



Human Rights Council
Working Group on the Universal Periodic Review
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Montenegro

Compilation of information prepared by the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the outcome of the previous review.¹ It is a compilation of information contained in relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

II. Scope of international obligations and cooperation with human rights mechanisms

2. Two treaty bodies recommended that Montenegro consider ratifying those international human rights instruments that it had not yet ratified.² The Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material and the United Nations country team recommended that Montenegro ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.³

3. The Committee on the Rights of the Child recommended that Montenegro prohibit the direct involvement in hostilities of persons under age 18, and in that regard amend the declaration made upon ratification of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.⁴

4. Montenegro contributed financially to the Office of the United Nations High Commissioner for Human Rights (OHCHR) in 2018,⁵ 2019,⁶ 2020,⁷ 2021⁸ and 2022.⁹

5. In 2021, Montenegro submitted its midterm report regarding the implementation of recommendations made during the third cycle of the universal periodic review in 2018.

III. National human rights framework

Institutional infrastructure and policy measures

6. The Committee on the Elimination of Racial Discrimination expressed concern about the lack of a transparent process for the selection of the Protector of Human Rights and Freedoms, the lack of legislative power of the Protector to recruit staff transparently, and the insufficiency of resources to carry out the office's mandate.¹⁰ It recommended that



Montenegro establish a more transparent selection process, empower the Protector to recruit staff independently, and allocate adequate resources to the office of the Protector.¹¹ The Independent Expert on the enjoyment of all human rights by older persons recommended amending legislation on the election of the Protector to ensure independence, equipping the institution of the Protector with adequate resources, strengthening that office in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), and broadening the mandate to specifically include older persons.¹² The United Nations country team recommended increasing resources, increasing the level of implementation of recommendations made by the Protector, and undertaking actions for the Protector to be accredited with A status.¹³

7. The Committee against Torture expressed concern about the negative impacts of the 2018 Law on Amendments to the Law on the Protector of Human Rights and Freedoms of Montenegro in relation to the autonomy of the Protector, and that the independence of visits by the national preventive mechanism – a subentity of the office of the Protector – was compromised by an obligation to have visit reports signed by a representative of the institution visited.¹⁴ It stated that Montenegro should strengthen the capacity of the Protector and national preventive mechanism by ensuring the independence of members, providing the necessary resources and strengthening follow-up on the implementation of recommendations; guarantee the participation of civil society organizations in mechanism visits; and amend the law to remove the signature requirement.¹⁵

IV. Promotion and protection of human rights

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

1. Equality and non-discrimination

8. The Committee on the Elimination of Racial Discrimination expressed concern about reports of hate speech by politicians and public figures against some ethnic or ethno-religious groups, racist hate speech in the media, and racist violence against Roma and during sporting events.¹⁶ It recommended that Montenegro condemn racist hate speech by politicians and public figures, investigate, prosecute and punish acts of hate speech, ensure that racist violence was combated and perpetrators punished, and that media regulatory bodies repressed manifestations of racist hatred.¹⁷ The United Nations country team noted an increase in hate speech and recommended analysing hate speech and crime, ensuring accountability in that area, increasing prevention through public campaigns and dialogue, and providing mandatory civic education in schools.¹⁸

9. The Committee on the Elimination of Racial Discrimination expressed concern that a limited number of complaints about racial discrimination had been registered, few cases had been prosecuted, most cases were addressed as misdemeanours and sanctions remained lenient.¹⁹ It recommended that Montenegro intensify awareness-raising campaigns among the population, in particular Roma, Ashkali and Egyptian communities, refugees, asylum-seekers and internally displaced persons.²⁰

10. The Committee on the Rights of the Child recommended that Montenegro ensure the implementation of laws prohibiting discrimination, strengthen public education campaigns to address negative attitudes towards Roma, Ashkali and Egyptian children, children with disabilities and refugee and asylum-seeking children, and ensure that those children had access to legal aid.²¹

2. Right to life, liberty and security of person, and freedom from torture

11. The Committee against Torture expressed concern that the definition of torture in the Criminal Code was not aligned with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, that acts of torture or ill-treatment were not punished with penalties commensurate with their grave nature, and that the statute of limitations for torture remained in place.²² It urged Montenegro to expedite the adoption of

amendments to the Criminal Code to incorporate into the legal definition of torture all elements contained in article 1 of the Convention, ensure appropriate penalties and ensure that torture was not subject to any statute of limitations.²³

12. The same Committee remained concerned at the persistence of reports regarding ill-treatment or torture of detainees by the police during questioning with a view to extracting confessions or information, at the effectiveness of investigations, at the leniency of sentences for State agents convicted of such offences, and at the failure to suspend State agents under investigation for such offences.²⁴ It recommended that Montenegro ensure that all complaints of torture and ill-treatment were promptly investigated by an independent body; ensure that suspected perpetrators were suspended from official duties; guarantee that alleged perpetrators were prosecuted and, if found guilty, received commensurate penalties; develop training for police on non-coercive interviewing techniques; and ensure video recording of the questioning of suspects.²⁵ The United Nations country team recommended investigating all allegations of ill-treatment and excessive use of force by police and in prison, and holding those responsible accountable.²⁶

13. Two special procedure mandate holders addressed a communication to Montenegro regarding cases of alleged arbitrary arrest, ill-treatment, and forced false confessions.²⁷ In its response, the Government stated, *inter alia*, that a judge could not base his or her decision on a confession or other statement obtained by extortion, torture or inhuman or degrading treatment.²⁸

14. Noting that prison overcrowding and staffing levels remained a concern, the Committee against Torture recommended that Montenegro intensify efforts to eliminate overcrowding in detention facilities, continue to renovate places of detention needing repair, recruit and train prison personnel to ensure adequate treatment of detainees, and ensure resources for health care for prisoners.²⁹

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

15. The Committee against Torture was concerned about the implementation of the 2011 Law on Legal Aid, given the reported lack of awareness among potential beneficiaries, and about the vagueness of the Law on International and Temporary Protection of Foreigners regarding access to legal aid.³⁰ It called on Montenegro to intensify efforts to provide an effective free legal aid system, ensure access to the legal system for vulnerable groups, ensure that criteria determining access to legal aid were objectively defined, amend the Law on Legal Aid to include victims of alleged torture, and allow non-governmental organizations and other competent entities to provide State-sponsored free legal aid.³¹ The Office of the United Nations High Commissioner for Refugees (UNHCR) recommended amending the same law to include refugee status determination and statelessness determination procedures in the free legal aid scheme.³²

16. The Committee against Torture remained concerned at the lack of progress made by Montenegro in prosecuting those under its jurisdiction accused of committing war crimes during the conflicts in the Western Balkans in the 1990s, and that the majority of victims of war crimes had yet to be afforded the right to reparation.³³ It stated that Montenegro should intensify efforts to fight impunity for war crimes by investigating all allegations and examining all evidence against its citizens or others subject to its jurisdiction, completing investigations of all war crimes allegations, prosecuting the perpetrators and punishing them with appropriate penalties, and ensuring that all victims obtain redress.³⁴ The United Nations country team made similar recommendations.³⁵

17. Expressing concern at the limited avenues for redress and rehabilitation available to victims of torture, the Committee against Torture urged Montenegro to take the measures necessary to enable victims to obtain redress.³⁶

18. The United Nations country team recommended accelerating judicial reform, ensuring the full independence of judicial actors, and urgently electing top-level judicial officials.³⁷

19. The Committee on the Rights of the Child remained concerned that provisions for alternatives to detention were not being implemented.³⁸ It recommended that Montenegro ensure that the juvenile justice system complied with the Convention on the Rights of the

Child, effectively implement the Law on Treatment of Juveniles in Criminal Proceedings and enhance the skills of actors in the juvenile justice system.³⁹ The Committee against Torture recommended discontinuing the placement of juveniles in prison facilities.⁴⁰ The United Nations country team recommended setting up specialized courts for child-related cases.⁴¹

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

20. The Committee against Torture expressed concern about reports of intimidation of, and physical attacks against journalists.⁴² It called upon Montenegro to ensure that journalists were protected against threats, and take measures to prevent such acts, including by establishing a national mechanism for the safety of journalists; step up investigations into such attacks, ensuring that perpetrators were brought to justice; and conduct an evaluation of its strategy on improving the safety of journalists.⁴³ The United Nations country team recommended investigating all attacks on members of civil society, and ensuring accountability of the perpetrators.⁴⁴

21. The Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, in a communication to Montenegro, expressed concern at an attack against a journalist, which he stated took place in an environment that appeared increasingly hostile to journalists and media workers. The Special Rapporteur urged the Government to take steps to protect and support journalists working to uncover organized crime and corruption and other matters of public interest.⁴⁵ In its response, the Government stated, *inter alia*, that a system of preventive and repressive measures and actions by the Police Directorate had been introduced to protect journalists from threats and violence.⁴⁶

5. Right to privacy

22. Three special procedure mandate holders addressed a communication to Montenegro expressing concern at the decision by the Government to publish the names of individuals ordered to self-isolate due to the risk of coronavirus disease (COVID-19) infection, which appeared to constitute a violation of the rights to privacy, health and informed consent.⁴⁷ In its response, the Government stated, *inter alia*, that it believed its decision was proportionate and effective.⁴⁸

6. Prohibition of all forms of slavery, including trafficking in persons

23. The Special Rapporteur on trafficking in persons, especially women and children, reported that migrants risked being trafficked during their journey, and that internal trafficking also occurred.⁴⁹ She recommended that the Government ensure that political commitment was maintained despite changes in government organizational structure, that the law on compensation for victims of trafficking in persons was enforced independent of the accession of Montenegro to the European Union, that the fund for victims was sufficiently resourced, and that guidance on non-punishment of trafficking victims for illicit activities committed while they were trafficked was applied.⁵⁰

24. The same Special Rapporteur expressed concern regarding the low number of victims of trafficking identified and supported, and the low number of criminal proceedings conducted.⁵¹ She recommended that the Government implement the forthcoming standard operating procedures, develop training on those procedures and trafficking indicators for relevant authorities, and provide assistance to victims and adequate funding to organizations providing services for such victims.⁵² The United Nations country team recommended building the capacity of staff working with trafficking victims.⁵³

25. The Special Rapporteur on trafficking in persons asserted that early identification of victims of trafficking among asylum-seekers remained poor.⁵⁴ She recommended establishing coordination between asylum procedures and the trafficking protection system.⁵⁵

26. The Special Rapporteur on sale of children reported that Montenegro was a transit, source and destination country for children subjected to sale and trafficking.⁵⁶ The Committee on the Elimination of Racial Discrimination expressed concern that many children, particularly Roma, Ashkali and Egyptian children, were begging and living on the streets, which exposed them to exploitation, including trafficking.⁵⁷ The Special Rapporteur stated that the Government should establish at least one new centre for the care, rehabilitation

and reintegration of child victims, and ensure that unaccompanied migrant, asylum-seeking and refugee children received access to safe reception facilities and care.⁵⁸ The Committee on the Elimination of Racial Discrimination recommended conducting a study on the causes of trafficking in persons, implementing legislation on trafficking, intensifying awareness-raising campaigns, and adopting a more comprehensive strategy to combat trafficking.⁵⁹ The Committee on the Rights of the Child recommended establishing adequate and coordinated mechanisms to identify and protect child victims of trafficking and sexual exploitation, strengthening the capacity of relevant actors and strengthening awareness-raising programmes.⁶⁰

7. Right to work and to just and favourable conditions of work

27. The United Nations country team noted that inequalities between women and men in formal employment rose during the COVID-19 pandemic, as did youth unemployment. Few Roma and Egyptians were formally employed, and persons with disabilities faced challenges with regard to entering the labour market.⁶¹ The United Nations country team recommended that Montenegro create tailor-made activation measures and support schemes focused on Roma and Egyptians, inactive women, youth, and persons with disabilities.⁶²

8. Right to social security

28. The United Nations country team reported that only about 5 per cent of the population received family material support, which was means tested for poverty, while the national at-risk-of-poverty rate was above 20 per cent.⁶³ It recommended that Montenegro assess the potential to change the criteria of the means test to ensure adequate coverage of individuals and families living below or near the poverty line.⁶⁴

9. Right to an adequate standard of living

29. The Independent Expert on older persons asserted that poverty rates had persisted due to high unemployment and low income levels.⁶⁵ The United Nations country team noted that the COVID-19 pandemic had had a significant social and economic impact, had especially affected certain populations, and that the estimated poverty rate had worsened.⁶⁶ The Independent Expert called upon the Government to strengthen its efforts to combat poverty and develop an evaluation mechanism to assess the impact of measures taken.⁶⁷ The United Nations country team recommended creating more economic opportunities for communities in the north of the country and vulnerable groups.⁶⁸

30. The Committee on the Rights of the Child expressed concern about children in disadvantaged situations, who continued to be disproportionately affected by poverty; the elimination of “mother’s benefits” from the Law on Social and Child Protection; and the decrease in public spending for child allowance.⁶⁹ It recommended that Montenegro hold consultations with families and children to strengthen measures for reducing child poverty, and intensify efforts to provide assistance to parents.⁷⁰

31. UNHCR recommended amending the Law on Social Housing to include persons granted international protection as beneficiaries, in addition to ex-Yugoslavian refugees and stateless persons.⁷¹

10. Right to health

32. The Committee on the Rights of the Child remained concerned about reports of health service providers charging informal fees; declining rates of immunization against childhood diseases; low rates of exclusive breastfeeding; and limited access to early childhood development services.⁷² It recommended that Montenegro ensure access to free, quality health care, without informal fees for all children, raise awareness about the importance of breastfeeding and vaccinations, and ensure equal access to support for children with developmental difficulties.⁷³ The United Nations country team recommended ensuring appropriate funding for health care, increasing child immunization, increasing primary health care efforts to improve breastfeeding rates and nutrition practices, and strengthening child developmental monitoring.⁷⁴

33. The same Committee was concerned about the high number of teenage pregnancies, the insufficient number of qualified specialists and community-based mental health services, and the limited support services to prevent and respond to alcohol and drug use among children.⁷⁵ It recommended that Montenegro remove barriers to girls' and women's access to sexual and reproductive health services, ensure the availability of community-based mental health services, increase the number of child psychiatrists and psychologists, and strengthen measures to address alcohol and drug use by children and adolescents.⁷⁶

11. Right to education

34. The Committee on the Rights of the Child expressed concern regarding the quality of education, hidden costs, barriers to education for children in disadvantaged situations and low completion rates, and that preschool education reforms would not be sustained without increased investments.⁷⁷ It recommended that Montenegro continue efforts to improve access to education by reducing the burden of hidden costs; improve the quality of education by providing teacher training and ensuring that curricula were relevant to future needs; and allocate sufficient resources to expand preschool education.⁷⁸

35. The United Nations country team stated that concerns regarding quality and equity in education were exacerbated during the COVID-19 pandemic.⁷⁹ It recommended developing an education sector strategy, investing in increasing the enrolment of children from the most vulnerable groups, and ensuring inclusive use of digital technologies to improve education.⁸⁰

B. Rights of specific persons or groups

1. Women

36. The Committee against Torture expressed concern at reports regarding the prevalence of domestic violence, and the low level of prosecution and leniency of sentencing for perpetrators of gender-based violence.⁸¹ It recommended that Montenegro ensure that all cases of gender-based violence were investigated, that alleged perpetrators were prosecuted and, if convicted, punished appropriately, and that victims received redress and access to legal assistance, safe shelters, medical care and psychological support; provide training for justice and law enforcement personnel, and continue awareness-raising on all forms of violence against women.⁸² The Independent Expert on older persons made similar recommendations regarding domestic violence, in particular against older persons.⁸³ The United Nations country team recommended adopting new strategies to combat gender-based and domestic violence.⁸⁴

37. The Committee on the Elimination of Discrimination against Women noted that Montenegro had one of the highest imbalances between births of boys and girls in Europe, with around 107 newborn boys for every 100 girls in 2020.⁸⁵ The Committee on the Rights of the Child remained concerned about sex-selective abortion, and recommended addressing the root causes of the practice and its long-term implications for society, expanding family planning services, and strengthening awareness-raising on the issue.⁸⁶

38. The United Nations country team noted that gender equality had not been prioritized in government accountability mechanisms.⁸⁷ It recommended focusing on the economic and political empowerment of women, combating stereotypes of women's roles, and amending legislation to increase women's representation in Parliament.⁸⁸

2. Children

39. The Committee on the Rights of the Child expressed concern about the absence of a comprehensive children's law and about insufficient measures to ensure implementation of legislation relating to children's rights.⁸⁹ It recommended that Montenegro enact a comprehensive children's law, introduce a child rights impact assessment for new legislation at the national level, and allocate sufficient resources for implementation of existing legislation.⁹⁰ It also recommended ensuring that the national plan of action for children served as a basis for budgeting.⁹¹

40. The same Committee expressed concern that legislation included exceptions that allowed marriage from the age of 16 years.⁹² The Committee, two special procedure mandate holders and the United Nations country team recommended that Montenegro amend its legislation to raise the minimum marriage age to 18 years, without exception.⁹³ The Special Rapporteur on sale of children recommended criminalizing all forms of marriage with persons under age 18 and sexual activity by an adult with a minor.⁹⁴ The Committee on the Elimination of Discrimination against Women considered its previous recommendation to enforce the prohibition of child marriage as partially implemented.⁹⁵

41. Regarding the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, the Committee on the Rights of the Child expressed concern that Montenegro continued to focus almost exclusively on trafficking in persons, which was not identical to the sale of children, and about the low rate of implementation of related laws, policies and programmes.⁹⁶ It urged Montenegro to provide in legislation an explicit definition of the crime of the sale of children, investigate and prosecute all offences under the Optional Protocol, establish and exercise extraterritorial jurisdiction over all crimes under the Optional Protocol, and develop and implement programmes to protect, rehabilitate and socially integrate child victims.⁹⁷ The Special Rapporteur on sale of children recommended including all forms of the sale and sexual exploitation of children as separate crimes in the Criminal Code, and incorporating into legislation the definitions of the sale of children, child prostitution and child pornography in the Optional Protocol.⁹⁸

42. The same Special Rapporteur noted the lack of data and understanding of child sexual abuse and sexual exploitation, the low number of cases in which victims were identified and the limited specialized support services.⁹⁹ Sexual exploitation of children in the tourism context and online child sexual abuse were concerning.¹⁰⁰ The Special Rapporteur recommended that the Government strengthen efforts to detect, investigate, prosecute and punish crimes of sale and sexual exploitation of children; ensure access to child-sensitive justice mechanisms; strengthen the Suppression of High-tech Crimes Unit within the Police Directorate; and ensure training on child-friendly criminal proceedings.¹⁰¹ She recommended adopting legislation to address online child sexual exploitation, raising awareness and creating a database.¹⁰² The United Nations country team recommended ensuring free legal aid for child victims.¹⁰³

43. The Committee on the Rights of the Child expressed concern about the prevalence of violence against children, the low level of reporting thereon, the lack of understanding of what constituted violence against children, low rates of investigation and prosecution, and lenient sanctions.¹⁰⁴ It recommended that Montenegro allocate adequate resources, investigate and prosecute cases, punish those convicted with commensurate sanctions, provide remedies and support to victims, and develop an awareness-raising campaign.¹⁰⁵ The United Nations country team recommended investing resources to accelerate protection and victim support services, developing programmes for parents and establishing children's houses for victims.¹⁰⁶

44. The Committee on the Rights of the Child recommended ensuring that the prohibition of corporal punishment was enforced, including by defining corporal punishment in legislation; raising awareness about corporal punishment; developing a code of conduct for teachers; and establishing complaints mechanisms in schools.¹⁰⁷

45. The same Committee remained concerned about the number of children in institutional care, inadequate support for foster families, and provisions in the Law on Social and Child Protection allowing for the institutionalization of children under the age of 3 years.¹⁰⁸ It recommended that Montenegro adopt a policy to further promote family-based care, provide capacity-building on children's rights for relevant actors, and amend the above-mentioned Law to prohibit the placement of children aged under 3 years in institutions.¹⁰⁹

3. Older persons

46. The Independent Expert on older persons noted that stereotyping of, and discrimination against, older persons remained an issue of concern.¹¹⁰ She recommended that the Government conduct an awareness-raising campaign to correct the public perception of

older persons as passive consumers of services, and support older persons to participate in decision-making processes.¹¹¹

47. The same Independent Expert recommended conducting a preventive information campaign on violence against older persons. She underlined the need to ensure the availability of shelters adapted to older persons, accessible legal aid and victim support.¹¹²

48. The Independent Expert also reported that older persons were vulnerable to poverty and social exclusion in Montenegro, and that the risk increased among poorer population groups.¹¹³ She urged the Government to address old-age poverty and consider introducing a non-contributory old-age pension.¹¹⁴ She also called for expanding the availability and quality of social housing for older persons.¹¹⁵

49. The Independent Expert recommended developing a long-term care policy, home help, day-care centres and sufficient alternative accommodation services for older persons.¹¹⁶

4. Persons with disabilities

50. Noting that conditions in institutions for persons with psychosocial and intellectual disabilities remained unsatisfactory, the Committee against Torture stated that Montenegro should prioritize efforts to improve conditions in psychiatric institutions, accelerate the deinstitutionalization of persons with such disabilities, and increase investment in community-based services.¹¹⁷ The Independent Expert on older persons recommended creating accommodation capacities for older persons with dementia, and addressing the lack of alternative care settings for persons with mental health care needs.¹¹⁸ The United Nations country team recommended ending the involuntary deprivation of liberty of persons with psychosocial disabilities, and developing community-based services.¹¹⁹

51. The Independent Expert on older persons noted that implementation of the Convention on the Rights of Persons with Disabilities remained weak, and many public institutions were not accessible.¹²⁰ She recommended that Montenegro adopt an accessibility strategy and promote universal design for all buildings, public services and public transport to ensure accessibility for older persons.¹²¹

52. The same Independent Expert stated that deprivation of legal capacity must be addressed, and that the guardianship and substitute decision-making regime must be replaced with a system of supported decision-making.¹²²

53. The Committee on the Rights of the Child noted with concern the lack of effective protection of children with disabilities, the high number of such children living in institutions and attending special schools, and that day-care centres for children with disabilities accepted persons from the ages of 3 to 26 years.¹²³ It urged Montenegro to implement legislation providing protection for children with disabilities, undertake awareness-raising campaigns to combat stigmatization, support family-based care, accelerate deinstitutionalization, prioritize inclusive education, and ensure that the mandate of day-care centres was limited to children.¹²⁴ The Special Rapporteur on sale of children recommended providing access to services in community care, and ensuring that caregivers received support.¹²⁵ The United Nations country team recommended accelerating the development of family and community-based services, and focusing on prevention and foster care.¹²⁶

5. Minorities

54. The Committee on the Elimination of Racial Discrimination expressed concern about persisting negative attitudes towards Roma, Ashkali and Egyptians and the difficulties they faced in the areas of employment, housing, health care and birth registration.¹²⁷ It recommended that Montenegro design more targeted labour market policies for those groups, institutionalize the system of Roma mediators in employment and consider increasing the recruitment of Roma, Ashkali and Egyptians in the public and private sectors; accelerate housing projects to relocate Roma, Ashkali and Egyptians to more appropriate housing; take measures to prevent forced evictions of those groups; ensure access to medical care for all members of those groups; implement a simplified procedure for birth registration; and ensure the registration of children in cases where the mother was unknown or lacked an identification document.¹²⁸ In follow-up communications, the Committee stated that it

considered the response of Montenegro to the recommendation on the birth registration procedure satisfactory, and its answer to the recommendation regarding mothers who were unknown or who lacked an identification document partially satisfactory.¹²⁹

55. Concerned at the low attendance rate of Roma, Ashkali and Egyptian pupils in schools, the persistent dropout rate and absenteeism, the Committee on the Elimination of Racial Discrimination recommended that Montenegro ensure that all children in its territory had access to education, reinforce implementation of its protocol for reducing school dropout, ensure sustainability of the Roma and Egyptian mediators' mechanism, intensify the campaign to alter discriminatory attitudes, and raise the awareness of those communities on the need for education.¹³⁰

56. The same Committee expressed concern that the equitable representation of ethnic and national minority groups was not ensured in political and public life, and that election legislation did not favour Roma and Egyptian representation.¹³¹ It recommended redoubling efforts to improve the representation of minority groups, including by taking special measures to empower Roma and Egyptians in the public sector.¹³² The United Nations country team recommended taking steps to guarantee that Roma and Egyptians were represented in Parliament.¹³³

57. Two treaty bodies expressed concern about child marriages in Roma, Ashkali and Egyptian communities.¹³⁴ It recommended that Montenegro strengthen efforts to eliminate child and forced marriages in those communities through a strategy involving access to education, employment and social services; implement legislation criminalizing extramarital union with a juvenile, facilitate the filing of complaints by victims, and investigate, prosecute and sanction those responsible; provide the Office of the National Coordinator for Combating Trafficking in Human Beings with adequate resources; and take measures to prevent domestic violence, and investigate and prosecute those responsible.¹³⁵ The Committee on the Rights of the Child recommended establishing a system to track child marriage in ethnic groups, and providing child victims with shelter and rehabilitation and counselling services.¹³⁶ The United Nations country team recommended creating specialized community-based services to increase uptake of education, health care and labour market participation and prevent child marriages, and allocating additional resources to implement policies to eradicate child marriage.¹³⁷ The Committee on the Rights of the Child, the Committee on the Elimination of Racial Discrimination and the United Nations country team recommended strengthening awareness-raising campaigns in that area.¹³⁸

6. Lesbian, gay, bisexual, transgender and intersex persons

58. The Committee against Torture welcomed the adoption of the 2019–2023 strategy to improve the quality of life of lesbian, gay, bisexual, transgender and intersex persons.¹³⁹ The United Nations system in Montenegro noted that the country had adopted a law on life partnership of same-sex couples in 2020.¹⁴⁰

59. The United Nations country team indicated that transgender persons encountered especially high levels of prejudice.¹⁴¹ It recommended that Montenegro ensure capacity in the Government, and increase efforts, to promote and protect the equal rights of the lesbian, gay, bisexual, transgender and intersex community, including by addressing the multiple discrimination transgender persons experienced, and ensure that new legislation facilitated legal recognition based on self-determination.¹⁴²

7. Migrants, refugees and asylum-seekers

60. The Committee against Torture expressed concern that asylum-seekers did not always have access to the asylum procedure, and cited chain refoulement as a particular concern.¹⁴³ It recommended that Montenegro ensure that no one could be expelled, returned or extradited to another State where there were substantial grounds for believing that he or she would run a personal and foreseeable risk of being subjected to torture or ill-treatment; ensure that procedural safeguards against refoulement were in place, and that remedies were available; ensure that people seeking asylum received information about their rights; provide training on international refugee law and international human rights law to immigration officials;

establish effective and accessible referral and complaints mechanisms; and ensure the criminal accountability of perpetrators of acts that put the lives of asylum-seekers at risk.¹⁴⁴

61. The Committee on the Elimination of Racial Discrimination expressed concern about reported challenges for the reception capacity of Montenegro, and that the refugee status determination procedure was not always fair and transparent.¹⁴⁵ It recommended that Montenegro improve reception conditions for asylum-seekers and its refugee status determination procedure, and conduct training for Ministry of the Interior staff.¹⁴⁶ The Committee on the Elimination of Discrimination against Women considered that its previous recommendation to strengthen efforts to improve the situation in Konik refugee camps had been partially implemented.¹⁴⁷

62. The Committee on the Rights of the Child recommended ensuring implementation of the Law on Foreigners, including by ensuring child-sensitive asylum procedures, and full access by asylum-seeking and refugee children to education, health services and the child protection system.¹⁴⁸

63. The Independent Expert on older persons noted that health care for many older refugees had become inaccessible due to the obligation imposed on all foreigners to submit certificates from their countries of origin proving they were not beneficiaries of State health insurance.¹⁴⁹ She recommended that Montenegro ensure access to health care for older refugees.¹⁵⁰

64. UNHCR recommended that Montenegro assist schools in providing consistent support to refugee children, make language courses available to refugees, and ensure that the procedure for recognition of diplomas for foreigners granted international protection foresaw that documents could be missing.¹⁵¹

8. Stateless persons

65. Concerned that some groups of children faced difficulty in having their birth registered, the Committee on the Rights of the Child recommended that Montenegro ensure that all children were registered at birth.¹⁵² UNHCR recommended that Montenegro continue strengthening the capacity of national institutions to implement changes in birth registration.¹⁵³

66. The Committee on the Elimination of Racial Discrimination recommended that Montenegro fully implement the 1961 Convention on the Reduction of Statelessness, address shortcomings in the statelessness determination procedure and ensure that the procedure was well known by those seeking international protection.¹⁵⁴ UNHCR recommended amending the procedure to enhance procedural rights and access to socioeconomic rights for persons going through the procedure.¹⁵⁵

Notes

- ¹ [A/HRC/38/13](#), [A/HRC/38/13/Add.1](#) and [A/HRC/38/2](#).
- ² [CERD/C/MNE/CO/4-6](#), para. 28; and [CRC/C/MNE/CO/2-3](#), para. 63.
- ³ [A/HRC/49/51/Add.1](#), para. 92 (e); and United Nations country team submission for the universal periodic review of Montenegro, para. 3.
- ⁴ [CRC/C/MNE/CO/2-3](#), para. 62 (a).
- ⁵ OHCHR, *United Nations Human Rights Report 2018*, p. 77.
- ⁶ OHCHR, *United Nations Human Rights Report 2019*, p. 91.
- ⁷ OHCHR, *United Nations Human Rights Report 2020*, p. 109.
- ⁸ OHCHR, *United Nations Human Rights Report 2021*, p. 115.
- ⁹ See <https://www.ohchr.org/sites/default/files/2022-02/VoluntaryContributions2022.pdf>.
- ¹⁰ [CERD/C/MNE/CO/4-6](#), para. 8.
- ¹¹ *Ibid.*, para. 9.
- ¹² [A/HRC/39/50/Add.2](#), para. 80.
- ¹³ United Nations country team submission, para. 7.
- ¹⁴ [CAT/C/MNE/CO/3](#), para. 12.
- ¹⁵ *Ibid.*, para. 13.
- ¹⁶ [CERD/C/MNE/CO/4-6](#), para. 10.
- ¹⁷ *Ibid.*, para. 11.

- 18 United Nations country team submission, paras. 9–10.
19 [CERD/C/MNE/CO/4-6](#), para. 24.
20 *Ibid.*, para. 25.
21 [CRC/C/MNE/CO/2-3](#), para. 22.
22 [CAT/C/MNE/CO/3](#), para. 6.
23 *Ibid.*, para. 7.
24 *Ibid.*, para. 18.
25 *Ibid.*, para. 19 (a)–(c), (e) and (g).
26 United Nations country team submission, para. 28.
27 See communication MNE 2/2020, available from <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25498>.
28 See <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=35645>.
29 [CAT/C/MNE/CO/3](#), paras. 14 and 15 (a)–(d).
30 *Ibid.*, para. 10.
31 *Ibid.*, para. 11.
32 UNHCR submission for the universal periodic review of Montenegro, p. 5.
33 [CAT/C/MNE/CO/3](#), para. 22.
34 *Ibid.*, para. 23 (a)–(c).
35 United Nations country team submission, para. 15.
36 [CAT/C/MNE/CO/3](#), paras. 32–33.
37 United Nations country team submission, para. 15.
38 [CRC/C/MNE/CO/2-3](#), para. 56.
39 *Ibid.*, para. 57 (a)–(b) and (d).
40 [CAT/C/MNE/CO/3](#), para. 15 (e).
41 United Nations country team submission, para. 15.
42 [CAT/C/MNE/CO/3](#), para. 26.
43 *Ibid.*, para. 27 (a)–(b) and (d).
44 United Nations country team submission, para. 25.
45 See communication MNE 1/2018, available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=23846>.
46 Available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=34346>.
47 See communication MNE 1/2020, available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25215>.
48 See <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=35471>.
49 [A/HRC/44/45/Add.1](#), para. 4.
50 *Ibid.*, para. 71 (b)–(d).
51 *Ibid.*, para. 23.
52 *Ibid.*, paras. 72 (a) and (c) and 73 (a)–(b).
53 United Nations country team submission, para. 20.
54 [A/HRC/44/45/Add.1](#), para. 30.
55 *Ibid.*, para. 74 (e).
56 [A/HRC/49/51/Add.1](#), para. 13.
57 [CERD/C/MNE/CO/4-6](#), para. 20.
58 [A/HRC/49/51/Add.1](#), para. 95 (b) and (h).
59 [CERD/C/MNE/CO/4-6](#), para. 21 (a)–(d).
60 [CRC/C/MNE/CO/2-3](#), para. 55.
61 United Nations country team submission, paras. 31–33.
62 *Ibid.*, para. 34.
63 *Ibid.*, para. 46.
64 *Ibid.*, para. 48.
65 [A/HRC/39/50/Add.2](#), para. 38.
66 United Nations country team submission, para. 29.
67 [A/HRC/39/50/Add.2](#), para. 95.
68 United Nations country team submission, para. 30.
69 [CRC/C/MNE/CO/2-3](#), para. 47.
70 *Ibid.*, para. 48 (a)–(b).
71 UNHCR submission, p. 3.
72 [CRC/C/MNE/CO/2-3](#), para. 43.
73 *Ibid.*, para. 44 (a)–(b) and (d).
74 United Nations country team submission, para. 43.
75 [CRC/C/MNE/CO/2-3](#), para. 45 (a)–(c).
76 *Ibid.*, para. 46.
77 *Ibid.*, para. 49.

- 78 Ibid., para. 50.
- 79 United Nations country team submission, para. 35.
- 80 Ibid., para. 38. See also UNESCO submission, paras. 11 and 16 (ii)–(iii).
- 81 [CAT/C/MNE/CO/3](#), para. 28.
- 82 Ibid., para. 29.
- 83 [A/HRC/39/50/Add.2](#), para. 89.
- 84 United Nations country team submission, para. 20.
- 85 [CEDAW/C/MNE/Q/3](#), para. 7.
- 86 [CRC/C/MNE/CO/2-3](#), paras. 21 and 22 (c).
- 87 United Nations country team submission, para. 8.
- 88 Ibid., paras. 10 and 25.
- 89 [CRC/C/MNE/CO/2-3](#), para. 5.
- 90 Ibid., para. 6.
- 91 Ibid., para. 8 (a).
- 92 Ibid., para. 19.
- 93 Ibid., para. 20; [A/HRC/44/45/Add.1](#), para. 71 (e); [A/HRC/49/51/Add.1](#), para. 54; and United Nations country team submission, para. 51.
- 94 [A/HRC/49/51/Add.1](#), paras. 92 (b)–(c), see also para. 54.
- 95 See https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCEDAW%2FFUL%2FMNE%2F42756&Lang=en.
- 96 [CRC/C/MNE/CO/2-3](#), para. 59.
- 97 Ibid., para. 60 (a)–(c) and (e).
- 98 [A/HRC/49/51/Add.1](#), para. 92 (a).
- 99 Ibid., para. 89.
- 100 Ibid., para. 13.
- 101 Ibid., para. 93 (a)–(c) and (e).
- 102 Ibid., paras. 56, 92 (d) and 94 (a) and (c).
- 103 United Nations country team submission, para. 20.
- 104 [CRC/C/MNE/CO/2-3](#), para. 31.
- 105 Ibid., para. 32 (a)–(d).
- 106 United Nations country team submission, para. 20.
- 107 [CRC/C/MNE/CO/2-3](#), para. 34 (a)–(d).
- 108 Ibid., para. 39 (a), (d) and (f).
- 109 Ibid., para. 40 (a), (b) and (f).
- 110 [A/HRC/39/50/Add.2](#), para. 84.
- 111 Ibid., para. 86.
- 112 Ibid., paras. 92 and 94.
- 113 Ibid., para. 40.
- 114 Ibid., para. 102.
- 115 Ibid., para. 99.
- 116 Ibid., paras. 108–109.
- 117 [CAT/C/MNE/CO/3](#), paras. 16–17.
- 118 [A/HRC/39/50/Add.2](#), paras. 111–112.
- 119 United Nations country team submission, para. 59.
- 120 [A/HRC/39/50/Add.2](#), para. 44.
- 121 Ibid., para. 96.
- 122 Ibid., para. 47.
- 123 [CRC/C/MNE/CO/2-3](#), para. 41.
- 124 Ibid., para. 42. See also UNESCO submission for the universal periodic review of Montenegro, paras. 9 and 16 (i).
- 125 [A/HRC/49/51/Add.1](#), para. 34.
- 126 United Nations country team submission, para. 48.
- 127 [CERD/C/MNE/CO/4-6](#), para. 14.
- 128 Ibid., para. 15.
- 129 See https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCERD%2FFUL%2FMNE%2F47293&Lang=en, pp. 1–2.
- 130 [CERD/C/MNE/CO/4-6](#), paras. 16–17.
- 131 Ibid., para. 12.
- 132 Ibid., para. 13.
- 133 United Nations country team submission, para. 25.
- 134 [CERD/C/MNE/CO/4-6](#), para. 18; and [CRC/C/MNE/CO/2-3](#), para. 35.
- 135 [CERD/C/MNE/CO/4-6](#), para. 19.
- 136 [CRC/C/MNE/CO/2-3](#), para. 36 (a)–(b).

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- ¹³⁷ United Nations country team submission, paras. 48 and 51.
- ¹³⁸ [CRC/C/MNE/CO/2-3](#), para. 36 (c); [CRC/C/MNE/CO/2-3](#), para. 19 (d); and United Nations country team submission, para. 51.
- ¹³⁹ [CAT/C/MNE/CO/3](#), para. 4 (g).
- ¹⁴⁰ *United Nations Common Country Analysis: Montenegro* (February 2021), para. 83.
- ¹⁴¹ United Nations country team submission, para. 60.
- ¹⁴² *Ibid.*, para. 63.
- ¹⁴³ [CAT/C/MNE/CO/3](#), para. 20.
- ¹⁴⁴ *Ibid.*, para. 21.
- ¹⁴⁵ [CERD/C/MNE/CO/4-6](#), para. 22.
- ¹⁴⁶ *Ibid.*, para. 23.
- ¹⁴⁷ See *AS/follow-up/Montenegro/76*, available at https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/MNE/INT_CEDAW_FUL_MN_E_42756_E.pdf.
- ¹⁴⁸ [CRC/C/MNE/CO/2-3](#), para. 52.
- ¹⁴⁹ [A/HRC/39/50/Add.2](#), para. 75.
- ¹⁵⁰ *Ibid.*, para. 115.
- ¹⁵¹ UNHCR submission, p. 4.
- ¹⁵² [CRC/C/MNE/CO/2-3](#), paras. 27–28.
- ¹⁵³ UNHCR submission, p. 5.
- ¹⁵⁴ [CERD/C/MNE/CO/4-6](#), para. 23.
- ¹⁵⁵ UNHCR submission, p. 5.
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