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## **National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21\***

### **Montenegro**

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## **I. Methodology and consultation process**

1. This Report has been prepared within the second UPR cycle in line with the guidelines defined in HRC Decision A/HRC/DEC/17/119. It contains an overview of the human rights situation in Montenegro and the progress made in the period 2008–2012, with a particular focus on the implementation of the first cycle recommendations.

2. The Report is the result of joint efforts of state bodies and NGOs (Civic Alliance, Centre for Democracy and Human Rights and Centre for the Rights of the Child), which were supported by the UN system in Montenegro. After an open public invitation to all interested representatives of NGOs and the national institution of the Protector of Human Rights to participate in the development of this Report, four rounds of consultations took place.

## **II. Legislative-institutional framework for promotion and protection of human rights**

3. Montenegro has achieved an obvious progress in development of a stable legislative and institutional system for exercising, protecting and promoting human rights. The process of developing the state after independence was restored on 21 May 2006 included a comprehensive programme of legislative reforms and development of institutions, which went in parallel with the process of European integration. As a result and a confirmation of the progress in establishing the rule of law, respect for fundamental rights and meeting of the political membership criteria, Montenegro started negotiations for EU membership on 29 June 2012. Through harmonisation with the EU *acquis*, implementation of the legal framework and regular monitoring of the practice of respecting human rights and freedoms, the negotiation process will lead to further progress in the implementation of the required EU and UN standards.

### **A. Institutional framework**

4. The Ministry of Justice and Human Rights (MJ&HR) and the Ministry for Minority Rights (MMR) are the key ministries responsible for developing and implementing the policy for protection of human rights. Montenegro established several working bodies with the authority to monitor the implementation of the policies for protection and exercising of human rights: Children Rights Council, Council for Persons with Disabilities, Anti-Discrimination Council, Task Force for Developing the Strategy and Action Plan for Combating Homophobia and Commission for Monitoring the Action Plan for Prevention of Torture. These bodies are not only in charge of monitoring the policies and implementation of strategic documents but also for monitoring the implementation of UN conventions and recommendations of treaty bodies.

5. The Law on Protector of Human Rights and Freedoms strengthened the structure of the Protector – increased the number of deputies and specified the activities in different fields of protection. The amendments strengthen independence and autonomy in the operation of the Protector. The Protector is defined as the institutional mechanism for prevention of and protection from discrimination and designated as the national mechanism for OPCAT, cooperating directly with the CAT Subcommittee. Deputy Protector for prevention of torture was appointed on 6 June 2012; the systematization of posts and the rules of operation have been adopted, while the secondary legislation on the definition of activities in the field of prevention of torture will be developed. This will create conditions for the establishment and efficient operation of this mechanism.

6. Montenegro has established high-quality institutional framework and in the future it will focus on strengthening the administrative and expert capacities and better coordination and monitoring of the activities of the bodies responsible for the promotion and protection of rights, so that the established working bodies and the Ombudsman can efficiently do the activities from within their competences.

## **B. International-law documents and cooperation with Treaty Bodies**

7. In the period 2008-2012, Montenegro, *inter alia*, became a member to the following treaties:

- Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Punishment or Treatment;
- International Convention on the Rights of Persons with Disabilities;
- Optional Protocol on the Rights of Persons with Disabilities;
- International Convention for the Protection of All Persons from Enforced Disappearance;
- ILO Convention 183 on Maternity Protection;
- Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption;
- Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children.

8. Montenegro signed the Optional Protocol to ICESCR and Optional Protocol to CRC on Communication Procedures. The procedure of ratification of the Convention on Preventing and Combating Violence against Women and Domestic Violence is in progress.

9. The Constitution stipulates that ratified and published international treaties and generally accepted rules of international law are a constituent part of the internal legal order; they have supremacy over domestic legislation and are directly applied when they regulate relations in a different way than domestic legislation. Development of the national legislative framework for the full protection and exercise of human rights and freedoms, as one of the key challenges, does not only mean alignment of legal norms with international standards, but also full implementation of the ratified international standards in practice.

10. Reporting before appropriate human rights treaty bodies, with some delays in the initial stage, is mostly regular and in line with the reporting guidelines. In the period between two cycles Montenegro prepared the following: ICCPR Initial Report, ICESCR Initial Report, CEDAW Initial Report, CERD II and III Periodic Report, CRC Initial Report with the reports for both Protocols, and the Common Core Document.

## **III. Progress in exercising and protection of human rights – implementation of the recommendations, achievements, activities and challenges**

### **A. Fight against discrimination**

11. The Constitution prohibits incitement to or instigation of hatred or intolerance on any ground, as well as any direct or indirect discrimination on any ground. It guarantees

equality of all before the law, regardless of any particularity or personal characteristic, as well as the right to equal protection of rights and freedoms. Restrictions on certain human rights and freedoms during the proclaimed state of war or emergency may not be imposed on the grounds of sex, nationality, race, religion, language, ethnic or social background, political or any other belief, property or any other personal characteristic.

12. The general anti-discrimination law (2010) specifies the concept of discrimination and concepts of direct and indirect discrimination and provides for the grounds and mechanisms for the protection from discrimination on the ground of any personal characteristic. A separate article lays down the prohibition of discrimination on the grounds of sexual orientation and gender identity. Incitement to discrimination is defined as discrimination, and protection of persons reporting discrimination is also laid down. The law contains provisions governing protection from victimization. In order to give the final shape to the entire system for the protection from discrimination, the law also defines judicial protection, role of inspection services and penal measures, as well as the protection provided by the Ombudsman.

13. The law stipulates special forms of discrimination, while placing emphasis on severe forms of discrimination. Strong emphasis was placed on discrimination on the grounds of sexual orientation and gender identity. Sexual orientation is also explicitly prohibited as a ground of discrimination in the Criminal Code (CC) and the laws governing: labour, prohibition of workplace harassment, and media. Direct and indirect discrimination of job seekers and of the employed on the grounds of sex and sexual orientation is prohibited under the laws governing labour and prohibition of workplace harassment. The Labour Law also lays down the prohibition of sexual harassment, while the Law on Media lays down the prohibition of publishing information and opinions that incite to discrimination, hatred or violence against a person or a group of persons on the ground of their sexual orientation.

14. CC provides for two criminal offences – *breach of equality* and *racial and other discrimination* – that incriminated different forms of discrimination, including discrimination on the ground of differences in terms of sex or any other personal characteristics. CC stipulates that in sentencing the court shall also consider the purpose of punishment and give consideration to any mitigating and aggravating circumstances, and in particular to the following: degree of culpability, motives for the commission of offence and degree of injury to the protected good. In doing so, the court gives consideration to what kind of motives resulted in the commission of such offences, whether they have been committed out of hatred and whether hate speech, as an aggravating circumstance, has been delivered in the course of commission of such offences.

## **B. Gender equality**

15. The Law on Gender Equality was adopted in 2007 as the first anti-discrimination law in Montenegro, the most important mechanism for the elimination of discrimination on the ground of sex and for achieving gender equality. Separate laws define measures for achieving these two goals in the respective fields.

16. Amendments to the Labour Law introduced a novelty that guarantees equal pay for equal work or the work of equal value to a male and a female employee, while both parents may take parental leave. Amendments to the Law on Pension and Disability Insurance places men and women in equal position in terms of gaining the right to the old age pension; while a women who has given birth to a child is added six months per child to her years of service. In order to increase the share of women in political life, the amended electoral law introduced a clause that binds all the political parties to have at least 30% of candidates belonging to the under- represented sex on their electoral lists.

17. The Gender Equality Department (GED) of the MJ&HR is responsible for monitoring the implementation of gender equality policies. Trainings on gender equality have been delivered to civil servants at national and local levels. Seminars organised for labour inspectors and occupational safety, in addition to theory and practice concerning gender equality, also discussed sexual harassment and mobbing. Regular meetings have been held in the framework of the Forum for Dialogue with Civil Society. GED signed Memoranda of Understanding with 14 out of 21 municipalities. Six municipalities adopted local gender equality action plans. Gender Equality Offices have been set up in two municipalities. Implementation of the IPA “Gender Programme”, started in July 2011 in cooperation with UNDP, includes components: elimination of violence against women, political and economic empowerment of women. The additional project, implemented with UN Women, towards improvement of the position of women from rural areas, has already begun.

18. Although the previous Action Plan (2008-2012) was not fully implemented due to the lack of funds, a certain progress has been made. A new document 2013-2017 is being prepared and its adoption is envisaged for the IV quarter of 2012. It will identify challenges and the goals that were not achieved.

### **C. Rights of persons with disabilities**

19. Amendments to the regulatory framework improved conditions for the exercise and protection of rights of persons with disabilities in accordance with provisions of ICRPD. The new or amended laws were adopted in the following fields: occupational rehabilitation and employment; prohibition of discrimination; travel benefits; movement with the assistance of service dog; employment and exercise of rights arising from unemployment insurance; and education of children with special learning needs. The Council for the Care of Persons with Disabilities, set up in March 2012, monitors the implementation of new legislative framework and improvement of institutional set-up. The Council is tasked with the following: protection and advancement of the rights of persons with disabilities in the fields of social and health care, education, in-service training and employment; initiating adoption of regulations for development and advancement of their rights; proposal of measures for improving the quality of life; informing the public about rights, opportunities and needs for the purpose of eliminating prejudice and barriers faced by these persons, as well as the exercise of any other rights that are relevant for their status.

20. Implementation of the Strategy for Integration 2008-2016 is in progress. The analysis of its implementation in 2011 concluded that the most remarkable progress was the adoption of a set of laws mentioned above and a significant number of campaigns aimed at raising public awareness, which contributed to a better inclusion. The most serious problems faced by persons with disabilities include still inadequate architectural accessibility of public buildings and general use buildings, which is a prerequisite for their full social integration. The Inclusive Education Strategy is also implemented.

21. The Action Plan 2012-2013 has been adopted, with the objective to engage all the resources in the country working on the protection and improvement of the position of persons with disabilities, including children, as well as to ensure implementation of the CRPD standards, depending on the available capacities of the country, but also of the NGO sector.

## D. Minority rights

22. Definition of minorities, contained in the Law on Minority Rights and Freedoms (LMRF), ensures full protection against discrimination. Definition of discrimination in the Law on Prohibition of Discrimination includes, *inter alia*, national affiliation, social or ethnic background, affiliation to a minority nation or minority national community, language, religion or belief. Constitutional guarantees (Article 79) are separately elaborated in a number of laws regulating mechanisms for the exercise of special rights, such as the laws governing: labour; employment; social and child protection; health care; registers; ID card; travel documents; local governance; and culture; as well as a set of laws in the fields of information and education. The measures defined in strategic documents were implemented in the reporting period, while newly established institutions whose competences were laid down in regulations were functional as well.

23. The most important novelty that the amended LMRF brought are the norms which refer to the right to authentic representation of minorities in the Parliament and local assemblies, which is also guaranteed by the Constitution. The amended electoral law elaborates the constitutional guarantee to authentic representation of minority nations and other minority national communities in pursuance of the affirmative action principle that is defined in electoral legislation.

24. Law amendments define, more precisely, the composition and the manner of election of the members of minorities' councils. They stipulate oversight of legality of the councils' work and their obligation to report on their work and financial operations to the MMR and the competent body of the Parliament. In accordance with laws and secondary legislation there are 6 minorities' councils: Croatian, Bosniak, Roma, Muslim, Albanian and Serbian. They are registered with the MMR and have the status of a legal person. Work of the councils has been funded through this ministry. As for the allocation of financial resources from the Fund for Minorities, law amendments grant managing authorities of the Fund the right to allocate financial resources for the protection, advancement and development of minority rights, on the basis of their decision and after the fulfillment of basic criteria. There have been some problems recently in the functioning of the Fund (such as the lack of administrative capacities and procedures for monitoring the projects that have been approved), but the MMR and the Parliament have undertaken activities to overcome them by amending regulations.

25. Recognizing the value of multiculturalism, Montenegro undertook the activities to set up the Centre for Preservation and Development of Minority Cultures. The management board was appointed, as well as resources and technical equipment for operations. The budget funds allocated for functioning of the three bodies have been continuously increasing and in 2011 they tripled compared to 2008/2009.

26. Effective protection of minorities requires a number of activities to be undertaken at the level of strategic documents and constitutional principles. The fact that these are not directly enforceable norms adds to the seriousness of the problem. Numerous operational measures have been implemented to advance minority rights. Even though the Constitution and positive legislation guarantee proportionate representation of minorities in the state administration, local governments and public services, and despite visible progress in the implementation, these guarantees have not yet been consistently implemented. Future activities will be aimed at overcoming the barriers and increasing efficiency. Montenegro has to improve efficiency and empower three fundamental instruments: strategy for minority policy, fund for the exercise and protection of minority rights and minorities' councils.

## E. Improving Status of Roma

27. **Inclusion of Roma** – The implementation of the Strategy for Improvement of the Status of RAE has been continued. Data base on RAE was created; a educational workshops and campaigns were organised.; textbooks and scholarships were provided; a list of children refugees who are not included in the education system was compiled; programmes for basic functional literacy were implemented; programmes aimed at employing were implemented (according to the 2011 population census, employment rate among Roma amounts to merely 13.4%); a number of housing facilities was built; financial assistance for resolving the issues involving identity documents was provided; Roma Radio Station was set up; the first magazine and book in Romani were published, while the most important pieces of legislation were translated into Romani.

28. Challenges concerning full inclusion of Roma still remain; however, progress has been made in terms of visibility of this community in the society. Significant efforts at all levels have been recognized and some indicators suggest that there has been improvement. Intensive activities are expected in terms of addressing the issues that predominantly involve legal status, employment and social protection. Progress is evident in the field of education, but a considerable number of Roma is still not in the system. The concept of social support produces relatively poor results, partly due to the established prejudiced views and marginalisation. Considerable efforts are invested, particularly by the Roma Council and NGOs, to draw attention to their status and to emphasize the need of their further involvement in social developments. Government adopted the Strategy 2012-2016 and the 2012 Action Plan.

29. **RAE data base** – In cooperation with the Roma Council and NGOs, the Statistical Office conducted the first survey in 2008 and created RAE data base containing: total number, sex and age structures, coverage of children by education, illiteracy rate, employment, change of the place of residence, number and structure of households. According to the 2011 population census, the share of Roma community in total population amounts to 1.01%. High birth rate was recorded which, combined with high death rate, makes RAE the youngest community. The census data reveal that pre-school children account for 19.9% of total population, while there are 24.9% school age children. Elementary education included 62.5% of RE, 5.5% being secondary school age children. Further analysis of the level of education shows that, among the population aged 15 years and over, 41% hold no qualifications whatsoever, 31.1% have not completed elementary school, 19.5% have elementary school qualifications, 4% hold secondary school qualifications and 0.8% of the entire population holds university degree. Illiteracy rate among Roma amounts to 26.4%.

30. **Inclusion of Roma and Egyptians in educational system** – The programmes for inclusion of RE children have been implemented continuously at all the levels of education. Visible progress has been made and the challenges involving their full social inclusion have been identified. The rate of coverage of RE children by pre-school education amounts to 13.81% and their number in elementary schools has been constantly on the rise. Compared to 2001/2002, the number of pupils in 2011/2012 almost tripled, from 536 to 1,582 pupils. Student volunteer programme is implemented with the view to improving achievement and integration of pupils. Since 2008/2009, RE children have been enrolled in city schools in order to eliminate segregation in education. RE pupils are enrolled in secondary schools mainly following the affirmative action principle. Adult education and elementary school curricula are implemented in accordance with education programmes. The project Step by Step – a CHANGE was implemented with the aim of understanding the role of parents in upbringing and education of children. The project Support to the Full Process of Social Inclusion is currently implemented. Its targets include: improvement of data collection and

use mechanisms; development of the preparatory kindergarten model; definition of the way to engage RE assistants and identify financial resources for them, and prevention of school dropout in 6 pilot schools.

31. Activities concerning monitoring of pupil achievement and dropout prevention will have to be intensified in the forthcoming period. Challenges and potential ways to overcome the problems are the following: preparatory programmes for elementary schools and specialised psychosocial support programme for children; mechanism for continuous monitoring of school attendance and quality control of knowledge; greater inclusion in city schools; support from teaching assistants and volunteers; and programmes for working with parents concerning continuation of education of their children.

## **F. Durable solution for refugees**

32. The issue involving refugees, DPs and IDPs is being resolved in a durable and sustainable manner through implementation of the Strategy for Permanent Resolution of the Problems of D/IDPs in Montenegro, with particular focus on Konik camp. The Strategy was defined in cooperation with international community and in compliance with international standards and principles. Its implementation is monitored by the Coordinating Committee. The Strategy and Action Plan include the areas of full social inclusion of DPs/IDPs and resolution of their legal status, with the possibility of voluntary return. Progress in the implementation is regularly reported to EC in the framework of Montenegro's EU accession. Progress and challenges have been identified, along with the belief that national measures and more intensive cooperation with countries in the region, together with technical and financial support from international community, will contribute to a more comprehensive resolution of the refugee issue. National IPA project involving construction of a part of housing units in the refugee camp and the Regional Housing Programme are also implemented in the framework of the Strategy.

33. On 31 August 2012, there were 8,562 IDPs from Kosovo (2,852 Roma) and 2,913 DPs from B&H and Croatia. 8,080 DPs/IDPs filed applications for permanent residence. 5,039 were approved, 26 rejected and the remaining ones are still pending. Applications for temporary residence were filed by 333 DPs/IDPs, of which 97 were approved and the remaining ones are still pending. 786 DPs were admitted to Montenegrin citizenship and 125 were issued guarantees they would be granted Montenegrin citizenship once they submit the proof of discharge from citizenship of a country whose citizenship they hold. Additional 260 applications are being processed at the moment.

34. **Return of DPs/IDPs** – Re-registration of IDPs from Kosovo in 2009 revealed that on 14 November 2009 there were 10,951 IDPs. In the same period, there were 5,769 DPs from other republics. A total of 2,716 persons returned to their country of origin (Croatia, B&H and Kosovo) in the period 2005 - April 2012. At the moment, 519 Roma IDPs, or 93 families, are interested in returning to Kosovo. In negotiations with Kosovo, GoM seeks to contribute to creating conditions for safe return – central and local authorities maintain an on-going communication. At the local level, the capital of Montenegro is willing to provide financial support for the construction of housing units in the municipalities in Kosovo; however, Kosovo authorities need to be more actively engaged.

35. **Local integration and housing provision** – Under the Decree on the manner of exercising the rights of DPs and IDPs residing in Montenegro, these persons exercise rights on an equal footing with Montenegrin citizens, and pursuant to regulations governing this field it will be so until they acquire the status of a foreigner with permanent residence in accordance with the Law on Foreigners. The manner of exercising the rights is defined in special regulations.



36. Housing provision in the previous period included construction of housing units, distribution of construction material for individual building activity or reconstruction of the existing facilities; infrastructure in refugee camps was maintained and one-time financial assistance was provided. Funds regularly earmarked in the budget and international donations were used for these purposes. Countries of the region, supported by international partners, re-launched the regional process in 2009 aimed at permanent resolution of the issue involving refugees and IDPs (Sarajevo Process). The process, *inter alia*, includes housing provision for the most vulnerable categories and aims to facilitate obtaining of the documentation needed to resolve legal status of DPs/IDPs. Implementation of the Regional Housing Programme will contribute to the permanent resolution of the refugee issue in Montenegro, with full monitoring and financial assistance from international partners. Implementation plan is currently prepared in municipalities; the beginning is planned for 2013.

37. **Regulating status of DPs/IDPs and prevention of statelessness** – Amendments to the regulatory framework in the field of the laws governing citizenship, foreigners and asylums, and ratification of the European Convention on Nationality and CoE Convention on the Avoidance of Statelessness in relation to State Succession created conditions for permanent resolution of legal status of DPs/IDPs. These persons may file application for acquiring the status of foreigners with permanent residence or for the approval of temporary residence. The final date for filing applications is 31 December 2012. Privileged position of these persons refers to the less strict requirements for exercising the right to permanent residence. Persons are obliged to obtain necessary documents required for the resolution of their status. There is a legal possibility, if they do not have valid passport of the state of origin, to exercise the right to temporary residence for a period of up to three years; which is also the time frame during which they are entitled to receive approval of permanent residence provided that they obtain valid passport.

38. With the support of the UN and in cooperation provided within the Regional Process competent authorities are facilitating the process of obtaining the documents required for the resolution of the status of DPs/IDPs. 12 trips to Kosovo have been organized so far for the most vulnerable persons (490) to help them in obtaining the documents. In June 2011 GoM and the Government of the Republic of Kosovo concluded the agreement regarding subsequent registration of IDPs in basic registers and registers of Kosovo citizens. However, Kosovo authorities have not taken any measures to implement this agreement, which slows down the process to some extent.

39. DPs from former Yugoslav republics can acquire Montenegrin citizenship by naturalisation, in accordance with the established procedure. To avoid situations in which citizens of the ex-Yu republics who have residence in Montenegro are left without Montenegrin citizenship, according to regulations the persons who registered their residence in Montenegro prior to 3 June 2006 may acquire Montenegrin citizenship by naturalisation if they do not hold the citizenship of another state or if they have the proof of discharge from the citizenship of another state (provided that they meet other requirements set by the law). Exceptionally, citizens of these republics who registered their residence in Montenegro at least two years before 3 June 2006 and whose ID was issued on the basis of the law which was in force at that time may acquire Montenegrin citizenship by naturalisation without the proof of discharge from the citizenship of another country (if they meet general requirements set by this law) unless they have cancelled their registration of residence in Montenegro by the time of filing the application. The law says that children of the person who acquired citizenship in this way are entitled to the Montenegrin citizenship. Thus, there is the possibility of dual citizenship for this category of persons.

40. As for subsequent registration of birth of children who were not born in health care institutions, the Coordinating Committee launched initiative for this issue to be considered

in potential amendments to the Law on Non-Contentious Procedure which would create legal basis for these persons to be registered in the birth register subsequently, in accordance with court decisions rendered in non-contentious procedure. This is also supported by the fact that some states resolved this issue by conducting non-contentious procedure.

41. The working group tasked to facilitate obtaining of the documents within the Regional Process concluded that persons born in ex-Yu republics cannot become stateless since citizenship may be acquired by origin, while children may acquire citizenship, regardless of the republic (now the state) of birth through parents' citizenship. DPs/IDPs may file application for the issuance of documents with the competent authority of their state or with diplomatic and consular missions of the countries of origin. Due to their social and economic status, in the procedure of acquiring Montenegrin citizenship RAE are not required to submit any proof of having accommodation and regular source of income. They only have to submit the statement issued by the National RAE Council to that effect, which is in line with the affirmative action principle.

42. Despite all efforts and progress, a number of persons still face problems in obtaining the documents. GoM efforts have been intensified at the bilateral level and through direct communication with DPs/IDPs. Extension of the deadline for applying to 31 December 2012, mechanism for easier obtaining of documents and support to the organised trips to Kosovo, promise that the number of DPs/IDPs with the resolved status will increase considerably.

## **G. Rights of the child**

43. The Committee on the Rights of the Child adopted in 2010 the Report for Montenegro with a set of recommendations. On that basis, Montenegro adopted the Law on the Treatment of Juveniles in Criminal Procedure, prepared the draft Law on Social and Child Care and activities to create comprehensive database for child protection and began preparations for the National Action Plan for Children. It has been recognized that there is the need to intensify efforts in the following areas: more efficient implementation of laws and increasing the amount of budget funds allocated for social and child protection, health care and education; empowerment of the Council for the Rights of the Child, strengthening the role of the Deputy Ombudsman for the Rights of the Child; strengthening and transformation of the social service system. The process that has been initiated creates conditions for continuous improvement of the rights of the child and fulfillment of CRC recommendations. In the process of developing this report certain fields of the rights of the child were particularly considered. Activities in these fields will be intensified and the progress will be evaluated.

44. **Establishment of the foster care system** - The existing practice concerning protection of children and the youth without parental care is largely based on their placement in institutions or with their relatives. Fostering, as a form of care for children without parental care, is not sufficiently promoted. In order to create safe environment for every child and raise standards of the protection of the rights of the child, the Government adopted the Foster Care Development Strategy with the Action Plan 2012-2016. The following are strategic courses of action: reform of the system for protecting children without parental care and development of foster care as a less restrictive form of protection; building the system of quality of the protection of children without parental care and improvement of foster care; setting up an efficient system for foster care funding.

45. Intensive promotion of foster care will be launched before the end of 2012. The following are main challenges and goals: establishment of non-kinship foster care, urgent care for children so as to avoid placement of children in institutions; in-service training,

conducting supervision and inter-vision; creating database of children and foster parents; and cooperation with the NGOs in the process involving encouragement and development of foster care.

46. **Children with disabilities** – Even though legislative framework is mainly harmonised with international standards, it is necessary to invest further efforts to ensure full implementation of the ICRPD, particularly in terms of equal access of children with disabilities to all health care, education and social services. Social distance from and stigma towards children with disabilities remain despite positive results achieved in the campaign *It's About Ability* which aims at raising awareness and change attitudes and behaviour towards children with disabilities. Placement in institutions for an extended period of time still exists. Removal from institutions is crucial and the Government is committed to development of the services for vulnerable children that will meet their individual needs. Despite an increasing number of day care centres, services at local level still have not been sufficiently developed to be able to provide adequate support to children and families and to prevent further placement in institutions. Significant steps have been taken in the field of inclusive education and the tendency is to mainstream these children in educational system. Special institutions are transformed into resource centres for children with disabilities; new programmes for different types of disabilities are prepared; activities are undertaken to move these children from special classes and integrate them in regular classes. The following challenges have been identified: inter-sectorial, horizontal and vertical flow of information; staff and space limitations; education of school staff, engagement of teaching assistants and provision of funding for them. Improvement of the position of children with disabilities will be possible and more visible due to the new mechanisms in the Law on Social and Child Care and response of the GoM to the key challenges with regard to: creating the database and records of the children with disabilities at local and national levels; networking health care, social care and education sectors with the view to introducing mechanisms and services for early detection, rehabilitation and care, monitoring the exercise of rights of these children; increasing financial benefits for advanced home care, disability allowance and child allowance; adjustments to the infrastructure of facilities, and staff capacity building and continuous education.

47. **Protection of the rights of the child concerning privacy in the media** – This issue is regulated in detail by the Law on Electronic Media in accordance with the AVM Directive. The law lays down a prohibition of publishing information that reveal identity of minors, who have been involved in cases related to any form of violence, as witnesses, victims or offenders, as well as the prohibition of disclosing details concerning family relationships and private life of children. This prohibition also applies to electronic media.

48. Given the fact that there are individual cases involving violations of the rights of the child in the media, it has been recognised that standards of the CRC need to be at the highest possible level and that they need to be achieved by the media in Montenegro, serving exclusively the best interest of the child. Pursuant to the Journalists' Code of Ethics and the Guide on the Principles for Reporting the Issues involving Children (International Federation of Journalists), media are obliged to act in accordance with the principles of this Convention. With the view to eliminating any form of abuse, further efforts will be invested in achieving the highest ethical and professional standards by the media in regard to the children's rights and their presence in the media (publishing pictures that are harmful to the children, sensational presentations, unauthorised shooting and interviewing etc.). For instance, schools have been suggested to obtain approval from parents or to keep records of children whose photos may not be taken, who may not be shot or interviewed, and also to agree with the media on the manner of reporting etc.

## **H. Combating human trafficking**

49. The key pieces of legislation for criminalization and prosecuting the offence of human trafficking are Criminal Code and Criminal Procedure Code. CC includes several criminal offences that criminalize human trafficking. The Law on Amendments to CC introduced changes to the criminal offence of “Trafficking in Persons”, since it introduced a qualified form of this offence that criminalizes the use of the services of the victim. The rationale was to introduce a preventive mechanism in the form of a threatened prison sentence if the offence is committed against a minor.

50. Relevant national and international actors consider Montenegro to be a country of transit and less a country of origin or of final destination for the victims of trafficking. The Office for Combating Trafficking in Persons coordinates the activities of the responsible public administration bodies and international and NGOs. It manages the shelter and the programme for protection of human trafficking victims.

51. A number of measures has been implemented in the field of prevention and combating human trafficking: the adoption of the appropriate Code aimed at ensuring and reinforcing the commitment of tourism companies to combat trafficking in children; through signing and implementation of the agreement on cooperation of the Government and NGOs with the focus on treatment of women and children victims of trafficking; through introducing teacher training programme; and introduction of SOS lines.

52. International cooperation is on a high level. Since 2006 the International Centre For Migration Policy Development has been implementing the projects that deal with the issues of the victims of trafficking in South East Europe and cross-border cooperation in the cases of human trafficking. These programmes have significantly contributed to the strengthening of expert capacities of relevant bodies responsible for combating trafficking and NGOs. Supreme State Prosecutor concluded agreements on cooperation in combating serious transnational crime, crimes against humanity and other values protected in international law (human trafficking) with the prosecution services in other countries. Police cooperation is organized through Interpol, Liaison officers of the Department for international police cooperation and European integration of the Police Directorate and SECI centres, as well as on the basis of bilateral agreements.

53. In the period 2008–2012 there was the total number of 7 criminal reports against 30 persons for the criminal offence of trafficking in persons. 6 indictments were brought against 29 persons and 26 judgments were issued. In the same period the courts with jurisdiction processed 12 cases of trafficking in persons, 11 of which ended in final judgments by 1 December 2011. On the basis of the final convicting judgments for the traffickers, 7 victims of trafficking were registered as such in the period 2008 – 1 July 2012.

54. Montenegro prepared the Draft 2012–2018 Strategy and Action Plan for Combating Human Trafficking. Its adoption is expected at latest by the end of 2012. The goals of the 2012-18 Strategy are harmonized with the Directive 2011/36/EU of the European Parliament and Council of 5 April 2011 on Preventing and Combating Trafficking in Human Beings, as well as with the recommendations of relevant international actors and programme for combating human trafficking.

## **I. Combating domestic violence**

55. Law on Protection from Domestic Violence came into effect in 2010 and it is harmonized with the UN and CoE recommendations and other relevant international documents. The Law defines domestic violence as “act or omission of a family member that

threatens physical, psychological, sexual or economic integrity, mental health and peace of other family member, irrespective of where the incident of violence has occurred". The Law regulates protection of victims of violence in misdemeanour procedures and envisages five protection measures as the sanctions for misdemeanours: removal from home, restriction order, prohibition of harassment and stalking, compulsory treatment of addiction and psychosocial treatment. The proceedings dealing with protection from violence have to be treated as urgent.

56. The law was drafted in an open and participatory process. UNICEF supported the organization of a round table with representatives of state bodies, a large number of NGOs and international development donors. A large number of the amendments prepared by NGOs and sent as an initiative to the women MPs were accepted, put in the Parliament procedure and voted for. CC defines the criminal offence of Domestic Violence and envisages fines or prison sentences depending on the circumstances in which it was committed.

57. The Strategy for Protection from Domestic Violence, adopted in 2011, contains the assessment of the current situation and identifies key problems, goals and measures for the improvement of social and other protection. In 2011 the Supreme Court, Supreme Public Prosecution, relevant ministries, Police Directorate and Misdemeanour Panel signed the Protocol on proceeding in cases of domestic violence. A special segment of activities related to combating domestic violence is being implemented within Gender Equality Programme. The process of establishing multi-disciplinary teams on the local level is in progress. The teams will provide full and coordinated support to the victims of domestic violence and will be established in 10 Social Work Centres. Every year awareness raising campaigns related to this issue are organized within the 16 days of activism against violence against women. Trainings for professionals in the institutions providing protection to the victims of violence are to be implemented by the end of 2012. The key efforts will be invested in combating domestic violence and in the efficient implementation of the protection measures against perpetrators.

58. **Protection of children from domestic violence** – Complying with the CRC recommendations GoM adopted the Strategy for Protection from Domestic Violence (2011-2015). In March 2012, with the support of the CoE, GoM started the national campaign „One in Five“. Civil sector occasionally launches campaigns as well. Challenges and goals of the efficient protection of children from domestic violence have been identified. It is necessary to improve records on domestic violence against children, strengthen the capacities of experts in various fields for working with children and families at risk, establish temporary shelters for victims, stipulate standards of work and quality of services, ensure monitoring and efficient implementation of laws and the Strategy, and in particular of the protection measures defined in the law; etc. In this respect Montenegro has recognized the need: to establish a mechanism for monitoring the number of cases and scope of abuse, neglect and maltreatment; to ensure that professionals who work for and with children, are trained to proceed appropriately in case of doubt that a child is abused or neglected; and to strengthen psychological support through developing of services for the children victims of abuse and neglect.

## J. Judiciary reform

59. Strategy for the Reform of Judiciary and the Action Plan are the key strategic documents in this field. They set the directions and goals of the reform in the period 2007-2012. The key goals are: strengthening independence and autonomy; strengthening efficiency; strengthening access of judicial bodies, i.e. ensuring access to justice; strengthening international and regional cooperation; combating crime, particularly

corruption, terrorism and organized crime; reform the prison system; develop judicial information system. The areas to be strengthened so that the above goals can be achieved are: education of judges and prosecutors; alternative dispute resolution; case law and public trust in judiciary. Implementation of the Action Plan is monitored by the Commission that submits to GoM the reports with the overview of the situation, assessments and proposals for measures.

60. In 2011 GoM adopted the amendments to the Action Plan. The key novelties are related to the measures for strengthening independence of the judiciary and revising the individual measures for improving efficiency.

61. Amendments to the laws on: courts, public prosecutor and Judicial Council ensured a significant progress in strengthening independence and efficiency of judiciary. More objective criteria have been defined for the election and promotion of judges and prosecutors and the system of their evaluation and the election procedures have been improved. The Law clearly sets the grounds for liability of judges and prosecutors, while disciplinary and dismissal procedures are defined on the basis of the principles of full protection of the rights of judges and prosecutors, objectivity and transparency. The key reason for introducing the amendments was to reduce the area for discretionary decisions in the procedures of election and establishing liability of judges and prosecutors and to exclude any external influence on the Judicial and Prosecutorial Council in implementing the procedures. Given the importance of combating crime, and in particular organized crime, the amendments also covered the procedure of election of Special Prosecutor by the Prosecutorial Council. The composition of the Prosecutorial Council has been changed so that majority of members now come from the public prosecution service. This reduced the political influence exerted through the process of appointing the Prosecutorial Council by the Parliament.

62. As for the efficiency, there is a significant progress in the reduction of backlog thanks to the activities like: referral of judges to work in other courts with significant backlog, delegation of cases, implementation of ADR methods, mediation and delayed prosecution. A significant contribution to the efficiency of judiciary will also be made by the implementation of the new CPC, which envisages the concept of prosecutorial investigation and by the Misdemeanour Law and the implementation of misdemeanour orders. With the view to preventing potential court cases, Montenegro introduced notaries whose role is to bring to higher legal certainty in legal transactions with the compulsory records they keep (the most important being property transactions). In the aim of improving and increasing enforcement of court decisions in civil matters, Montenegro adopted the new Law on Enforcement and Security that provides for simpler enforcement procedure. Adoption of the Law on Bailiffs is expected. When they start working they will take over most of the enforcement activities from the courts.

63. **System of appointing judges and prosecutors** – One of the strategic goals of the judicial reform is an independent and efficient system of appointing judges and prosecutors. This is why Montenegro amended the laws on Judicial Council, courts and state prosecution. Amendments to the laws on Judicial Council and on courts established the criteria for the election of the members of the Judicial Council from among judges and eminent lawyers; the procedure for nominating candidates for the position of the Supreme Court President; revising the criteria for election of judges through separation of the criteria for the first election, for promotion and for election of court presidents; and establishing the system of objective assessment of candidates as well as for the improvement of disciplinary proceedings and disciplinary measures aimed at strengthening accountability of judges. Amendments to the Law on State Prosecution Service included the procedure of election of deputy state prosecutors, revising the established criteria for election and their objective assessment using the sub-criteria, disciplinary liability and dismissal, as well as the

reduction in the concentration of powers in the Supreme State Prosecutor. Amendments to the law also deal with the system of election of the members of the Prosecutorial Council from among state prosecutors and deputies, revising the criteria for election of state prosecutors and deputies that are elected for the first time and those who are promoted, and establishing the system of their objective assessment and disciplinary proceedings.

64. In drafting the above amendments Montenegro took into account the need to ensure harmonization with international standards for independence of judiciary. All novelties envisaged in the amendments bring to significant progress aimed at strengthening of judicial independence because through objective criteria for election and promotion of judges and state prosecutors and through the system of their promotion as well as through the improvement of the procedure of elections they contribute to development of personal and institutional independence of judiciary, which is one of the key goals of the reform.

## **K. Combating corruption**

65. Strategy for Combating Corruption and Organized Crime (2010–2014) was adopted in July 2010 together with the Action Plan for its implementation. The plan was updated, improved and adopted in July 2011 in cooperation with the civil sector. GoM established the National Commission for Monitoring of the Implementation of the Strategy, as the control body in charge of coordinating and monitoring anti-corruption policy. Commission is composed of the highest representatives of the executive branch of power and the judiciary, parliamentary political parties and two NGOs.

66. Reports on implementation of the measures are oriented to their quantitative and qualitative effects. Draft Report, adopted by GoM, also contains a special report of the three-party commission on the statistics on the cases of corruption and organized crime. Meetings of the Commission are open to the public and physical and legal entities can file their submissions.

67. With the view to strengthening institutional anti-corruption framework, several specialized departments have been established: Organized Crime and Corruption Department and Internal Control Department in the Police Directorate; Internal Control Department in the Customs Administration; Special Divisions for Combating Organized Crime, Corruption, Terrorism and War Crimes in Higher Courts in Podgorica and Bijelo Polje; Special Division for Combating Organized Crime, Corruption, Terrorism and War Crime in the State Prosecution Service and the Joint Investigation Team. Parliament of Montenegro established the National Branch envisaged in the Resolution on Combating Corruption and Organized Crime and the parliamentary body for oversight of the combat against corruption and organized crime.

68. As for the CoE Criminal Law Convention on Corruption, in October 2006 Montenegro underwent I and II round of GRECO evaluation. The first round dealt with the issues of independence, specialization and jurisdiction of the national bodies involved in the prevention and combating corruption and the system of immunity of persons holding public offices. The second round dealt with seizure and confiscation of illicit proceeds and prevention and detection of corruption in public administration. The adopted Report contained 24 binding recommendations. In December 2010 GRECO adopted the additional Compliance Report concluding that, out of 24 recommendations, 22 were satisfactorily implemented, while two were partially implemented. Amendments to the Law on Prevention of Conflict of Interests after two evaluation rounds introduced the provisions that ensure full compliance with the remaining two recommendations. Within the III evaluation round two reports were adopted with the total number of 14 recommendations for improving the legislation in the field of transparency of political party financing and harmonization of the current criminal legislation provisions with the CLCC and its

Protocol. The GRECO Compliance Report and their assessment of the level of compliance with their recommendations are expected in December 2012. Preparations for evaluation round IV are in progress. It will focus on “Prevention of Corruption for MPs, Judges and Prosecutors”.

69. The key novelties of the Strategy and Action plan are the specific and concrete measures and precise indicators for monitoring of their implementation. Participation of NGOs in the drafting and reporting processes contributes to their objectivity. Specific risk assessment was conducted in 2011 for the chapters that were recognized as particularly sensitive: local self-government, spatial planning, public procurement, privatization, education and health. Public campaigns, education of general public and experts and research on corruption are organized to raise public awareness. The campaigns resulted in strengthening of the awareness on corruption, which was reflected in the increase in the number of reports on suspicions of corruption. Since 2009 the Judicial Training Centre has been conducting the programme for education of judges and prosecutors for fighting corruption. Police Directorate adopted the Manual on the procedures for reporting criminal offences with the elements of corruption and protection of persons reporting these offences.

70. Certain progress has also been made in the improvement of the legislative framework to enhance the quality of police work and their actions in combating corruption. Stronger progress is expected after the adoption of the Law on Internal Affairs, new rulebook on internal organization and systematization and secondary legislation in line with the Law on Border Control that are being prepared. Ministry of Interior adopted the Code of Police Ethics, which is the expression of the needs and aspirations to develop police organization that will adopt and apply modern police standards and raise accountability of police to the highest level. Article 3 of the Code stipulates that police officer shall not commit any offence of corruption, and that he/she shall oppose strongly any such offence and fight them, in line with his/her authorities. Through intensive implementation of the measures of prevention and control mechanisms for prevention of corruption in police, the implementation and compliance with the Code of Ethics of the police is monitored, and the internal control of the police is strengthened and supported.

71. In the period 2008–1 July 2012, 38 criminal reports were filed against 36 officers for the criminal offences with the elements of corruption and organized crime. These were related to passive bribery and abuse of office. Disciplinary procedure for establishing disciplinary liability of officers was initiated against 16 officers - in one case a fine was imposed; in 2 cases officers were acquitted; in 2 cases the proposals for initiating disciplinary procedure were rejected, while in 3 cases employment of the officers was terminated. As for the other cases, procedures before Disciplinary Commission are in progress.

72. IPA 2010 project «Support to the Implementation of the Strategy and Action Plan for Combating Corruption» (implementation started in September 2012) envisages implementation of activities related to the following: upgrading of anti-corruption legislative framework; establishment and strengthening of cooperation between preventive and repressive bodies in the field of combating corruption and conflict of interests, development of integrity plans, campaigns aimed at promotion of channels for reporting corruption and mechanisms for protection of citizens reporting corruption.

73. EC Spring Progress Report on Montenegro stated that the overall progress has been achieved in the field of combating corruption. Further improvements and strengthening of the control mechanism are needed, particularly in the field of implementation of the law on political party financing, prevention of conflict of interests and public procurement as well as in strengthening inter-agency cooperation, particularly police and prosecution and improvement of the results of investigations in corruption cases.



## L. Freedom of opinion and expression, right to information and media freedoms

74. Continuous harmonization of media legislation with European standard brought to progress in the reporting period, primarily in the form of adoption of the new laws on: public broadcasting services and on electronic media. Law on Ratification of the Convention on Access to Official Documents and Law on Free Access to Information have been adopted and will be implemented from 2013. Law on Public Broadcasting Services regulates key issues of contents, goals and manner of performing the activities of public broadcasting services; obligation to establish professional standards and programme rules; independence of journalists and their protection from liability for acting in the interest of public; as well as financing work of journalists in such a way that their independence is preserved. Law on Electronic Media harmonizes the activities of production and provision of audio-visual media services with the European regulations and standards, primarily with the European Parliament and Council Directive on AVM services from 2007.

75. Issuing broadcasting licences, manner of financing regulatory bodies and the procedure of election of members to the Council of the regulatory bodies, ensure institutional, political and financial independence in the field of broadcasting in the context of exercising the right to freedom of expression. A significant progress in the field of media freedoms has been achieved through the implementation of the measures defined in the Action Plan in line with the recommendations from the Opinion on Montenegrin Application for EU Membership. In the context of strengthening media pluralism, a three-year model of state assistance to commercial broadcasters has been designed. The assistance will amount to approximately 4,500,000 euro and will be implemented according to the defined schedule. Media Self-Regulation Council was established on 7 March 2012. Its Assembly is composed of 20 printed, electronic and on-line media. This body will monitor the compliance with professional and ethical standards in journalism. Three-year transparent and independent model for financing media self-regulatory body has been defined and its implementation is in progress. The second self-regulation body – Press Council – was established on 29 May 2012. The founders are two daily newspapers and one weekly. On the national level, the Self-regulation Council for Local Press and Periodicals was established on 11 April 2012. It was joined by 11 media.

76. **Decriminalization of insult and libel** – Amendments to the CC from July 2011 deleted criminal offences defined in Article 195 (insult) and Article 196 (libel). The 2003 CC used to define only a fine for these offences but deleting them from CC means that they do not exist as criminal offences at all. For such offences legal redress can be found only in civil procedure. As for the civil-law protection (non-pecuniary damages), the Law on Obligations stipulates, inter alia, that for the suffered mental anguish caused by damage to reputation, honour, freedom or rights of person, the Court, if it finds that circumstances of the case and particularly the intensity of the pains and their duration justify that, will award compensation in money, regardless of the awarded pecuniary damages as well as in the absence thereof.

77. All cases of libel committed through the media started in the courts before decriminalization ended in final judgments. In the period between June 2010 and the time of decriminalization of libel there were 12 cases in total, out of which: proceedings were suspended in 5 cases; 4 ended in acquittals; 2 ended in convictions, and in one case private claim was rejected. When in June 2012 the Law on Amnesty of Persons Convicted of Insult and Libel was adopted it released from the imposed sentence all persons who were on the day of coming of the law into effect convicted of the criminal offence of insult and libel. For these persons all measures of prohibition of profession, professional activities and

duties are abolished, their convictions are deleted from their records and all their legal consequences are terminated.

78. Through decriminalization of libel and insult Montenegro achieved standards of media freedom ensuring that no person is criminally liable for their spoken or written utterances. Media freedoms standards have been achieved in legislation. Now the key challenge is implementation, particularly in terms of efficient and effective investigations of assaults on journalists that occurred in the past. As for the standards of adjudicating upon complaints for damage to honour and reputation, there is an obvious progress. Basic courts now consistently implement standards for protection of freedom of expression. Libel is decriminalized, but investigations in assaults on journalists are not effective and efficient in certain cases. Additional efforts have to be invested in identifying and processing the responsible persons.

79. In the reporting period Police Directorate registered and processed 11 cases of assaults on journalists. In such cases from the moment of receiving the report police undertakes intensive measures and activities aimed at identifying and submitting perpetrators to the relevant state prosecutor. In this period out of 6 processed cases where victims were journalists two ended in final judgments, while four have been finished at the first instance. Two more cases have been opened against unknown perpetrators where the authorized Police Directorate officers, upon orders issued by prosecutors, have been undertaking measures and actions from within their competences with the view to detecting the perpetrators.

80. Based on their powers and duties to protect security of citizens and property, Police Directorate will in the future perform risk assessments related to the persons employed in the media. The results of such assessments will be used to guide the work of the police and to undertake adequate measures and activities aimed at preventing illegal behaviours.

81. **Rights of religious communities** – Montenegro is a secular state where religious communities are separated from the state. Constitution guarantees equality and freedom of religious communities in their rituals and religious affairs. State does not interfere in the internal organization and organization of religious affairs. There is no official state religion. CC defines the criminal offence of Violation of Freedom of Worship and Practice of Religious Ceremonies. Exercising religious rights is particularly regulated in the Law on Legal Status of Religious Communities and the Law on Celebrating Religious Holidays. Establishing of religious institutions and organizations or religious communities is free. Adoption of new law which will regulate the area of the legal status of religious communities is expected in 2013. GoM signed agreements on regulation of relations of mutual interests with Islam community and Jewish community. The Parliament ratified the Fundamental Agreement between Montenegro and the Holy See.

82. Within their work religious communities are entitled to establish religious schools and dormitories for accommodation of students and to manage them directly. They can also publish and distribute religious press, and all of them publish their internal printed media. State assistance to religious communities is provided in the form of participation in contributions for pension, social and health insurance of priests, financial support to religious manifestations and cultural activities and through investments in religious buildings and protection of the monuments of culture.

#### **M. Training and strengthening awareness of judiciary and police on the rights and protection of human rights**

83. Within the Plan of education of civil servants active in the field of providing protection from discrimination, a number of workshops and seminars dedicated to issues of

discrimination and human rights protection have been organized. The Plan for implementation of the Law on Prohibition of Discrimination includes the plan for education and media promotion of anti-discrimination behaviours. Activities primarily include marginalized social groups - LGBT population, persons with disabilities and women. The plan of education, organized in annual cycles, envisages training that ensures full qualification for informed and sensitive proceeding and provision of efficient protection in discrimination cases. Selected participants are obliged to participate in all segments of the training so that in the end of the cycle they can be entitled to the appropriate certificate.

84. Broad media campaign was organized within the Plan of promotion of anti-discrimination. The first stage of the campaign was dedicated to the key discrimination - on the grounds of disability, gender identity and sexual orientation.

85. Additional training programmes for police officers included all segments of police organization through general and specialist trainings. The programmes dealt with police work from the aspect of respect for human rights and responses of the police in cases of domestic violence; combating human trafficking; implementation of the Code of Ethics; anti-corruption measures; proceedings with asylum seekers, foreigners and migrants, proceeding in case of police custody etc. In the future period it is necessary to develop a higher-level education of police officers that come in direct contacts with citizens and to work on the protection of human rights with stronger involvement of NGOs.

## **N. Right to healthy environment**

86. The legislative and institutional framework in the field of environment has been improved. This created conditions for implementation of high standards and exercising the right to healthy environment. New legal solutions, which ensured harmonization with European standards and incorporated key international law documents, are applied to the fields of: protection from noise; integrated prevention and control of pollution; waste management; use of and protection from chemicals; air protection and air quality monitoring; environment impact assessment; and protection of nature. The relevant Ministry continuously works on raising the awareness in the field of environment protection through workshops, press conferences and round tables. Department for support to the National Sustainable Development Council plays an important role in the implementation of the environment protection policy.

87. Since 2009 Environment Protection Agency, as an independent body, has been performing the activities of organizing, planning and participating in the environment monitoring and analysis of the situation, phenomena and events that can threaten the environment. EPA includes the environmental inspection that, *inter alia*, deals with the implementation of the integral cadastre of polluters by type, form and intensity of pollution. Fees for pollution are calculated in line with the measures for calculation and according to the principle polluter pays envisaged by the law. In cooperation with OSCE, EPA established the Arhus Centre in 2011 as a form of support to the implementation of the Arhus Convention, strengthening of the capacities for implementation, awareness raising on the environment protection issues, access to information and public participation.

88. International cooperation in the field of the environment protection is conducted both on bilateral (Belgium, Italy, Croatia, B&H, Serbia, Germany etc.) and multilateral level (UNFCCC, UNIDO, UNECE, UNEP, REC, UNDP etc.). A number of international projects are being implemented with the view to improving the environment situation in the following fields: sustainable ground water management in limestone eco-systems in the region; construction of the facilities for the implementation of the Arhus Convention and support to development of PRTR systems in the South-East Europe; support to

management in environment; cross-border transfer of air pollution at large distances; protection of marine area etc.

89. National Sustainable Development Strategy guides the economic and social development of the country and environment protection to sustainable development in the long run. Four Annual Reports on the NSDS implementation have been adopted so far. Information on the condition of the environment in 2011 provided us with the presentation of the situation by concrete segments and with the proposal of measures aimed at improving the situation. The trend of increase in the content of particles and nitrite oxides in the air in urban environment has been stated as well as the necessity to take measures for prevention of pollution in certain locations. In the field of protection of waters, untreated industrial and communal wastewater and inappropriate condition of sewage infrastructure are the key sources of pollution. Nine out of 21 municipalities still do not have waste management plan adopted. It is necessary to solve the problem of disposing hazardous waste generated through production activities of large industrial systems, where MN should aim at prevention, i.e. reduction in the quantity of generated waste. In the field of nature protection, biodiversity is still under pressure of intensive urbanisation, tourism and hunting.

#### **O. Cooperation with ICTY**

90. There is a permanent cooperation with the ICTY. Competent Montenegrin bodies comply with the ICTY requests. In 2012 Montenegro received one request and complied with it.

### **IV Commitment of Montenegro to promotion and protection of human rights**

91. On the basis of the recommendation of the First UPR Cycle (2008) and in the light of its candidacy for the HRC (2013–2015), Montenegro continued improving its legislative and institutional infrastructure for human rights protection. This process is conducted as an important segment of meeting all preconditions for full integration of the country in European and Euro-Atlantic structures – which is the key foreign-policy priority.

92. The progress presented herein and the clearly recognized challenges and obligations undertaken to strengthen further the system of protection and exercising of human rights and freedoms confirm the unambiguous commitment of Montenegro to the highest values of democracy and principles proclaimed in the UN Charter, Universal Declaration and international human rights law documents.

93. Voluntarily assumed obligations from the first reporting cycle have been additionally reinforced and contained in the aide memoire of Montenegro on the candidature to HRC, available at [www.un.org/ga/search/view\\_doc.asp?symbol=A/67/123](http://www.un.org/ga/search/view_doc.asp?symbol=A/67/123).