPs and to improving their situation. Project proposals have been submitted to build 42 housing blocks in two towns. Following the fire in the Konik camp, a medium-term accommodation solution was sought through the provision of containers.

78. Regarding gender equality, the delegation highlighted that 17.2 per cent of Parliamentarians elected last year were women. Two out of 17 Government ministries were headed by women. Concerning new measures to address domestic violence, mention was made, inter alia, of amendments to the Criminal Code enhancing victim protection and envisaging ex officio prosecution for marital rape, and stipulating annulment of forced marriages.

79. Responding to questions regarding the legal status of DPs and IDPs, the delegation stated that the draft law amending the Law on Foreigners was intended to extend the deadline for submission of displaced and internally displaced persons' applications for residence and temporary residence until 31 December 2013. The draft law is going through the Government procedure and is expected to be adopted in Parliament.

80. Spain commended Montenegro on its efforts to promote and protect human rights and particularly welcomed the ratification of OP-CAT, the creation of the post of Deputy Ombudsman for the prevention of torture and the ratification of CRPD and its Optional Protocol. Spain made recommendations.

81. Sri Lanka welcomed the development of an institutional framework to promote and protect human rights; measures to combat crime, particularly corruption, terrorism and organized crime, and Montenegro's commitment to promoting and protecting the rights of minorities, women and children and eliminating violence against women, including domestic violence. It remained concerned at the prevalence of trafficking in persons and made recommendations.

82. Sweden enquired about efforts to ensure and assess the effective implementation of laws and regulations adopted to combat high-level corruption. It also enquired about measures taken to increase the efficiency of the courts so as to shorten delays in cases awaiting trial and judgement. It also asked what steps could be taken to better achieve the goal of publishing all court decisions and making them available online. Sweden made recommendations.

83. Switzerland welcomed progress made in combating discrimination, particularly efforts to combat discrimination based on sexual orientation and gender identity, and the ratification of OP-CAT. It remained concerned, however, about attacks and harassment inflicted on the independent press; difficulties encountered by minorities in fully enjoying their rights to education and adequate housing and dealing with the past. Switzerland made recommendations.

84. Thailand noted efforts to combat discrimination against minorities and marginalized groups, especially measures to protect and support the Roma. It remained concerned about shortcomings in social inclusion, particularly for minority children and persons with disabilities. It was concerned that, despite efforts to integrate minority children into the local education system, language would present a serious communication barrier to social integration. Thailand made recommendations.

85. Ukraine commended Montenegro for implementing recommendations accepted during the 2008 UPR. It particularly welcomed the legislative measures adopted to combat direct and indirect discrimination based on gender, sexual orientation and gender identity. Ukraine encouraged Montenegro to further intensify its efforts to promote inter-ethnic harmony and tolerance among the general public. Ukraine made a recommendation.

86. United Arab Emirates welcomed efforts to protect the rights of vulnerable groups, especially children with disabilities and women. It noted in particular the introduction of legislation on the treatment of juveniles in criminal proceedings and measures to protect children's rights, including the draft legislation on social and child care. It made a recommendation.

87. United Kingdom of Great Britain and Northern Ireland urged Montenegro to effectively implement legislation to guarantee the rights of persons with disabilities and combat discrimination and domestic violence. It expressed concern about the independence of the judiciary; public attitudes towards homosexuality and inequalities faced by minorities in living conditions, access to public institutions and education. It encouraged investment in training for the police and the judiciary to combat prejudice at all levels. It made recommendations.

88. Czech Republic recognized the progress made by Montenegro in promoting and protecting human rights and particularly welcomed the ratification of OP-CAT. It encouraged the Government to continue in its efforts to resolve in a durable and sustainable manner issues related to refugees, displaced persons and internally displaced persons. Czech Republic made recommendations.

89. Uruguay highlighted the legislative and institutional framework to protect and promote human rights, particularly the ratification of OP-CAT, CRPD, OP-CRPD and CPED, legislation to protect freedoms and human rights and combat discrimination and progress in promoting and protecting children's rights. It expressed concern about the economic consequences of divorce among spouses and the lack of criminalization of the sale of children, children prostitution and pornography. Uruguay made recommendations.

90. Viet Nam noted the ongoing improvements to Montenegro's legislative and institutional infrastructure and commended its efforts to ensure and promote the full enjoyment of human rights by vulnerable groups, such as children and persons with disabilities. It noted concrete measures for advancing the rights of minority groups, although it acknowledged that Montenegro continued to face many challenges. It made recommendations.

91. Algeria welcomed efforts to strengthen the human rights legal and institutional framework in Montenegro, including the adoption of legislation to combat discrimination, and policies to promote gender equality and combat domestic violence. It commended the

ratification of CRPD and encouraged Montenegro to consider ratification of ICRMW, which would contribute significantly to combating discrimination. Algeria made recommendations.

92. Argentina commended Montenegro on the establishment of the Council for the Rights of the Child, and the ratification of CPED, OP-CAT and CRPD and its Optional Protocol. Argentina made recommendations.

93. Armenia welcomed Montenegro's commitment to the promotion and protection of human rights. In particular, it noted the recent adoption of anti-discrimination legislation based on the constitutional prohibition of discrimination, amendments to legislation on minority rights and freedoms and efforts to protect and promote the rights of children, especially children with disabilities. Armenia made a recommendation.

94. Australia acknowledged steps taken to ensure the documentation of displaced and internally displaced persons to facilitate access to employment and health care. It was concerned at reported shortfalls in access to health care, employment and education for Roma. It welcomed efforts to strengthen the legislative framework on freedom of expression and encouraged the continued pursuit of judicial process reforms, especially in investigating alleged corruption by senior public figures and violence against journalists. Australia made recommendations.

95. Austria commended numerous efforts taken since the last review. Austria requested more information about strategies to promote greater social inclusion of the Roma. It also enquired about Montenegro's intention to ratify the 1961 Convention of the Reduction of Statelessness, given the high number of displaced and internally displaced persons. It asked what further measures were planned to ensure the safety of journalists. Austria made recommendations.

96. Bangladesh welcomed the prison and judiciary reforms, measures to promote gender equality, ratification of CRPD and the innovative campaigns to prevent and combat negative attitudes based on sex, age, race, nationality, ethnicity, religion and disability. It shared concerns at persistent discrimination against minority children, refugee children and children with disabilities regarding access to education, health care and housing, and at stereotypical and degrading images of women in the media. Bangladesh made recommendations.

97. Belarus noted that despite the standing invitation to special procedures mandate holders, Montenegro had not cooperated with them and had not received any visits since gaining independence, despite numerous problems in the field of human rights. It regretted that Montenegro had not acceded to the Palermo Protocol. It noted that trafficking in persons and sexual exploitation of children remained problems in the country. Belarus made recommendations.

98. Belgium welcomed progress on implementing a legislative and institutional system to guarantee the enjoyment, protection and promotion of human rights, but was concerned about persistent discrimination against the LGBT community. It noted progress in ensuring the right to freedom of expression, but remained concerned that restrictions were being imposed, which resulted in a climate of self-censorship that dissuaded journalists from carrying out independent investigations. Belgium made recommendations.

99. Bosnia and Herzegovina commended Montenegro on the adoption of legislation, the ratification of core international human rights conventions and the establishment of national institutions to implement human rights policies, especially relating to children and persons with disabilities. It asked what steps had been taken to improve the situation of children with disabilities, especially in education, and what measures had been adopted to improve prison conditions.

100. Brazil welcomed steps taken to promote democracy and foster human rights, particularly measures adopted to strengthen the judiciary through reforms and cooperation with the European Court of Human Rights and the International Criminal Court for the former Yugoslavia (ICTY). It asked whether Montenegro was considering additional measures to guarantee that minorities were protected from all forms of discrimination and had full access to health and education. Brazil made recommendations.

101. Greece welcomed the many positive developments in human rights since the first UPR cycle. It requested more information on results achieved following the adoption of measures to promote gender equality. It asked what steps had been taken to combat human trafficking. Greece welcomed initiatives taken to provide human rights education and training and asked how effective they had been. It made recommendations.

102. Canada welcomed the recent update on the status of the implementation of the Strategy for the improvement of the status of the Roma and asked what measures to combat discrimination of the Roma were envisaged for inclusion in the 2012-2016 strategy. It welcomed the adoption of the Law on the Ombudsman and legislation on discrimination. Canada made recommendations.

103. Turkey noted the swift progress made in promoting and protecting human rights in Montenegro, following the restoration of independence in 2006. It particularly welcomed the adoption of the Foster Care Development Strategy and Action Plan 2012-2016 to protect the rights of the child. It appreciated the initiatives to promote gender equality in municipalities and noted the strategy to combat human trafficking. Turkey encouraged Montenegro to provide training for relevant staff in identifying signs of ill-treatment. It made recommendations.

104. The Montenegro delegation referred to action taken to combat human trafficking, with the strategy paper adopted by the Government, which focuses on prevention, criminal prosecution, protection of victims and identification of potential victims. Public awareness-raising is a priority, as well as building professional capacities through training and regional cooperation to address the problem.

105. The delegation referred to various measures taken to substantially increase the integration of children with special needs in regular schools. The activities of special departments in regular schools have been reinforced. Former specialized institutions are being used as resource centres to support the regular system. Such efforts have been accompanied by a comprehensive public awareness-raising campaign undertaken in cooperation with UNICEF.

106. Measures to ensure the effective implementation of the anti-corruption laws were highlighted, including the setting up of separate departments within courts, prosecution offices and police departments for the handling of corruption cases.

107. Responding to the question about war crimes, the delegation clarified that of the six war crimes cases concerning Montenegro, three had ended in final judgements, one is at the appellate procedure and two cases are still pending. Services have been set up to offer assistance to victims of war crimes and a guide on the rights of victims of war crimes has been published.

108. Montenegro is facing the problem of judicial backlog. The Law on the Protection of the Right to Trial Within a Reasonable Time has been adopted, which provides a means of redress for the exercise of this right. A plan has been adopted with specific measures for the reassignment of judges with a lesser workload, the redistribution of cases from overburdened courts and the introduction of overtime. The new Criminal Procedure Code, implemented 1 September 2011, introduced prosecutor-led investigations and plea bargaining measures.

109. Responding to concerns raised about statelessness, the delegation said that the regional working group had concluded, through the Sarajevo process, that there was no risk of statelessness because the former Yugoslavia had one of the best systems of registration. All persons residing in Montenegro and coming from the former Yugoslavia without citizenship can be subsequently registered in the citizen registry based on their parents' place of birth or on some other grounds. Montenegro signed an agreement with Kosovo<sup>1</sup> in 2011, concerning subsequent registration in citizen registries. As a result, in 2012 there were a dozen collective visits to Kosovo with more than 500 IDPs, primarily RAE, in order to be registered so as to obtain adequate documentation. With regard to the issue of children born outside of health institutions, the Ministry of Interior is handling the procedure for determining the facts for the registration of such children.

110. With regard to the integration of RAE population, progress was evident in the areas of education, health and employment. There is a need for further social integration and Montenegro has adopted a strategy for improving the position of the RAE population for the period 2012-2016, with accompanying annual action plans. The areas of concern identified were housing, health, education, employment, social and child care. Another area incorporated in this strategy is violence against women and the issue of early and forced marriages. Representatives of Government institutions and NGOs have allocated 470,000 Euros for the purposes of integration.

111. Montenegro adopted the new action plan for the achievement of gender equality for the period 2013-2017 with NGO endorsement. Activities include the promotion of women in politics, curbing violence against women, women's health and the advancement of women's rights. Implementation of the plan will be monitored by a Commission composed of representatives of State institutions and NGOs.

112. Media outlets established three independent self-regulatory bodies in 2012: the Media Self-regulation Council, the Press Council and the Self-regulation Council for Local Press and Periodicals, in line with European practice for monitoring professional and ethical standards.

113. The Prime Minister, together with UNICEF, led the "It's about abilities" campaign which highly resonated with the public and contributed to better public awareness about education of children with disabilities. Montenegro participated in the Paralympics for the first time in 2012 and this received considerable media attention. Montenegro is planning to include data on persons with disabilities in the upcoming census, in line with United Nations recommendations relating to improved data on persons with disabilities. Significant steps are being taken to intensify measures for the employment of youth with disabilities.

114. The institution of the Ombudsman has been reinforced by new preventive authority. New experts have been hired and, in the context of the global economic crisis, Montenegro did not cut the 2012 budget for the Ombudsman. Montenegro also plans to seek the expert assistance offered by OHCHR.

115. On the issue of corruption, the delegation stated that Montenegro does not distinguish between high- and low-level corruption. The aim of Montenegro's policy is zero tolerance towards corruption. With the opening of chapters 23 and 24 in the negotiations with the European Union, Montenegro received an impetus and capacities for better managing this issue. All the activities of its administration serve to further progress in the area of fighting corruption and organized crime. Regarding the criminal offences of persons

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<sup>1</sup> References to Kosovo should be understood to be in the context of Security Council resolution 1244 (1999)

with economic and political power, they are already under the scrutiny of the police and prosecution that deal with these issues.

116. Montenegro was recognized as a model for guaranteeing minority rights. It will continue to strengthen institutions for respecting human and minority rights and full observance of freedoms for all its citizens.

## **II. Conclusions and/or recommendations\*\***

**117. The recommendations formulated during the interactive dialogue and listed below have been examined by Montenegro and enjoy its support:**

**117.1. Strengthen the mandate and resources of the Ombudsman's Office in order to ensure full implementation of the duties in accordance with the Law on the Protector of Human Rights and Freedoms (Lithuania);**

**117.2. Provide the Ombudsman's office with sufficient resources for exercising its role in accordance with its mandate (Norway);**

**117.3. Ensure that the Ombudsman of Human Rights and Freedoms has the necessary resources and staff in order to fully carry out its functions (France);**

**117.4. Ensure sufficient resources enabling the Ombudsman to carry out its mandate effectively and independently (Poland);**

**117.5. Publish a communications plan that states how the Government intends to increase the Ombudsman's office capacity (resources, staff and legal powers) and how it intends to increase public awareness about their rights and their recourse to the Ombudsman if their rights are denied (United Kingdom of Great Britain and Northern Ireland);**

**117.6. Allocate the necessary resources for the prompt establishment of a national mechanism to prevent torture with the characteristics enshrined in OP-CAT (Mexico);**

**117.7. Review the legislative framework on torture and cruel, inhuman and degrading treatment, and the resources of the Ombudsman office so as to ensure that, as the national preventive mechanism, it can carry out its mandate in an effective and independent manner (Switzerland);**

**117.8. Integrate the Istanbul Protocol into the training of personnel (Turkey);**

**117.9. Continue to strengthen the institutional structures and support measures for the full implementation of ratified international instruments. We likewise suggest placing special emphasis on persons with disabilities, victims of family and sexual violence, and all persons susceptible of or in a situation of vulnerability and discrimination (Chile);**

**117.10. Continue to apply the strategies and plans under way to guarantee, to the maximum extent possible, the human rights of the most vulnerable groups (Cuba);**

**117.11. Further consolidate its achievements in the fields of ensuring and advancing the full enjoyment of the human rights of vulnerable groups such as children and disabled people as well as in strengthening the rule of law and**

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\*\* The conclusions and recommendations have not been edited.



social cohesion for exhaustively guaranteeing all human rights for her people (Viet Nam);

117.12. Further the implementation of a comprehensive child protection system by investing more efforts in empowering the Council for the Rights of the Child and strengthening the role of the Deputy Ombudsman for the Rights of the Child (Bulgaria);

117.13. Provide all necessary financial and human resources for the implementation of the National Action Plan for Children, which is in the process of preparation, in order to achieve its objectives particularly in the area of providing protection to children (United Arab Emirates);

117.14. Adopt a new National Plan of Action for Children with a view to, inter alia, eradicating children's sexual exploitation (Poland);

117.15. Promote the rights of children in accordance with the recommendations of the Committee on the Rights of the Child (Armenia);

117.16. Continue its efforts to further strengthen the capacity of social service providers and civil servants working on cases involving children, including through continued human rights education and training (Philippines);

117.17. Take measures to raise the public's awareness of the negative impacts of corporal punishment on children (Liechtenstein);

117.18. Improve existing and develop new rehabilitation and reintegration programmes for children in conflict with the law who are residing in semi-open and residential institutions (Kyrgyzstan);

117.19. Take steps to fully implement the Law against Discrimination by introducing additional enabling legislation and strengthening the institution of the Human Rights and Freedoms Ombudsman (Canada);

117.20. Take further measures to implement the Anti-Discrimination Law, including through awareness raising activities (Lithuania);

117.21. Take all necessary measures for an effective and exhaustive implementation of the law against discrimination (Switzerland);

117.22. Fully implement without further delay the provisions of the 2011 Anti-Discrimination Law (Austria);

117.23. Take measures to fully implement the law against discrimination of 2011 (Belgium);

117.24. Effectively combat negative attitudes based on sex, age, race, nationality, ethnicity, religion and disability, especially to prevent discrimination against children of minority groups, refugee children and children with disabilities (Poland);

117.25. Strengthen actions to combat discrimination and negative attitudes against women, including women belonging to Roma and migrants and against children of minority groups (Bangladesh);

117.26. Take additional concrete steps to combat societal discrimination on the basis of race, sexual orientation, disability or gender identification (Australia);

- 117.27. Take steps to more effectively foster the integration into Montenegrin society of particular vulnerable groups, through addressing discrimination in areas such as education and employment (Canada);<sup>2</sup>
- 117.28. Promote women participation in political life and their access to decision-making positions and management (France);
- 117.29. Take further measures to promote women's economic empowerment and their participation in political life and decision-making (Ukraine);
- 117.30. Make further efforts to promote gender equality and protect all women and girls from all forms of violence (Brazil);
- 117.31. Intensify efforts on gender equality and take further steps in promoting women in all spheres of life especially in the political life (Greece);
- 117.32. Continue the efforts to achieve an effective registration of all births, with special attention to children belonging to ethnic minorities (Holy See);
- 117.33. Further strengthen efforts to implement the principles contained in the Law on Anti-Discrimination, including by combatting discrimination against members of the LGBT community (Norway);
- 117.34. Fully implement adopted legal measures against discrimination based on sexual orientation and gender identity (Czech Republic);
- 117.35. Continue the efforts aimed at eliminating all discriminatory treatment based on sexual orientation or gender identity (Argentina);
- 117.36. Take measures necessary to protect the rights of LGBT persons effectively and investigate and prosecute alleged cases of violence and discrimination against LGBT persons (Netherlands);
- 117.37. Establish effective mechanisms of dialogue with human rights defenders in the field of sexual minorities (Spain);
- 117.38. Take all necessary legal and other measures to curb violence against women and to provide support for victims of violence against women, and their children (Germany);
- 117.39. Allocate adequate personnel and financial resources so that the Strategy for the Protection from Domestic Violence and the Law on Juvenile Justice System can properly ensure the protection of the rights of child and women, filling those gaps that still hinder the prevention of domestic violence and other abuses, as well as the fair prosecution of their perpetrators (Italy);
- 117.40. Ensure the effective investigation of all reports of domestic and sexual violence against women and girls, the prosecution of perpetrators and the delivery of sentences that are commensurate with the gravity of the crimes committed (Liechtenstein);
- 117.41. Provide for an adequate number of publicly funded shelter facilities for victims of domestic violence (Liechtenstein);

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<sup>2</sup> The recommendation as read during the interactive dialogue: "Take steps to more effectively foster the integration into Montenegrin society of particular vulnerable groups, including addressing discrimination in areas such as education and employment" (Canada);

- 117.42. Establish a mechanism for monitoring the number of cases and scope of abuse and strengthen the measures of protection from domestic violence (Republic of Moldova);
- 117.43. Complete the procedure of ratification of the European Convention on Preventing and Combating Violence against Women and Domestic Violence (Republic of Moldova);
- 117.44. Further develop the support and protection system for the victims of domestic violence, including by providing an adequate number of safe houses (Slovenia);
- 117.45. Continue and strengthen the efforts to combat against all kinds of gender violence and approve education and awareness-raising policies in that area (Spain);
- 117.46. Maintain and continue actions aimed at decreasing and eliminating violence, ill-treatment, sexual exploitation and trafficking in persons and at the same time provide appropriate care and protection to victims and prosecute those responsible (Holy See);
- 117.47. Improve and adopt measures to combat trafficking in persons, including through the draft 2012-2018 action plan, and the provision of training to judges, prosecutors and law enforcement officers (Sri Lanka);
- 117.48. Increase efforts in order especially to protect victims of human trafficking (Greece);
- 117.49. Strengthen programmes for the reintegration of victims of trafficking in society (Republic of Moldova);
- 117.50. Intensify the fight against cybercrime, especially child pornography on the Internet (Republic of Moldova);
- 117.51. Adopt effective measures in order to combat sexual exploitation of children (Belarus);
- 117.52. Fully publish and implement a plan that addresses how the Government of Montenegro intends to make appointments and promotions in the judiciary a fair and transparent process, to ensure that the independence of the judiciary is fully protected (United Kingdom of Great Britain and Northern Ireland);
- 117.53. Guarantee appropriate funding for the effective and efficient implementation of the judiciary reform and its related Action Plan (Morocco);
- 117.54. Strengthen accountability and integrity standards within the judiciary by ensuring merit-based appointments and promoting career development (United States of America);
- 117.55. Complete its constitutional, legislative and administrative reforms with the purpose of enhancing the independence of the judiciary, inter alia by way of improving the application of merit-based criteria in appointment and recruitment procedures (Italy);
- 117.56. Ensure that the relatively new law on the role of the office of the prosecutor is properly, uniformly and consistently implemented throughout the county (Sweden);

117.57. Pursue reforms aimed at further protecting the judiciary from undue political interference and ensuring open, transparent and fair trial processes (Australia);<sup>3</sup>

117.58. Continue the improvements within the judicial reform process, including by eliminating political influence on the judiciary (Austria);

117.59. Continue to combat corruption in the administration of justice sector by ensuring that anti-corruption procedures are free from political or under undue influences (Kyrgyzstan);

117.60. Further their efforts to implement anti-corruption laws and regulations (Estonia);

117.61. Make the fight against corruption sustainable by ensuring implementation throughout the country of laws, regulations and practices adopted at the central level in order to prevent corruption. Measures should be taken with the aim to avoid room for local interpretations of these practices (Sweden);

117.62. Guarantee to victims of crimes punished by international law access to mechanisms of national justice in order that they can request reparation (France);

117.63. Guarantee full freedom of expression, including for journalists conducting inquiries on sensitive issues, such as organized crime (Belgium);

117.64. Pursue reforms aimed at further protecting the media from undue political interference (Australia);<sup>4</sup>

117.65. Take measures to promote a safe and enabling environment for journalists to perform their work independently and without undue interference (Lithuania);

117.66. Take further measures to guarantee freedom of expression, including by effectively investigating threats and attacks on media and journalists (Canada);

117.67. Step up its efforts to investigate and prosecute old cases of violence against journalists in order to establish a better environment for press freedom at a national level (Netherlands);

117.68. Ensure that impartial and effective investigations of attacks against journalists take place and that those responsible are brought to justice (Lithuania);

117.69. Effectively address and investigate attacks against journalists and human rights defenders (Czech Republic);

117.70. While promoting and protecting freedom of expression and opinion, pay due attention to commensurate responsibility in protecting the rights of others and respect to others (Bangladesh);

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<sup>3</sup> The recommendation as read during the interactive dialogue: “Pursue reforms aimed at further protecting the media and judiciary from undue political interference and ensuring open, transparent and fair trial processes” (Australia);

<sup>4</sup> The recommendation as read during the interactive dialogue: “Pursue reforms aimed at further protecting the media and judiciary from undue political interference and ensuring open, transparent and fair trial processes” (Australia);

- 117.71. Continue the efforts for the adoption of a law on religious communities which aims to guarantee their freedom of conscience and consolidates the fight against discrimination in that regard (Algeria);
- 117.72. Undertake further steps to enhance dissemination of information, including laws and regulations related to the rights of persons with disabilities and ensure access to all sources of information, with will assist persons with disabilities in their decision-making (Thailand);
- 117.73. Continue the efforts in the fight against exclusion and discrimination against persons with disabilities (Argentina);
- 117.74. Intensify efforts in the promotion of the rights of persons with disabilities (Greece);
- 117.75. Continue to implement measures aimed at improving the conditions for the exercise and protection of the rights of persons with disabilities, assuring the construction of an inclusive society without barriers (Costa Rica);
- 117.76. Enhance its efforts on the promotion and protection of the rights of persons with disabilities in line with its Strategy for Integration 2008-2016 (Malaysia);
- 117.77. Increase the necessary efforts to guarantee the inclusion of persons with disabilities in society, with special attention to access to education (Mexico);
- 117.78. Maintain the good inter-ethnic relations model to achieve full reconciliation and integration. To do this, it is recommended to facilitate and promote access to ethnic, religious and political minorities to education, health care, justice, property and public positions (Holy See);
- 117.79. Take further legislative and administrative measures to safeguard the rights of minorities (China);
- 117.80. Strengthen the efforts aimed at the full integration of the Roma population and other minorities (Algeria);
- 117.81. Continue the efforts started in order to fight against discrimination of minorities, especially Roma (Argentina);
- 117.82. Create a managing board overseeing the allocation of funding to minority councils to prevent any possible conflict of interest (Hungary);
- 117.83. Continue its positive measures in advancing the rights of its minority groups, including Muslims, through the allocation of sufficient funding (Malaysia);
- 117.84. Improve efficiency and empower its policy and instruments on protecting and promoting minority groups, in particular ensuring the appropriate allocation to the Fund for Minorities (Viet Nam);
- 117.85. Implement the Strategy for Improvement of the Position of Roma and Egyptians in Montenegro 2012-2016 (United States of America);
- 117.86. Continue its efforts aimed at improving the human rights situation of the Roma population and resolve their precarious living conditions in camps, in close cooperation with international partners (Morocco);

- 117.87. Strengthen minorities' training for teachers in order to overcome such challenges as communication barriers due to language so as to integrate children of minorities into the local education system (Thailand);
- 117.88. Continue to raise awareness of the needs of the Roma population, including children, and establish an adequate system that provides for their social and educational inclusion (Austria);
- 117.89. Conduct public awareness campaigns within the refugee community on the importance of registration and ensure strong implementation of the Action Plan for Solving the Status of Internally Displaced Persons (United States of America);
- 117.90. Assist the Roma and Ashkali persons displaced from Kosovo to allow them to obtain the necessary official documents to get permanent or temporary resident status in Montenegro (France);
- 117.91. Continue addressing the situation of displaced and internally displaced persons in a durable, sustainable manner, such as through the Strategy for Permanent Resolution of the Problems of displaced and internally displaced persons (Slovakia);
- 117.92. Consider further extension for application resolving the status of displaced or internally displaced persons (Slovakia);
- 117.93. Continue efforts to address the issue of IDPs with a view to finding a durable solution (Sri Lanka);
- 117.94. Take further steps to regulate the legal status of the IDPs with the focus on children born outside of health institutions (Czech Republic);
- 117.95. Continue to expand efforts to register, document and subsequently integrate displaced and internally displaced persons into Montenegrin society (Australia);
- 117.96. Pursue the implementation of the regional refugee housing programme in municipalities (Austria).
118. The following recommendations enjoy the support of Montenegro which considers that they are already implemented:
- 118.1. Accede to the Palermo Protocol (Belarus);<sup>5</sup>
- 118.2. Harmonize its legislation with the CRC (Convention on the Rights of the Child) (Turkey);
- 118.3. Step up efforts to provide equal access to education and health care to all children, irrespective of their immigration status (Philippines);
- 118.4. Establish a monitoring system for special care institutions for children and develop an action plan to gradually integrate such children in the general school system (Hungary);
- 118.5. Explicitly prohibit corporal punishment in all settings, including the home, schools and alternative care facilities, and establish appropriate complaints mechanism for children (Liechtenstein);

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<sup>5</sup> The recommendation as read during the interactive dialogue: "Accede to the ICRMW and the Palermo Protocol" (Belarus);

- 118.6. Consider the next phase of the Action Plan on Gender Equality to include comprehensive and achievable goals to combat discrimination towards women in all spheres of life, including work and education (Indonesia);
- 118.7. Adopt necessary measures in order that shared possessions are divided equally, regardless of each spouse's individual contribution, and incorporate in the family law new necessary legal provisions to compensate for the fact that women undertake more non-remunerative work (Uruguay);
- 118.8. Consider amending the Criminal Code so that hate crimes against LGBT persons are considered serious criminal offences or at least aggravating circumstances (Belgium);
- 118.9. Establish a mechanism for monitoring the number of cases and scope of abuse and strengthen the measures of protection from domestic violence (Republic of Moldova);
- 118.10. Adjust the Criminal Code to what is set out in articles 2 and 3 of OP-CRC-SC, by criminalizing the offences enshrined in that Protocol (Uruguay);
- 118.11. Take the necessary measures to ensure that all persons who have allegedly committed war crimes are tried before the national courts and that victims receive due redress (Spain);
- 118.12. Guarantee freedom of expression without any kind of discrimination, complying with the obligation of due diligence in the protection of individuals against abuses of non-State actors and ensuring that the civil defamation law is not used with the aim of preventing legitimate criticism (Spain);
- 118.13. Guarantee the freedom of the media, ensuring their protection from any political interference and promoting the establishment of an independent press council (Switzerland).
119. The following recommendations will be examined by Montenegro which will provide responses in due course, but no later than the twenty-third session of the Human Rights Council in June 2013:
- 119.1. Consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW) (Chile); Consider ratifying ICRMW (Indonesia);
- 119.2. Ratify the ICRMW (Turkey); Ratify ICRMW (Guatemala); Accede to the ICRMW (Belarus);<sup>6</sup>
- 119.3. Consider accession to the ICRMW in order to prevent discrimination, and to ensure equal access to just conditions of work and basic social services, particularly for migrants in vulnerable situations (Philippines);
- 119.4. Consider ratifying OP-CRC-IC, OP-ICESCR as well as the ILO Convention 189 (Costa Rica);
- 119.5. Ratify the 1961 Convention on the Reduction of Statelessness and take concrete steps at national level to prevent and eliminate the causes that lead to statelessness (Germany);
- 119.6. Ratify the 1961 Convention on the Reduction of Statelessness (Austria);

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<sup>6</sup> The recommendation as read during the interactive dialogue: "Accede to the ICRMW and the Palermo Protocol" (Belarus);

- 119.7. **Ratify the Kampala amendments to the Rome Statute, if possible with a view to contributing to the activation of the jurisdiction of the International Criminal Court over the crime of aggression at the beginning of 2017 (Liechtenstein);**
- 119.8. **Organize visits of the Special Rapporteur on trafficking in human beings, the Special Rapporteur on contemporary forms of racism, the Special Rapporteur on torture and the Independent Expert on minority issues to the country (Belarus);**
- 119.9. **Enact legislation to prohibit explicitly corporal punishment of children in all settings, including at home and by members of their family (Germany);**
- 119.10. **Simplify the procedure for birth registration of persons born outside health-care institutions to contribute to measures carried out to eliminate discrimination (Mexico);**
- 119.11. **Establish a simple and accessible procedure of birth registration to guarantee that all children have access to it (Brazil);**
- 119.12. **Ensure independent and efficient investigation within the suggested deadline of 15 months, as recommended by the Subcommittee on the Prevention of Torture (Hungary);**
- 119.13. **Guarantee the right of victims to truth, justice, reparation and non-repetition, especially by taking all necessary measures to put an end to impunity and bring to justice all presumed perpetrators in line with the law and international standards (Switzerland);**
- 119.14. **Guarantee freedom of expression and protect journalists against any form of intimidation (France);**
- 119.15. **Resolve those cases related to confiscated properties from various religious communities (Holy See).**
120. **All conclusions and/or recommendations contained in the present report reflect the position of the submitting State(s) and/or the State under review. They should not be construed as endorsed by the Working Group as a whole.**



## Annex

*[English only]*

### Composition of the delegation

The delegation of Montenegro was headed by H.E. Mr. Suad Numanović, Minister for Human Rights and Minorities, and composed of the following members:

- H.E. Mr. Ljubiša Perović, Permanent Representative of Montenegro to the UN and other international organizations;
- Ms. Blanka Radošević Marović, Deputy Minister for Human and Minority Rights;
- Ms. Irena Bošković, Department for gender equality, Ministry for Human and Minority Rights;
- Ms. Zorica Marić Djordjevic, Counsellor of the President of Montenegro;
- Ms. Pavle Karanikic, General Directorate for Multilateral Affairs and Regional Cooperation;
- Ms. Tamara Brajović, First Counsellor in Direction for the UN and other international organizations;
- Ms. Jelena Milačić, First Secretary in Direction for the UN and other international organizations;
- Ms. Maja Jovović Schmidt, Counsellor in the Permanent Mission of Montenegro to the UN and other international organizations;
- Ms. Aneta Petrović, Third Secretary in the Permanent Mission of Montenegro to the UN and other international organizations;
- Ms. Branka Lakočević, Deputy Minister of Justice, Justice Department;
- Ms. Slavica Rabrenović, Deputy Minister of Justice, Department for Execution of Sanctions;
- Ms. Remzija Ademović, Deputy Minister for the Department of Social Care and Child Protection in the Ministry of Labor and Social Welfare;
- Ms. Mirjana Đurić, Counselor in the Ministry of Labor and Social Welfare;
- Mr. Bojan Bugarin, Department for the managing internal affairs in the Ministry of Interior;
- Ms. Tamara Milić, Independent Advisor in the Ministry of Education;
- Mr. Miloš Lalević, Department for Media, Ministry of Culture;
- Mr. Radule Kojović, Judge in the Supreme Court;
- Ms. Sanja Kalezić, Chief of the Cabinet of the President of the Supreme Court;
- Mr. Veselin Vučković, Deputy of the Chief State Prosecutor;
- Mr. Veljko Rutović, Deputy of the Senior State Prosecutor;
- Ms. Ljulja Đjonaj, Police Analyst, Police Directorate;
- Ms. Vesna Ratković, Director of the Directorate for Anti-Corruption Initiative;

- Mr. Željko Šofranac, Director of the Bureau for the Care of Refugees;
  - Mr. Zoran Ulama, Chief of the Office of the National Coordinator for the fight against Trafficking in Human Beings;
  - Ms. Alexandra Juncaj, Intern in the Permanent Mission of Montenegro to the UN and other international organizations;
  - Ombudsman: Ms. Zdenka Perović, Secretary in the Office of the Ombudsman;
  - Interpreters: Ms. Tanja Luburić and Ms. Tamara Jurlina.
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