



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

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Excellency,

I have been following the third cycle of the Universal Periodic Review (UPR) of Montenegro and welcome the constructive engagement of your Government during the 29th session of the UPR Working Group in January 2018.

As the final outcome report on the review of Montenegro was recently adopted by the Human Rights Council at its 38th session, I am writing to follow up on a number of areas raised in two reports that my Office prepared for the review - the compilation of UN information and the summary of stakeholders' submissions - which I consider in need of particular attention over the next four and a half years until the next cycle of the UPR. In identifying these areas, I have also considered the recommendations made by 73 countries, Montenegro's presentation and responses, and the action taken by the Government to implement the 120 recommendations it accepted during the second cycle of the UPR. The areas cover a range of issues and are set out in the annex to this letter.

I welcome the efforts of Montenegro to create a national mechanism for comprehensive reporting and follow-up in relation to international and regional human rights mechanisms and treaty obligations and encourage the prompt establishment of such a mechanism. I strongly recommend Montenegro the use of the practical guide that my office released in 2016 on this topic and which is available at:

http://www.ohchr.org/Documents/Publications/HR_PUB_16_1_NMRF_PracticalGuide.pdf

I also encourage Montenegro to develop a national human rights action plan in order to achieve concrete results in the areas contained in the annex and to facilitate Montenegro's preparations for the fourth cycle of the UPR. The development of the plan should include consultations with all stakeholders, in particular the national human rights institution, civil society organizations, and, where necessary, the support of international organizations, including the Office of the United Nations High Commissioner for Human Rights (OHCHR) and other United Nations entities, under the leadership of the UN Resident Coordinator. In this regard, we welcome your request for OHCHR support in the country.

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H.E Mr. Srdjan Darmanović
Minister of Foreign Affairs
Montenegro



Please be advised that I will be sharing my advice with all Member States as they go through the third cycle with a view to assisting them to begin implementing the UPR recommendations early on, following the review. An important measure that can contribute positively to follow-up actions is voluntary mid-term reporting. I strongly encourage all Member States to submit a voluntary midterm report two years after the approval of the outcome report. In this regard, I welcome the submission by Montenegro of a midterm report regarding the implementation of the recommendations made during the second cycle, and I encourage it to submit a mid-term report for the third cycle in 2020.

As the Secretary-General indicates in his 2017 report on the work of the Organization (A / 72/1, paragraph 98): *"The Human Rights Council's periodic review process is now entering a new cycle, with every Member State scheduled for a third round of scrutiny. We will work to strengthen the relevance, precision and impact of the Council's recommendations, including by providing better support to Member States in implementation, closer collaboration with United Nations country teams and the establishment of national mechanisms for human rights reporting and follow-up to link the universal periodic review to the implementation of the Sustainable Development Goals"*.

I look forward to discussing with you ways in which my Office may assist Montenegro to take action in the areas I have identified.

Please accept, Excellency, the assurances of my highest consideration.

Zeid Ra'ad Al Hussein
High Commissioner for Human Rights

cc: H.E. Mr. Zoran Pažin, Deputy Prime Minister for Political System, Interior and Foreign Policy and Minister of Justice



Annex

Scope of international obligations and cooperation with international human rights mechanisms and bodies

- Ratification of the human rights conventions to which Montenegro is not yet party, including the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled.

National human rights framework

- Further strengthening of the national normative framework by bringing legislation in line with its international human rights obligations in accordance with the recommendations formulated by international human rights mechanisms. In this regard, Montenegro could benefit from the expertise of special procedures mandate holders and treaty-body experts.
- Strengthening of the Protector of Human Rights and Freedoms of Montenegro in accordance with the Principles relating to the Status of National Institutions (The Paris Principles) and provision of adequate resources to allow it to effectively carry out its functions, including its role as the national preventive mechanism against torture.
 - Establishment of a national permanent mechanism, open to the participation of civil society, for reporting and follow up to the recommendations made to Montenegro by international and regional human rights mechanisms.
 - Development and implementation, in consultation with all relevant stakeholders, including civil society organisations, of a national human rights action plan to implement the recommendations formulated by international human rights mechanisms.

Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

Equality and Non-discrimination

- Adoption of additional measures aimed at eliminating gender discrimination and discrimination against ethnic minorities, including by strengthening the existing anti-discrimination institutional framework and implementing a national comprehensive anti-discrimination strategy.
- Investigation and prosecution of all acts of discrimination and violence against lesbian, gay, bisexual, transgender and intersex persons and further promotion of



awareness raising and educational initiatives to eliminate discrimination against them.

B. Civil and political rights

Right to life, liberty and security of person

- Adoption of a definition of torture in full compliance with article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, ensuring that penalties for torture are commensurate with the gravity of the crime and that acts amounting to torture are not subject to any statute of limitations.
- Strengthening of measures aimed at preventing cases of ill-treatment and other abuses by law enforcement officials and prompt investigation and prosecution of all such acts. Introduction of further mandatory human rights training programmes for law enforcement officials and strengthening of internal accountability systems.

Administration of justice, including impunity, and the rule of law

- Adoption of all the necessary measures to ensure the effective implementation of the reforms aimed at strengthening the independence and efficiency of the judiciary, including by enhancing the judiciary's internal accountability system.
- Adoption of further measures aimed to ensure that perpetrators of war crimes during the conflict in the former Yugoslavia are promptly brought to justice, including by fully implementing Montenegro's War Crimes Investigation Strategy and providing the specialized bodies established to investigate and prosecute such crimes with adequate human and financial resources.

Fundamental freedoms and the right to participate in public and political life

- Enhancement of measures aimed to guarantee the full enjoyment of freedom of expression in accordance with international human rights standards, including by strengthening the Commission for Monitoring Actions of Competent Authorities in the Investigation of Cases of Threats and Violence against Journalists, Assassinations of Journalists and Attacks on Media Property, and adoption of all necessary measures to ensure a safe environment for journalists and media workers, investigating all acts of intimidation and violence against them.

Prohibition of all forms of slavery

- Strengthening of the ongoing efforts to combat trafficking in persons, in particular of Roma, Ashkali and Egyptian girls and women, by providing additional training to the judiciary, police forces and other relevant personnel,



bringing to justice all individuals responsible for trafficking in persons, and ensuring that all victims receive adequate assistance and support.

C. Economic, Social and Cultural Rights

Right to work and to fair and satisfactory working conditions

- Enhancement of measures to increase employability of persons of Roma, Ashkali and Egyptian origin, including affirmative actions in this regard. Further promotion of women's access to formal employment, combatting gender-based discrimination in employment and closing the gender wage gap.
- Adoption of further measures to combat child labour by enhancing controls, prosecuting those responsible and providing victims with rehabilitation and assistance.

Right to an adequate standard of living

- Effective implementation of the Law on Social and Child Protection and of measures to ensure that social assistance benefits for unemployed persons, older persons and persons with disabilities are sufficient to guarantee an adequate standard of living. Strengthening of efforts to combat poverty and social exclusion, particularly in the northern region.

Right to health

- Adoption of further measures to implement the prohibition of sex-selective abortions and establish services to assist women pressured into undergoing such abortions.

Right to education

- Continuation of the ongoing efforts to ensure quality standards in all schools by taking the necessary measures to implement the strategies adopted in this area, including those related to inclusive education and equal access of minorities to education.

D. Right of specific persons or groups

Women

- Further strengthening of the institutional and policy framework to eliminate discrimination against women, including the National Council for Gender Equality and the Action Plan to Achieve Gender Equality 2017 – 2021, including by ensuring that sufficient resources are allocated for the effective functioning of such institutions and the implementation of the plan.



- Enhancement of measures to combat violence against women, including through the effective implementation of the Law on Protection from Domestic Violence and the Strategy on Protection from Domestic Violence 2016-2020 and ensuring that cases of domestic violence are investigated, the perpetrators brought to justice and the victim provided with adequate support and assistance.

Children

- Full implementation of the existing normative framework for the protection of children and further strengthening of the Council on Child Rights.
- Strict enforcement of the prohibition of child and/or forced marriage and awareness raising within Roma, Ashkali and Egyptian communities of such prohibition and the harmful impact of these practices.

Persons with disabilities

- Full harmonisation of existing legislation with the Convention on the Rights of Persons with Disabilities, ensuring the participation of persons with disabilities and their representative organizations in this process. Replacement of the current guardianship and substitute decision-making regime with a system of supported decision making.

Minorities

- Continuation of the efforts to promote inter cultural dialogue, mutual understanding and respect, and to end discrimination against persons of Roma, Ashkali and Egyptian origin, in particular in the area of employment, housing, education and participation in political life.

Migrants, refugees, and asylum seekers

- Full implementation of the Strategy for Durable Solutions of Issues Regarding Displaced and Internally Displaced Persons in Montenegro (2017-2019) to ensure, inter alia, that all displaced persons who wish to do so have their legal status in Montenegro regularised. Continuation of ongoing efforts to improve the living conditions in the Konik camp and implementation of a sustainable strategy aimed at its prompt closure and the local integration of persons of Roma, Ashkali and Egyptian origin.

Stateless persons

- Implementation of a mechanism to identify, register and protect stateless persons.