



Promoting and strengthening
the Universal Periodic Review

Recommendations & Pledges

MONTENEGRO

Second Review Session 15

Review in the Working Group: 28 January 2013
Adoption in the Plenary: 7 June 2013

Montenegro’s responses to recommendations (as of 17.07.2013):

In the Report of the Working Group:	In the Addendum:	During the plenary:	Summary:
109 recs accepted (13 of which were considered to be already implemented) and 15 left pending	Out of the 15 pending, the delegation stated accepting all recs, except n°119.2, 119.4, 119.8, and 119.12 which were commented	Out of the four recs not accepted, the delegation clarified that three were rejected and one was accepted in part.	Accepted: 121 Rejected: 3 No clear position: 0 Pending: 0 Total: 124

Paragraph headers are as in the Report of the Working Group, but the nature of responses to recommendations may have subsequently been changed.

List of recommendations contained in Section II of the Report of the Working Group A/HRC/23/12:

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

A - 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);

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

A - 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);

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

A - 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);

A - 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);

A - 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);

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

A - 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);

A - 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);

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

A - 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);

A - 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);

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

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

A - 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);

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

A - 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);

A - 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);

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

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

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

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

A - 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);

A - 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);

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

A - 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);¹

A - 117.28. Promote women participation in political life and their access to decision-making positions and management (France);

A - 117.29. Take further measures to promote women's economic empowerment and their participation in political life and decision-making (Ukraine);

A - 117.30. Make further efforts to promote gender equality and protect all women and girls from all forms of violence (Brazil);

A - 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);

A - 117.32. Continue the efforts to achieve an effective registration of all births, with special attention to children belonging to ethnic minorities (Holy See);

A - 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);

A - 117.34. Fully implement adopted legal measures against discrimination based on sexual orientation and gender identity (Czech Republic);

A - 117.35. Continue the efforts aimed at eliminating all discriminatory treatment based on sexual orientation or gender identity (Argentina);

A - 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);

A - 117.37. Establish effective mechanisms of dialogue with human rights defenders in the field of sexual minorities (Spain);

A - 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);

A - 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);

A - 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);

A - 117.41. Provide for an adequate number of publicly funded shelter facilities for victims of domestic violence (Liechtenstein);

A - 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);

A - 117.43. Complete the procedure of ratification of the European Convention on Preventing and Combating Violence against Women and Domestic Violence (Republic of Moldova);

A - 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);

A - 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);

A - 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);

A - 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);

A - 117.48. Increase efforts in order especially to protect victims of human trafficking (Greece);

A - 117.49. Strengthen programmes for the reintegration of victims of trafficking in society (Republic of Moldova);

A - 117.50. Intensify the fight against cybercrime, especially child pornography on the Internet (Republic of Moldova);

A - 117.51. Adopt effective measures in order to combat sexual exploitation of children (Belarus);

A - 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);

A - 117.53. Guarantee appropriate funding for the effective and efficient implementation of the judiciary reform and its related Action Plan (Morocco);

A - 117.54. Strengthen accountability and integrity standards within the judiciary by ensuring merit-based appointments and promoting career development (United States of America);

A - 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);

A - 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);

A - 117.57. Pursue reforms aimed at further protecting the judiciary from undue political interference and ensuring open, transparent and fair trial processes (Australia);²

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

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

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

A - 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);

A - 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);

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

A - 117.64. Pursue reforms aimed at further protecting the media from undue political interference (Australia);³

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

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

A - 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);

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

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

A - 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);

A - 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);

A - 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);

A - 117.73. Continue the efforts in the fight against exclusion and discrimination against persons with disabilities (Argentina);

A - 117.74. Intensify efforts in the promotion of the rights of persons with disabilities (Greece);

A - 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);

A - 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);

A - 117.77. Increase the necessary efforts to guarantee the inclusion of persons with disabilities in society, with special attention to access to education (Mexico);

A - 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);

A - 117.79. Take further legislative and administrative measures to safeguard the rights of minorities (China);

A - 117.80. Strengthen the efforts aimed at the full integration of the Roma population and other minorities (Algeria);

A - 117.81. Continue the efforts started in order to fight against discrimination of minorities, especially Roma (Argentina);

A - 117.82. Create a managing board overseeing the allocation of funding to minority councils to prevent any possible conflict of interest (Hungary);

A - 117.83. Continue its positive measures in advancing the rights of its minority groups, including Muslims, through the allocation of sufficient funding (Malaysia);

A - 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);

A - 117.85. Implement the Strategy for Improvement of the Position of Roma and Egyptians in Montenegro 2012-2016 (United States of America);

A - 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);

A - 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);

A - 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);

A - 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);

A - 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);

A - 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);

A - 117.92. Consider further extension for application resolving the status of displaced or internally displaced persons (Slovakia);

A - 117.93. Continue efforts to address the issue of IDPs with a view to finding a durable solution (Sri Lanka);

A - 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);

A - 117.95. Continue to expand efforts to register, document and subsequently integrate displaced and internally displaced persons into Montenegrin society (Australia);

A - 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:

A - 118.1. Accede to the Palermo Protocol (Belarus);⁴

A - 118.2. Harmonize its legislation with the CRC (Convention on the Rights of the Child) (Turkey);

A - 118.3. Step up efforts to provide equal access to education and health care to all children, irrespective of their immigration status (Philippines);

A - 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);

A - 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);

A - 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);

A - 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);

A - 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);

A - 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);

A - 118.10. Adjust the Criminal Code to what is set out in articles 2 and 3 of OPCRC-SC, by criminalizing the offences enshrined in that Protocol (Uruguay);

A - 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);

A - 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);

A - 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:

A - 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);

R - 119.2. Ratify the ICRMW (Turkey); Ratify ICRMW (Guatemala); Accede to the ICRMW (Belarus);⁵

A - 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);

R - 119.4. Consider ratifying OP-CRC-IC, OP-ICESCR as well as the ILO Convention 189 (Costa Rica);

A - 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);

A - 119.6. Ratify the 1961 Convention on the Reduction of Statelessness (Austria);

A - 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);

R - 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);

A - 119.9. Enact legislation to prohibit explicitly corporal punishment of children in all settings, including at home and by members of their family (Germany);

A - 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);

A - 119.11. Establish a simple and accessible procedure of birth registration to guarantee that all children have access to it (Brazil);

A - 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);

A - 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);

A - 119.14. Guarantee freedom of expression and protect journalists against any form of intimidation (France);

A - 119.15. Resolve those cases related to confiscated properties from various religious communities (Holy See).

Endnotes

1 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);

2 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);

3 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);

4 The recommendation as read during the interactive dialogue: "Accede to the ICRMW and the Palermo Protocol" (Belarus);

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

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