

**Address by the Minister of Justice of Montenegro before the
UN Human Rights Committee, Geneva, 04 March 2025**

Distinguished Chair, Esteemed Members of the Human Rights Committee, Ladies and Gentlemen,

It is both an honour and a privilege to lead Montenegro's delegation as Minister of Justice and to take part in this session and the consideration of Montenegro's report on the implementation of the International Covenant on Civil and Political Rights, submitted under Article 40,

I wish to begin by stating that Montenegro remains dedicated to upholding its commitments as a member of the United Nations and the principles and values of the organisation, a significant segment of which is incorporated in the International Covenant on Civil and Political Rights. This UN-led document has enshrined fundamental human rights, freedom, democracy, and the functioning of democratic institutions as the cornerstones of any modern governance framework. Implementing the Covenant's standards is of great importance to us as a relatively young UN member but an old European state, now striving for membership in the community of developed European democracies. Therefore, upholding the values of the Covenant is closely tied to fulfilling our country's obligations in the EU accession process.

Recognising that corruption is one of the greatest challenges and dangers that hinders economic development and erodes citizens' trust in the state and its institutions, we have placed the prevention and suppression of corruption at the top of the policy and law enforcement agenda. In 2024, through amendments to the *Law on the Prevention of Corruption*, we improved the framework by strengthening preventive mechanisms in the fight against corruption, enhancing the work of the Agency for the Prevention of Corruption, and eliminating shortcomings identified in previous law enforcement practices. However, we have continued to strengthen the anti-corruption framework in 2025, with plans to adopt new amendments to the law that will enable the Agency for the Prevention of Corruption to have direct access to public officials' accounts for verifying the Report on Income and Assets. Additionally, we plan to introduce a uniform categorisation of public officials to precisely regulate their rights and obligations, expand the powers of the Agency's Council, and impose the obligation to submit reports for ad hoc committee members involved in public procurement processes, privatisation of state-owned companies, awarding of public-private partnership contracts and concessions, and other public affairs particularly susceptible to corruption risks.

Through the adoption of the *Law on Lobbying*, we have further aligned with the highest international standards and best practices in preventing undue influence in legislative processes, preventing potential corruption, increasing institutional transparency, ensuring effective law enforcement, and creating conditions to increase the number of certified lobbyists registered in the official registry.

In the area of corruption prosecution, the amendments to the *Law on the Special State Prosecutor's Office*, adopted in June 2024, have now limited this office's jurisdiction exclusively to high-level corruption cases involving the most senior state officials. This aims to reduce the caseload of the Special Prosecutor's Office, as well as the Special Department of the High Court and the Special Police Unit, which will no longer handle corruption cases not involving high-ranking public officials.

Regarding the **independence and professionalization of the judiciary**, in line with the recommendations of the Venice Commission and the European Commission, amendments to the *Law on the Judicial Council and Judges* were adopted in 2024, improving provisions related to the functioning of the Judicial Council, the system of ethical and disciplinary responsibility for judges, judicial appointments, secondments and deployment of judges, and their evaluation. Amendments to the *Law on the State Prosecutor's Office* have also been enacted to enhance the autonomy, accountability, and efficiency of the State Prosecutor's Office and the Prosecutorial Council, as well as to improve regulations governing the selection of state prosecutors, their secondments and postings, evaluation, and ethical and disciplinary responsibility.

In May 2024, the Government of Montenegro adopted the *Judicial Reform Strategy 2024-2027*, accompanied by an action plan. This key policy document for the justice sector is built around three strategic goals: 1) Strengthening the independence, impartiality, and accountability of the judiciary; 2) Enhancing the expertise and efficiency of the judiciary; and 3) Improving access to justice, transparency, and public trust in the judiciary.

At the same time, efforts are being made to ensure the judiciary's efficiency and sustainability through the *Judicial Network Rationalisation Plan*, which provides for the reorganisation of Montenegro's court network.

In **combating violence against women, domestic violence, violence against children, and human trafficking**, I wish to highlight that Montenegro has, through years of effort, largely harmonised its domestic legislation with international standards. The goal is zero tolerance for these occurrences and maximum protection of vulnerable groups, which is why the legal framework includes a set of laws providing for protective, preventive, and repressive measures. This issue has been systematically addressed, ensuring the necessary preconditions for the effective functioning of competent authorities, such as the State Prosecutor's Office, which has demonstrated notable proactivity in prosecuting related offences in recent years.

The *Law amending the Law on Legal Aid*, enacted in December 2024, is of particular importance as it guarantees the right to legal aid for victims of torture, victims of sexual offences, and children initiating proceedings to protect their rights. Exercising the right to legal aid under this law does not preclude the provision of legal assistance by legal aid services, legal clinics, non-governmental organisations, and other legally established entities.

As part of the ongoing reform of the *Law on Protection from Domestic Violence*, the law will be aligned with the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention). The definition of violence will be refined, the scope of individuals considered family members expanded, and victims will be granted additional rights. Furthermore, the protective measures provided for by law will be more precisely defined.

Interdepartmental cooperation in the area of protection against violence has been further reinforced through the transformation of the Operational Team, previously established within the Ministry of Internal Affairs, into the National Interdepartmental Team, which has been operational since early 2024.

In the **fight against human trafficking**, amendments to the Criminal Code have introduced abduction as one of the methods of committing this offence. A more severe form of the offence has also been defined for cases involving serious bodily harm to a child. Additionally, alignment with Directive 2011/36/EU has been achieved through the introduction of a non-punishment clause for victims. For the first time, *child trafficking* has been established as a distinct criminal offence. These amendments reflect the conclusions of the UN Committee on the Rights of the Child in reference to Montenegro's second and third periodic reports, which underscored the need for harmonisation with the Optional Protocol to the Convention on the Rights of the Child.

Recognising human trafficking as one of the most serious crimes against fundamental human rights and dignity, Montenegro has, over the years, developed a comprehensive system covering the entire process—from victim identification to full integration or reintegration into society. This system is reinforced by strong and effective cooperation between competent state authorities and civil society organisations. The key strategic document in this field, the Strategy for Combating Human Trafficking 2019–2024, sets the course for national policy, addressing prevention, victim protection, criminal prosecution, as well as partnerships, coordination, and international cooperation. Since its adoption, six annual action plans have been implemented. As the Strategy remained in force until 2024, a comprehensive evaluation of its implementation has been launched, assessing efforts in prevention, victim protection, prosecution of perpetrators, and cooperation at both national and international levels. The evaluation aims to identify remaining challenges and lay the groundwork for future action. Based on its findings, work has commenced on drafting a new Strategy for Combating Human Trafficking for 2025–2028, alongside an Action Plan for 2025.

An *Operational Team for Combating Human Trafficking* has been in place since 2018 within the State Prosecutor's Office and the Ministry of Internal Affairs – Police Directorate. In 2024, its jurisdiction was expanded to include illegal border crossings and human smuggling.

The system for identifying victims of human trafficking has been strengthened with the establishment of a Team for Formal Identification of Victims of Human Trafficking, operating under the National Plan for Formal Identification. Under the proposed model, victim status may be granted based on human rights violations, rather than solely when a person has been subjected to a human trafficking offence.

Cooperation between institutions and the non-governmental sector is governed by the *Agreement on Mutual Cooperation in Combating Human Trafficking*, in place since 2007 and updated in 2024 to reflect current needs. The agreement facilitates effective collaboration in prevention, education, detection, and prosecution, as well as in identifying, protecting, integrating, reintegrating, and rehabilitating potential victims, particularly women and children, with full respect for their human rights. It also establishes mechanisms for ensuring victims' physical, psychological, health, social, and child protection, as well as their integration or reintegration. Assistance to victims is provided regardless of their decision to participate in criminal proceedings. The signatories have further committed to offering information on legal aid and other rights in line with their competencies and legal obligations. To enhance coordination, designated contact persons operate within this framework.

As part of the policy on the execution of criminal sanctions and prison system management, the Strategy for the Execution of Criminal Sanctions 2023-2026, along with its action plan, outlines continued reforms with a primary focus on strengthening prevention and protection against abuse, combating inhumane and degrading treatment, upholding human rights, enhancing the institutional capacity of the Directorate for the Execution of Criminal Sanctions and the resocialisation of detainees and convicts, and improving the institutional capacity of the Directorate for Probation.

In 2023, Montenegro amended its Criminal Code to align with the UN's 2018 Universal Periodic Review recommendation concerning the non-applicability of statutes of limitations to torture and ill-treatment. Consequently, the prosecution and execution of sentences for the criminal offence of torture are no longer subject to any statute of limitations. Additionally, sentencing guidelines have been tightened, particularly for offences committed by officials, who are now also subject to mandatory disqualification from their profession, activity, or duty upon conviction.

Additionally, a series of activities have been carried out to improve accommodation capacities, living conditions, and the infrastructure of prison institutions, including the construction of new facilities, among which are a Special Healthcare Institution and a multipurpose facility intended for the religious, cultural, sports, and recreational activities of incarcerated persons. In this way, the Ministry of Justice and the Government reaffirm their commitment to respecting the human rights of detainees and convicted persons, fully in line with European and UN standards.

Significant progress has been made in **human rights, anti-discrimination, and gender equality**, with intensified efforts to combat all forms of discrimination, particularly against vulnerable and marginalised groups, including women, children, persons with disabilities, minorities, the elderly, and LGBTIQ+ individuals. To this end, key strategic documents have been developed, inter-institutional dialogue has been strengthened, and numerous awareness-raising activities, as well as specialised training for relevant stakeholders and institutional representatives, have been conducted.

Particular attention has been given to combating discrimination against the Roma, Ashkali, and Egyptian populations, with a focus on employment opportunities, access to education, improved housing conditions, healthcare, social protection, and public services, as well as enhancing their participation in political and public life.

Significant progress has been made in ensuring equal representation of women in political and public life, including in the national parliament, executive bodies, and the judiciary, particularly in high-level decision-making positions. Measures have also been taken to effectively combat gender stereotypes, patriarchal attitudes, and discriminatory practices and beliefs that favour men over women.

The implementation of the *National Strategy for Gender Equality 2021-2025* and its accompanying action plans is progressing successfully, with a focus on promoting gender equality, strengthening the legal framework for gender policies, and preventing discrimination based on sex and gender. Efforts also include educational initiatives aimed at eliminating stereotypes and prejudices against women and individuals of diverse gender identities, as well

as increasing their participation in sectors that provide access to resources and opportunities. A key achievement has been the mainstreaming of gender considerations into public finance and policy-making. Training for employees in state administration, education, and the judiciary has become standard practice, while a targeted media strategy has been implemented to tackle gender stereotypes.

With regard to **freedom of expression**, given its fundamental role in a democratic society, the Government of Montenegro remains firmly committed to improving conditions for its full realisation. Ensuring a safe working environment for journalists and the unhindered functioning of the media is essential not only for exercising this right but also for safeguarding transparency and public access to information. To this end, the Ministry of Justice has significantly reinforced criminal law protections for journalists by introducing stricter penalties for attacks on journalists and other media workers. Additionally, recent reforms have strengthened support for the Commission for Monitoring Investigations into Attacks on Journalists, enhancing its proactivity and effectiveness.

Recognising the need for stronger protection of journalists and media workers, the Supreme State Prosecutor's Office issued a *Guideline for Prosecutorial Offices in 2024 on handling cases of threats and violence against journalists, journalist murders, and attacks on media property*. This document represents a significant step in bolstering the institutional response to such crimes and strengthening overall prevention. It provides clear, precise instructions for prosecutors, requiring them to prioritise cases involving threats and attacks on journalists, conduct thorough and comprehensive investigations, and adopt a proactive approach in cooperation with the police and other relevant authorities. This initiative is highly commendable, as it has enhanced legal security for journalists, reduced impunity for attacks on media workers, and fostered a safer environment for free and professional journalism. In doing so, Montenegro reaffirms its commitment to media freedom and the rule of law.

The Government remains firmly committed to protecting the independence of the national public broadcaster RTCG and the Agency for Audio-Visual Media Services. To strengthen editorial and institutional autonomy, Montenegro adopted a new Law on the National Public Broadcaster – the Public Media Service in 2024, introducing safeguards against political influence over its governance structure. The election process for RTCG Council members has been designed to minimise the risk of undue interference in the selection of civil society representatives, while institutions such as universities, trade unions, and the academy independently appoint their delegates.

Further steps have been taken to strengthen self-regulation, including the adoption of a new Media Law, which came into force in June 2024. The law enables media founders to establish an internal self-regulatory body or join an external one formed as a non-governmental association. These bodies play a key role in upholding professional and ethical standards, promoting best practices, and addressing public complaints. They provide recommendations to the media to enhance standards while remaining independent of editorial, managerial, and ownership structures.

Media freedom and freedom of expression remain high on the agenda in Montenegro's EU accession negotiations, and the Government remains committed to achieving the level of preparedness and standards required within the EU.

Finally, but equally importantly, we firmly believe that **reckoning with the past** is crucial for fostering good neighbourly relations in the Western Balkans and advancing Montenegro's integration into the community of Western democracies, particularly given the region's recent history of ethnic conflict. Montenegro, therefore, remains committed to **prosecuting war crimes**.

In 2024, the Ministry of Justice adopted key amendments to the Criminal Procedure Code, allowing for the unimpeded use of evidence gathered within the framework of the International Residual Mechanism for Criminal Tribunals in The Hague.

The Supreme State Prosecutor's Office adopted the 2024-2027 Strategy for Investigating War Crimes, accompanied by the 2024-2025 Action Plan. This document aims to ensure a continuous, proactive, and systematic approach to war crimes prosecution, with a focus on strengthening institutional capacities, enhancing witness and victim protection mechanisms, and improving cooperation at both regional and international levels. In line with this Strategy, the Special State Prosecutor's Office has developed action plans addressing both previously concluded war crimes cases and those still under investigation or prosecution. As a result, new criminal cases have been reopened concerning war crimes in Morinj, Bukovica, Kaluđerski Laz, and the deportation of refugees from Herceg Novi, with the goal of delivering justice in cases linked to Montenegro. Furthermore, the Special State Prosecutor's Office's proactive investigative and prosecutorial efforts in war crimes cases have been acknowledged by both the European Commission in its 2024 Progress Report on Montenegro and the highest representatives of the International Residual Mechanism for Criminal Tribunals in The Hague.

In conclusion, the period since the submission of the Report on the Implementation of the International Covenant on Civil and Political Rights has been marked by significant legislative, institutional, and public policy reforms. Many of these reforms have been carried out in cooperation with the European Commission as part of efforts to meet the final benchmarks in the rule of law-related negotiation chapters. Considerable efforts have been made by institutions, civil servants, engaged citizens, civil society, and political actors within the framework of a broad consensus on Montenegro's strategic goal—membership in the European Union.

Additionally, in 2023, the Government successfully conducted a new national census following a consensus with opposition political parties. This ensured the highest level of political and social inclusivity in a process crucial for organising and planning public policies in the coming period, while also guaranteeing the credibility and legitimacy of both the process and its results. We believe that, despite certain divisions, we have demonstrated as a society our ability to reach consensus on matters of national interest essential to Montenegro's continued democratic development.

Thank you for your attention. We stand ready to answer any questions the Committee members may have.