



## **Government of Montenegro**

No: 07/15-80/38

Podgorica, 18th June 2015

### **Mid-Term report of Montenegro on the implementation of recommendations received during the second cycle of Universal Periodic Review (UPR)**

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

The national report on the human rights situation in Montenegro was presented within the second cycle of the United Nations Universal Periodic Review in January 2013. During interactive dialogue Montenegro received a total of 124 recommendations, which were assessed by the Government of Montenegro. Out of this number, Montenegro accepted 120 recommendations (4 recommendations were rejected, one of them partially). The positions of the Government of Montenegro regarding the rejected recommendations were explained in details in the addendum on the Report of the Working Group on UPR which was adopted in June 2013.

The Mid-term report provides overview of the progress achieved so far in the implementation of these recommendations, including 19 thematic areas: Ratification of international instruments; National mechanism for follow-up and coordination of the implementation of international human rights obligations; Judiciary reforms and fight against corruption; Protection of rights of victims of crimes punishable by international law; National institutions for human rights; Human rights education and training; Human rights strategies; Fight against discrimination; Fight against domestic violence and violence against women and children; Fight against trafficking in persons; Freedom of opinion and expression, freedom of conscience; Property rights; Birth registration; Women; Children; Persons with disabilities; Minorities and Roma; Refugees, displaced and internally displaced persons; LGBT persons.

So far, 16 recommendations have been fully implemented; the implementation of 99 recommendations is in progress; the implementation of 6 recommendations has not started yet. In the majority of cases, the implementation of the recommendations includes continual processes of human rights advancement. Therefore, in the majority of recommendations the status "implementation in progress" is registered.

The Mid-Term report of Montenegro on the implementation of recommendations received during the second cycle of the Universal Periodic Review is prepared in accordance with the Action Plan for the implementation of recommendations of the second cycle of the Universal Periodic Review, which was adopted by the Government of Montenegro in March 2014. The report follows the structure of the Action Plan and contains an overview of the realized measures and achieved results in the period between June 2013 and May 2015, as well as the implementation status of individual recommendations.

The report shows the progress in all monitored areas in the period of June 2013 – June 2015. In addition, the report shows the areas in which it is necessary to further intensify the realization of defined measures/activities.

The report is a result of joint efforts made by state authorities (Government, judiciary and prosecution), the institution of the Protector of Human Rights and Freedoms, non-governmental organizations (Građanska alijansa (Civic Alliance), Centar za demokratiju i ljudska prava – CEDEM (Center for Democracy and Human Rights), Centar za prava djeteta (Center for Children’s Rights), Romski obrazovni fond (Roma Education Fund), Udruženje paraplegičara Podgorica (Paraplegics’ Association of Podgorica) and Bjelopoljski demokratski centar (Democratic Center of Bijelo Polje)) and the UN system in Montenegro (UNDP, UNICEF, UNHCR, WHO, IOM). Consultations with all interested subjects resulted in an objective report with clear guidelines for further action by competent authorities and other partners in order to completely realize the recommendations.

The drafting of this report was preceded by a regular, semi-annual consulting of participants involved in the process on the achieved progress in the realization of the Plan for the implementation of the second UPR cycle’s recommendations. Unlike the drafting of the second national UPR report, the process of drafting the mid-term report included extended participation of non-governmental organizations (after the second public invitation, the participation of NGOs was increased compared to the previous phase when only 3 NGOs participated) and participation of the Protector of Human Rights and Freedoms of Montenegro. The coordination of the drafting process was conducted by the Ministry of Foreign Affairs and European Integration.

## **II PROGRESS IN ENJOYMENT AND PROTECTION OF HUMAN RIGHTS – IMPLEMENTATION OF RECOMMENDATIONS, ACHIEVED RESULTS, ACTIVITIES, AND CHALLENGES**

### **1. INSTRUMENTS AND COOPERATION WITH INTERNATIONAL HUMAN RIGHTS MECHANISMS**

#### **1.1. Ratification of international instruments**

**TOTAL NUMBER OF RECOMMENDATIONS: 8**

RECOMMENDATION	STATUS OF IMPLEMENTATION
<p><b>119.1</b> 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);</p> <p><b>119.3</b> 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);</p>	<p><b>RECOMMENDATION IMPLEMENTED</b> The issue of ICRMW ratification was discussed and a negative attitude was taken regarding the ratification. The Law on Employment and Work of Foreigners, when it comes to issues of legal migrations and employment of foreigners, is based on ILO standards, primarily on the ILO Constitution. This Law defines a migration policy which protects the interests of foreign workers and members of their families who legally reside in Montenegro.</p>
<p><b>119.4</b> Consider ratifying OP-CRC-IC, OP-ICESCR as well as the ILO Convention 189 (Costa Rica);</p>	<p><b>RECOMMENDATION IMPLEMENTED</b> Montenegro has ratified the Optional Protocol to the Convention on the Rights of the Child OP-CRC-IC and Optional Protocol to the International Covenant on Economic, Social and Cultural Rights OP-ICESCR. The instruments of acceptance were deposited on 24 September 2013. The issue of ILO 189 Convention was discussed and a negative attitude was taken regarding the ratification. The Labour Law sets employees' protection standards in households. The protection of employees in households is prescribed based upon the level of employees' protection with other employers. If practice shows that the existing legal framework does not provide full protection, Montenegro will reassess the issue of ILO 189 Convention ratification.</p>
<p><b>119.5</b> 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);</p> <p><b>119.6</b> Ratify the 1961 Convention on the Reduction of Statelessness (Austria);</p>	<p><b>IMPLEMENTATION IN PROGRESS</b> Montenegro ratified the 1961 Convention on the Reduction of Statelessness. The instrument of acceptances was deposited on 5 December 2013. The measures undertaken were aimed at establishing a record of people who live in Montenegro and are not citizens of any country. 486 people have been registered since a public invitation was sent to those who live in Montenegro and who do not have an access to citizenship of any country or cannot prove they have citizenship of any country. The analysis of the results of this public invitation is currently underway and will provide recommendations on activities that need to be undertaken to provide help to these persons. The analysis will be conducted and publicly presented by the end of the second quarter of 2015. The analysis is jointly prepared by the Ministry of Internal Affairs and UNHCR. The Act on Amendments to Extra-Judicial Proceedings Act was passed on 18 March 2015. This act prescribes the procedure with an aim of determining the time and place of birth in order to regulate the status of people who are not included in the birth record register and those who are not born in medical facilities. The procedure is initiated by the request of the person who is not in the birth record register, by the request of any person with a straightforward legal interest, or by guardianship organs. In order to assure the easy exercising</p>

	<p>of rights, it is prescribed that court that has territorial jurisdiction is also competent for subject-matter jurisdiction. The provisions prescribe that in order to enter the fact of birth into the birth record register, the first-instance court encloses an enforceable decision on the time and place of birth to the organ in charge of the management of birth record register 8 days from the day of enforceability. The persons who file such requests do not have to pay taxes or other costs which might be required for the procedure.</p> <p>The implementation of the Law started on 2 May 2015. The Law proposal was prepared with the support of UNHCR and UNICEF.</p>
<p><b>119.7</b> 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);</p>	<p><b>IMPLEMENTATION HAS NOT STARTED</b> The activities aimed at adoption of the law proposal on the confirmation of amendments to the Rome Statute from Kampala have not been undertaken yet. The deadline for the implementation of the recommendation is the end of 2016, which is in accordance with the Implementation Plan.</p>
<p><b>117.43</b> Complete the procedure of ratification of the Convention on Preventing and Combating Violence against Women and Domestic Violence (Republic of Moldova);</p>	<p><b>RECOMMENDATION IMPLEMENTED</b> Montenegro is a member of the Convention on preventing and combating violence against women and domestic violence since 22 April 2013.</p>
<p><b>118.1</b> Accede to the Palermo Protocol (Belarus);</p>	<p><b>RECOMMENDATION IMPLEMENTED</b> Montenegro acceded to the Palermo Protocol on 27 June 2001.</p>

## 1.2. National mechanism for follow-up and coordination of the implementation of international human rights obligations

<b>TOTAL NUMBER OF RECOMMENDATIONS: 1</b>	
<b>RECOMMENDATION</b>	<b>STATUS OF IMPLEMENTATION</b>
<p><b>117.9</b> Continue to strengthen the institutional structures and support measures for the full implementation of ratified international instruments. We likewise suggest placing an especial 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);</p>	<p><b>IMPLEMENTATION HAS NOT STARTED</b> The program of work of the Government of Montenegro for 2015 includes the preparation of the national plan for the implementation of recommendations of UN human rights treaty bodies and mechanisms, and the cooperation with treaty bodies through reporting and monitoring process of the implementation of the recommendations of the United Nations.</p> <p>The document will include the recommendations of the main UN committees (CCPR, CESCR, CAT, CEDAW, CRC, CRPD, CED, CERD, SPT), UPR recommendations and the recommendations of special procedures/special rapporteurs. It will be subject to regular updating in accordance with the activities of treaty bodies and human rights mechanisms and commitments of Montenegro in the process of implementation and regular reporting.</p> <p>Along with the existing institutional structures and counseling bodies for individual areas (Council for protection against discrimination, Council for the protection of persons with disabilities, Council for children's rights), the National Plan and mechanism for follow-up and effective monitoring of human rights situation will significantly</p>

improve results in consistent implementation of ratified international instruments.
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## 2. GOVERNANCE (democracy, rule of law, transparency, fight against impunity)

### 2.1. Judiciary reform and fight against corruption

TOTAL NUMBER OF RECOMMENDATIONS: 10	
RECOMMENDATION	STATUS OF IMPLEMENTATION
<p><b>117.52</b> 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);</p> <p><b>117.54</b> Strengthen accountability and integrity standards within the judiciary by ensuring merit-based appointments and promoting career development (United States of America);</p> <p><b>117.55</b> 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);</p>	<p><b>IMPLEMENTATION IN PROGRESS</b></p> <p>Within the negotiation process for European Union membership, the Government of Montenegro adopted the Action Plan for Chapter 23 – Judiciary and Fundamental Rights, on 10 October 2013. Among other things, the plan included the adaptation after two years in accordance with the evaluation of achieved goals. The adapted Action Plan was adopted on 19 February 2015. After new laws were passed in judiciary area, more attention was paid to the implementation of a new legal framework and the better functioning of institutions. The adapted Action Plan for Chapter 23 was designed in line with the recommendations of European Commission from Progress Report for 2014 and in accordance with temporary benchmarks.</p> <p>On 3 April 2014 the Government adopted the Strategy for judiciary reforms 2014-2018 and the Action Plan for the implementation of the Strategy on 31 July 2014. Both documents contain measures which relate to strengthening of judicial independence, judicial impartiality, responsibility in the judiciary, professionalism, expertise, and efficiency.</p> <p>In accordance with the mentioned documents and with European legislation, on 26 February 2015 new laws were passed: Law on Courts, Law on Court Councils and Judges, Law on State Prosecution and Law on Special State Prosecution. These laws introduced novelties regarding the election of holders of judiciary functions, criteria for election, evaluation, and career improvement. The laws were made with the support of European Commission experts and were received positively by experts from the European Commission and the Venice Commission.</p> <p>The laws introduce novelties regarding a uniform election system at the state level of Montenegro for the judges who are elected for the first time in basic courts in which initial training was finished as a mandatory part of election procedures. The system of professional assessment of judges' work is also introduced as a basis for the promotion of judges into hierarchically higher courts. Significant novelties also include disciplinary responsibility procedures regarding issuing light, heavy, and heaviest disciplinary violations and the introduction of disciplinary prosecution for conducting investigations in procedures of disciplinary responsibility.</p> <p>The work on Law on Education in Judiciary has started. The change of the status of the Center for Education of holders of judiciary functions into an independent institution has been planned, which would significantly improve initial and continual training of judges and state prosecutors in accordance with the changes previously indicated in the set of organization laws. The adoption of this law is planned for the second quarter of 2015.</p> <p>Regarding the constitutional reforms with the aim of higher independence of the judiciary, Montenegro adopted</p>

	<p>Constitutional amendments in line with the recommendations of the Venice Commission and European standards on 31 July 2013. In line with the Constitutional amendments in September 2013, amendments were made to the Law on Court Council, Law on Courts and Law on State Prosecution, and Law on Constitutional Court. These amendments presented the first phase of the strengthening of judiciary independence on the legislative level. The second phase encompassed the passing of new laws in the areas of the organization of the judiciary (previously mentioned in details).</p> <p>The members of Court Council were appointed based on conducted constitutional and legal reforms. They were judges and respected lawyers. The President and Deputy President of the Court Council were also appointed. The Court Council appointed the President of Montenegrin Supreme Court. The Parliament of Montenegro in the second round elected Chief State Prosecutor with the 3/5 majority of the votes.</p>
<p><b>117.53</b> Guarantee appropriate funding for the effective and efficient implementation of the judiciary reform and its related Action Plan (Morocco);</p>	<p><b>IMPLEMENTATION IN PROGRESS</b></p> <p>Funds are provided from regular assets from the budget, from IPA funds, and by other donors (UNDP, UNICEF, OSCE, support of Norwegian Government).</p> <p>The implementation of the Action Plan for negotiating Chapter 23 – Judiciary and Fundamental rights is being continually carried out. The working group for negotiating chapter 23 reports every three months about the realization of measures, and every six months the report is sent to European Commission.</p>
<p><b>117.56</b> 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);</p>	<p><b>RECOMMENDATION IMPLEMENTED</b></p> <p>The New Law on Criminal Procedures entered into force on 26 August 2009. A year later, on 26 August 2010, a gradual implementation started in procedures for criminal acts related to organized crime, corruption, terrorism, and war crimes, and its full implementation started on 1 September 2011. <i>Vacatio legis</i> in the period of 12 months was planned in order for the legal code to be implemented in a more efficient way, which in turn makes it possible for all subjects in the future criminal procedures to thoroughly prepare for the implementation of new legal norms and mechanisms and, in the psychological sense, to create conditions for better accepting of new solutions.</p> <p>This recommendation was given due to <i>vacatio legis</i> for the period of 12 months. This means that the recommendation is implemented.</p>
<p><b>117.57</b> Pursue reforms aimed at further protecting the judiciary from undue political interference and ensuring open, transparent and fair trial processes (Australia);</p> <p><b>117.58</b> Continue the improvements within the judicial reform process, including by eliminating political influence on the judiciary (Austria);</p> <p><b>117.59</b> Continue to combat corruption in the</p>	<p><b>IMPLEMENTATION IN PROGRESS</b></p> <p>New laws were passed: Law on Courts, Law on Court Councils and Judges, Law on State Prosecution, and Law on Special State Prosecution. These laws introduced novelties regarding the election of holders of judiciary functions, criteria for election, evaluation, and career improvement. The laws were made with the support of European Commission experts and received positively by experts from the European Commission and the Venice Commission.</p> <p>The strategy of judiciary reform 2014-2018 sees strengthening the integrity of judiciary function carriers as one of the key strategic guidelines through integrity plans, obeying of ethical codes, and the improvement of mechanisms for checking the ownership record which the carriers of judiciary functions report. The Action Plan for the implementation of Strategy 2014-2018 was adopted by the Government on 31 July. Integrity managers were appointed in all the courts, while the integrity plans were adopted as of 1 December 2014. Trials are public, except in cases when the law prescribes the exclusion of the public. All enforceable court decisions are published on the courts' websites within the portal <a href="http://www.sudovi.me">www.sudovi.me</a>. As of May in 2015, the closing speeches of the prosecutors,</p>

<p>administration of justice sector by ensuring that anti-corruption procedures are free from political or under undue influences (Kyrgyzstan);</p>	<p>defense, and defendant are recorded, as well as proclamations of court decisions and explanations in all the cases which might be interesting for the public.</p> <p>The Act on Amendments of the Criminal Code entered into force on 21 August 2013. The Law prescribes a new criminal act, "Obstruction of Justice." So far, no criminal procedures have been conducted in Montenegro for the criminal act of "Obstruction of Justice." Two cases against three persons were processed in 2014 for the criminal act of "Illegal Influence." Both cases are closed. Two persons were sentenced to imprisonment, the charges against one person were dropped, and this decision became enforceable.</p> <p>Numerous NGOs conduct the monitoring of court trials. NGOs were present at trials and realized projects in this area.</p> <p>The Judges' Conference adopted a new Ethical Code on 22 March 2014 which is in line with the most important international and European standards of judges' ethics. The Ethic Code of judges incorporates ethical principles and rules of conduct that the judges must obey in order to preserve, strengthen, and improve the dignity and reputation of judges and judicial bodies. The Code of Ethics especially regulates in detail principles of lawfulness in work, principles of independence, and the impartiality of judges, their expertise, their professionalism and their dedication to work, and equal treatment of all parties in the procedure of fair trial. The procedure for the determining of violation of Ethics Code is also determined.</p> <p>The Conference of State Prosecutor adopted on 20 May 2014 the Code of Prosecutors' Ethics. It includes the principles and rules of conduct applied to heads of state prosecution departments and state prosecutors. They have to obey these rules in accordance with the all the standards of affirmation and improvement of dignity and reputation of state prosecutors.</p> <p>Both codes are available to the public.</p> <p>In the area of ethics and integrity, the Center for education of carriers of judiciary functions, within the Training Program for carriers of judiciary functions in the fight against corruption, organized a series of seminars and trainings in 2014 and 2015. Training on the obeying of Ethical Code of judges and state prosecutors was organized, as well as education in the region's countries with the topic, "The Ethics of Judges and the Fight against Corruption in the Judiciary."</p> <p>In accordance with the Action Plan for negotiating Chapter 23 and the Strategy of Judiciary Reform, on 26 February 2015 the Law on Special State Prosecution was passed. The Law includes forming of a new state prosecution department which will be authorized for organized crime, high-level corruption, money laundering, and terrorism and war crimes. This law is especially important for a more successful struggle against organized crime and corruption. This was received positively by the European Commission and the Venice Commission.</p> <p>The Prosecution Council made a decision on the number of state prosecutors which also determines the number of special prosecutors in the Special State Prosecution - Chief Special Prosecutor and 10 special prosecutors. The public advertisement for the appointment of Chief Special Prosecutor and 10 special prosecutors was published on 6 May 2015.</p>
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	<p>All cases of corruption are prioritized in the work of courts. Within Court Council Secretariat there is an Office for Corruption Reporting in Courts. The integrity plans have been adopted in all the courts, adopted as of 1 December 2014. All courts in Montenegro have their integrity managers who received proper training. The Supreme Court finished a six month report on the realization of measures from the Integrity Plan for the period September 2014 – March 2015.</p> <p>The NGO “Građanska alijansa” (Civic Alliance) is a partner organization which conducted the monitoring of courts in 2014. Monitoring included basic and higher courts, the Appellate Court, and the trials related to criminal matters concerning equability of court practice. The analysis of enforceable judicial decisions (the project included 14 decisions made by the Appellate Court and 21 decisions made by higher courts) demonstrates that court verdicts are mostly overturned due to unreasonably or vaguely explained verdicts. Conducted with all the judges in Montenegro, this research has shown that in over 50% of cases judges thought that there was a non-equable court practice in Montenegro and that it was a threat to the rule of law.</p> <p>Commentary by the Supreme Court regarding the aforementioned finding of the partner NGO reads that all mentioned court verdicts were overturned following a legal ground. In 2014, a total of 11.308 decisions were examined by legal remedies, of which 66.13% were confirmed, 4.66% were changed, and 6.15% were partially confirmed/changed/overturned, while 22.86% were overturned. Since the percentage of confirmed verdicts was 64.76%, we can see an increase of the quality of court activities in 2014 by 1.37%. In order to further improve the situation in this domain, the Supreme Court is dedicated to its primary role – equability of court practice of low-degree courts, respecting of convention rights and trials in a reasonable time frame, as well as discussion of issues of importance for courts’ work and exercising of judicial authorities. The institutions which act in this respect are the Department of Judiciary Practice and Legal Information System and the Department for Legal Practice Monitoring of European Court of Human Rights and European Union Rights. The departments of judicial practice exist also in lower degree courts.</p>
<p><b>117.60</b> Further their efforts to implement anti-corruption laws and regulations (Estonia);</p>	<p><b>IMPLEMENTATION IN PROGRESS</b></p> <p>On 9 December 2014 the Parliament of Montenegro adopted a set of anti-corruption laws: Law on Prevention of Corruption, Law on Lobbying, Law on Amendments to the Law on Prevention of Conflict of Interest, and the Law on Financing Political Subjects and Election Campaigns. This completes the legal framework in the area of prevention of corruption. The new Law on Prevention of Corruption deals with the areas which relate to prevention of conflict of interests in public function performing, protection of “whistleblowers,” integrity plans, and other issues of importance for preventing corruption. This Law establishes the Agency for Prevention of Corruption which will start working on 1 January 2016.</p> <p>In the period covered by the report, 4 semi-annual reports were adopted on the implementation of the Action Plan for the implementation of the Strategy for fighting corruption and organized crime.</p> <p>In accordance with the Decision adopted during the meeting of National Commission held on 27 March 2015, the draft of Information on the degree of the realization of measures from the Action Plan for the implementing of the Strategy for fighting corruption and organized crime (2010-2014) was made. The document contains the overview of realized measures in all the areas of the Strategy, as well as recommendations for further strategic planning and</p>

	<p>result monitoring in relevant areas. This document will serve as a basis for making the Operating Document for the fight against corruption which should emphasize the continuation of strategic planning in the fight against corruption. As stated in the adapted Action Plan for Chapter 23 regarding the issue of further national strategic framework in the area of prevention of corruption, the aim is the making of a special Operating Document for the prevention of corruption which would include the areas with special risks defined in the Strategy with the addition of the “police” as another area of risk, in the way already done in Action Plan for Chapter 23. Some other areas will eventually be included to which the results of the evaluation of the current strategy and actions plan in the area of non-realized measures are shown. This Operating Document, together with the Action Plan for Chapter 23, would be a strategic answer of the state of Montenegro to the issue of fight against corruption in the following 4-5 years, and its monitoring would be within the jurisdiction of Negotiating working group for Chapter 23.</p> <p>The Office for the reporting of corruption within Court Council had 69 filed complaints in 2014. The Council expressed its attitude for 59 cases, in each case informing both the party which filed a complaint and the judge to which the complaint related. As for the remaining complaints, the procedures were underway at the end of the year. One complaint was enclosed to the Commission for the Ethical Code of Judges.</p> <p>The Office for Reception and Petitions of the Supreme Court keeps receiving a decreasing number of citizens’ requests. In 2014 a total of 315 complaints were filed. The continual decrease of complaints year after year (in 2008 there were 921 filed complaints) shows that the parties are satisfied in the majority of the cases and that they can exercise their rights at regular courts, not through addressing the Cabinet of the Supreme Court president.</p>
<p><b>117.61</b> Make the fight against corruption sustainable by ensuring implementation throughout the county 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);</p>	<p><b>IMPLEMENTATION IN PROGRESS</b></p> <p>These laws are enforced in the whole country. All laws adopted on a central level are continually being enforced throughout the country and there are no local interpretations of the laws. On the level of local self-management units (a total of 22 in Montenegro), local action plans are made for the fight against corruption, which are harmonized with national Strategy and accompanying Action Plan.</p> <p>So far, 19 local action plans were made and commissions were appointed for the monitoring of their implementation. In two local self-management units (Ulcinj and Rozaje), the making of the plan is underway. In some units of local self-management, procedures have been established by internal and external labour control, which is carried out through the procedures of reporting the cases of corruption. Guides for free access to information are made and forms are published for free access to information. In order to improve the integrity of work of local management bodies, ethical codes are made for elected representatives and officials as well as for local official and civil servants. The members of ethical commissions have also been appointed. A number of seminars– were organized, as was training for heads and members of local commissions, members of ethical commission, local official, and civil servants on the topics: good management and integrity; towns without corruption – towns with future; corruption and conflict of interests; prevention of conflict of interest in local self-management etc.</p>

## 2.2. Protection of rights of victims of criminal acts punishable by international law

TOTAL NUMBER OF RECOMMENDATIONS: 3	
RECOMMENDATION	STATUS OF IMPLEMENTATION
<p><b>119.13</b> 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);</p> <p><b>118.11</b> 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);</p>	<p><b>IMPLEMENTATION IN PROGRESS</b></p> <p>The rights of victims to truth, justice, compensation, and non-repeating is guaranteed.</p> <p>All cases of war crimes which were processed by Montenegrin courts are solved with an enforceable decision, except for one case in which the appealing procedure is underway. In one case, 4 people were sentenced, while in two cases, the trial resulted in an acquittal.</p> <p>In the cases publicly known as “Deportation,” the Supreme State Prosecution in March 2015 sought an extraordinary legal remedy at the Supreme Court of Montenegro – a request for lawfulness protection against the verdicts of the Higher Court in Podgorica and Appellate Court of Montenegro by which the defendants were acquitted of charges which included war crimes against the civil population. Until today, a meeting of the Supreme Court of Montenegro has not been scheduled on the request filed and the Prosecution has not received any invitation for such a meeting.</p> <p>In regards to cases in which a preliminary investigation is conducted, out of a total of 7 cases, in the mentioned period there have been two cases which have to do with events from World War II, and after the gathering of evidence and information, the Department estimated that there was no ground to initiate a criminal procedure. In other cases, the collection of evidence, information, and documents is underway.</p> <p>The Supreme Court prepared the report on the cases of war crimes and a special report on compensation to war crimes civil victims.</p> <p>Training for judges, state prosecutors, and representatives of police were organized for the topics of international human rights, the best international practice and regional cooperation in investigations, criminal prosecution, and war crime trials. The Center for the education of carriers of judiciary functions in 2013 and 2014 conducted activities for the education of carriers of judiciary function in the area of humanitarian rights. In the period between 1 July and 30 September 2014, training on the topic: “The best international practice and regional cooperation in investigations, criminal prosecution, and war crime trials” was conducted for representatives of state prosecution, the judiciary and the police. In 2015 training/seminar was organized for the representatives of the prosecutors’ organization, the judiciary, the Ministry of Internal Affairs, the Police Directorate, and the Office for Prevention of Money laundering and terrorism financing on the topic “Strategies for suppressing of violent extremism, including the implementation of new provisions of Criminal Code in relation to the fighters abroad.”</p> <p>Courts have made an information leaflet/brochure about the protection of victims/witnesses in cases of war crimes. The leaflet is publicly presented and available at <a href="http://www.sudovi.me">www.sudovi.me</a>.</p> <p>Independent monitoring of transition justice implementation is made possible for NGOs and media. Numerous NGOs conduct monitoring of trials related to war crimes (they are present at trials and realize projects in this area).</p> <p>The Government adopted the Law Proposal on compensation to the victims of criminal acts of violence on 20 November 2014 (right now it is undergoing parliamentary procedure).</p>

	<p><u>CASES IN WHICH APPEALS WERE UPHeld AND A DECISION ON COMPENSATION WAS MADE</u></p> <p>In the total of 45 cases at Montenegrin courts, appeals were upheld through an enforceable decision for the compensation to the victims of war crimes for the specified sums of 637.710,45 euros and 4.200.000,00 euros. For thirteen cases at Montenegrin courts, appeals for the compensation to war crime victims were dismissed through enforceable decisions.</p> <p>In the total of 42 cases court settlements that were concluded in Montenegro, against which charges were pressed, it was promised to pay plaintiffs, on behalf of both overall material and non-pecuniary damage, the amount of 4.135.000.00 euros. All settlements were concluded at the Basic Court in Podgorica and they were related to "Deportation" cases.</p> <p>In 16 cases, the prosecutors withdrew the request for appeal. All cases were conducted at the Basic Court in Podgorica; 14 files had to do with the case "Kaludjerski Laz" and 2 files to "Morinj" case.</p> <p><u>CASES WHICH ARE BEING PROCESSED</u></p> <p>As of 25 February 2015, there are 116 cases of compensating for victims of war crimes, all of which are processed at the Basic Court in Podgorica.</p>
<p><b>117.62</b> Guarantee to victims of crimes punished by international law access to mechanisms of national justice in order that they can request for reparation (France);</p>	<p><b>RECOMMENDATION IMPLEMENTED</b></p> <p>According to the existing legal framework all victims of criminal acts which are punishable by international law have a right to address judiciary bodies in order to seek for compensation.</p>

### 3. NATIONAL LAWS, POLICIES, STRATEGIES AND INITIATIVES

#### 3.1. National institutions for human rights

TOTAL NUMBER OF RECOMMENDATIONS: 7	
RECOMMENDATION	STATUS OF IMPLEMENTATION
<p><b>117.1</b> 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);</p> <p><b>117.2</b> Provide the Ombudsman's office with sufficient resources for exercising its role in accordance with its mandate (Norway);</p>	<p><b>IMPLEMENTATION IN PROGRESS</b></p> <p>In order to improve competencies and strengthen the resources of the Institution of the Protector of Human Rights, the following measures have been undertaken:</p> <p>On 28 July 2014, the Law on Amendments of the Law on the Protector of Human Rights and Freedoms of Montenegro was passed. The law has been implemented since 7 August 2014. The law completes the normative framework which manages the functioning of the institution of the Protector as an institutional mechanism for the protection against discrimination and National mechanism for prevention of torture (NPM).</p> <p>In line with the amended legal provisions, new Rules on Protector's Work were adopted (more thoroughly defined procedures of acting, especially regarding NPM), as was a new act on the formation of a Working Body for conducting of activities aimed at the prevention of torture (composed of experts from certain areas – psychiatry,</p>

<p><b>117.3</b> Ensure that the Ombudsman of Human Rights and Freedoms has the necessary resources and staff in order to fully carry out its functions (France);</p> <p><b>117.4</b> Ensure sufficient resources enabling the Ombudsman to carry out its mandate effectively and independently (Poland);</p> <p><b>117.6</b> Allocate the necessary resources for the prompt establishment of a national mechanism to prevent torture with the characteristics enshrined in OPCAT (Mexico);</p>	<p>psychology, penology, forensic pathology etc.). The Analysis, with a list of jurisdictions of the Protector as NPM, was made which served as an expert ground for the making of a new Rule Book on the internal organization and systematization of the Institution of Protector.</p> <p>A new Rule Book was made on the internal organization and systematization which has been implemented since March 2015. The number of employees grew by 1 official in 2014 in the area of discrimination and 2 new Deputy Protectors were appointed. The number of employees is as follows: 1 Protector, 4 deputies, and 21 officials (a total of 26 employees). In accordance with the adapted Action Plan for Chapter 23 – Judiciary and Fundamental Rights, one more employee needs to be employed for the protection from discrimination, one more for children’s rights, and one more for the area of torture in 2015. Funds from the budget have been secured for the mentioned positions. The procedure for filling up the vacant jobs is underway.</p> <p>The Rule Book on the internal organization and systematization is adapted with supplemented authorities of the Protector as NPM. In accordance with OPCAT, a special deputy of the Ombudsman was appointed for the jobs which include prevention and protection against torture, one counselor, and members of the working body for National Mechanism for Prevention of Torture.</p> <p>The amendments of the Law on Protector improve financial independence of the Institution of Protector. The new law includes provisions that prescribe special positions/ranks in the institution of Protector, which in addition improves the position of employees in the expert’s service and the independence of the Protector. The Protector decides on new jobs, rights, obligations, and responsibilities of employees in the Institution of the Protector in accordance with the Law on State-employed Officials and Civil Servants and approved funds provided by the budget. When persons who perform the most complex expert jobs are employed (the positions of Main Counselor/Counselor of the Protector), however, the Protector is not obliged to get confirmation about secured financial assets from the minister in charge of the budget affairs. For the hiring of other officials and civil servants, he has to obtain the mentioned document. The Protector decides alone on distribution of financial assets, according to the dynamics determined in line with the Law on Budget.</p> <p>The Institution of Protector is the only beneficiary of the funds from the budget to which in the period of applying of measures of economic rationalization the budget assets were not decreased at the annual level. In 2014 the assets remained at the level of those from 2013, while for 2015 they have been slightly increased after the request of the Protector and with the support Montenegrin Parliament.</p> <p>The spatial capacities for the two main areas of specialization of the Protector – The area of Protection against Torture and Prevention from Torture /NPM and the area of Protection against Discrimination – have not been secured yet. The employees in these areas still share their working and office space, including those who work in other main areas/sectors (general area of protection, children’s rights).</p>
<p><b>117.5</b> 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</p>	<p><b>RECOMMENDATION IMPLEMENTED</b></p> <p>The dynamics of hiring new officials and filling up the vacant positions is determined by the Action Plan of the Government of Montenegro for Chapter 23 – Judiciary and Fundamental Rights, within the negotiations for EU membership.</p> <p>The authorizations of the Protector were improved with the passing of the Law on Amendments of the Law on Protector of Human Rights and Freedoms.</p>

<p>Ombudsman if their rights are denied (United Kingdom of Great Britain and Northern Ireland);</p>	<p>The Ministry for Human and Minority Rights and the Human Resource Directorate are conducting continual training sessions on the implementation of legal framework in practice and familiarizing of the public with the providing of protection from violations of human rights and protection from discrimination by the Ombudsman and other judicial bodies which are recognized in the Law (defined by Education Plan and Plan of Media Promotion). The Protector adopted the Plan of Campaign for familiarizing people deprived of freedom and other people with limited freedom of movement and citizens with their rights and the authorization of the Protector in prevention and protection from. The information on the realization of the Plan of Campaign are publicly available on the Protector's web page.</p> <p>The Board for Human Rights and Freedoms of the Parliament of Montenegro has organized, with the participation of the Protector, a number of public discussions in order to familiarize citizens with their rights guaranteed by the Constitution of Montenegro and laws and with certain systemic laws and monitoring of their implementation. Among other things, public discussions were organized on the topic of implementing the Law on Protection against Discrimination and the Law on Prevention of Domestic Violence, which contributed to the raising of citizens' awareness of their rights and obligations and their possibilities to address the Protector when their rights are violated.</p>
<p><b>117.7</b> 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);</p>	<p><b>RECOMMENDATION IMPLEMENTED</b></p> <p>With the adoption of the Law on Amendments of the Law on Protector of Human Rights and Freedoms, the legal framework for the protection against torture and other kinds of cruel and inhumane acts and punishment has been completely defined.</p> <p>With new amendments of the Law on Protector of Human Rights and Freedoms, authorizations in conducting activities aimed to protect against and prevent torture have additionally been made precise. The visits to closed type facilities can be undertaken by the Protector and main counselors and counselors of the Protector, as well as by the member of the Working Body. They do not have to announce their visit in advance to the institution or organization in which the visit is undertaken. They have a right to access all the premises and complete documentation regardless of the indicated level of documents' confidentiality.</p>

### 3.2. Education and training on human rights

TOTAL NUMBER OF RECOMMENDATIONS: 2	
RECOMMENDATION	STATUS OF IMPLEMENTATION
<p><b>117.8</b> Integrate the Istanbul Protocol into the training of personnel (Turkey);</p>	<p><b>IMPLEMENTATION IN PROGRESS</b></p> <p>The Istanbul Protocol has been distributed in electronic form to the employees of the Institute for the Execution of Criminal Sanctions. For the employees in basic courts, prosecution, and employees in health care departments of closed-type institutions, the Protocol will be provided in June/July this year. Training and education have been continually conducted for doctors about the implementation of Istanbul Protocol (seminars, workshops, expert training).</p> <p>The Center for the education of carriers of judicial function included in its Annual Education Program for 2015 the</p>

	<p>Convention against torture and other cruel, inhumane, or humiliating punishments or procedures. A seminar is planned for the carriers of judiciary functions which should be held by December 2015 and which should include the implementation of Istanbul Protocol.</p> <p>The NGO called "Initiative of young people for human rights" has conducted 3 training courses for the employees of the Institute for the Execution of Criminal Sanctions on the implementation of Istanbul Protocol. The employees went to visit Serbia within the project "fight against torture in closed-type institutions, mechanisms and standards of fighting," and in 2015 another visit to Albania will be organized within the same topic.</p> <p>Within the same project financed by the EU, 6 one-day training session will be realized with senior students of law and medicine and with medical staff and employees of the Institute for the Execution of Criminal Sanctions and other institutions of closed type in which people deprived of liberty reside. Trainees will receive copies of the Istanbul Protocol in electronic form. The first one-day training for students and young lawyers was organized on 15 May 2015 in cooperation with International Legal Clinic of the Faculty of Law.</p>
<p><b>117.16</b> 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);</p>	<p><b>IMPLEMENTATION IN PROGRESS</b></p> <p>Education of experts and employees in institutions which deal with social and children's protection related to children's rights is continually being conducted. Training/workshops have been conducted for: certified trainers for instructing of foster families, including practical workshops with existing and future foster parents; trainings on international standards and norms in work with children who are victims of criminal actions and children which participated in civil proceedings; training for supporting of the process of making guidelines for work of operating multidisciplinary teams for protection against domestic violence against children, for magistrates and criminal acts related to proceedings adjusted to children and work with children, victims and witnesses of criminal acts.</p> <p>Specializing of professionals in the juvenile judiciary has been done through accredited, specific training modules for members of police, judges, prosecutors, and members of Bar Association.</p> <p>Capacities and conditions for application of hearing procedures which are designed to suit children have been and continue to be strengthened through the obtaining of necessary audio and visual equipment an organization of specific training for work with children who are victims and witnesses of criminal acts, in accordance with UN Guidelines in judiciary in issues regarding the children who are victims and witnesses of criminal acts.</p> <p>Employees in the children's right sector of the Protector are engaged in UNICEF seminars which deal with social and child protection as both participants and lecturers.</p> <p>Through the cooperation with UNICEF, a conference "Children in State Care in Media in Montenegro" was organized.</p> <p>At the overall plan of human rights education, the Ministry for Human and Minority Rights is conducting continual educations on human rights based on a prepared curriculum titled "Curriculum for the education of state officials, carriers of judiciary functions and employees in other organs, organizations or institutions which deal with the cases of discrimination". The IV cycle, which included 5 seminars and 5 accompanying workshops and which was planned for 2014, finished and the program of the 2015 cycle has started. All trainings are based on standards defined by international legal documents.</p> <p>In 2014 and 2015, the Center for education of carriers of judicial functions conducted educations – seminars for the representatives of judiciary, prosecution, lawyers, and officials in the Police Directorate and the Ministry for Human and Minority Rights. An E-learning course has been conducted in the area of discrimination for judges and</p>

	<p>prosecutors.</p> <p>In order to strengthen capacities of the Protector, training on human rights are conducted for employees who work on jobs related to prevention from torture and protection against torture and protection against discrimination.</p>
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**3.3. Human rights strategies**

TOTAL NUMBER OF RECOMMENDATIONS: 1	
RECOMMENDATION	STATUS OF IMPLEMENTATION
<p><b>117.10</b></p> <p>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);</p>	<p><b>IMPLEMENTATION IN PROGRESS</b></p> <p>Strategies in the area of human rights are conducted in accordance with the accompanying Action Plans.</p> <p>The Action Plan for monitoring the realization of the <b>Strategy for improvement of life quality for LGBT persons</b> for 2013 and 2014 has been completely realized. The Action plan for 2015 has been adopted. The national team for the implementation of the Strategy reports to National Council for Protection against discrimination.</p> <p>The report on the monitoring of implementation of <b>Activity Plan for achieving gender equality 2013-2017</b> (PAPRR) for 2013 shows that more than 60% activities have been realized. The report for 2014 shows that around 70% of planned activities have been realized, or out of 162 measures, 112 have been realized or are being continually realized. The conducting of PAPRR is monitored by the Commission for monitoring and implementation which includes representatives of NGOs. In March 2015 the program of activities for the period 2015-2016 was adopted.</p> <p>All activities planned within the <b>Strategy for improving of position of RAE population 2012-2016</b> are being realized in accordance with the annual Action Plan. So far, all the goals included in the Action Plan for 2013 and 2014 have been realized. The Commission monitors the implementation of the Strategy.</p> <p>In line with the <b>Strategy of Minority Policy</b>, minorities in Montenegro are provided a very good institutional frame through six national councils, the Fund for Minorities, and the Center for preserving and development of minority cultures. Through the Law on choice, usage and public display of national symbols, minority people are provided free usage national symbols. In municipalities where minorities make up a higher or significant part of the population, free usage of language and script of minority people has been made possible. Public Service of RTCG provides information in languages of minorities through the programs of radio emitters and printed media. This strategy does not have an accompanying Action Plan.</p> <p>In March 2014, a new two-year Action Plan of the <b>Strategy for integration of persons with disability</b> was adopted, which secures priority measures and activities to be conducted in areas of health, social protection, education, professional rehabilitation, employment, accessibility, culture, sport, entertainment, and organization which</p>

	<p>gather people with disabilities. At the same time, Information on the realization of measures and activities in these mentioned areas was adopted for 2013 and 2014. Representatives of the NGO sector which deal with rights of persons with disability are included in working groups, apart from representatives of state governed sectors.</p> <p><b>The National Plan of Action for Children</b> identifies basic problems in exercising, protection, and improvement of children’s rights in our country, as well as basic directions of their solving. The Plan acts as an instrument for mobilization of all social partners in solving of children’s problems (Government, Parliament, local self-governments, citizens and NGOs, socially responsible business sector, media, family and friends, children, expert institutions, and some experts who deal with children).</p> <p>In late 2013, the <b>Strategy for Inclusive Education 2014-2018 was adopted</b>. It is aimed at early development, access, and continuity of education, support at all levels, training, and professional education of the staff and also monitoring and evaluation of educational and development achievements of children. Realization of measures of the Action Plan is going as planned. In the education system, regular activities are conducted in line with the Strategy for Inclusive Education (2014-2018), as well as activities included by the Strategy for improvement of Roma and Egyptian population 2012-2016. Both strategies are fully focused on implementation of inclusive principles, respect for human and children’s rights.</p> <p>(more details provided in special thematic areas)</p>
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#### 4. SECTOR LAWS, POLICIES, STRATEGIES AND INITIATIVES

##### 4.1. Fight against discrimination

TOTAL NUMBER OF RECOMMENDATIONS: 10	
RECOMMENDATION	STATUS OF IMPLEMENTATION
<p><b>117.19</b> 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);</p> <p><b>117.20</b> Take further measures to implement the Anti-Discrimination Law, including through awareness raising activities (Lithuania);</p>	<p><b>IMPLEMENTATION IN PROGRESS</b></p> <p>The legislative framework has been improved in relation with the area of anti-discrimination and the institution of Protector.</p> <p>The Law on Amendments of the Law on Prohibition of Discrimination was passed on 26 March 2014. The law precisely indicates authorities of the Protector of Human Rights and Freedoms as an institutional mechanism for protection against discrimination and its implementation completely includes both the private and public sector.</p> <p>The concept of discrimination is complemented with a corrected definition of immediate discrimination, special types of discrimination like sexual discrimination, hate speech, and the institute of racial discrimination which is added to the discrimination on the basis of religion and belief.</p> <p>On 28 July 2014, a new Law on Amendments of the Law on the Protector of Human Rights and Freedoms was passed.</p>

<p><b>117.21</b> Take all necessary measures for an effective and exhaustive implementation of the law against discrimination (Switzerland);</p> <p><b>117.22</b> Fully implement without further delay the provisions of the 2011 Anti-Discrimination Law (Austria);</p> <p><b>117.23</b> Take measures to fully implement the law against discrimination of 2011 (Belgium);</p> <p><b>117.24</b> 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);</p> <p><b>117.26</b> Take additional concrete steps to combat societal discrimination on the basis of race, sexual orientation, disability or gender identification (Australia);</p>	<p>The new legislation framework established new competencies of the Protector and precisely stated the existing ones. The deadline for filing an anti-discriminatory appeal has been extended to 1 year. Earlier, the period was 90 days. The so-called “situational testing” has been established – a norm according to which an appeal can be filed by a person who wishes to directly check the implementation of the rules on discrimination ban; penal provision have been amended and made precise, especially in part which prescribes sanctions for authorized persons in a state organ, an organ of state institutions and local self-management when we talk about duty which includes keeping and enclosing record; some protection measures have also been introduced etc.</p> <p>In order for the Law on Amendments of the Law on Prohibition of Discrimination to be implemented, a bylaws have been adopted which regulate sub-contents and the way of record keeping on filed appeals, initiated procedures, and adopted decision from the mandate of the institutions in charge of acting in relation to discrimination. The implementation of the law started six months after its adoption.</p> <p>The Protector, being an institutional mechanism for providing protection against discrimination, submits an annual Progress Report to the Parliament of Montenegro in which there is a special section which relates to discrimination. Apart from the measures undertaken to implement the existing legislation, after the initiative of the Protector additional strengthening of institutional protection of gender equality has been suggested, which resulted in Proposal of amendments of the Law on Gender Equality, according to which the procedure of individual protection has been transferred from the branch Ministry into the institution of the Protector through the system of individual appeals.</p> <p>Education and promotions are continually conducted from the area of anti-discriminatory actions in order to educate those who have to provide protection against all forms of discrimination and in order to familiarize the broadest Montenegrin public on prohibition of discrimination on all the grounds.</p> <p>In order to promote anti-discriminatory behavior, the Plan of Law Implementation includes the Education Plan on providing protection against discrimination and annual media plans of anti-discrimination promoting. The Education Plan and Promotion Plan were realized in the period 2011-2014 through education of higher number of those indirectly and/or directly involved in implementation of anti-discriminatory legislation. The implementation continued in 2015 as well. The training is intended primarily for professionals, as well as those who have contact with cases of discrimination in any way.</p> <p>So far, the education included representatives of the judiciary, prosecution, Institution of Protector, NGOs which deal with human right protection, police, local self-management, and representatives of all inspection services in Montenegro. The trainings are carried out within 5 seminars and 5 accompanying workshops and it is obligatory for all chosen trainees in that year. The topics of these seminars relate to anti-discriminatory legislative framework with mechanisms for protection, preventing of discrimination based on gender identity, health status, prevention of discrimination of disabled people, and human rights and protection against discrimination of LGBT population. On the other hand, the Promotion Plan relates to conducting media campaigns and raising awareness of the complete Montenegrin public, especially towards the most vulnerable categories, in order to respect all human rights, create a more supporting and tolerant environment, and respect the fact that other people might be different. Campaigns with anti-discriminatory messages are constantly organized and they encompass a wide</p>
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	<p>media campaign (TV videos, radio jingles, distributed newspaper ads, fliers, and billboards).  A media campaign titled, "I support, respect, protect, advocate A HUMAN" was realized with the topic of anti-discriminative legal framework and general prohibition of discrimination. The previous campaign dealt with individual forms of discriminating against the most vulnerable social groups.  In August 2013, a Memorandum on cooperation was signed between OSCE/ODIHR and Police Academy which related to cooperation in the field of fight against hate crimes. Trainings for education of police officers were realized for behaving towards people detained in police stations, recognizing and understanding of hate crime dynamics, the influences these crimes have on victims, and application of relevant legislation and training of employees for sensible work with LGBT community.  In order to strengthen of capacities of the Institution of Protector, trainings are organized for employees who work on jobs related to prevention of torture and protection against torturing, as well as on jobs which include protection against discrimination. In the part of the protection against discrimination within the training, employees participated who work in general protection jobs and employees in sectors/areas of children's right protection. In cooperation with civil sector, state institutions, and international partners, the representatives of the institution conducted an educational role, through lectures and participation in informal types of education. The Protector reacts to all the cases of discrimination they are aware of and during 2014 and 2015, the institution addressed the problems of homophobia, hate speech, exercising of religious and similar rights, discrimination against representatives of public speech etc. through the media.</p>
<p><b>117.25</b>  Strengthen actions to combat discrimination and negative attitudes against women, including women belonging to Roma and migrants and against children of minority groups (Bangladesh);</p>	<p><b>IMPLEMENTATION IN PROGRESS</b>  In order to strengthen the efforts in fight against discrimination of Roma and Egyptian women, female migrants and, representatives of minority people, several campaigns/educations have been realized:  - annual campaigns "16 days of activism for the fight against violence against women" (2013, 2014), within which a documentary movie, "Avoid My Destiny," was made, which is about juvenile arranged marriages in Roma culture; a round table discussion was organized for the topic "Domestic Violence – where are we and how to go on"; several public lectures were held for high school students for the topic of fight against violence against women and domestic violence; a brochure in Montenegrin, Albanian, and Romany languages with the addresses of the institutions which victims can address in the case of violence;  - the campaign "I respect, support, protect, advocate A HUMAN" which includes activities against discrimination against women;  - a seminar for representatives of police, prosecution, the judiciary; centers for social work and female representatives of non-governmental organizations on legal mechanisms in the fight against forced and arranged children's marriages with special accent on Roma and Egyptian population;  - the campaign "My and our struggle continues", within which a video and brochure were presented about violence, discrimination, children's and forced marriages and a need for higher involvement of female members of Roma and Egyptian community into political life.  A Memorandum on cooperation with NGO Center for Romany Initiative was signed in order for more intensive activities in mentioned areas.</p>
<p><b>117.27</b>  Take steps to more effectively foster the</p>	<p><b>IMPLEMENTATION IN PROGRESS</b>  Research which monitors the degree of discrimination in society is conducted every other year. In line with results</p>

<p>integration into Montenegrin society of particular vulnerable groups, including addressing discrimination in areas such as education and employment (Canada);</p>	<p>of the research, training is organized aimed at providing protection from discrimination to the most vulnerable social groups. The results of the research are publicly presented at press conferences and are published in printed form. This research on discrimination in Montenegrin society represents a monitoring of the kind of changes of general population’s attitude related to the most vulnerable social groups and they also set up guidelines for planned activities in this field in the period to follow.</p> <p>According to the latest research, apart from persons with disability, LGBT population, Roma people, women, and other minorities, a high level of discrimination was evident towards users of psychoactive substances, HIV positive persons, and persons with AIDS or hepatitis C. In line with the findings, the Education Plan has been completed with training which includes the protection of this new vulnerable group.</p> <p>(more details about the activities can be found in the above text)</p>
<p><b>117.11</b> Further consolidate her 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);</p>	<p><b>IMPLEMENTATION IN PROGRESS</b></p> <p>The measures, planned with the strategic documents for improvement and protection of human rights, are being continually realized. The evaluations of implementation of human rights strategies are regularly conducted in order to improve protection policies. Special emphasis is placed on strategies for the integration of people with disabilities, improvement of quality of life for LGBT people, acquiring gender equality, improving position of Roma and Egyptians, improvements of children’s rights, and on strategy of minority policy.</p> <p>(details can be found in the area of Strategy and thematic areas for children and persons with disabilities)</p>

**4.2. Fight against domestic violence, violence against women and violence against children**

<p><b>TOTAL NUMBER OF RECOMMENDATIONS: 8</b></p>	
<p><b>RECOMMENDATION</b></p>	<p><b>STATUS OF IMPLEMENTATION</b></p>
<p><b>117.38</b> 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);</p>	<p><b>IMPLEMENTATION IN PROGRESS</b></p> <p>In order to provide a more efficient protection for victims of domestic violence, a series of accompanying bylaws have been adopted for the implementation of the Law on Protection against Domestic Violence and the Law on Social and Children’s Protection (Rule Book on closer content and appearance of forms for restraining orders or prohibition of coming back to apartments or other housing space; Rule Book on the way of execution of protective measures of eviction from apartment, restraining order and prohibition of harassment and stalking on victims: Rule Book on implementing of a protective measure of mandatory psychosocial treatment of those who inflict violence; Rule Book on terms of providing and usage, rules and minimal standards of accommodation service in shelters: Rule Book on terms for providing and usage of services, rules and minimal standards of services for housing of children and young people into a facility and small group community).</p> <p>Amendments of Criminal Code adopted in July 2013 introduce obligatory aggravating circumstances for criminal acts made out of hatred and two new security measures: restraining order or eviction from apartment or other housing space.</p> <p>Activities which have to do with establishing of a single database on victims of domestic violence are in their</p>

	<p>preparatory phase, as are activities for creating conditions for establishing a free and single SOS helpline on the level of the country. Memorandum on Understanding was signed with NGOs which provide SOS helpline phone services for women and children who are victims of violence in May 2015, in order for supporting services of free and single national SOS line.</p> <p>Training for members of a multidisciplinary team for implementation of legislation from the area of domestic violence has been organized. Their task includes the coordination of protection for victims of domestic violence and joint work on solving of reported cases of domestic violence in accordance with the provisions of the Law on Protection against Domestic Violence, Protocol on activities of relevant institutions in cases of domestic violence, and in accordance with Strategy for protection against domestic violence and obligations which stem from international documents, primarily the Istanbul Convention. There are no formal mechanisms for supervision of multidisciplinary teams.</p> <p>An annual regular evaluation of activities conducted by multidisciplinary teams is carried out for the fight against domestic violence and violence against children. In June, the first educational training will be organized for multidisciplinary teams which will be continued by the end of the year with the campaign, “16 days of activism in fight against violence against women and domestic violence.” The evaluation of teams’ activities has shown that professionals are ready to change their practice through the offered model and that the model is stimulating for other teams in the Center for Social Work. Based on conclusions and recommendations for improvement of teams’ work contained in the annual report, the teams adopted books of rules on their activities in 2014, and in early 2015 the making of instructions on the work of multidisciplinary teams started.</p> <p>In all authorized courts, services for supporting the victims/witnesses have been formed for criminal acts of trafficking in people, domestic violence, and violence in family community. Information leaflets have been published and distributed which contain general information on rights and obligations of witnesses/victims with special emphasis on those who are underage, their safety, the way support departments function, and contacts of authorized people who will provide them with support in courts. They are available on web pages of all authorized courts in the country.</p> <p>Also see the recommendation 117.30 in the section “Women”.</p>
<p><b>117.39</b> 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);</p>	<p><b>IMPLEMENTATION IN PROGRESS</b></p> <p>The strengthening of capacities of the Department for gender equality affairs for the implementation of PAPRR 2013-2017 is planned (hiring 1 employee in 2015 and in the period by the end of 2017-2018). The coordinators for gender equality are appointed in 105 state institutions, including coordinators in 20 municipalities (out of the total of 22 municipalities). In 11 municipalities, Councils for Gender Equality are formed and in 5 municipalities offices for gender equality.</p> <p>So far, memorandums on cooperation have been signed in the area of gender equality in 16 municipalities, while the signing of the memorandum in other municipalities is planned during 2015. In 9 municipalities, local action plans have been adopted. In 3 municipalities, the funding for conducting of the activities from local action plans for 2014 has been secured in the budget. For 2015, the total of 6 municipalities secured the funds in the budget for 2015. When plans were made, the education of employees hired in local self management bodies was carried</p>

	<p>out, as well as education of members of Council for Gender Equality on the issues of gender equality and anti-discriminatory legislation in general.</p> <p>For the implementation of measures/activities from PAPRR, the institutions use regular budget assets and donations.</p> <p>Regular evaluation on the implementation of the Strategy for Protection against Domestic Violence 2011-2015 has been implemented. A Working group has been formed for the making of a new Strategy for the period 2016-2019 with the Action Plan. The Working Group will contain representatives of non-governmental institutions, while the expert work is supported by the UN System in Montenegro.</p> <p>A number of trainings/seminars/meetings for carriers of judiciary functions and members of police forces has been organized on the implementation of the Law on Treatment of minors in criminal procedures.</p> <p>More information about the system of juvenile judiciary and measures for elimination of violence against children can be seen in the section "Children".</p>
<p><b>117.40</b> 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);</p> <p><b>117.42 and 118.9</b> 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);</p>	<p><b>IMPLEMENTATION IN PROGRESS</b></p> <p>In order to improve the system of protection for domestic violence victims through changes in legislation, a number of meetings/discussion on the penal policy in the area of domestic violence have been organized; during these meetings, legal acts were mapped which should be improved in order for their complete harmonization with the Convention of Council of Europe on the prevention and suppressing of violence against women, making penal provision even more strict. The New Strategy on the prevention of domestic violence will include duties which stem from Istanbul Convention.</p> <p>The project "Joint NGO monitoring of the laws in area of domestic violence" is being realized and its goal is to make possible joint expert NGO action of monitoring, reporting, and providing of recommendations for the improvement of protection against domestic violence in Montenegro, regarding the implementation assessment and regarding future improvements of policy and legislation. The project will, through a direct legal aid to victims, the monitoring of procedures, and interviews with violence victims and representatives of relevant institutions, provide a detailed insight into the implementation of the law and recommendations for policy improvements. The findings will be promoted through the media and a meeting of experts from relevant institutions. The first programs of training for monitoring of law implementation have been realized in the area of domestic violence and the providing of legal help. Three case studies have been completed.</p> <p>In order to establish the mechanism which monitors the number of domestic violence cases, statistical data on reported and processed cases of domestic violence were collected from all relevant organs which deal with protection against domestic violence (centers for social work, police, Supreme Court, Supreme State Prosecution, Magistrate Council, health institutions and NGO). Activities on establishing a single database on victims of domestic violence are in the preparatory phase. This activity is planned within the Information System for Social Welfare (ISSW), the so-called Social Record, through Centers for Social Work. Since January 2015, the entering of data for domestic violence into ISSW has started and information connection with other institutions is planned for the following phase.</p> <p>The Supreme Court of Montenegro, through its judiciary information system, has detailed statistics on criminal cases of domestic violence enclosed to the branch ministry, international and non-governmental organizations.</p> <p>In 2014, there were 233 cases brought before the courts in Montenegro related to criminal act of domestic</p>

	<p>violence or violence in family communities. Out of this number, 144 cases were solved; in 120 cases the verdict included sentencing; in 12 cases defendants were acquitted. In 10 cases, there were verdicts of abandonment and in 2 cases, the procedure was terminated. In the same year, 95 verdicts became enforceable, and out of that number, 83 of them included sentencing, 4 of them were followed by acquittal, 6 of them were verdicts of abandonment, and 2 decisions were on the termination of the procedure.</p> <p>In 2015 (until 1 April), there were 108 cases related to criminal act against 114 persons. Out of that number, 34 cases were solved, 26 with verdict which included sentencing, 2 cases with acquittals, and 6 with verdict of abandonment. In the mentioned period, 16 decisions became enforceable, 12 of them with a sentencing of defendants, and 4 of them with verdict of abandonment.</p> <p>The Protector of Human Rights and Freedoms monitors the area of protection against domestic violence and it acts in accordance with complaints from this area. In 2014, the Protector dealt with four complaints related to domestic violence. In its report, the Protector provided statistical data on the actions of other authorized organs in cases of domestic violence.</p> <p>In cooperation with WHO office in Montenegro, consultations have been initiated for the introduction of TEACH VIP (Training, Educating, and Advancing Collaboration in Health on Violence and Injury Prevention) curriculum into a formal program of education in order to educate students, future health care workers, and promoters of public health, strengthening their capacities for the implementation of the basic principles of prevention and injury control, the development of prevention programs and policies, as well as an evaluation of their effects and the designing of an efficient monitoring system (data collection and reporting) of injuries.</p>
<p><b>117.41</b> Provide for an adequate number of publicly funded shelter facilities for victims of domestic violence (Liechtenstein);</p> <p><b>117.44</b> Further develop the support and protection system for the victims of domestic violence, including by providing an adequate number of safe houses (Slovenia);</p>	<p><b>IMPLEMENTATION HAS NOT STARTED</b></p> <p>During 2015, activities aimed at making a rule book started, which are a prerequisite for the realization of the planned measure: Rule Book on duration, way of conducting of internships, and obligations of service providers toward interns during the internship period; Rule Book on terms, programs, and the way of taking of license/qualifying exam; Rule Book on licensing expert employees; Rule Book on licensing service providers and license cancellation; Rule Book on the terms for providing and usage of services, rules, and minimal standards of services for supporting of community life. All of these rule books are in their draft forms and are being harmonized with consultants.</p> <p>In 2015, the analysis of conditions and capacities for shelters of violence victims has been conducted. It defined recommendations for the improvement of violence victims' position in the family, raising awareness of carriers of judiciary functions, and members of police on domestic violence. Recommendations included free legal aid, strengthening of victims of violence, and accommodation capacities of shelters for domestic violence victims.</p> <p>Activities are being undertaken with representatives of telecommunication operators in order to find the best solution for establishing a single SOS phone line for women and children who are victims of domestic violence.</p> <p>At this moment 4 shelters are functional in Montenegro; in three of them, representatives of NGO sector make up the management structure (SOS Niksic, Safe Women's Home and NGO Bona Fide). One shelter was founded by the Bijelo Polje Municipality. The Government provides support to the functioning of shelters managed by NGO representatives through the providing of buildings or land for their construction, payment for heating bills, communal services, electric energy, and proving of foodstuffs.</p>
<p><b>117.45</b></p>	<p><b>IMPLEMENTATION IN PROGRESS</b></p>

<p>Continue and strengthen the efforts to combat against all kinds of gender violence and approve education and awareness-raising policies in that area (Spain);</p>	<p>In order to intensify its efforts in the fight against domestic violence and violence against women and children, the education of expert workers in multidisciplinary teams have been realized. In addition, the education of carriers of judiciary functions, members of prosecutors' organization, members of Bar Association and representatives of police and NGOs, have been realized on the following topics: the phenomenon of violence against women, implementation of national legislation in the area of violence against women and international instruments in this area, legal mechanism in the fight against forced and arranged child marriages, cause and effect relationship of domestic violence and trafficking and gender equality in media. Additionally, the topics of each seminar included: "Children as victims and witnesses of criminal acts – international instruments developed within UN"; "The aspects of the children's rights protection from the perspective of civil law"; "Protection of a child who is a victim/witness of domestic violence in legal cases." There was also a regional conference "Strengthening of dialogues and exchange of experience between judges and prosecutors for minors in the Western Balkans countries and the EU," as well as a seminar with the topic of gender equality for representatives of Montenegro media.</p> <p>The campaign "16 days of activism in the fight against violence against women" is being regularly implemented. In November 2014, within the campaign round table discussions were organized, in cooperation with NGOs; a TV video was made for the topic, "Prohibition and Prevention of Violence"; media performances were realized; and a theatre play, "Play," was shown which dealt with issues of violence against women and violence in the family. A number of public lectures for high-schools students were organized, while a brochure in Montenegrin, Albanian, and Romany was printed with a list of addresses of the institutions victims can contact in case of violence.</p> <p>A number of educations/seminars were realized for teaching staffs (principals of elementary and high schools, teachers of civil education) on the phenomenon of domestic violence and protection against it, integrating of gender equality principle in education institutions, and the establishing of an efficient system of prevention and protection of children and young people against domestic violence and violence in education institutions.</p> <p>During school 2005/2006, the realization of the project, "School without violence – safe school environment," started. The project was intended for students, teachers and auxiliary staff, parents, and the complete community with a goal of reducing and preventing violence among school children in Montenegro. With the passing of the Law on Protection against Domestic Violence and with the Strategy on protection against violence for the period 2012-2015, the obligation was prescribed for the making a Protocol on acting, prevention, and protection against domestic violence. Accordingly, Instructions for Schools was made: Responsibility sharing and preventive actions in cases of violence. It offers a theoretical basis for recognizing all forms of violence, abuse, and the neglecting of children; it recommends steps included in the program "School without Violence," including measures which need to be undertaken when violence is observed and access to making an individual support plan. Within the project, "School without violence – safe school environment," it is obligatory to set up the so-called "box of trust." It is also prescribed and defined with the Protocol on suppressing of domestic violence, so that expert school services can organize this kind of support for the children.</p>
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**4.3. Fight against trafficking in persons**

TOTAL NUMBER OF RECOMMENDATIONS: 4	
RECOMMENDATION	STATUS OF IMPLEMENTATION
<p><b>117.46</b> 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);</p> <p><b>117.48</b> Increase efforts in order especially to protect victims of human trafficking (Greece);</p> <p><b>117.49</b> Strengthen programmes for the reintegration of victims of trafficking in society (Republic of Moldova);</p>	<p><b>IMPLEMENTATION IN PROGRESS</b></p> <p>The implementation of the Strategy for the fight against trafficking in persons 2012-2018 is being carried out in accordance with the annual action plans.</p> <p>Some important changes have been made in the Criminal Code. A new criminal act introduced is “luring of a child in order to make a criminal act against gender freedom.” Two new types of exploiting have been introduced which are created as a result of a criminal act of Trafficking in Persons – “slavery and slavery-like actions” and “entering into illegal marriage.” The provision has been introduced which treats ignoring of consent of a trafficking victim with the intention of exploitation. As for sentencing, involvement in a criminal act by an authorized officer during their official actions presents an aggravating circumstance when sentence is decided upon. For the criminal act of trafficking children for adoption purposes, the age limit is changed from 14 to 18. The term of victim of a criminal act is defined and two new defined articles in the Criminal Code are trafficking in parts of human body and advertising of trade in parts of human body.</p> <p>The Law on Amendments of the Law on International Legal Aid created a legal possibility for creating joint investigation teams for processing criminal actions which includes the trafficking in persons.</p> <p>The Police Directorate in 2014 initiated a special activity which includes a coordinated action as part of the prevention, data gathering, and cooperation with other authorized bodies (labour inspection) in identification of potential victims of the trafficking of people.</p> <p>The cases of domestic violence and trafficking in persons are prioritized in courts’ work. All cases of the trafficking in persons which were processed by courts have been solved with an enforceable decision. In 2015, there have been no new cases of the trafficking in persons.</p> <p>In all authorized courts, special Services have been formed for supporting victims/witnesses in criminal acts which have to do with the trafficking in persons, domestic violence, and violence in family communities. Witness protection can be secured outside criminal procedures, in accordance with the law which deals with witness protection. Protection of witnesses from threats is specially regulated in the Criminal Code and it consists of a special way of participation and hearing of witnesses in a criminal procedure.</p> <p>The campaign, “STOP TRAFFICKING IN PERSONS,” is being continually applied.</p> <p>The Government of Montenegro completely finances the Shelter for potential victims of trafficking in persons/children. Initial recovery is made possible for victims in the Shelter through 24 hour expert assistance of expert staff and the conducting of specific programs of self-support and rehabilitation.</p> <p>A revised Agreement on mutual cooperation of state institutions and NGOs in the fight against trafficking in persons has been signed. The Coordination Team has been established for the monitoring of the Agreement’s implementation, which will organize special meetings in cases when a potential victim of trafficking in persons is identified, in order to provide timely and adequate protection of victims and provide help to secure their successful reintegration. The Ministry of Health provides free medical care to potential victims and victims of trafficking in persons through public health centers, with regards to the principles of urgency and priority.</p>

	<p>In the Shelter for victims of trafficking in persons in the period 2013-2014 (ending with 1 December 2014), two victims of trafficking of persons were accommodated. All necessary medical care was provided to them and they stayed there during recovery period.</p> <p>Between the end of 2014 and 1 May 2015, four minors were identified from the Roma and Egyptian populations who were victims of trafficking in persons with the goal of entering illegal marriages. All four cases, however, were qualified by the prosecution and the judiciary as “common-law marriage with a minor.” The minors, aged between 12 and 14 on average, received all necessary help and support in the Government’s Shelter for the victims of trafficking in persons through cooperation with authorized centers for social work. An individual working plan was designed for three minors and one of them (from Kosovo) was sent back to Kosovo.</p> <p>Progress has been made in a part related to creating prerequisites for quality reintegration, re-socializing, and repatriation of victims of trafficking in persons/children. This was done by means of assuring free access to various specialized courses for fast and expert education of victims, as well as through securing a possibility for their priority employment by signing a Cooperation Protocol between the Office for the Fight against Trafficking in Persons and Employers’ Association of Montenegro. In 2013 and 2014, workshops were organized for employees in all institutions involved in the process of providing support to victims.</p> <p>In the Strategy for the improvement of the Roma and Egyptian populations in Montenegro, a special area has been recognized which relates to suppressing domestic violence against women. A documentary movie was made on the topic of arranged and forced marriages. A two-day seminar was organized titled “Legal mechanisms in the fight against forced and arranged marriages” and a campaign “16 days of activism against domestic violence”. The new Law on Social and Child Protection especially protects children who are victims of trafficking in persons, as well as adults and older persons who are victims of trafficking in persons. Rule Books for shelters for child victims of violence and for foster care have been adopted. Since the second half of 2013 until May 2015, psycho-social support for five minors has been secured who are potential victims of trafficking of persons. Guardians have been provided for them for an individual case and individual plans of protection have been made. One of them was sent back to Kosovo.</p> <p>In late 2014, a Team for Supporting the Roma and Egyptian populations in Podgorica was established. The Team’s action is focused on suppressing arranged-early marriages between representatives of Roma and Egyptian population and begging.</p> <p>The Government adopted the Law Proposal on compensation for victims of criminal acts of violence on the session held on 20 November 2014. The Law was sent to the Parliament for adoption.</p>
<p><b>117.47</b>          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);</p>	<p><b>IMPLEMENTATION IN PROGRESS</b></p> <p>The Action Plan for the implementation of Strategy for the fight against trafficking in persons for 2014 was adopted. The Action Plan for the implementation of the Strategy for the fight against trafficking in persons for 2015 was adopted on 29 January.</p> <p>In 2014, trainings were conducted for police officers, social workers, inspection services, employees in employment offices, and the Center for Asylum Seekers for the topic of identifying and providing help and protection to victims of trafficking in persons. The Training Plan for Border Police for 2014/15 was made and its</p>

	<p>realization is underway. It has a goal to recognize potential victims and provide adequate help and protection. The Center for the training of carriers of judiciary function continually implements the programs which strengthen capacities of the prosecution and the judiciary staff for more efficient recognizing and processing of cases of trafficking of persons. A multi-sector (police, social work, health care, local self-management) seminar was organized “Strengthening of organs’ capacities for law enforcing for identification of victims of trafficking in persons/children of the Roma and Egyptian populations”. Representatives of the police, prosecution, and judiciary participated in the seminar on “The answer to trafficking in persons in Montenegro from the perspective of criminal justice.”</p> <p>Trafficking in persons has been a special topic of study on Police Academy since 2006.</p>
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**4.4. CIVIL AND POLITICAL RIGHTS**

**4.4.1. Freedom of opinion and expression, freedom of conscience**

TOTAL NUMBER OF RECOMMENDATIONS: 12	
RECOMMENDATION	STATUS OF IMPLEMENTATION
<p><b>117.63</b> Guarantee full freedom of expression, including for journalists conducting inquiries on sensitive issues such as organised crime (Belgium);</p>	<p><b>IMPLEMENTATION IN PROGRESS</b></p> <p>The Constitution of Montenegro guarantees freedom of expression (everybody has a right to freedom of expression through speech, written words, pictures, or in some other way), freedom of press (freedom of press is guaranteed and of other types of public informing. A right is guaranteed for founding a newspaper and other means of public informing without any consent, after registering with authorized state bodies), and prohibition of censorship (there is no censorship in Montenegro). Mentioned rights and freedoms which are guaranteed by the Constitution are further covered by media laws: the Law on Media, the Law on Public Radio-Diffusion Services of Montenegro, and the Law on Electronic Media.</p> <p>For the protection of journalists against threats and violence, a system of preventive and repressive measures has been introduced by the Police Directorate.</p> <p>Within preventive measures, a document was made - “Risk Analysis” of endangerment of employees in means of public informing – journalists. On the basis of security evaluation, a constant police escort was provided for one journalist. A single database of all investigations related to attacks on journalists and assets of media was made from all state institutions authorized for this issue: the state prosecution, the Police Directorate, and the National Security Agency. The continuation of activities regarding the security of one editorial staff and their vehicles is underway, with constant escort by police officers.</p> <p>Within repressive measures, communication on a daily basis was made by authorized prosecutors. Through consultations carried out with them, coordinated and planned measures have been undertaken in order to collect material evidence for possible processing of perpetrators.</p> <p>These activities in 2014 resulted in solving ten cases of attacks on journalist and property of media (7 cases from</p>
<p><b>117.64</b> Pursue reforms aimed at further protecting the media from undue political interference (Australia);</p>	
<p><b>117.65</b> Take measures to promote a safe and enabling environment for journalists to perform their work independently and without undue interference (Lithuania);</p>	
<p><b>117.66</b> Take further measures to guarantee freedom of expression, including by effectively investigating threats and attacks on media and journalists (Canada);</p>	
<p><b>117.67</b></p>	

<p>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);</p> <p><b>117.68</b> Ensure that impartial and effective investigations of attacks against journalists take place and that those responsible are brought to justice (Lithuania);</p> <p><b>117.69</b> Effectively address and investigate attacks against journalists and human rights defenders (Czech Republic);</p> <p><b>119.14</b> Guarantee freedom of expression and protect journalists against any form of intimidation (France);</p>	<p>2014); persons were processed and criminal or minor charges were pressed. Intensive activities of police officers in communication with authorized prosecutors resulted in 2014 in resolving the cases of activating of an explosive device in front of the building of daily "Vijesti" in December 2013 and attack on journalist T.S. – attempted murder from 2007.</p> <p><b>In the period May 2004 – May 2015</b>, the Police Directorate recorded a total of 58 cases where the objects of attack were media representatives or their property. Out of that number, 44 cases were completed – 38 were processed; in 6 cases of reported attacks the prosecutor estimated there had been no elements of criminal act or offense; 14 cases are still in progress/unsolved and intensive measures are being undertaken aimed at their solving and possible processing of perpetrators. In the mentioned period, based on undertaken measures and activities and in cooperation with authorized prosecutors, 23 criminal charges were pressed and 11 minor charges. Four cases were enclosed for prosecutors' assessment and they included a total of 59 persons (38 with criminal charges, 14 with minor charges, and in the case of 7 people, the files were sent to authorized prosecutor for further assessment).</p> <p><b>During 2014</b>, 10 cases were recorded in which the attacked persons were journalists or property of media was damaged. Nine cases ended after polices officers in eight cases processed the suspects to the authorized body, and for one case, the prosecutor estimated there were no elements of criminal act which would demand formal prosecution or a minor offense (threats sent over Facebook). One case is being processed.</p> <p><b>In 2015</b>, five cases have been recorded. One of them has been processed through pressing a criminal charge. Another one has been solved and after the prosecutor qualifies the act charges will be pressed. In one case, the prosecution is carried out after private charges were pressed. Two cases are in progress (breaking of car windows). The Police Directorate will continue to undertake measures aimed at prevention of possible attacks and attempts against journalist.</p> <p>In all phases of the procedure (inspection, investigation, main hearing and appeals), the state prosecution acts in accordance with procedural and substantial laws. During the inspection, prosecutors issue mandatory warrants and through immediate supervision direct police work. Also, state prosecutors are members of the Commission for the monitoring of authorized bodies in investigation of old and recent cases of threat and violence against journalists and murders of journalists.</p> <p>All procedures before the court in cases of violence against journalists are being conducted in accordance with substantive and procedural law. There are no old cases of violence against journalists at courts since all of them were solved through enforceable verdicts. In 2014, there were 8 criminal files before Montenegrin courts in which journalists were victims (cases of violence against journalists). At the end of 2014, in six cases against 13 persons decisions were made: in 9 cases, the verdict included sentence (5 imprisonments, 3 paroles and one sentence which included community service work); one person was acquitted; and charges were dropped in three cases. Three decisions were enforceable at the end of 2014. In 2015, two more decisions from 2014 became enforceable (acquittal was confirmed and the sentence which included community service work was changed into</p>
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	<p>imprisonment). In 2015, two more first-instance verdicts have been reached (one person was acquitted and one was sentenced to imprisonment), which have not become enforceable yet.</p> <p>The Government of Montenegro formed a Commission for monitoring of actions undertaken by authorized bodies in investigations of old and recent cases of threats and violence against journalists and murders of journalists. The list of priority investigations was set which the Commission deals with during its mandate. Working Teams have been formed in order to solve events which are considered especially complex and in which there have been results so far. Three Working Groups have been formed which process the following cases: murder of editor-in-chief of daily “Dan,” D.J.; assault on journalist T.S. and activation of an explosive device in front of his house; and in all other cases of violence against the property of “Vijesti” daily.</p> <p>So far, 11 meetings have been held. The Commission is chaired by the editor-in-chief of “Dan” daily.</p> <p>The Commission reports to the Government. Since the Commission has formed, three working groups which deal with priority cases were formed. The Police Directorate enclosed on 12 May 2015 to the Commission documents which were created by police work in these cases. The documents with protected personal data of third parties have been enclosed in accordance with the consultations and instructions of the Department for protection of information on personality and free access to information of the Ministry of Internal Affairs.</p> <p>Intensive work of police officers in communication with authorized prosecutors during 2014 resulted in solving the following cases – activation of an explosive device in front of the building of daily “Vijesti” from December 2013 and assault on T.S – attempted murder from 2007.</p>
<p><b>117.70</b> 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);</p> <p><b>118.12</b> 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);</p>	<p><b>IMPLEMENTATION IN PROGRESS</b></p> <p>The Center for education of carriers of judiciary functions realized in 2014 two trainings for judges and prosecutors on freedom of expression and implementation of the practice of European Court of Human Rights with special emphasis on Article 10 (with the participation on regional conference “Improvement of freedom of expression and informing and freedom of media in South East Europe”). The mentioned trainings have been conducted through the cooperation with Council of Europe and 50 representatives of judiciary took place (prosecutors and judges). Representatives of the Council for Minor Crimes, the Judges’ Association, and the Ministry of Justice were also present at the seminars.</p> <p>In 2014, the Center distributed the publications on a regular basis to all courts and prosecutions – Law Bulletin – Human Rights in Europe, which represents a source of summaries of the latest decisions made by the European Court of Human Rights with comments. This long practice of the Center is conducted through the cooperation with The AIRE Center from London (Center for providing legal aid regarding human rights protection in Europe) and the Council of Europe.</p> <p>In October 2014, the Center organized a two day module of the Program of initial education which was dedicated to topics from contractual relations, and one of the topics related to compensation of non-pecuniary damage for violation of human rights and basic freedoms with an accent on verdicts of European Court of Human Rights against Montenegro. 21 trainees of the Program of Initial Education for 2014 were present (consultants in courts and prosecution).</p> <p>In cooperation with self-regulatory bodies, OSCE realized during 2014 two training courses for journalists and representatives of self-regulatory bodies from the area of human rights with special emphasis on Article 10 of</p>

	<p>European Convention on Human Rights.</p> <p>The Supreme Court in 2011 adopted the General Legal Attitude which is binding for all national courts which act in accordance with the cases of compensation of non-pecuniary damage in which the defendants are journalists/media. In accordance with the Attitude, if a court concludes that there was ground for responsibility of journalists/media, it decides upon the amount of just compensation for violation of persons' rights, taking into consideration all circumstances of a concrete case, especially: the importance of injured goods and consequences stemming from it, duration of emotional distress, the goal of compensation of non-pecuniary damage, fact that the amount of the compensation should be in line with the practice of European Court of Human Rights, and that the amount should not be discouraging for journalists and media in exercising their role of preserving democratic values of the society.</p> <p>In 2014, 32 cases were brought before the courts in Montenegro of compensation of non-pecuniary damage against media. Out of that number, 15 cases were closed. In three cases, the appeal was upheld; in four cases, the charges were withdrawn; and in 8 cases, the charges were dismissed. In four cases, the decisions were enforceable. Through non-enforceable decisions, in three cases the amounts of 6.000, 5.000 and 300 euros were decided upon for the compensation of damage.</p> <p>In the Progress Report of Montenegro for 2013 European Commission, an estimation of the area of "Freedom of expression" stated that, generally speaking, courts in Montenegro obey the practice of the European Court of Human Rights and that training courses for judges according to ECHR standard are conducted through Center for Education of Carriers of Judiciary Function.</p>
<p><b>117.71</b> 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);</p>	<p><b>IMPLEMENTATION IN PROGRESS</b> A Working Group was formed for making the Draft Law on Freedom of Religious Beliefs. The making of the draft of the text on the law on religious communities is underway and consultations were conducted with all religious communities in order to determine the text of the draft.</p>
<p><b>118.13</b> Guarantee the freedom of the media, ensuring their protection from any political interference and promoting the establishment of an independent press council (Switzerland);</p>	<p><b>IMPLEMENTATION IN PROGRESS</b> Since its foundation, the Media Council for self-regulation has published 15 reports on applying of professional and ethical standards in Montenegrin journalism.</p> <p>In its XIII report, which included the period between 1 July and 15 September 2014, the Media Council for self-regulation received nine complains about work of media and all of them have been resolved.</p> <p>In XIV REPORT, which included the period between 15 September and 1 December 2014, the Media Council received 12 more complaints related to work of media, and out of that number, nine complaints have been upheld and decisions on them have been made. One complaint was rejected because of statute of limitation and the other two were not accepted.</p> <p>In XV report, which included the period between 1 December 2014 and 15 February 2015, the Media Council for Self-regulation received three more complaints related to media work and all of them have been resolved.</p> <p>Unfortunately, all media in Montenegro is not covered by self-regulation agreement. Although the Media Council for Self-regulation is the biggest, it does not include all the media in the country.</p>

	<p>Along with the decentralizing of the media system and harmonization with European law and in accordance with progressive comparative practices, freedoms and media work, in order to improve and strengthen their professionalism, objectivity and responsibility, must be followed by self-regulatory mechanisms of applying professional and ethical standards which will be defined and as such monitored and implemented in an autonomous way by media community.</p> <p>In line with the measure from the Action Plan of monitoring and implementation of recommendation of the European Commission Opinion, media companies and media associations in Montenegro constituted three self-regulatory bodies: the Media Council for Self-regulation, the Self-regulatory Council for local and periodic press, the Press Council (which has not started operating yet), and the Protector of Readers' Rights – Ombudsman "Vijesti"</p> <p>As a body authorized for normative harmonization with the EU acquis, and in accordance to the standards in area of media, the Ministry of Culture does not supervise any aspect of media work and in this context, state bodies and subjects of the media system do not have any legal obligation to submit information to the Ministry of Culture from the scope of their work, which relates to media.</p> <p>All the information enclosed for UPR was downloaded from the webpage of Media Council for Self-regulation, which regularly updates the reports.</p> <p>The Montenegrin media legislation has since 2002 been continually harmonized with European standards of the media section. The result of these mentioned activities is also a positive assessment in the European Commission Progress Report for 2014, for negotiating Chapter 10 – Information Society and Media, where it is said that "a good level of legal harmonization has been achieved".</p>
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#### 4.4.2. Property rights

TOTAL NUMBER OF RECOMMENDATIONS: 1	
RECOMMENDATION	STATUS OF IMPLEMENTATION
<b>119.15</b> Resolve those cases related to confiscated properties from various religious communities (Holy See);	<b>IMPLEMENTATION HAS NOT STARTED</b> In order to solve the cases of property restitution for churches and religious communities, passing of the Law on Property Restitution to Religious Community has been planned. The deadline for adoption of this law is the end of 2018. The analysis of draft law making is underway. After the law is passed, the analysis will be conducted and actions will be taken upon requests for restitution of property rights.

#### 4.4.3. Birth registration

TOTAL NUMBER OF RECOMMENDATIONS: 3	
RECOMMENDATION	STATUS OF IMPLEMENTATION
<b>117.32</b>	<b>IMPLEMENTATION IN PROGRESS</b>

<p>Continue the efforts to achieve an effective registration of all births, with special attention to children belonging to ethnic minorities (Holy See);</p>	<p>Measures aimed at raising awareness related to the need of birth registration and at increasing of the number of children additionally registered into birth records (in cases when it was not done right after the birth in order to decrease the number of such cases) are being implemented.</p> <p>With the support of UNHCR, a brochure titled “Registration of a newborn in 4 steps” has been made in a form of parents’ guide to present the citizens with the appropriate procedure and make relevant information easily available. In 2013 and 2014, 15.000 copies were printed and distributed in Montenegrin, 4.000 in Albanian, and 2.000 in Romany. In early 2015, the brochure was distributed to maternity wards in Montenegro. A round table discussion was organized for all the employees of branch departments and subsidiaries of the Ministry of Internal Affairs on the implementation of Article 33 of the Law on birth record registers which regulates recording into birth records after the expiry of 30-day deadline after the birth. The round table discussion was organized to exchange experiences in the application of the Law in particular municipalities and to harmonize practical actions. Within the scope of their regular duty, the officers of the Ministry of Internal Affairs are in contact everyday with citizens during request submissions and they inform them how to register a birth fact.</p> <p>In Montenegro, especially with the children of RAE population, there are some children who were born outside health care institutions. The procedure of their additional entering birth records, until the Law on Amendments on Law on Extra-judicial proceedings entered into force, was related to proving the fact of birth through administrative procedures. With the amendments of the Law, the procedure was simplified (see the recommendation below).</p> <p>Based on field evidence, representatives of the UNHCR in Montenegro prepared a list of people who need to be additionally registered into the birth records of people born in Montenegro (the total of 125 people). Out of this number, 66 people have been registered, for 20 people the procedure is in progress, and 39 people have not filed a request to branch departments of the Ministry of Internal Affairs.</p> <p>Within the field visit to internally displaced persons from Kosovo (3.481 internally displaced people from Kosovo), 372 people were identified who need additional registration into birth records in Montenegro or the country of origin. The Ministry of Internal Affairs conducted an analysis of the mentioned list and agreed upon further activities for providing help to those who need registering into birth records. Special attention is paid to Roma and Egyptian children through the providing of legal aid for additional registration and cooperation so that they could get information on all evidence necessary for recording the birth fact into the birth registers of Montenegro and its gathering.</p>
<p><b>119.10</b> Simplify the procedure for birth registration of persons born outside health care institutions to contribute to measures carried out to eliminate discrimination (Mexico);</p> <p><b>119.11</b> Establish a simple and accessible procedure of birth registration to guarantee that all children have access to it (Brazil);</p>	<p><b>RECOMMENDATION 119.10 IMPLEMENTED, 119.11 IN PROGRESS</b></p> <p>The Law on Amendments of the Law on Extra-Judicial Procedure was passed on 18 March 2015. With the novelties contained in this law, the procedures for registration of people born outside health care centers are taken care of in much more efficient way. For people born in health care institutions, the procedures for additional registration are started before branch departments and subsidiaries of the Ministry of Internal Affairs of Montenegro. The Law prescribes the procedure of determining of time and place of birth, to regulate the status of people who are not in registered into birth record and people who are born outside health care institutions. This procedure is initiated with a request of the person who is not registered in birth record or with a request of anyone with an immediate legal interest or guardians. To make exercising of this right easier, courts with local jurisdiction are all courts with subject matter jurisdiction. Also, according to the provisions, first-instance court encloses enforceable solution on</p>

	<p>time and place of birth to the organ authorized for keeping birth register of those who are born 8 days from the day enforceability, for the registering of birth fact into the birth register. Also, the parties which make a request do not have to pay any fees or other expenses the procedure might require.</p> <p>The implementation of the Law started on 2 May 2015. The Law was prepared with the help of UNHCR and UNICEF.</p> <p>After the Law on Amendments of the Law on Extra-judicial Procedure was adopted, in March 2015, the Ministry of Justice will, through cooperation with UNNCR and UNICEF, organize regional training sessions to familiarize judges, representatives of Bar Association, NGO sector and similar bodies with new solutions, which would mean speeding up of its implementation.</p>
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#### 4.5. SPECIFIC RIGHTS (women, children, persons with disabilities, minorities, Roma, refugees, I/DPs, LGBT)

##### 4.5.1. Women

TOTAL NUMBER OF RECOMMENDATIONS: 6	
RECOMMENDATION	STATUS OF IMPLEMENTATION
<p><b>117.28</b> Promote women participation in political life and their access to decision-making positions and management (France);</p> <p><b>117.29</b> Take further measures to promote women's economic empowerment and their participation in political life and decision-making (Ukraine);</p> <p><b>117.31</b> Intensify efforts on gender equality and take further steps in promoting women in all spheres of life especially in the political life (Greece);</p>	<p><b>IMPLEMENTATION IN PROGRESS</b></p> <p>In order to reach a higher level of participation of women in political life and in decision making, the Law on Amendments of Law on Election of Members of Parliament and Committee Members was adopted in March 2014 which defines the issue of gender balance on election lists. For every four candidates on election lists, there has to be at least one candidate who is a member of less represented gender. With the implementation of the law on local elections in May 2014, an increase of women representatives in parliaments at the local level was experienced from 16.75% to 24.28%. In the Capital of Podgorica the share of women in Parliament grew from 17.54% to 31.58%. On the other hand, the Law on Political Parties prescribed an obligation to all the parties to have a way of securing an affirmative reaction in their statutes, in order to achieve gender equality principles in the procedure of electing of parties' organs.</p> <p>The new Law on financing of political subjects and electoral campaigns, unfortunately, does not contain a gender sensitive approach. Within the Action Plan for Achieving Gender Equality (PAPRR), measures are continually implemented in the areas "Equality in decision making process in political and public life" and "Institutional Mechanisms for Implementation of gender equality policies." The Action Plan for the period 2015-2016 was adopted.</p> <p>The Committee for Gender Equality of the Parliament of Montenegro has organized thematic sessions in order to raise awareness on women's rights, exchange of opinions on improvement of legal solutions on quotas for less represented gender in elective legislation, and finding mechanisms which will make them more efficient. The sessions are dedicated to discussions of specific issues related to women's position and their political and economic strengthening, as well as exchange of regional experiences and accepting of best practices. Two international events have been organized: 17<sup>th</sup> Parliamentary Forum in Cetinje on the topic "Human rights and</p>

	<p>gender equality in security and defense sector” and a conference “Women, peace and security – gender equality policy in the process of European and NATO integrations”.</p> <p>Within “the Program of Gender Equality,” many activities have been realized for the improvement of affirmative action in the Law on Election of Members of Parliament and Committee Members and more intensive activities were undertaken on women’s education on gender equality and women in politics. Training sessions are organized, as are seminars for the political strengthening of women at the local community level and national level, through the cooperation of the Government with international organizations, primarily the offices of UNDP and OSCE in Montenegro and non-governmental partners. The exchange of experiences with other countries is being carried out as well. As a result of program of implementation, apart from increase of participation of women in parliaments on national and local levels, all parliamentary political parties have women’s groups and all but one parliamentary party have an issue of gender equality in their party statutes and programs.</p> <p>Concrete activities on the implementation of resolution SC UN 1325 are planned. Among other things, activities related to improvement of the database on the presence of men and women in the Army and Police and to the strengthening of human resources and education of women for their higher representation on command position in the sector of security and defense.</p> <p>In December 2014, a publication was released, “Women and Men in Montenegro,” which contains statistical data on women in decision making positions. Right now in the Government of Montenegro, out of 17 ministerial positions, 4 are occupied by women.</p> <p>Through the partnership with the OSCE Mission cooperation memorandums were signed in the area of gender equality in local communities with 16 municipalities in Montenegro. In line with the Memorandum, local action plans are adopted for the improvement of gender equality and economic strengthening of women at the local level.</p> <p>In 2013-2014, local action plans were adopted in 9 Montenegrin municipalities. In some municipalities, non-governmental commissions were formed which gather women who live rural areas, the goal of which is joint action with local offices for gender equality on the education for the economic strengthening of women in rural areas.</p> <p>To improve gender equality in all the spheres of social life and to act against gender based discrimination, in December 2014, the Government came up with the Law Proposal on Amendments of the Law on Gender Equality. The Law Proposal is in Parliamentary procedure.</p> <p>A Strategy for the preserving and improvement of reproductive and sexual life in Montenegro 2013-2014 has been presented.</p> <p>In 2013 and 2014, seminars/workshops/campaigns/visits were organized in order to improve the position of women in rural areas. The Project START W was realized – Support of development of women’s potential in the area of rural tourism, which had a goal of strengthening of cross-border cooperation of women from Montenegro and Albania for improvement of offer in rural tourism.</p> <p>With the support of UN WOMEN, the publication “Program for better hiring of women in rural areas of Montenegro 2013-2016” was published.</p> <p>The gathering “Open Days of Women’s Entrepreneurship” the goal of which was making a direct contact among representatives of business sector with women who are starting or have started their own business, to make</p>
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	<p>possible signing of cooperation contacts, networking, and possible funding for realization of 55 business plans for women in 4 Montenegrin municipalities, was realized. A portal of women’s entrepreneurship was presented which will enable networking of women’s businesses with the goal of marketing and sales of products online. The package of financial products of the Investment Fund of the Government of Montenegro has been analyzed from the gender aspect which, thereby, created a new financial (crediting) line for women in business.</p> <p>In February 2015, the Agreement on cooperation was signed between the Ministry for Human and Minority Rights, the Investment and Development Fund, and the UN Development Program. This meant support for founding small and medium sized business of women through crediting lines.</p> <p>Within the project, “Strengthening of Principles of Gender Equality in Montenegro,” three training courses were organized with the goal of the economic strengthening of women.</p> <p>In cooperation with OSCE, the Regional Cooperation Council and the Regional Center for Gender Equality (GTF), it is agreed to organize a Forum in 2015, aimed at strengthening of women’s entrepreneurship and overview of achieved results in participating countries of the Parliamentary Forum of Cetinje. The Agreement on Cooperation was signed with the Regional Center for Gender Equality GTF for logistic and expert support in preparing and making the Strategy for Development of Women’s Entrepreneurship in Montenegro. The Strategy Draft has been made and at the moment is undergoing a public discussion.</p> <p>Apart from the participation in political life, the UNDP continually supports promoting women in culture (the project “Museum of Women in Montenegro”). The cooperation with Montenegrin Olympic Committee has been agreed upon in the area of promotion of women’s participation in sport.</p>
<p><b>117.30</b> Make further efforts to promote gender equality and protect all women and girls from all forms of violence (Brazil);</p>	<p><b>IMPLEMENTATION IN PROGRESS</b></p> <p>The activities aimed at the implementation of the Action Plan for Achieving Gender Equality (PAPRR) in the area “Gender based domestic violence” are being continually conducted.</p> <p>The latest data on cases of violence against women and domestic violence, according to the reports on conducting of PAPRR for 2014, shows that year after year we have been witnessing a higher number of reported, processed, and solved cases.</p> <p>A Training program was held for the members of a multidisciplinary team for the implementation of legislation form the area of domestic violence. Their task is coordinating domestic violence victims protection, or joint efforts in solving the reported cases of domestic violence in accordance with the provisions of the Law on Protection Against Domestic Violence, the Protocol on the acting of relevant institutions in cases of domestic violence, and in accordance with the Strategy of Protection against Domestic Violence and obligations stemming from international documents, primarily the Istanbul Convention. There are no formal mechanisms for supervision of multidisciplinary teams.</p> <p>In March 2015, a training program was organized for carriers of judiciary functions and members of the Police Directorate for the topic of anti-discriminative legislation with special emphasis on the CEDAW and Istanbul Convention.</p> <p>Numerous educational programs are being conducted in the education sector. Five training programs are organized for teachers of civil education, as well as a seminar on gender equality and violence against women and domestic violence.</p> <p>A single and free of charge SOS phone line for victims of domestic violence was planned for the end of 2015.</p>

	<p>Previously, the passing of relevant by-laws was planned for the organization and establishing of the service. In May 2015, a Memorandum was signed on cooperation with non-governmental organizations which provide the services of SOS phone lines for women and children who are victims of violence.</p> <p>The UNDP continually supports the work of civil society in promoting women’s rights and it participates in organization of a 16-day campaign of violence against women and promoting of the Istanbul Convention. Apart from the campaign “16 days of activism in fight against violence against women and domestic violence”, the celebration of International Human Rights Day is realized through contribution in performance for the global protest against violence against women “A billion rise” and the campaign “I respect, support, protect and advocate A HUMAN,” aimed at protection of all vulnerable groups, including women.</p> <p>During 2014, the Office of UNDP in Montenegro and the Ministry of Human and Minority Rights realized research on perceptions of citizens related to violence in order to see tendencies in changes of mind, in accordance with the activities realized in this field. The research was conducted in three phases (June, September and November 2014). The results showed that around 2/3 of citizens think that personal and economic problems were the most important ones, especially the problem of unemployment, which is followed by domestic violence. Women are recognized as the most common victims of violence (up to 86%), then children (57-63%), old people (around 5%), and men (4%). Physical violence has been recognized as the most dominant form of violence by citizens.</p> <p>In 2013 research conducted by UNICEF was realized on violence against children in Montenegro on the sample of 1.000 subjects who were over 18. It showed that practically every tenth citizen of Montenegro knows a child or an adult who was a victim of sexual abuse as a child. The awareness on the existence of sexual abuse in Montenegro is low: only 30% of population admits that the problem exists.</p> <p>The results point to the need for the further intensifying of activities aimed at proving a continual answer to cases of violence and its prevention.</p>
<p><b>118.6</b> 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);</p>	<p><b>RECOMMENDATION IMPLEMENTED</b> The Action Plan for reaching gender equality 2013-2017, including all comprehensive and reachable goals for fight against women’s discrimination in all spheres of life, including job and education, was adopted on 24 January 2013.</p>
<p><b>118.7</b> 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);</p>	<p><b>RECOMMENDATION IMPLEMENTED</b> Family Law defines a special and joint property of spouses. According to the Law, joint property consists of the property acquired by spouses during their marital community and revenues from this property. If spouses cannot reach an agreement on the division of property, the property of spouses is equally shared.</p>

**4.5.2. Children**

<b>TOTAL NUMBER OF RECOMMENDATIONS: 14</b>	
<b>RECOMMENDATION</b>	<b>STATUS OF IMPLEMENTATION</b>
<p><b>117.12</b> 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);</p>	<p><b>IMPLEMENTATION IN PROGRESS</b> The Council for Children’s Rights has been formed and the act on the authorities of the Council was passed. In order to make the Council fully operational, consultations of the authorized ministry and UNICEF will be continued which have a goal to extend the authorities of the Council in accordance with the areas defined by the Convention on Children’s Rights and optional protocols as well as securing the participation of the non-governmental sector and children in the Council’s work. As the initial step towards reaching this goal, the Working Group for monitoring and reporting on the implementation of the National Action Plan for Children, among other things, sets up items which will on the agenda of Council meeting.</p> <p>The role of the Deputy Ombudsman for Children’s Rights has been strengthened. A special department is planned which will deal with the protection and enforcement of children’s rights within the institution of the Protector. The Deputy Ombudsman for children’s rights has two employed counselors specialized for working and acting in the protection and promotion of children’s rights. Two positions are vacant.</p> <p>In 2014, formation of the Network of Golden Counselors started, through the organization of public invitation for children, the appointment of golden counselors, and the forming of the network. The network of golden counselors is a new counseling body comprising of children from different towns in Montenegro. In order to familiarize the children with the Institution of Ombudsman and in order to improve children’s participation (when we talk about things which are of their direct concern), the Protector gathered the interested children through the public invitation. The network consists of 10 children who will through their engagement help the Ombudsman with their advice, attitudes, suggestions, and initiatives. This way the voice of the children will be heard during legislative initiatives, the planning of strategic documents, and all of the Protector’s activities. The network will have meetings twice a year (and when is needed), while the everyday communication of Golden Counselors and representatives of the Ombudsman will be carried out electronically.</p>
<p><b>117.13</b> 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);</p>	<p><b>IMPLEMENTATION IN PROGRESS</b> The National Plan of Action for Children for the period 2013-2017 (NPAC) was adopted in June 2013. Through regular budget funding and donations, the necessary financial and human resources for its implementation have been secured.</p> <p>The Annual budget on implementation of NPAC 2013-2017 for 2013 has been implemented while the drafting of the report for 2014 is underway.</p>
<p><b>117.14</b> Adopt a new National Plan of Action for Children with a view to, inter alia, eradicating children’s sexual exploitation (Poland);</p>	<p><b>IMPLEMENTATION IN PROGRESS</b> The National Plan of Action for Children for the period 2013-2017 (NPAC) was adopted in June in 2013. The plan includes strategic goals, and within them, specific goals which relate to eradication of children’s sexual exploitation, better protection of children from sexual exploitation, sexual abuse and child pornography, as well as to improve the conducting of criminal sanctions against perpetrators. In accordance with the goals, campaigns were realized (the project “School without violence – safer school environment”, the Campaign of Council of</p>

	<p>Europe “One of five” – with the goal of raising awareness on need of eliminating of children’s sexual abuse), educational programs (seminars for around 80% of children’s counselors in elementary and secondary schools; programs “Healthy lifestyles” and “Education for sustainable development”), and prevention programs with the goal of eradication of sexual exploitation of children.</p> <p>An Instruction for schools was created: the Division of responsibility and preventive actions in cases of violence. It is based on guidelines for acting which is recommended in the Manual, “School without violence – safe school environment,” and on steps and obligations from authorizations prescribed within the mentioned Protocol. It offers a theoretical basis for the recognition of all types of violence, abuse, and neglect of children; it recommends steps included in the program “School without violence”; as well as measures that need to be undertaken when violence is noticed and access to making of an individual plan of support.</p> <p>The Research “Violence against children in Montenegro” has been conducted on the sample of 1.000 subjects who were over 18. It shows that almost every tenth citizen of Montenegro knows a child or an adult who was a victim of sexual abuse as a child. The awareness of presence of sexual abuse in Montenegro is low: only 30% of population admits the problem exists.</p> <p>The report on the implementation of the Lanzarote Convention has been enclosed to the authorized Committee of the Council of Europe.</p>
<p><b>117.15</b> Promote the rights of children in accordance with the recommendations of the Committee on the Rights of the Child (Armenia);</p>	<p><b>IMPLEMENTATION IN PROGRESS</b></p> <p>The continual promotion of children’s rights is being carried out with the aim to raise public awareness, media promotion and curricula. In the period covered by the report the following campaigns were realized:</p> <ol style="list-style-type: none"> <li>1. The campaign, “It’s about ability” – a promotion of inclusive education and rights of children with developmental difficulties; in less than ten years the number of children with developmental difficulties who attend primary school rose from 67 to 3600, while the number of children in day pre-school institutions rose from 46 to 670.</li> <li>2. The campaign of Council of Europe, “One of five”– with the goal of awareness rising on need of eliminating of sexual abuse of children; after the implementation of these activities with experts and broad public, the opinions changed and people understood that there are case of sexual abuse in our country and that this is something which needs to be addressed and each suspicion should be reported.</li> <li>3. The campaign, “Every child needs a family” – strengthening of de-institutionalizing and promoting of foster parenting; as a result of the campaign, 4 out of 5 people in Montenegro think that it is better for children to be put in foster families than into institutions. The number of children in non-kinship foster families rose by 200%, in comparison to the period prior to the campaign. The number of children in kinship foster families has risen. At the same time, the number of children in facilities for children without parental care has significantly decreased.</li> <li>4. The campaigns, “Address the Protector,” “Children, Write to Ombudsman,” and “Surf in a Smart Way” -- aimed to promote and protect children and children’s rights and inform children about the competencies of the Ombudsman and children’s rights.</li> </ol> <p>These campaigns resulted in significant breakthroughs in the promotion of children’s rights, changes of attitudes and behavior in concrete areas, and also in improvements of indicators of the situation in the area of children’s rights in the country.</p>

	<p>The Protector of Human Rights and Freedoms organizes workshops on different types of abuse and exploitation of children with elementary school students and children placed in institutions.</p> <p>The promotion of children’s rights are carried out through other types of projects or initiatives: through comic books on discrimination, peer violence, domestic violence, the relationship between students and teachers, and children’s participation in decision making through organization of public discussion in elementary and secondary schools (in this period the topics related to corruption are covered), as well as through the work of local children’s and programs of education for children who are peer educators.</p> <p>The III Option protocol on communication procedures to the Convention on Children’s Rights was promoted for the representatives of NGOs, children of local children’s parliaments, and a seminar for the training of children – peer education was held so that this mechanism could be presented to peers in school parliaments. Training courses for experts and general public are planned.</p>
<p><b>117.18</b> 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);</p>	<p><b>IMPLEMENTATION IN PROGRESS</b></p> <p>Programs for the rehabilitation and reintegration of children in conflict with the law who are placed in institutions of semi-opened or closed types, have been significantly improved through the realization of the initiative, “Justice for Children,” aimed at the reforming of the juvenile justice system. This project makes possible the implementation of the Law on treatment of juveniles in criminal procedures through special training courses for all the staff who work with children who are in conflict with the law. All experts in the semi-open facility Center for Children and Young People “Ljubovic” went through the education. In the Institution for Execution of Criminal Sanctions, a special training program was adopted for the treatment of juveniles which was realized in cooperation with UNICEF. All employees in the Institution who are in contact with juveniles went through training and they are trained for work and treatment of juveniles in accordance with international standards.</p> <p>The implementation of policies and a legal framework (the Law on treatment of juveniles in criminal procedures) has been made easier through the development and adoption of a set of by-laws and guidelines like: the Rule Book on rules of conduct for carrying out of a sentence of juvenile imprisonment in the ward for juveniles offenders in the Institution for Execution of Criminal Sanctions and the Rule Book on undertaking a measure of sending to a correctional facility of non-institutional type, which are focused on rehabilitation and reintegration of the children in conflict with the law.</p> <p>In order to discuss problems which occur in practice, and in order to solve them and improve and strengthen dialogues among the participants in the systems of juvenile judiciary, meetings are regularly organized, as well as round table discussions and workshops at which experiences are exchanged.</p> <p>The Law on the treatment of juveniles in criminal procedures creates important normative presuppositions for special treatment of children in conflict with the law. The application of certain modalities of correctional warrants and measures on the whole area demands the creation of necessary objective conditions, which is the goal in the period to follow.</p> <p>During 2014, the Protector conducted research which related to the treatment of children by the police. The authorized organs were sent opinions based on the research results with recommendations for improvement of situation this area.</p>
<p><b>118.2</b> Harmonize its legislation with the CRC (Convention</p>	<p><b>IMPLEMENTATION IN PROGRESS</b></p> <p>In order for complete harmonization of the legislation with the Convention on the Rights of the Child, the</p>

<p>on the Rights of the Child) (Turkey);</p>	<p>following activities have been undertaken:                  UNICEF has conducted the analysis of the harmonization of the Family Law with international standards. The changes of the Family Law in order to harmonize it with all the relevant international documents related to family organization are planned for the IV quarter of 2015. A Working Group for the making of the Law on Amendments of the Family Law was formed. The law will contain recommendations and measures prescribed by the National Plan of Children’s Action, especially the definition of a child in accordance with the UN Convention on children’s rights and explicit prohibition of corporal punishment of children within families.                  As for the issue of children in conflict with the law, the Law on treatment of minors in criminal procedure is harmonized with all international standards.</p>
<p><b>118.3</b>                  Step up efforts to provide equal access to education and health care to all children, irrespective of their immigration status (Philippines);</p>	<p><b>IMPLEMENTATION IN PROGRESS</b>                  In accordance with the Law on Health Protection and Health Insurance, all children are included in the health care system and they have a right to free health care whether they have a health care record or not and regardless of their immigration status. When we talk about the health care of children with different immigration status, the Directorate for Refugee Care covers the expenses of medicine and medical examinations. The efforts have been intensified for equal access, especially for children from vulnerable groups (partly through inclusion of health mediators for Roma and Egyptians).                  All children are included into the school system, regardless of their status. In kindergartens, special care and education of children with specific education need has been made possible (free of charge). The programs of regular pre-school education are carried out, as well as programs of half-day care for children of RE population. The children with high risk of leaving school are regularly monitored, measures are undertaken for overcoming of the problem, families are visited, and immediate contact is made with them (teachers, expert counselors of town schools). Mentoring support for RE students and high school students is also conducted. Desegregated education of Roma and Egyptians from refugee camps has been conducted since 2008/2009.                  The children of different immigration status have a right to education and health care. The Law on Asylum guarantees asylum seekers the right to basic elementary and high school education in schools founded by the state. The Ministry of Education has not arranged the exercising right on education in accordance with this. Although the state prescribes the obligation of the state to secure translating into a language spoken by asylum seekers, practice very often shows that is not possible to find interpreters for some languages since there are no such translators in Montenegro. This challenges the issue of access to education.</p>
<p><b>118.4</b>                  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);</p>	<p><b>IMPLEMENTATION IN PROGRESS</b>                  Special institutions have been transformed into resource centers. On the level of the country, three resource centers (resource centers „Podgorica“, „1 June“ and „Kotor“), among other things, transfer text books into the form of audio recording; conduct individual treatments of children from the regular system and conduct training programs in the area of early intervention for children with developmental difficulties (sight and body development); and usage of textbooks in Daisy format (activities are conducted under the supervision of UNICEF) and Braille alphabet. Training courses are conducted also for the work with children with autism and treatment of children from regular schools and kindergartens which are of individual character based on the decision of the supervisory commission and training courses are organized for sign language.                  A monitoring system has been established in “Mladost” Children’s Home in Bijela, which is the only institution for</p>

	<p>the accommodation of children without parental care in Montenegro. Children with developmental difficulties who are without parental care are also placed in this institution. The Draft of Transformation Plan of “Mladost” Children’s Home in Bijela has been prepared and its adoption is planned for the end of June 2015. Individual plans for each child are revised every six months. These plans contain the activities of integration of the children into the regular school system.</p> <p>A lot of children with special educational needs are included in regular school systems. The professionals of resource centers are hired as support to regular education of children with developmental difficulties. Visits of regular schools and kindergartens relate to advisory and expert help provided to teachers and parents of children with developmental difficulties.</p>
<p><b>117.17</b> Take measures to raise the public’s awareness of the negative impacts of corporal punishment on children (Liechtenstein);</p> <p><b>118.5</b> Explicitly prohibit corporal punishment in all settings, including the home, schools and alternative care facilities, and establish appropriate complaints mechanism for children (Liechtenstein);</p> <p><b>119.9</b> Enact legislation to prohibit explicitly corporal punishment of children in all settings, including at home and by members of their family (Germany);</p>	<p><b>IMPLEMENTATION 118.5 AND 119.9 IN PROGRESS, IMPLEMENTATION 117.17 HAS NOT STARTED</b></p> <p>Through the cooperation with UNICEF, a regional project has been prepared which was submitted to EU for approval. The project includes revision of Montenegrin legislation in order to prohibit corporal punishment in all settings.</p> <p>The existing legislation explicitly prohibits corporal punishment in schools. It is prohibited: physical, mental, or social violence; abuse and neglecting of children and students; physical punishment or personality insulting; sexual abuse of children and students or employees or any other type of discrimination in respect to the law.</p> <p>The Law on social and child protection does not explicitly prohibit corporal punishment of children. This Law defines that in the institution, or with other service providers, the employees are prohibited from any kind of violence against children, physical, emotional and sexual abuse, taking advantage of users, misuse of trust or authorities they have over the users, neglect of users or other actions which violate health, dignity and development of users.</p> <p>The explicit prohibition of corporal punishment at home will be included in the amendments of Family Law which are planned for IV quarter of 2015. The introduction of norms which includes explicit prohibition of corporal punishment of children in family environment is expected, as well as further activities on the provision, defining of corporal punishment, and prescribing of adequate sanctions and complaint mechanisms. A Working Group for making of a new Family Law is founded.</p> <p>The mentioned regional project (8 countries, a part of the initiative) includes conducting of campaign on negative effects of corporal punishment on children.</p> <p>Mechanisms of complaints made by children are partially defined.</p> <p>In schools involved in the project, “School without violence – safe school environment,” placing a so-called “trust box” is obligatory. The same is prescribed and defined with the Protocol on suppression of domestic violence, and expert services in schools organize this type of support for children.</p> <p>The Law on Social and Children’s Protection prescribes a right of a child to file a complaint in institutions of social and children’s protection. Users (it can be a child) who are not satisfied with a service provided, an act, or behavior of service provider can file a complaint to the organ of state management authorized for the issues of social care or to Ministry of Labour and Social Welfare.</p> <p>There have been boxes for complaints and suggestions made by children to the Protector of human rights and freedoms in institutions of social and children’s protection since 2001.</p>

<p><b>118.10</b> Adjust the Criminal Code to what is set out in articles 2 and 3 of OP-CRC-SC, by criminalizing the offences enshrined in that Protocol (Uruguay);</p>	<p><b>RECOMMENDATION IMPLEMENTED</b></p> <p>The Criminal Code has been changed in the part which deals with articles 2 and 3 of OP-CRC-SC in such a way that criminalized acts contained in this Optional Protocol with CRC. The Law on Amendments of Criminal Act was adopted on 13 August 2013. The changes of the Criminal Code closer incriminate all types of torturing and other inhumane and humiliating procedures and punishment of children. What is especially incriminated is the selling of children for the purpose of sexual exploitation and sales of organs in order to generate profit. The provisions related to children’s pornography have been made precise, prosecution <i>ex officio</i> is prescribed for the criminal act of sexual intercourse with disabled persons, and entering forced marriages has also been incriminated. The Amendments are in accordance with the recommendations of the Committee on the Rights of the Child, provisions of the UN Convention on the Rights of the Child, and the Optional Protocol to the Convention on the Rights of the Child on selling of children, children’s prostitution and children’s pornography, the Conventions of the Council of Europe on protection of children against sexual exploiting, EU Directive 92/11, and Council Framework Decision 2004/68.</p>
<p><b>117.50</b> Intensify the fight against cybercrime, especially child pornography on the Internet (Republic of Moldova);</p>	<p><b>IMPLEMENTATION IN PROGRESS</b></p> <p>The Law on Amendments of the Criminal Code dating from 13 August 2013 has been harmonized with international standards in the area of cybercrime and children’s pornography. The analysis of the criminal act of showing pornographic material to children and possession of children’s pornography has been conducted in accordance with relevant international standards, in order for higher protection of children.</p> <p>The Government of Montenegro adopted the Strategy of Cyber security in Montenegro 2013-2017. The implementation of the Strategy should contribute to raising the level of cyber security.</p> <p>Promotional and preventive activity of the Protector, the Ministry of Education, the Ministry of Information Society and Telecommunication, and private sector - “Surf in a smart way” – is aimed at education of children on the way of safe Internet usage and protection of rights in virtual world. The Ministry of Information Society and Telecommunications, in cooperation with the institution of the Protector, has opened up an electronic line for the reporting of illegal content which violates children’s rights. The form can be found on the page of Montenegrin CIRT (Computer Incident Report Team) for suppressing of computer incidents (<a href="http://www.cirt.me">www.cirt.me</a>).</p> <p>The Protector of human rights and freedoms has been continually conducting thematic workshops with elementary school students on different abuses which can occur on the Internet. Preventive activities of the Protector include organization of workshops with children, especially with children who are placed into institutions on different abuses over the Internet. When we talk about the monitoring of implementations, the Protector has noted progress in this area and the undertaking of activities and measures by all different subjects coordinated in order to create better conditions for safe Internet environment for all the children.</p>
<p><b>117.51</b> Adopt effective measures in order to combat sexual exploitation of children (Belarus);</p>	<p><b>IMPLEMENTATION IN PROGRESS</b></p> <p>Measures have been implemented in combating sexual exploitation of children through changes of legislative and strategic framework and in the domains of prevention and education. Changes made in 2013 harmonized the Criminal Code with international standards in the area of sexual exploitation of children. The amended Criminal Code defines “luring of children in order to undertake criminal actions against sexual freedom” as a new criminal act and a new form of criminal act is introduced, “soliciting in prostitution,” which actually means that the usage of sexual services of a minor is incriminated. The criminal act of “Showing pornographic material to children and</p>

	<p>production and possession of children’s pornography” has been changed, as well as the article which criminalizes children trafficking for adoption by moving the age limit from 14 to 18.</p> <p>The strategy for combating trafficking in persons 2012-2018 and the accompanying Action Plan prescribes measures of prevention and children’s protection against trafficking in persons/children. The “Code of conduct for protection of children against exploiting in travels and tourism” has been signed with the aim of increasing and securing of dedication of tourist companies in Montenegro to combat children trafficking and misuse of children for the purposes of trafficking of persons. The Code is being implemented in continuity.</p> <p>Trafficking in persons/children is included in the curriculum of “Civil Education”. In April 2015, a guide titled, “Methods of knowledge transfer on trafficking of persons/children in elementary and secondary schools,” was distributed and made.</p> <p>Training courses for representatives of services for social and children’s protection have been organized in order to enable learning about methods of early identification of potential victims of trafficking of persons and efficient methods of work with them. Workshops were organized on arranged marriages and forced marriages of primarily young female Roma representatives. The Action Plan for the implementation of the Strategy against trafficking in persons for 2015 includes implementation of peer education for RE population on human trafficking with a special focus on the problem of the worst forms of children’s labour and entering into illegal marriages. The Office for combating trafficking of humans has prepared and distributed brochures intended for the younger population which contain useful information on risks and dangers of trafficking of persons, ways of prevention, and services which are hired in combating this type of crime.</p>
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**4.5.3. Persons with disabilities**

<b>TOTAL NUMBER OF RECOMMENDATIONS: 6</b>	
<b>RECOMMENDATION</b>	<b>STATUS OF IMPLEMENTATION</b>
<p><b>117.72</b> 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);</p>	<p><b>IMPLEMENTATION IN PROGRESS</b> Activities are continually implemented in order to secure access to sources of information when people with disabilities exercise their rights and when they participate in decision making. Information of interest for people with disabilities are regularly updated at the site of authorized institutions, and since 2013, two sites have been made, <a href="http://www.disabilityinfo.me">www.disabilityinfo.me</a> and <a href="http://www.inkluzija.me">www.inkluzija.me</a>, which update information from all the areas which have to do with people with disabilities and services provided in local communities. NGO representatives who deal with rights of the persons with disability participate in all working groups for the making of legal or strategic documents and reports on monitoring of the Strategy implementation. This makes possible the integration of disability issues into all the sectors, through a direct participation of end users in policy making and the monitoring of the realization of planned measures and activities. Training programs/projects and campaigns have been realized with the goal of strengthening capacity and securing accessibility to persons with disabilities in services of public and taxi transportation, as well as the of improvement of legislation in social and health care protection related to the rights of a person with disability to be a parent and to raising awareness of citizens on</p>

	<p>the importance of respecting the right to free movement. As a result of the campaign, “Taxi for persons with disabilities,” in February 2015, there was a change in the Rule Book on special conditions for vehicles for public transportation in road traffic and transport for private purposes. This created conditions for adjusting taxi transportation, bus transportation, and shuttle transportation (from the airport) in the period to follow. Through the cooperation with organization of persons with disabilities (The Association of Youth with Disabilities and Association of Blind Citizens of Montenegro), the Ministry of Information Society and Telecommunications came up with guidelines for electronic accessibility (e-accessibility), the goal of which is to show that e-accessibility should be equally available for persons with and without disabilities.</p>
<p><b>117.73</b> Continue the efforts in the fight against exclusion and discrimination against persons with disabilities (Argentina);</p>	<p><b>IMPLEMENTATION IN PROGRESS</b></p> <p>In accordance with the measures of the Action Plan for the integration of persons with disability, significant activities are realized aimed at raising awareness in the area of protection against discrimination and the implementation of the Law on Prohibition of Discrimination which includes an education plan and media promotions of anti-discriminatory actions. With the adoption of the Law on Amendments of the Law on the Prohibition of Discrimination, the Government of Montenegro set up on 4 June 2015 the Law Proposal on prohibition of discrimination of persons with disability.</p> <p>Through the cooperation with experts and NGOs, since 2011 the education of representatives of state institutions who are in charge of protection against discrimination has been continually conducted. During 2013 and 2014, educations for the representatives of all inspection services and magistrates from all organs were realized on the topic of prohibition of discrimination of disabled persons. Workshops were also organized with the aim of informing representatives of local self-management on the legal duty to adopt the standards of accessibility for people with disabilities and about consequences of disrespect for the law. The project, “Inspection Organs and Protection against Discrimination,” is being realized which has a goal to raise awareness of inspection organs and the conducting of investigations among inspectors in order to achieve more adequate protection of human rights, raise the level of awareness on measures and procedures of protection against discrimination, and possible initiatives for changes of laws which are relevant for this area.</p> <p>In 2014, the Protector received seven complaints on the basis of disability. In order to strengthen cooperation with the civil sector in Montenegro which advocates the rights of people with disabilities, representatives of the institution of the Protector had two meetings; one of them was in the function of preparation of the Report on Activities for 2014 and the other one was about solving current problems with which the people with disabilities are faced. In 2014, the Protector was active in civil court proceedings and it was involved in 3 cases advocating the plaintiffs – persons with disability because of inaccessibility of public buildings and areas.</p>
<p><b>117.74</b> Intensify efforts in the promotion of the rights of persons with disabilities (Greece);</p> <p><b>117.75</b> Continue to implement measures aimed at improving the conditions for the exercise and protection of the rights of persons with disabilities,</p>	<p><b>IMPLEMENTATION IN PROGRESS</b></p> <p>The implementation of the Strategy for integration of people with disability is underway. It has a goal to enforce the rights of the people with disabilities and to increase the degree of inclusion. The implementation of the strategy is, according to the Action Plan, monitored by the Council for Care about People with Disabilities which was constituted in 2013; it regularly had meetings during 2014. Measures and activities included in the Strategy and Action Plan for the integration of people with disabilities are being realized according to the planned dynamics.</p> <p>The Law Proposal on the prohibition of discrimination of people with disabilities has been determined. The Law</p>

<p>assuring the construction of an inclusive society without barriers (Costa Rica);</p> <p><b>117.76</b> 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);</p> <p><b>117.77</b> Increase the necessary efforts to guarantee the inclusion of persons with disabilities in society, with special attention to access to education (Mexico);</p>	<p>Proposal includes all the areas of interest for the enforcement of rights of people with disabilities (accessibility, equality before the law, before state organs and other organs, the area of single life and life in a community, marital and family relationships, freedom of mind and expression, privacy area, upbringing, education and expert qualifications, area of professional rehabilitation, of labour and employment, area of health care, social and children's protection, and adequate standard of living, as well as prohibition of discrimination in the area of sport, recreation and leisure activities) and their higher inclusion into the society and participation in political and public life.</p> <p>In 2013, the Action Plan was adopted for the adaptation of 13 priority buildings of public usage for accessing, movement, and usage by people with limited mobility and people with disabilities, for 2014. Project documents for all the objects from the Action Plan have been finished and their revision is underway. In April 2014, the Parliament of Podgorica adopted the Action Plan for the adaptation of buildings of public usage owned by the Town of Podgorica for accessing and movement by people with limited mobility and persons with disabilities for 2014-2015.</p> <p>Unfortunately, the activities related to implementation of measures within the Action Plan in the part of accessibility are well behind schedule. Not a single building from the action plans in the state or the capital has been adapted yet which will be a focus in further monitoring of implementation of the UPR recommendations by the end of the second cycle.</p> <p>In October 2013, a model of Decision on erection and construction of access ramps and elevators and other objects for accessing and movement of people with disability was made, which stems from Law on Spatial Planning and Building Construction. Based on this model, 18 municipalities adopted those decisions which meant a possibility for issuing approvals for the establishing of access ramps, elevators, and similar things and their construction. The adoption of those documents significantly sped up the administrative procedure for erecting and constructing ramps and elevators for access by people with disabilities. During 2014, workshops were conducted on respect for the rights of people with disabilities in the area of physical environment, with the goal of informing of representatives of local self-management on legal obligation of adoption of accessibility standards and consequences of disregarding the law.</p> <p>The Employment Agency, through the cooperation with ministries and NGOs, is realizing public activities in which the primary participants are those who cannot easily find a job, including people with disabilities. Programs of professional rehabilitation are realized and employment of people with disabilities. In 2014, the Rule Book on grant schemes was adopted according to which the Agency organized a public invitation for individuals and companies to submit proposals of professional rehabilitation, active policy of employment, and the employment of people with disabilities, amounting to 1.000.000.00 euros.</p> <p>Measures and activities included in national employment strategies and human resource development 2012-2015 have been implemented, a part of which relates to integration and employment of people with disabilities.</p> <p>Within the measures which aim at achieving a more complete inclusion of people with disabilities into public and</p>
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political life of Montenegrin society, one of the most important is the creation of conditions for complete independent and secret exercising of voting right for this population, which has been realized as a pilot project during presidential elections in April 2013. New rules of voting, especially when we talk about blind and visually impaired people, became an integral part of the Law on Amendments of the Law on Election of Members of Parliament and Council Members and they were implemented at all polls during local elections (May, 2014).

The expansion of networks of day care centers for children with developmental difficulties has continued in order to establish available social services of support for children with developmental difficulties in local communities in which they live (2013 – 2 centers, 2014 – 2 centers). Now, in 9 municipalities (out of 22) there are services for supporting children with developmental difficulties.

Records are kept on the number of people who have a right to financial support based on disabilities.

The Government has adopted a Strategy of inclusive education (2014-2018). The document has been published and distributed to all the schools. The Information Leaflet for inclusive education has been made and intended for children, their parents, and professionals whose field of action relates to this population. A lot of children with special educational needs have been included in regular school programs (the record of MEIS – at this moment 2675 children, the number of children with approval for 2014 – 1515). The children with developmental disabilities attend regular schools as their first and imperative choice (inclusive education). The children with moderate or heavier difficulties who cannot be educated according to the adapted curriculum are included in special classes in seven elementary schools. They attend some subjects with their peers in regular classes. At the same time, within the working week, the support of a defectologist is made possible for students who attend classes according to adapted curriculum (full inclusion). They are sent to resources centers when it is in their best interest. Four mobile teams have been organized with 19 hired members (defectologists and a number of psychologists). Special institutions have been transformed into resource centers – they conduct interventions for the students with special needs from regular schools and counseling for staff in regular schools.

Based on need analysis, a training program has been designed and conducted for commissions. The goal is to raise awareness that the concept of orienting is in the interest of the children, to achieve an equal approach of commissions' work, and to include children with ADHD as a topic.

The Ministry of Education started to implement the program, "With Index to inclusive culture," in educational institutions in Montenegro with the goal to secure for all the children, especially to those in sensitive groups, developmental and educational achievements within a stimulating and friendly atmosphere. The intention is to strengthen the institutions of the system for school support and to secure support to resource centers and schools with special classes for inclusive practice.

Amendments of the Law on High Education have been adopted which include provisions for organization of lectures in accordance with needs, conditions for initial placement tests (accessibility, assistive technologies etc.), and free of charge schooling.

The principle of affirmative actions is implemented related to enrolling of people with disabilities to colleges.

**4.5.4. Minorities and Roma**

TOTAL NUMBER OF RECOMMENDATIONS: 11	
RECOMMENDATION	STATUS OF IMPLEMENTATION
<p><b>117.78</b>                      Maintain the good interethnic 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);</p>	<p><b>IMPLEMENTATION IN PROGRESS</b></p> <p>Systemic laws in the area of education adopted the concept of a general Constitutional guarantee on minority education and the concept has a goal to integrate minority groups and preserve their identity. Students from minority groups have a right to be educated on their mother tongue. The emphasis is on curricula and the program which includes topics from the domain of mother tongue and literature, history, art, minority culture, and other contents which promote mutual tolerance and life together. Apart from the contents included in regular study topics, there is an option for students to, through 20% of open topics, recognize the specificity of national cultures, history, and art at a local level. The application of democratic values of tolerance, participation, responsibility, and respect for other people’s rights is a part of the subject, “Civil Education.” The elements of a multicultural concept and people’s specificity are also stressed through reviews of history as a subject topic. The Reviewing of Culture of Visual Art and Art of Music will also stimulate intercultural exchange and wealth of differences.</p> <p>The Ministry of Human and Minority Rights has signed the Memorandum on Cooperation on exercising of rights for representatives of minority groups and other minority ethnic communities in the area of higher education with the University of Montenegro and other national councils. At the level of college education, an independent study program for education of teachers in Albanian has been organized.</p> <p>Within the cooperation with international partners, many projects were realized (“Interactive services for early and preschool education,” “Regional support to inclusive education,” “SIMPLE”) with the aim of strengthening minorities through equal access to education, the stimulation of inclusive education, and the cherishing of differences.</p> <p>Research was conducted in 2014 in order to collect information for the making of the Information on representation of minorities in state management bodies, services of President, Parliament, and Government of Montenegro. Out of the total number of 6.807 filled questionnaires, in terms of nationalities, the employees expressed their orientation as: Montenegrins 82.12%, Serbs (7.30%), Albanians (1.32%), Bosnians (4.88%), Muslims (2.19%), Roma (0/03%), Croats (0.40%), others 0.35%, and 1.41% did not specify their nationality. In order to achieve proportional representation of minorities in public services, state authority bodies, and local self-management, and in order to improve the position of minorities and local minority national groups, the Human Resource Directorate, the Ministry for Human and Minority Rights, and five national councils have signed Memorandum on Cooperation.</p> <p>In the part which relates to minorities’ access to the judiciary, the Law Code on Criminal Procedure prescribes that at the court on the territory of which a significant portion of people are representative of a minority group, their languages is to be officially used in criminal procedures. The Law on Judicial Proceedings prescribes that proceedings are conducted using a language which is officially used in the court, while the costs of translation into the language of minorities, which are created by implementation of the provisions of the Constitution and</p>

	<p>this law, will be covered by the court. Parties, witnesses, and other people who participate in the case have a right to use their language in the procedure or the language everybody understands. If the procedure is not conducted in a language of somebody of those persons, the translation of statements and other written evidence will be provided.</p> <p>The Law on Minorities' Rights and Freedoms prescribes that on territories of local self-management in which representatives of minority groups and other minority ethnicities make up the majority or a significant part of population, the names of bodies which are publicly authorized, the name of unit of local self-management, the names of inhabited places, squares and streets, institutions, business, and other companies and toponyms should be written also in the language of minority groups and minority ethnicities.</p> <p>The Fund for Minorities and the Center for Preservation and Development of Minority Cultures provide support for projects which relate to specificities and protection of minority national groups (cultural manifestations, book publishing, workshops, public discussions, round table discussions etc). Public Service regularly broadcasts TV and radio program on minorities in Albanian and languages of ethnic groups.</p>
<p><b>117.79</b> Take further legislative and administrative measures to safeguard the rights of minorities (China);</p> <p><b>117.81</b> Continue the efforts started in order to fight against discrimination of minorities, especially Roma (Argentina);</p>	<p><b>IMPLEMENTATION IN PROGRESS</b></p> <p>A normative and institutional framework for the exercising and protecting of minority rights is improved.</p> <p>The Law on Amendments of the Law on Prohibition of Discrimination was passed on 26 March 2014.</p> <p>The Law on Amendments of the Law on the Protector of Human Rights and Freedoms of Montenegro was passed on 28 July 2014. It regulates the functioning of the institution of the Protector as an institutional mechanism for protection against discrimination. The institution of the Protector of Human Rights and Freedoms of Montenegro, courts, prosecution, police, and inspection organs, according to the Law on The Law on Amendments of the Law on Prohibition of Discrimination, have mechanisms to enforce and provide efficient protection in cases of discrimination.</p> <p>A Rule Book on contents and keeping of special record on cases of reported discrimination was written, which obliges courts, prosecutions, organs for minor crimes, inspection bodies, and police to keep precise record on all reported cases of discrimination and to enclose it within the legal deadline to the Protector. This record presents a database of the kind on cases of discrimination in Montenegro. In 2014, the Protector had 8 cases of complaint which related to discrimination on the grounds of nationality, which was presented in the Annual Activity Report.</p> <p>The Center for Democracy and Human Rights in cooperation with the AIRE Center from London has prepared a Guide through Anti-discriminative Legislation. The publication addresses the issue of the position of minorities in Montenegro, and a special attention has been paid to institutional mechanisms of protection with concrete instructions on the way of addressing the institution of the Protector of Human Rights and Freedoms in Montenegro and submitting of application to European Court of Human Rights in Strasbourg.</p> <p>The Judiciary information system provides statistics for criminal acts of discrimination. In 2015, one case in progress initiated because of a criminal act of racial and other discrimination.</p> <p>During the Montenegrin presidency of "The Decade of Roma 2005-2015," an international conference was organized on "the Discrimination of Roma and Challenges of Anti-gypsy Movement and Multiple Discrimination." The discussion included the promotion of tolerance, non-discrimination, the fight against xenophobia and racism in Europe, and the promotion of positive images about Roma.</p> <p>The Government of Montenegro on 28 May 2015 adopted the Law Proposal on Amendments of the Law on</p>

	<p>Minority Rights and Freedoms. It was sent to Parliament for discussion through short procedure. The changes establish the basic directions of reforms of the Fund for Minorities, which are focused on prevention of objectively possible conflict of interest, introducing a two-degree principle in the deciding of projects which are financed by the Fund and the distinguishing of management functions from administrative ones in the Fund.</p> <p>In 2013, the Protector filed an Initiative for the passing of the Law on Amendments of the Law on Minority Rights and Freedoms. Suggestions contained in this initiative are mostly embedded in the text of the Law Proposal in the part which relates to the Fund for Exercising and Protection of Minority Rights. However, the provisions of the Law which relate to composition and number of national council members by functions, who are automatically appointed, according to the Protector, have not yet been improved.</p> <p>In the Department for the Improvement and Protection of the Roma and Egyptian Populations in the Ministry for Human and Minority Rights, there are 3 positions provided by job systematization. Right now, two persons are hired and hiring of another person is planned for 2015.</p>
<p><b>117.80</b> Strengthen the efforts aimed at the full integration of the Roma population and other minorities (Algeria);</p> <p><b>117.85</b> Implement the Strategy for Improvement of the Position of Roma and Egyptians in Montenegro 2012-2016 (United States of America);</p> <p><b>117.86</b> 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);</p>	<p><b>IMPLEMENTATION IN PROGRESS</b></p> <p>To implement the Strategy for Improvement of the Position of Roma and Egyptians in Montenegro 2012-2016, a Commission for the Monitoring of Strategy Implementation has been formed. The Commission consists of representatives of the Roma Council and Roma and Egyptian NGOs. Reports on the Strategy implementation for 2013 and 2014 have been adopted.</p> <p>The activities on the implementation and expanding of the model, which includes desegregated education of Roma and Egyptian children, have been continued. At the moment, more than 200 pupils are transported every day to other town schools, to have classes in other schools, not only in the special one.</p> <p>Representatives of the Roma and Egyptian populations (who have a status of internally displaced persons or refugees or asylum seekers) get health care services as the other beneficiaries of it. Immunization of children who are representatives of the Roma and Egyptian populations who do not have an appointed doctor and who do not attend school is carried out in neighborhoods which provide collective accommodation for the representatives of this population. The Institute for Public Health organized occasional campaigns for immunization of Roma and Egyptian children, which results in high percentage of coverage (for some diseases up to 98%).</p> <p>Housing of displaced people of the Roma and Egyptian populations, and partly of domicile Roma, is solved through the Regional Housing Program and bilateral donations. The Action Plan, which includes strategy implementation for improvement of the position of Roma and Egyptians in Montenegro 2012-2016, includes the continuation of solving legal status of internally displaced people in Montenegro. More information about the solving of housing problems and legal status can be found in the section, "Refugees, displaced, and internally displaced people" and "Birth registration".</p> <p>In accordance with the Strategy, programs of economic strengthening and training of Roma and Egyptians for independent businesses are conducted. In cooperation with the Center for Expert Education, a process of development of expert qualification was started aimed at social inclusion of Roma and Egyptian population in the area of education.</p> <p>Strategy of Minority Policy serves as a basic document in all the activities which have a goal to improve, protect and provide a higher level of integration to minorities.</p>
<b>117.82</b>	<b>RECOMMENDATION 117.82 IMPLEMENTED, 117.84 IN PROGRESS</b>

<p>Create a managing board overseeing the allocation of funding to minority councils to prevent any possible conflict of interest (Hungary);</p> <p><b>117.84</b>          Improve efficiency and empower her policy and instruments on protecting and promoting minority groups, in particular ensuring the appropriate allocation to the Fund for Minorities (Viet Nam);</p>	<p>The Law on Minority Rights and Freedoms defines that the Council of Minority Group or some other minority ethnicity makes decisions on the budget, Statute and Rules of Procedure on its work which regulates the issues of importance for the work of this Council. The funds for financing of the Council of Minority Group or some other minority ethnicity is provided by the budget of the state of Montenegro (the authorized Ministry distributes funds from the budget every month to all constituted National Councils by principle of equal amounts in accordance with Law on Minority Rights and Freedoms, which excludes a possibility for conflict of interest because representatives of minorities do not participate in the distribution of financial assets). The Ministry and an authorized working body of the Parliament of Montenegro oversee the lawfulness of the activities undertaken by minorities or other minority ethnicities. The annual payments to all elected Minority Council amount to 50.000 euros.</p> <p>The Law Proposal on the Amendments of the Law on Minority Rights and Freedoms, the status of the council of minorities, and other minority ethnicities as special units which spend budget money, determines division of responsibility and monitoring over their work, since they carry out a special function based on Parliamentary legislative regulation, independent organization, acting, way of working, and responsibility for legal operations, as it is the case for other companies.</p> <p>To improve efficiency and strengthen policies and instruments of protection and promotion of minorities, analyses of legal acts of the Fund for Protection have been conducted, the recommendations of which are incorporated into the Law Proposal on Changes and Amendments of Minority Rights and Freedoms.</p> <p>Appropriate funds are regularly provided for the Fund for Minorities and the Center for Preservation and Development of Minority Cultures. From the budget of Montenegro, 0.15% of the overall budget funds is provided, minus the amount for state funds budget and capital budget. For the functioning of the Council of Minorities and Other Minority Ethnicities, the annual sum of around 300.000 euros is provided, or around 50.000 euros per Council. Councils are also financed through projects in the Fund for Protection and Exercising of Minority Rights; they can also be financed from other sources.</p> <p>Control of spending, as well as the evaluation and monitoring of supported projects, is carried out by the Director of the Fund and its services. Like the Law on Minority Rights and Freedoms and the Decision on Foundation of Minority Fund, the Montenegrin Parliament founded a fund with the same name. The Fund’s assets are distributed according to decisions of the Supervisory Board. One part goes to the functioning of the Fund and the other to the financial support of projects based on public invitations. In 2013, the invitation for the distribution of assets was organized twice. Financial support in the first division included 88 projects with the total amount of 500.000 euros; in the second one, 53 projects were financed with the sum of 227.500 euros. In 2014, the advertisement for the distribution of assets was organized twice. There was financial support for 102 projects in the first division for the total amount of 497.950€, and in the second, 53 projects in the amount of 245.280 €.</p> <p>The Supervisory Board of the Fund concluded the first distribution of assets for 2015. 94 projects were included in the public advertisement, in the total amount of 500.000€.</p>
<p><b>117.83</b>          Continue its positive measures in advancing the rights of its minority groups, including Muslims, through the allocation of sufficient funding</p>	<p><b>IMPLEMENTATION IN PROGRESS</b></p> <p>All minorities and other minority ethnicities in Montenegro have an equal right to participate in the allocation of financial assets on the local and national level, including Muslims.</p> <p>The Fund for Minorities and the Center for Preservation and Development of Minority Cultures every year</p>

(Malaysia);	<p>allocate on the basis of projects some assets to improve the rights of minority groups, including Muslims, especially when we talk about preservation and development of culture, education, and information in their languages. With the implementation of the principles of solidarity and affirmative action (positive discrimination), during the allocation of the assets, mechanisms are applied for additional protection of minorities with the lowest number of representatives and other minority ethnicities and their representatives. Up to 5%, out of the overall allocated assets for concrete distribution, are given to representatives of minority ethnicities which are unable to constitute their national councils for the reasons of paucity.</p> <p>The Center for Preservation and Development of Minority Cultures within its activities improves the measures of promoting of minority rights in the area of culture and cultural heritage of minorities who live in Montenegro. The programs include all the segments of cultural events in which minorities are included. Through their implementation, minorities direct their creativity towards the promotion of their rights and freedoms.</p> <p>Also see previous recommendation in this area.</p>
<p><b>117.87</b> 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);</p>	<p><b>IMPLEMENTATION IN PROGRESS</b></p> <p>Training of teachers in minorities is carried out through programs for professional development of teachers which is completely or through some topic related to human rights and interculturalism (Intercultural education in primary schools and gymnasia, Integration of Roma children in primary schools, Culture of human rights, Training for classes on history of religion in elementary schools and gymnasia, Education for social justice – against prejudices and stereotypes, Children's rights, Education against prejudices, We, the people – project citizen, Democracy and education, Theory and practice of human rights, Research of humanitarian rights, Training of Civil Education teachers in primary schools and of Civil Education in gymnasia).</p> <p>For more details consult recommendation 117.78.</p>
<p><b>117.88</b> 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);</p>	<p><b>IMPLEMENTATION IN PROGRESS</b></p> <p>To increase the awareness level about the necessity and importance of education of children of RE population, programs of regular pre-school teaching are carried out, programs of half-day care, and activities of preparatory kindergartens for Roma and Egyptian children. Project activities (contact with families, RE community, local self-management, municipal organization of Red Cross, centers for social welfare, schools which the children will attend) for preparatory kindergartens have been conducted for three years and they include 8 public preschool institutions. Children who might leave school are regularly monitored and measures are proposed for overcoming of problems, families are visited, and immediate contact is made with them (teachers, expert associates of town schools). Six RE mediators take care that children regularly attend classes and cooperate with teachers and expert services of schools in order to be successful. Funds are regularly raised for obtaining free of charge textbooks for the children of RE population and for scholarships for all Roma high school and college students. Programs for elementary functional literacy training are organized. "Montenegrin as a non-mother tongue" has been prepared as a school subject.</p> <p>In 2014, The World Day of Roma Language in Montenegro was organized.</p> <p>The projects are realized ("Scholarship and mentoring support for RE students in high school students in Montenegro" and a pilot project for informal education of Roma children) with the goal of including of Roma and Egyptian populations into the system of education and studying the Romany language.</p>

#### 4.5.5. Refugees, displaced and internally displaced persons<sup>1</sup>

TOTAL NUMBER OF RECOMMENDATIONS: 8	
RECOMMENDATION	STATUS OF IMPLEMENTATION
<p><b>117.89</b> 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);</p> <p><b>117.95</b> Continue to expand efforts to register, document and subsequently integrate displaced and internally displaced persons into Montenegrin society (Australia);</p>	<p><b>IMPLEMENTATION IN PROGRESS</b> In order to increase the number of requests for registration into birth records and to carry out the planned degree of realization of the Action Plan for solving the status of displaced and internally displaced persons, the following activities have been realized: field visits, making and distribution of advertising material (multi-language leaflets in Montenegrin, Albanian and Romany), media campaigns (with public invitation to IDP/DPs through printed and electronic media to file a request for a status of foreigner in Montenegro before the expiry of legal deadline), and providing of legal aid for request's submission (a mobile team of Ministry of Internal Affairs has been provided for taking biometric data for document issuing; apart from it a mobile team of the Embassy of Bosnia and Herzegovina in Montenegro was active). Activities are continually conducted with UNHCR and non-governmental partner organizations.</p> <p>In March 2014, the Operating Team was formed which analyzes the situation related to the procedure for requesting submission for regulation of the legal status of displaced and internally displaced people in Montenegro, and which conducts activities to remove identified obstacles in this process. Based on recommendations of Operating Team, since September 2014, the procedure for request submission for a status of a foreigner has been simplified, what makes possible for all IDP/DPs to submit a request based only on IDP/DPs identification and a document on IDP/DPs status.</p> <p>As a result of activities undertaken in the period between 7 November 2009 (the date when the Law on Amendments of the Law on Foreigners entered into force) and 30 April 2015, displaced people and internally displaced people have filed the total of 14.022 requests for approval of permanent residence and temporary stay up to 3 years. Out of this number 11.289 requests have been solved and for 2.733 requests the procedure is in progress.</p>
<p><b>117.90</b> 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);</p> <p><b>117.94</b> Take further steps to regulate the legal status of the IDPs with the focus on children born outside of</p>	<p><b>IMPLEMENTATION IN PROGRESS</b> Measures have been undertaken to identify extremely vulnerable families and families of those which special needs who cannot obtain documents, so that help could be provided for them, including legal aid.</p> <p>The Law on Amendments of the Law on Extra-judicial Proceedings was adopted which introduces judiciary procedures for determining of time and place of birth for people born in Montenegro outside health care institutions. The adoption of the Law started on 2 May 2015. The Law Proposal was prepared with the support of UNHCR and UNICEF. With the novelties in this law, the procedure for the registration of people who are born outside health institutions is regulated in a more efficient way, while the people born within the health system will be starting procedures for additional registration (if it is necessary) at local units and subsidiaries of the</p>

<sup>1</sup> Term displaced persons refers to those who came to Montenegro from Croatia and Bosnia and Herzegovina, while the term internally displaced people relates to displaced from Kosovo

<p>health institutions (Czech Republic);</p>	<p>Ministry of Internal Affairs.</p> <p>By the end of 2013, 20 visits to Kosovo were organized and one visit to Serbia in order to enable those who are internally displaced to get documents necessary for the regulation of their legal status in Montenegro.</p> <p>During 2014, the implementation of the Agreement between Montenegro and Republic of Kosovo started on additional recording into birth registers for internally displaced persons who live in Montenegro. Based on that agreement, mobile teams of the Ministry of Internal Affairs of Kosovo were in Montenegro five times in order to organize interviews for those who are interested and help them get necessary documents from Kosovo.</p> <p>In the period between 1 June 2015 and 15 July 2014, a field visit for 3.148 internally displaced people from Kosovo was organized (78% of the population which at the time did not file any request for regulating of their legal status). During this activity 1.494 persons were identified who were still in need of regulation of their legal status.</p> <p>Between February 2014 and April 2015, UNHCR prepared a list of 1083 internally displaced persons who live in Montenegro and need documents from Kosovo. With the cooperation of the Ministry of Internal Affairs of Montenegro and Kosovo, 973 people were interviewed and after that 216 identification cards were issued and 313 passports. During the meeting in Pec, held on 1 – 3 April 2015, two ministers with the support of UNHCR analyzed the files of 228 persons from the list, the requests of whom for the registration into the birth record of Kosovo were considered very complex. At the meeting, concrete steps were agreed upon and expectations are that these persons will be registered in the birth register.</p>
<p><b>117.91</b> 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);</p> <p><b>117.93</b> Continue efforts to address the issue of IDPs with a view to finding a durable solution (Sri Lanka);</p>	<p><b>IMPLEMENTATION IN PROGRESS</b></p> <p>In the period between 7 November 2009 and 30 April 2015, displaced persons and internally displaced persons filed 14.022 requests for approving permanent residence and temporary stay up to three years. 11.289 requests have been resolved and for 2.733 requests the procedure is in progress.</p> <p>In this period displaced persons filed 4.674 requests for approval of permanent residence. 4.374 requests were solved and for 300 requests the procedure is in progress. Also, displaced people filed 300 requests for approval of temporary stay up to three years; 221 requests were resolved while in 79 cases the procedure is in progress.</p> <p>In the mentioned period, internally displaced persons filed the total of 7.905 requests for approval of permanent residence. 6.437 requests were solved while in 1.468 requests the procedure is in progress. Also, internally displaced people filed 1.143 requests for approval of temporary stay, up to three years; 257 requests were resolved while for 886 requests the procedure is in progress. Since the implementation of the new Law on Montenegrin Citizenship between 1 January 2008 and 30 April 2015, 1048 displaced people from the area of former SFRY got Montenegrin citizenship.</p> <p>The validity of the Regulation on exercising rights of displaced people from former Yugoslav republic and internally displaced people from Kosovo who reside in Montenegro has been extended to end of June 2015 so that these people could have access to their rights until they regulate their legal status in Montenegro. Field activities of UNHCR showed that the Regulation was unequally implemented in certain municipalities in Montenegro which will be the further scrutinized.</p> <p>In June 2013, a new Law on Social and Children's Protection was adopted, which opened up a possibility for displaced and internally displaced persons to use social protection system in Montenegro. Uneven implementation of legal regulations in practice has been observed. The Ministry of Labour and Social Welfare and</p>

	<p>UNHCR, through a regular communication, try to solve identified challenges in the implementation of the Law. Since 1 January 2015, the implementation of the social chart for social protection users has started in order to improve the whole social protection system.</p> <p>Through the regional housing program for Montenegro, the securing of funds for solving housing issues for 6.063 people (1.177 households) has been planned. These households belong to the most vulnerable categories (people accommodated in informal collective centers in vulnerable people in private accommodation with special emphasis on the Camp in Konik). The implementation of the program is underway. More information can be found in recommendation 117.96.</p>
<p><b>117.92</b> Consider further extension for application resolving the status of displaced or internally displaced persons (Slovakia);</p>	<p><b>RECOMMENDATION IMPLEMENTED</b></p> <p>Through amendments of the Law on Foreigners, the deadline for submitting of requests for regulation of their status was extended to the end of 2014.</p>
<p><b>117.96</b> Pursue the implementation of the regional refugee housing programme in municipalities (Austria);</p>	<p><b>IMPLEMENTATION IN PROGRESS</b></p> <p>Within the Regional Housing Program, Montenegro presented in January in 2013 “Pilot Project – Niksic,” which includes the construction of 62 housing units, with the overall value of 2.780.000 € (assets from grant 1.980.000€, contribution of a local unit 600.000€). To implement the project, the main construction project was finished on 28 January 2014 with revision. The municipality of Niksic provided a construction license. In accordance to the grant agreement with Council of Europe Development Bank, the first tranche was paid by the bank and construction work started on 11 May 2015. The Donors’ Assembly in October 2013 approved “Project Camp Konik,” which includes the construction of 120 housing units with the overall value of 7.374.135€ (grant assets 5.993.785.00€). The Grant Agreement was signed with Council of Europe Development Bank on 7 October 2014 and the first tranche was paid. The Project Task was prepared, the conceptual design was adopted, and the making of the main construction project is underway. The tender for contractor is expected in August 2015.</p> <p>In October 2013, the Donors’ Assembly approved the third project, “Project for Construction of Retirement Home” in Pljevlja municipality, with the overall value of 2.612.407€, (2.078.278€ provided by donors). The main construction project with revision was finished and Pljevlja municipality issued construction license. The Grant Agreement was signed with the Council of Europe Development Bank on 7 October 2014. In late June, the tender for the contractor will be organized.</p> <p>In September 2014, the Ministry of Labour and Social Welfare presented the project of construction of 32 apartments in Herceg Novi municipality, with the overall value of 1.908.325€ (assets from grant 1.535.361,57 € and local unit contribution is 372.963, 55€), as well as the project of construction of 94 housing units in Berane, with the overall value of 3.865.518€ (grant assets were 3.666.900€ and local unit contribution was 199.618€). The realization of this project would permanently solve the issue of people who reside in collective centers in Berane municipality. A spatial plan for Berane municipality was adopted, technical terms were presented, and right now the making of a project task is in progress. The Donators’ Assembly did not support the project in Herceg Novi and the Ministry of Labour and Social Welfare will ask for new solutions for the users of the housing project in this municipality through Regional housing programs.</p> <p>Apart from the realization of a part of Regional Program which includes construction of housing units, the</p>

	<p>Ministry of Labour and Social Welfare formed a Commission which will decide upon those who will get prefabricated houses or construction material. Public invitation was advertised for prefabricated houses and construction material and the selection of future users is underway. This project will be presented in 2015.</p> <p>The procedure of exchange of information between partner countries is conducted together with the selection of users from the Regional Housing Program in Montenegro.</p>
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**4.5.6. LGBT persons**

TOTAL NUMBER OF RECOMMENDATIONS: 6	
RECOMMENDATION	STATUS OF IMPLEMENTATION
<p><b>117.33</b> 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);</p> <p><b>117.34</b> Fully implement adopted legal measures against discrimination based on sexual orientation and gender identity (Czech Republic);</p> <p><b>117.35</b> Continue the efforts aimed at eliminating all discriminatory treatment based on sexual orientation or gender identity (Argentina);</p>	<p><b>IMPLEMENTATION IN PROGRESS</b></p> <p>The Law on Amendments of the Law on Prohibition of Discrimination was adopted on 26 March 2014. The law contains as specially categorized forms of discrimination the discriminations on grounds of sexual orientation and gender identity, “hate speech,” and other forms of which are regarded as intolerable violation of moral standards and dangerous for social communities. Clear definitions of sexual orientation and gender identity have been introduced and a prohibition of sexual harassment has been prescribed, which provides multiple importance to these principles, not only in domain of civil and legal protection but also as a basis for misdemeanor and criminal liability.</p> <p>On 9 May 2013, the Strategy for Promotion of Quality of Life for LGBT Population 2013 – 2018 was adopted which includes the realization of a series of measures in human rights of LGBT persons, education, culture and safety, law enforcement, health protection, media, sport, economic growth, tourism, and international policy. Accompanying action plans for 2013 and 2014 have been implemented. The implementation of Action Plan for 2015 is in progress.</p> <p>Measures for the promotion of LGBT persons and elimination of discrimination on grounds of sexual orientation and gender identity are implemented in accordance with the Implementation Plan of anti-discriminatory legislation (Education Plan and Plan of Media Promotion) and the Action Plan for implementation of LGBT Strategy.</p> <p>So far activities have been realized in the areas of:</p> <ul style="list-style-type: none"> <li>- continual activities aimed at strengthening and promoting of anti-discriminatory behavior through organization of seminars/workshops and training courses for state administration employees, representatives of judiciary organs, local authorities, police, inspection services, and other service in charge of providing protection against discrimination.</li> <li>- making and publishing of printed materials which promote tolerance towards the most vulnerable social groups, which educate public and promote the protection of their basic human rights;</li> <li>- a two day seminar/workshop was organized on promotion of legal framework for exercising human rights of LGBT population within learning project on different experiences of registered partnerships (Austrian, German, Dutch, Italian, British and French), and prerequisites for defining of political conditions for choosing a model</li> </ul>

	<p>which would best suit the situation in Montenegro;</p> <ul style="list-style-type: none"> <li>-publishing of a case study on violence and hate speech towards LGBT persons with <del>accent</del> emphasis on police and judiciary practice in Montenegro and the solving of hate crimes and other incidents based on sexual orientation and gender identity;</li> <li>- signing of the Memorandum on Understanding and measures in combating discrimination on the ground of sexual orientation and gender identity and promotion of tolerance towards LGBT persons with local authorities (8 municipalities out of 22)</li> <li>- media campaigns on prohibition of discrimination and affirmation of anti-discriminatory actions (“I support, respect, protect, advocate a MAN”)</li> <li>- a workshop was organized on gender equality and gender identity in media, within which there was a special education workshop dedicated to editors-in-chief and journalists on necessity of removal of gender bias and stereotypes from all public media.</li> </ul> <p>The Ministry of Education has realized four consultations for subjects of Biology and Civil Education in elementary schools. Additional material has been prepared for realization of the topic Reproductive and sexual education, which contains a LGBT list of terms, a description of current the situation and needs of young LGBT people, a definition of discrimination of LGBT persons, and legal regulations in Montenegro. It offers ideas for the organization of classes. It is sent to all elementary schools and to those who teach those subjects. “The Guidelines for behavior of expert services of schools for work with LGBT adolescents” have been made and promoted (individual tasks with pupils and parents, preventive actions at the level of classes/schools, prevention and actions in the case of homo/bi/transphobic violence).</p> <p>The Law on Amendments of the Law on Prevention of Discrimination introduces the obligation on the part of the police, state prosecutor, courts, magistrates, and inspection organs to keep special record on all cases of reported discrimination and to enclose it to the Protector of Human Rights and Freedoms, which is also enclosed to the Parliament as a special part of the annual report on activities of Institution of the Protector (the prescribed Rule Book and a form for keeping of this record on reported cases of discrimination).</p> <p>According to the data from the Report on Discrimination for 2012, out of 64 recorded cases of discrimination, 3 cases were based on sexual orientation and gender identity. During 2013, out of 59 recorded cases, three cases were also related to the mentioned basis.</p> <p>During 2014, in the Institution of the Protector there were nine complaints based on discrimination on the grounds of sexual orientation. In two cases, during the procedure the violation of the rights was removed and in two cases, no right violations could be determined. In one case, the Protector terminated the procedure after he was informed that a court case was initiated; one complaint was withdrawn. In one case, there were actions undertaken by the Protector because the complaint was not filed within a specified time period or afterwards. The procedures for two complaints were not finished in the period covered by the report. Those who filed these complaints are members of the gay and lesbian population and the Protector did not receive any complaints on the basis of belonging to gender identity filed by bisexual, transsexual, transgender, inter-sexual, asexual, and questioning persons.</p> <p>Apart from the activities aimed at resolving these complaints, the Institution of Protector actively participated in solving of problems of violence against LGBT population. The authorized organs were told about the need to</p>
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	<p>reach an agreement on further measures of physical protection of people who belong to LGBT population. Such an agreement was reached and LGBT organizations were informed about it. The Institution of the Protector is continually monitors cases of importance for exercising of rights for LGBT population.</p> <p>Further actions are needed aimed at improvement of the process of reporting and gathering information on cases of discrimination.</p>
<p><b>117.36</b> 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);</p>	<p><b>IMPLEMENTATION IN PROGRESS</b></p> <p>The Law on Amendments of the Criminal Code adopted on 30 July 2013 prohibits propagation of racial hatred or intolerance and the inciting of racial or other type of discrimination based on gender, disability, sexual orientation, gender identity, or any other personal characteristic. Legal protection of LGBT persons has been improved by introducing an aggravating circumstance in the process of sentencing if a criminal act was done out of hatred because of victim’s belonging to a certain sexual orientation or gender identity.</p> <p>In the period between 1 January 2014 and 31 April 2015, the Police Directorate recorded 26 cases of reporting of cases of discrimination. Out of this number, 20 reports had to do with the discrimination based on sexual orientation. The State Prosecution qualified three cases of reports into a criminal act – violent behaviour and safety violations.</p> <p>In order to protect LGBT persons in a more efficient manner, police training was organized for the topic of LGBT rights and implementation of police authorities for these people. The training also had a goal to build up sensibility of police officers for work with LGBT community. As a result, in all security centers of Police Directorate, police officers were appointed for contact with LGBT population – LGBT contact police officer. With the support of UNDP, the Security and Information Leaflet for LGBT population and representatives of police has been prepared, designed, and printed out, which contains all the information about contact police officers in all Montenegrin municipalities and about the procedures of reporting the cases to the police and its efficient reaction if rights of a LGBT are violated.</p> <p>In order to promote non-discriminatory behaviour in media in context of reporting on topics which treat LGBT population, in 2013 a video of LGBT community, “Respect the difference,” was made.</p> <p>Ten police officers underwent a training program intended for police officers and carriers of judicial functions titled, “Ending hate crime and violence, Police, and Judicial Training,” which was held within the third IDAHO Forum, hosted by Montenegro in May 2015. The overall number of employees which underwent the training for sensible behaviour with representatives of LGBT community in their work has been 90 so far.</p>
<p><b>117.37</b> Establish effective mechanisms of dialogue with human rights defenders in the field of sexual minorities (Spain);</p>	<p><b>IMPLEMENTATION IN PROGRESS</b></p> <p>In the process of the making of Action Plans for 2013, 2014, and 2015 for the implementation of Strategy for promoting of quality of life for LGBT persons, an active consultative process was conducted with NGOs which deal with protection of human rights and state institutions. Based on it, a number of measures were designed in order to improve legal and social status of LGBT persons. In realization of the measures included in annual plans, active cooperation between the NGO sector and authorized institutions was carried out, in order for more efficient and effective implementation.</p> <p>In the best interest of the development of partnership relation between the authorities and LGBT community aimed at promotion of human rights and promotion of the position of LGBT persons, an Agreement was signed on cooperation and measures for combating discrimination based on sexual orientation or gender identity and</p>

	<p>promotion of tolerance for LGBT persons with 8 municipalities.</p> <p>In 2014, meetings were organized for development of dialogue with LGBT community. These meetings were between the prosecution and representatives of LGBT community and there was a meeting of the Trust Team which was attended by representatives of LGBT community on Montenegro, of the Government's National Team for coordination of implementation of LGBT strategy, courts, prosecution, police, donators' community, and NGOs which deal with rights of LGBT population.</p> <p>In cooperation with activists and representatives of NGOs which deal with protection of human rights of LGBT persons, and with financial support through LGBT project of the Council of Europe, a case study, "Myths and Stereotypes – violence and hate speech towards LGBT persons: police and judicial practice in Montenegro," was conducted.</p>
<p><b>118.8</b> Consider amending the Criminal Code so that hate crimes against LGBT persons are considered serious criminal offenses or at least aggravating circumstances (Belgium);</p>	<p><b>RECOMMENDATION IMPLEMENTED</b></p> <p>The criminal code has been amended in the part which relates to racial hate or racial discrimination and it will prohibit propagating of racial hate or intolerance or instigating racial and other discrimination based on gender, disability, sexual orientation, gender identity, or any other personal characteristics. Also, the Law on Amendments of Criminal Code adopted on 30 July 2013 improves the legal protection of LGBT persons by introducing an aggravating circumstance in the process of sentencing if a criminal act was done out of hatred because the victim's belonging to a certain sexual orientation or gender identity.</p>