

UPR MONITOR

International Service for Human Rights



Human Rights Monitor Series

UNIVERSAL PERIODIC REVIEW, 3RD SESSION MONTENEGRO (FINAL) REVIEWED ON 3 DECEMBER 2008, AFTERNOON

Overview

The head of delegation for Montenegro was the Minister of Justice, H.E. Mr. Miras Roadovic. The delegation consisted of a handful of representatives from the ministries of gender and minority rights. The responsibility for replying to questions from States was shared between the members of the delegation.

30 States participated in the interactive dialogue. 22 of these States were European, thus the regional balance of the dialogue was somewhat lopsided. The comments by States were constructive and positive, with many States commending Montenegro for its progress on human rights issues. Many States sought further specific information on the steps taken by Montenegro to improve its human rights situation.

The delegation was cooperative during the review but did not fully answer all of the questions posed by States. It was frank about the challenges Montenegro still needed to overcome. In its introductory statement and occasionally in its replies to questions, the delegation repeated information already contained in the State report.

General information on Montenegro

- Montenegro is not a member of the Human Rights Council.
- The members of the troika for the examination of Montenegro were China, Russian Federation, Brazil.¹
- No information is contained in the national report on whether a national consultation process with civil society was held. However, NGOs and other civil society organisations were invited to submit comments and recommendations pertaining to the national report until 21 August 2008.

Information submitted to the Working Group

The **national report** of Montenegro² addresses issues in a broad and general manner, and more detail on some of the issues would have been useful. The report is generally reflective of key concerns identified by NGOs and UN organs, but again addresses these in a very general manner with statistics and detail largely lacking. The main issues addressed in the report include the new constitution of 2007, the right to dignity and inviolability of persons (rights of detainees, reform of the judiciary and law enforcement), refugees and asylum-seekers, freedom of expression (media), and cooperation with NGOs.

¹ There were no objections by Montenegro or by the members of the troika to the selection. For a full summary of the selection of troikas, see ISHR's *Daily Update* of 8 September 2008, available at www.ishr.ch.

² A/HRC/WG.6/3/MNE/1, available at <http://www.ohchr.org/EN/HRBodies/UPR/PAGES/MESession3.aspx>

The OHCHR **compilation of UN information**³ focuses on the findings of UN organs and committees concerning human rights developments in Montenegro in the past few years. The Human Rights Committee (HRC), for instance, expressed concerns about the following areas: trafficking of women and children, domestic violence, and violence against journalists. The Committee against Torture (CAT) commented on the independence of the judiciary which, in its view, needed to be strengthened. The Committee for Economic, Social and Cultural rights (CESCR) urged Montenegro to promote school attendance of Roma children, other minorities and internally displaced peoples (IDPs). The UN High Commissioner for Refugees (UNHCR) noted Montenegro's efforts to help refugees and IDPs in terms of pursuing voluntary repatriation and clarifying their legal status. UNHCR also commended Montenegro on its strategy for resolving the issues of refugees and IDPs.

Seven other stakeholders, including six non-governmental organisations (NGOs), submitted information for the OHCHR **summary of stakeholders' information**.⁴ Issues addressed by NGOs included the lack of an anti-discrimination act, the lack of adequate human rights guarantees in the new constitution, independence of the judiciary⁵, and the restrictive definition of the term 'minorities' in the constitution⁶. The situation of the Roma people was also raised in terms of their poor social and economic conditions, discrimination in accessing public services⁷, and the lack of proper education for Roma children.⁸ Other issues mentioned in NGO submissions concerned the inadequate rights protection of lesbian, gay, bisexual, and transgender/transsexual people (LGBTs)⁹ and the legality of corporal punishment in homes and alternative care settings.¹⁰

Interactive dialogue¹¹

Presentation by the State

In Montenegro's 30-minute introductory statement the head of delegation generally repeated information contained in the national report. He specifically spoke about the new constitution of 2007 which has classified human rights into three rights categories¹² and established a minority council to ensure the protection of minority rights. Other issues mentioned in the opening statement included measures to improve the independence of the judiciary, a national plan to combat corruption, bilateral cooperation on IDPs in Montenegro, the necessity of changing current media laws, and the recent creation of a gender equality office.

The presentation was useful in that it provided a general summary of major achievements and developments in Montenegro since its independence in 2006 and the subsequent adoption of the new constitution in 2007.

There were no questions submitted to the delegation from the troika.

Themes and issues

Most States commented on the poor economic and social conditions of **minorities** in Montenegro. States enquired as to what measures were being taken to minimise discrimination against the Roma population and, in this regard, requested statistics on their economic conditions. The delegation recognised the difficulties

³ A/HRC/WG.6/3/MNE/2, available at <http://www.ohchr.org/EN/HRBodies/UPR/PAGES/MESession3.aspx>

⁴ A/HRC/WG.6/3/MNE/3, available at <http://www.ohchr.org/EN/HRBodies/UPR/PAGES/MESession3.aspx>

⁵ Human Rights Action

⁶ Amnesty International

⁷ European Roma Rights Center

⁸ Human Rights Action

⁹ Aleksandar Sasa Zekovic

¹⁰ Global Initiative to End All Corporate Punishment of Children

¹¹ Most statements made at the UPR Working Group can be found at <http://portal.ohchr.org/portal/page/portal/UPR>. Fill in the form at www.ohchr.org/english/bodies/hrcouncil/form.htm to receive username and password. Audiovisual archives of the meetings of the Working Group 'webcast' are available at www.un.org/webcast/unhrc/index.asp.

¹² Personal rights and freedoms, political rights and freedoms; and economic, social, and cultural rights and freedoms.

involved in this issue and cited the enactment of the National Action Plan on Minorities as one remedy to improve the living conditions of the Roma people.

The independence of the **judicial system** was an important issue for many States. Delegations enquired whether there were programs or measures in place to combat corruption within the courts and law enforcement agencies. It was recommended that more energy and resources be expended to address this issue. Montenegro offered little clarification on this issue.

Gender equality was another popular topic of discussion between the delegation and the States. Some States commended Montenegro's adoption of a law on gender equality in 2007. However, most States were concerned that discrimination still exists and recommended that Montenegro take further measures to address the issue. The delegation noted the creation of an Office of Gender Equality to address gender issues and referred to various statistics and information on the Plan of Activities for Achieving Gender Equality in Montenegro (2008-2012).

Many States voiced concerns about **trafficking** of women and children for sexual purposes. States inquired as to which actions and programs had been taken by Montenegro to provide assistance to women and child victims of trafficking, and recommended that it increase its efforts to cooperate with neighbouring countries in this regard.

Many States were concerned about the status of **refugees** and **IDPs** in Montenegro. Some States urged that their legal status be clarified, while others asked what measures the State had in place to assist them. The delegation responded that housing quarters had been built for refugees without discrimination on the grounds of their affiliations/membership and that Montenegro had instituted mechanisms of return.

States also engaged Montenegro in discussions on the following themes: right to freedom of expression (particularly of the media)¹³, domestic violence¹⁴, persons with disabilities¹⁵, and discrimination legislation¹⁶.

Adoption of the report

On 5 December, the Working Group adopted the report on the review of Montenegro. Brazil, on behalf of the troika introduced two oral revisions to the report. Montenegro stated that the Government would carefully examine all recommendations made and communicate its response in time for the Council's adoption of the outcome of the review in March 2009. The report was then adopted as amended.

¹³ Czech republic, Mexico, Spain, Norway, UK, Ireland

¹⁴ Greece, Slovenia, Ireland

¹⁵ Mexico, Bosnia and Herzegovina

¹⁶ France, Austria

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