



HUMAN RIGHTS ACTION | AKCIJA ZA LJUDSKA PRAVA

CSO HUMAN RIGHTS ACTION (HRA)

CONTRIBUTION TO THE UPCOMING
UNIVERSAL PERIODIC REVIEW OF
MONTENEGRO BY THE UN
HUMAN RIGHTS COUNCIL

- **Protector of Human Rights and Freedoms (Ombudsperson)**
- **Judicial reform**
- **Fight against torture**
- **Rights of victims of war crimes**
- **Attacks against journalists and media property**
- **Economic, social and cultural rights**
- **Rights of persons with disabilities**

Introduction

Distinguished members of the UN Human Rights Council,

Regarding the upcoming Universal Periodic Review of Montenegro, please consider inputs prepared by the CSO Human Rights Action (*Akcija za ljudska prava*) focusing on judiciary, Ombudsperson, prosecution of attacks on journalists and media property, prohibition of torture, prosecution of war crimes, rights of people with disabilities and economic and social rights.

HRA is a Montenegro-based CSO founded in February 2004, advocating for the implementation of international standards of human rights in Montenegro and promoting the culture of human rights. HRA focuses on independence and accountability of the judiciary, freedom of expression, suppression of torture and ill-treatment, transitional justice, economic and social rights. HRA provides responsive strategic litigation and has successfully represented journalists, activists and victims of torture, influencing change in judicial and police practice. We act as a reliable source of information on human rights and rule of law in Montenegro. Delegations of the European Anti-Torture Committee (CPT) have met with us on every occasion of their visits to Montenegro.

HRA is a grantee of the United Nations Voluntary Fund for Victims of Torture. We have received their emergency assistance in 2021 to provide victims of alleged police torture in the case of “bombing attacks” forensic examination and medical expenses, and have been supported to provide legal assistance to alleged torture victims in the police and prison settings in 2022.

HRA has submitted the following reports to UN committees:

- In September 2014 the [alternative report](#) to the Human Rights Committee;
- In April 2014 the [alternative report](#) to the Committee against Torture;
- In October 2014 the [alternative report](#) to the Committee on Economic, Social and Cultural Rights together with 14 Montenegrin NGOs;
- In July 2017 the [alternative report](#) to the Committee on the Rights of Persons with Disabilities together with the Centre for Women's and Peace Education (ANIMA) and the Mental Disability Advocacy Center (MDAC);
- In March 2022 the [alternative report](#) to the Committee against Torture and
- In March 2022 the [alternative report](#) to the Committee against Torture with the Civic Alliance, Phiren Amenca and European Network on Statelessness.

HRA in 2020 effectively addressed the [UN Special Rapporteur on the right to physical and mental health](#), the [Special Rapporteur on the right to privacy](#) and the [Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment](#), who had all then communicated their concerns to the Montenegrin government.

Protector of Human Rights and Freedoms (Ombudsperson)

1. The recommendations in relation to strengthening of the Ombudsperson institution have been partially implemented (*Timor-Leste, Ukraine, Portugal and Greece* 105.7¹ and *India* 105.8²). The Ombudsperson is still accredited a B status by the Global Alliance of National Human Rights Institutions (GANHRI) in accordance with the Paris principles on the Status of National Human Rights Institutions due to shortcomings in the conditions of election and the manner of election. The Constitution provides that Ombudsperson is elected by the parliament with the simple majority vote of the total number of MPs, which negatively reflects its autonomy and independence. A qualified majority should have been provided instead. Ombudsperson regularly publishes their decisions and opinions on their website and thus makes their work transparent. In the last two years, it issued 37 opinions identifying ill-treatment by state officers. In 23 cases the violation of Art. 3 of the ECtHR was found. In the remaining 14 cases, the violation was not found due to a lack of evidence or poor medical documentation, which made it difficult to establish ill-treatment. Unfortunately, the implementation of the Ombudsperson's recommendations by the authorities remains a concern. In cases considering ill-treatment the Ombudsperson takes approximately six months to give an opinion, which is only then, usually, sent to the state prosecutor for examination.

2. Therefore, Montenegro should:
 - Take measures to further strengthen the independence of Ombudsperson in accordance with the Paris Principles (GA resolution 48/134, annex);
 - Ombudsperson should monitor implementation of their recommendations more stringently, and publicly react when they are not followed. In case of receipt of *prima facie* evidence of torture, Ombudsperson should inform the state prosecutor about it and not wait for six months to first complete their opinion.
 - Review the performance of Ombudsperson by a foreign expert, as has been done in some other countries, for the benefit of progress.

Judicial reform

3. Out of 5 recommendations related to judiciary in the last UPR, 4 were not implemented (*Austria* 105.34³, *Islamic Republic of Iran* 105.36⁴, *Italy* 105.37⁵, *Estonia* 105.40⁶) and one was partially implemented (*Azerbaijan* 105.35⁷). Three recommendations on the independence of the judiciary, judicial reform and elimination of political influence were repeated in all previous cycles. The one on strengthening accountability was twice repeated.
4. Montenegro has been conducting judicial reform for over two decades but with very limited results regarding independence and accountability of judges and state prosecutors. The latest [Draft Law on Judicial Council \(JC\) and Judges](#) as well as the [Law on State Prosecutor's Office](#) again insufficiently provide for independence and accountability of judges and state prosecutors, failing to incorporate all recommendations of the Council of Europe's Group of States against Corruption (GRECO) and Venice Commission.
5. In 2022, criminal proceedings for corruption were initiated against four judicial officials, including three high-level ones (president of the Supreme Court and Judicial Council, president of the Commercial Court, Special state prosecutor and a Basic state prosecutor) indicating widespread corruption in judicial system. On the other hand, only one prosecutor and three judges from 2018 to the end of 2022 were held disciplinary liable for failure in performing their judicial or prosecutorial function.
6. Unlawful allocation of housing aid by the Government to [judges](#) and [prosecutors](#) was revealed in 2021. There was no action to date to [annul](#) these [allocations](#). However, in December 2022, criminal proceedings were initiated upon the criminal complaint filed by the Prime Minister in the Technical Government, Dritan Abazović, against 12 persons, of which 5 MPs, former ministers and members of the Government Commission for Addressing the Housing Needs of Officials on suspicion that in they abused office in 2016-2020 relation to such allocations. The Administrative Committee of the National Assembly then proposed the Assembly to revoke the immunity of these MPs.
7. Montenegro is faced with long-pending high-level judicial appointments such as three members of the Judicial Council (5th year); Supreme State Prosecutor (3rd year), president of the Supreme Court (2nd year), and 4 judges of the Constitutional Court (2 years) due to the parliamentary deadlock.

¹ Strengthen its national human rights institution in accordance with the Paris Principles and provide it with adequate human and financial resources (Timor-Leste); Strengthen the national human rights institution, the Protector of Human Rights and Freedoms, in accordance with the Paris Principles (Ukraine); Provide the national human rights institution with adequate human and financial resources to strengthen the institution's capacity to implement its mandate in line with the Paris Principles (Portugal); Strengthen the Protector for Human Rights and Freedoms in accordance with the Paris Principles (Greece);

² Strengthen its national institution of the Protector of Human Rights and Freedoms, considering, in particular, its role as the national preventive mechanism against torture and the institutional protective mechanism against discrimination.

³ Continue the judicial reform process, including by furthering efforts to eliminate political influence on the judiciary.

⁴ Promote the independence of the Judicial Council and develop a disciplinary framework for judges and prosecutors

⁵ Fully implement the reforms in the judicial sector in order to guarantee the independence and impartiality of the judiciary.

⁶ Continue to enhance the implementation of anti-corruption policies, including by strengthening the independence and effective functioning of the judiciary.

⁷ Continue to take the necessary measures to ensure compliance within the national judicial system, including through incorporating international human rights and anti-corruption standards into the capacity-building curricula designed for judicial officials.

8. Montenegro is perceived as a state where "[judiciary remains susceptible to \(political\) pressure from the DPS](#)" (Freedom House, 2023); "[implementation of key judicial reforms remains stalled](#)" (European Commission, 2022) and "[persistent delays in fulfilling key judicial appointments hinder judicial efficacy](#)" (US State Department, 2022).
9. State prosecutors and judges lack understanding of international human rights standards, in particular regarding the effective investigation of torture, war crimes, corruption and hate speech.
10. Therefore, Montenegro should:
 - Ensure effective independence and accountability of the judiciary by addressing all outstanding recommendations from the UPR including the Council of Europe's GRECO and Venice Commission's detailed advice;
 - Review the disciplinary and ethical framework for judges and state prosecutors to strengthen their objectivity and effectiveness;
 - Consider vetting of all judges and prosecutors; prosecute all responsible for illegal contracts by which certain judges and prosecutors received state-sponsored housing aid; nullify contracts and compensate the state for damages.
 - Consider introducing anti-deadlock mechanisms for judicial appointments.
 - Enhance education of prosecutors and judges on international human rights standards of particularly regarding conducting effective investigations of torture, war crimes, attacks on journalists and hate crimes.

Fight against torture

11. Out of 8 given recommendations, 5 were not implemented (*Ghana* 104.1⁸, *Netherlands and Côte d'Ivoire* 105.20⁹, *Belarus* 105.21¹⁰, *Russian Federation* 105.22¹¹, *Islamic Republic of Iran* 105.29¹²) and 3 were partially implemented (*Russian Federation* 105.23¹⁵, *Chile* 105.24¹⁶, *Indonesia* 105.30¹⁷). **Since 2013, Montenegro ignored both UPR and CAT recommendations regarding reform of legislative framework, as well as the one urging the state to provide for independent and efficient investigations of torture complaints.**
12. Montenegro has failed to amend the definition of torture which implies that the crime of torture is still not defined in a manner prescribed in Article 1 of the Convention against torture and other cruel, inhumane, or degrading treatment or punishment (*Netherlands and Côte d'Ivoire* 105.20). The definition of the crime of torture (Article 167) is still too wide regarding perpetrators, prescribed penalties are not commensurate to the gravity of the torture offense, imprisonment sentences are so low that suspended sentences can be imposed, and acts amounting to torture are subject to a statute of limitation. New Draft Law on Amendments and Supplements to the Criminal Code excludes suspended sentences and statute of limitations for Torture (Article 167 para 2), but not for ill-treatment (Article 166a) or Extortion of testimony (Article 166).
13. Criminal investigations of torture and ill-treatment have not been effectively conducted, either because they are not urgently executed, or do not meet the standards of independence and impartiality or are not conducted thoroughly (*Belarus* 105.21, *Russian Federation* 105.22). Even when the cases end up being prosecuted, and result in determination of individual criminal responsibility, [suspended sentences or imprisonment sentences close to the legal minimum prevail](#), which is not corresponding with the seriousness of the acts committed. In [2020-2021](#), the State Prosecutor's Office received 71 criminal reports against more than 153 police officers for criminal offences of ill-treatment and the indictments were filed only in 11 cases, against 26 officers. Furthermore, 10 cases were finalized in 2020-2021, in which 25 officials were indicted and

⁸ Take measures to ensure that allegations of torture, ill-treatment or excessive use of force by the police are investigated by an independent body and all perpetrators are brought to justice.

⁹ Amend the national Criminal Code by incorporating a definition of torture that contains all the elements provided for in article 1 of the Convention against Torture, and in particular ensure that penalties are in line with the gravity of the crime (Netherlands); Adopt a definition of torture that covers all the elements set out in article 1 of the Convention against Torture, and ensure that the penalties provided for acts of torture are proportionate to the gravity of the crime (Côte d'Ivoire);

¹⁰ Ensure that all allegations of torture, cruel treatment or excessive use of force by police officers are consistently investigated and that the perpetrators are brought to justice.

¹¹ Ensure the appropriate investigation into cases of torture and cruel treatment of persons deprived of their liberty and bring the perpetrators to justice.

¹² Ensure that all prisoners receive a thorough medical examination and have the right of access to health-care services.

¹³ Adopt a definition of torture that is not subject to any statute of limitations, and that covers all the elements contained in article 1 of the Convention against Torture.

¹⁴ Remove the statute of limitations on torture from the Criminal Code and effectively prevent and investigate allegations of physical ill-treatment of persons deprived of their liberty.

¹⁵ Ensure the provision of the necessary professional training for law enforcement officers in order to prevent torture and cruel treatment of detainees and prisoners.

¹⁶ Continue working to eradicate torture and strengthen the effective implementation of the Convention against Torture.

¹⁷ Intensify its efforts to provide human rights training programmes for all law enforcement officials to prevent cases of torture, ill-treatment and excessive use of force.

15 (60%) were convicted. Only two police officers were sentenced to an effective prison sentence. Suspended sentences were handed down to 13 convicted persons (87%), of which as many as 12 involved torture in conjunction with inflicting grievous bodily harm. Prevailing impunity and lenient punishment failed to prevent repeated use of torture by police officers in particular.

14. In 2020-2021, at least 20 people filed serious reports of extortion of testimony by way of brutal ill-treatment, mostly related to the actions of criminal inspectors in the Security Centre of Podgorica and officers of the Sector for the Fight against Organised Crime and Corruption. The State Prosecutor's Office did not consider these cases as a whole, i.e. as a pattern of behaviour of police inspectors pointed out by the CPT back in 2017, and did not act decisively to suppress such actions, which allows for new serious human rights violations in the form of ill-treatment and compromises the state's fight against crime. The HRA possesses information that at least several other similar cases of extortion of testimony have remained unreported because the victims were deprived of their liberty and feared retaliation and problems they might encounter in prison as a result of their reports. There was no appropriate reaction from the State Prosecutor's Office to the allegations of extortion of testimony.
15. The [lack of independence](#) of the Montenegrin authorities participating in the investigation against police officers proves to be a systemic problem (*Ghana* 104.1). State prosecutors regularly seek help from the police, especially regarding identification of suspected police officers, including from officers who belong to the same organizational unit as those whose actions are being investigated.
16. Documenting injuries and other traces of torture and ill-treatment by medical professionals still represents a serious issue (*Islamic Republic of Iran* 105.29). The medical reports executed by doctors, especially those employed in prison have mostly been [incomplete and superficial](#). The Ombudsperson in his several opinions including the National Preventive Mechanism team found that doctors in prison still fail to document traces of ill-treatment in a manner envisaged in the Istanbul Protocol and standards of the CPT – the victim's statement, detailed description of injuries, and final assessment on the correlation between the first two.
17. Montenegro failed to completely implement the recommendation (*Russian Federation* 105.23, *Indonesia* 105.30) to intensify its efforts to provide human rights training programs to all officials involved in the custody, interrogation, or treatment of any individual subjected to any form of arrest, detention, or imprisonment. In 2020 and 2021 only one training was conducted on prevention of torture for police officers. Although the Centre for trainings of judges and prosecutors during last three years provided for a large number of trainings and seminars (in total 580 since 2019) on international and domestic human rights standards, it is noticeable that trainings on the Prohibition of Torture, Inhuman and Degrading Treatment or Punishment are mostly attended by court and prosecutorial advisers, candidates, or interns. Only 12 judges and 13 prosecutors attended training on Article 3 of the ECtHR and 13 candidates for judicial posts.

18. Therefore, Montenegro should:

- Adopt a definition of torture that includes all elements contained in article 1 of the Convention;
- Increase penalties for torture to reflect the gravity of the crime and prevent the practice of suspended penalties for torture;
- Provide all acts amounting to torture are not subject to any statute of limitations;
- Abolish the possibility of imposing warning measures (suspended sentences) for intentional criminal acts of torture, inhuman and ill-treatment, and punishment committed by public officials;
- Prescribe obligatory imposition of a security measure prohibiting the performance of vocations, activities, and duties of officials punished for intentional criminal acts of torture, inhuman and ill-treatment and punishment;
- Exclude the possibility of granting amnesty and pardon to public officials accused and convicted of torture, inhuman and ill-treatment, or punishment committed with intent;
- Provide for prompt and effective investigations of torture complaints by an independent body, and in the meantime reinforce the capabilities of the Department for the Internal Control of the Police, within the Ministry of Interior;
- Ensure that medical expertise is performed urgently, without delay, so that the person who reported the abuse is always examined directly, and not only the existing medical documentation, even if a significant time has elapsed since the infliction of injuries. In addition, expertise in cases of abuse, at least in the case of more serious cases, which may have psychological consequences, should include psychological and psychiatric expertise in accordance with the Istanbul Protocol;
- Guide all doctors on how to document bodily injuries, especially when a person reports torture;
- Conduct continuous training for all police officers in order to train them to proactively identify and refer victims of torture, inhuman and degrading treatment and punishment;
- Ensure that all judges and prosecutors attend continuous specific trainings on how to identify signs of torture and ill-treatment and execute effective investigations in accordance with the Istanbul Protocol.

Rights of victims of war crimes

19. Out of two recommendations, one has been partially implemented (*Republic of Korea* 105.32¹⁸) and the other was not (*Argentina* 105.33¹⁹) although it was given for the first time in 2013 by the European Commission.
20. Despite the fact that the European Commission continuously criticized the approach of the state prosecutor's office and courts to war crimes prosecution, pointing to the impunity of war crimes, lack of self-initiative and non-application of criminal law institutes such as complicity, aiding, abetting and command responsibility, as well as the misapplication of international humanitarian law ever since 2013, [Special State Prosecutor's Office \(SSPO\) has not yet initiated any investigations or filed charges regarding command responsibility](#) (*Argentina* 105.33), complicity, incitement, or aiding and abetting war crimes.
21. The possibility of restarting proceedings in the context of already processed cases has not been thoroughly examined, although there is a suspicion that in the cases of "Bukovica" and "Deportation" there was an intentionally incorrect qualification, that is, wrong application of the law.
22. In the last eight years, the only case resulting in conviction was the case of V. Z, a Yugoslav Army reservist who was charged with committing a war crime in terms of murdering four civilians in Kosovo and Metohija in 1999. He was delivered to Montenegro for prosecution by the Serbian War Crimes Prosecutor's Office and was found guilty and sentenced to 14 years in prison.
23. In October 2021, acting upon the request of a state prosecutor from Bosnia and Herzegovina, the SSPO issued one order to conduct an investigation against one person for war crimes against the Bosniak population in 1992. According to the indictment, S. P. Ć. is charged with killing two people and raping a Bosniak woman like a soldier in the Republika Srpska Army. The trial in this case is still ongoing.
24. The state prosecutors had the opportunity to continuously develop in the field of war crimes prosecution and international humanitarian law, and to exchange experiences and knowledge with prosecutors from the region, colleagues from the International Criminal Court i.e. the Hague Residual Mechanism, and to communicate with representatives of NGOs (*Republic of Korea* 105.32). However, the SSPO was not the initiator of any of the presented activities and was, rather, always the invited party.
25. Redress of victims was precluded by statute of limitation in cases of crimes not prosecuted

¹⁸ Provide the State Prosecutor's Office and the Special Department for war crimes with adequate resources and training so as to bring perpetrators to justice.

¹⁹ Deepen investigative and sanctioning measures for perpetrators of war crimes, in particular those who held command positions at the time of the conflict.

(Murino) or ending in acquittals (Bukovica, Kaludjerski laz, Deportation of refugees - in part). The victims of the "Camp Morinj" case were awarded damages as that had been a rare case ending in convictions.

26. Therefore, Montenegro should:

- Proactively investigate all war crimes allegations (CAT), and raise issues of command responsibility, aiding and abetting (European Commission);
- Review old cases that were not prosecuted in line with international humanitarian law as well as domestic law (European Commission);
- Ensure all victims and their family members obtain redress and/or administrative compensation for suffering (CAT).

Attacks against journalists and media property

27. Out of 17 recommendations, only one has been implemented (*Germany* 105.60²⁰), 8 have been partially implemented (*Slovakia* 105.47²¹, *Estonia* 105.51²², *Austria* 105.53²³, *Czechia* 105.56²⁴, *Brazil* 105.58²⁵, *France* 105.59²⁶, *Australia* 105.61²⁷, *Canada* 105.62²⁸) and eight have not been implemented (*Namibia* 105.46²⁹, *Sweden* 105.48³⁰, *Switzerland*

²⁰ Reinstate the commission for the investigation of assaults on journalists and commit it to publishing, on a regular basis, activity reports on the scope and quality of its cooperation with other governmental agencies.

²¹ Make further efforts to investigate all reported threats and attacks against journalists and media workers, thus contributing to the promotion of the freedom of expression.

²² Take further measures to investigate reports of intimidation and attacks against journalists and media enterprises, and bring perpetrators to justice.

²³ Ensure the safety of journalists and media workers against violence by condemning such attacks when they occur and taking further steps to end impunity for past attacks.

²⁴ Increase efforts to prevent cases of violence against journalists and media workers.

²⁵ Step up efforts towards promoting freedom of the press and of expression, including the safety of journalists.

²⁶ Further improve the protection of journalists in order to end the attacks they can be subjected to.

²⁷ Take steps to ensure that the ad hoc commission and parliamentary committee are accountable and effective in monitoring reports of violence against journalists.

²⁸ Take further steps to ensure the full exercise of freedom of expression and media, including by ensuring the effective investigation and prosecution of alleged threats and attacks on media personnel and property.

²⁹ Take timely and effective actions towards safeguarding the freedom of expression, including by curbing impunity for attacks against journalists, other media practitioners and media houses, and ensuring prompt, thorough, independent and impartial investigations into such cases, as well as bringing the perpetrators to book.

³⁰ Ensure accountability for past attacks on independent media and journalists.

105.49³¹, *United States of America* 105.50³², *Netherlands* 105.52³³, *Greece* 105.54³⁴, *Belarus* 105.55³⁵, *Peru* 105.57³⁶).

28. On 29 December 2021, the Parliament of Montenegro [adopted the amendments to the Criminal Code](#), prescribing stronger criminal protection of journalists. The amendments prescribe qualified forms of criminal offenses Endangering Safety, Aggravated Murder, Serious Bodily Injury, and Coercion, when committed against a person who performs the job of public information, in connection with the performance of that work. The offense of Preventing the Printing and Dispersal of Printed Matters, Broadcasting and Publishing Information has been reformulated to provide more stringent penalties for obstructing or preventing the publication of information of public importance through the media. Stricter punishment is prescribed if the perpetrator is an official. However, there is still need for further reforms to create a safe and open environment for independent journalism.
29. In the past seven years there were 75 cases of attacks on journalists, media outlets, and organizations, as well as threats to their safety. Only in 2021, there were 25 cases. According to the [information of Trade Union of Media](#) judicial epilogues were given to ten and convictions were handed down in four cases. [In 2020 there were 18 cases, in 2019 three, in 2018 four, in 2017 six, in 2016 three and 2015 there were 16 cases.](#)
30. The Government has done nothing to provide a foreign expert to help the Commission for Monitoring Investigations of Attacks on Journalists, especially with regard to the investigation in the case of murder of Dusko Jovanovic, although such appointment was called for by the former Commission more than three years ago (in October 2018).
31. Therefore, Montenegro should:
 - Proceed with the reform of the legal framework in order to create a safe and open environment for independent journalism;
 - Take additional measures to reduce the number of attacks on journalists (compared to 2021);
 - Take additional measures to improve the lack of investigation of old cases;
 - Urgently engage a foreign expert to review investigation of Dusko Jovanovic's murder upon request of the Commission for Monitoring Investigations of Attacks on Journalists from October 2018.

³¹ Ensure that all threats and attacks reported against journalists, media professionals and, more broadly, civil society representatives such as non-governmental organizations, are investigated promptly, thoroughly, impartially and independently, in order to foster conditions conducive to the exercise of freedom of expression.

³² Fully investigate and bring to justice the perpetrators of attacks and serious threats targeting journalists, civil society activists and minority groups.

³³ Ensure that all prosecutions of attacks against journalists, high-level corruption and crimes under international law are conducted effectively and impartially, and in accordance with international fair trial standards.

³⁴ Ensure that all reported threats and attacks against journalists and media workers, as well as non-governmental organizations and human rights defenders, are investigated thoroughly, impartially and independently.

³⁵ Ensure a safe environment for the activities of journalists and the mass media.

³⁶ Implement mechanisms to guarantee freedom of expression and the independent work of journalists.

Economic, social and cultural rights

32. Two former UPR recommendations (*Turkmenistan* 105.88³⁷, *Libya* 105.89³⁸), as well as recommendations of the UN Committee on Economic, Social and Cultural Rights from December 2014, have not been implemented.

33. Therefore, Montenegro should:

- Increase the amount of social benefits and provide an adequate standard of living for the socially vulnerable people, especially the unemployed, the elderly and persons with disabilities (since 2014, the amount of material security for a family of four was increased by only 28,52€ (136,52€ instead of 108 €) and the cost of living has increased (in December 2022, the price of the minimal consumer basket was €800.02, MONSTAT);
- Establish shelters for the homeless (there is not a single homeless shelter in Montenegro);
- Deinstitutionalize people living in a psychiatric hospital in Kotor because they have nowhere else to go;
- Institute a system for collecting statistical data on the implementation of economic, social and cultural rights.

³⁷ Use effective measures to eliminate and prevent violations of economic, social and cultural rights.

³⁸ Pursue its work to eliminate poverty and to reduce social exclusion.

Rights of persons with disabilities

- 34.** Out of 5 given recommendations, one was not implemented (*Iraq* 105.140³⁹), 3 were partially been implemented (*Andorra* 105.138⁴⁰, *Bolivarian Republic of Venezuela* 105.139⁴¹, *Chile* 105.142⁴²) and 1 was implemented (*Republic of Korea* 105.141⁴³).
- 35.** In order to fulfill the unimplemented recommendations and recommendations of the UN Committee on the Rights of Persons with Disabilities from 2017, Montenegro should:
- Fully harmonize its legislation with the Convention on the Rights of Persons with Disabilities;
 - Adopt and apply the concept of reasonable accommodation with effective sanctions in order to ensure that the denial of reasonable accommodation constitutes discrimination on the ground of disability;
 - Make autopsy mandatory in cases of death in hospitals and institutions;
 - Repeal laws and protocols permitting any form of deprivation of liberty based on impairment or perceived impairment and to provide effective safeguards and remedies to persons with disabilities who have been deprived of their liberty on the basis of impairment;
 - Adopt a comprehensive strategy with clear time-bound goals for effective deinstitutionalization and to allocate adequate resources to its implementation. A community-based services (including at the local level) that respond to the needs of persons with disabilities and respect their autonomy, choices, dignity and privacy and that include peer support and other alternatives to the medical model of mental health have not been developed.

³⁹ Issue legislation that is more compatible with the Convention on the Rights of Persons with Disabilities.

⁴⁰ Continue harmonizing its legislation with the Convention on the Rights of Persons with Disabilities.

⁴¹ Continue implementing measures to increase the effectiveness of the implementation of the Law on the Prohibition of Discrimination against Persons with Disabilities.

⁴² Continue strengthening institutional structures and support measures to guarantee the rights of persons with disabilities.

⁴³ Review national legislation regarding restrictions on the rights of persons with disabilities to harmonize it with the Convention on the Rights of Persons with Disabilities.