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**Elections to fill vacancies in subsidiary organs
and other elections: election of eighteen members
of the Human Rights Council**

Letter dated 11 June 2012 from the Permanent Representative of Montenegro to the United Nations addressed to the Secretary-General

I have the honour to inform you that Montenegro presented its candidature for membership in the Human Rights Council for the term 2013-2015 at the elections to be held during the sixty-seventh session of the General Assembly in 2012 under agenda item 111 (d) of the preliminary list (A/67/50), entitled “Elections to fill vacancies in subsidiary organs and other elections: election of eighteen members of the Human Rights Council”.

In accordance with General Assembly resolution 60/251, I have the honour to submit herewith the voluntary pledges and commitments of the Government of Montenegro to the promotion and protection of human rights (see annex).

I should be grateful if the present letter and its annex could be circulated as a document of the General Assembly.

(Signed) Milorad Šćepanović
Ambassador

* A/67/50.



Annex to the letter dated 11 June 2012 from the Permanent Representative of Montenegro to the United Nations addressed to the Secretary-General

Aide-memoire on the candidature of Montenegro to the United Nations Human Rights Council for the period 2013-2015

As a multicultural, multi-ethnic and multireligious society, Montenegro is strongly committed to the protection and promotion of human rights, and civil, political, economic, social and cultural rights, including the right to development, while confirming its readiness to contribute to the establishment of the highest legal standards for the protection of human rights both at the national and international levels.

Being aware of the importance given to human rights promotion and protection, Montenegro has actively supported the process of establishment and the institution-building of the Human Rights Council from the very beginning, and participated in the process of its review in 2011. Montenegro welcomed the establishment of a universal periodic review mechanism and firmly believes that it would provide a method for a transparent and objective assessment of the human rights situation in each State Member of the United Nations.

The Government of Montenegro has extended a standing invitation to the Human Rights Council special procedures to visit Montenegro and its institutions.

International level

Having regained independence in 2006, Montenegro is taking a more active role on the international scene in striving for universality and indivisibility of human rights.

Montenegro is a State party to major international treaties dealing with the protection and promotion of human rights, including (but not limited to):

- International Covenant on Civil and Political Rights (including its Optional Protocols concerning individual complaints and the abolition of the death penalty)
- International Covenant on Economic, Social and Cultural Rights (including its Optional Protocol)
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (including its Optional Protocol)
- International Convention on the Elimination of All Forms of Racial Discrimination
- Convention on the Elimination of All Forms of Discrimination against Women (including its Optional Protocol)
- Convention on the Prevention and Punishment of the Crime of Genocide
- Convention on the Rights of the Child
- Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict

- Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography
- International Convention on Rights of Persons with Disabilities (including its Optional Protocol)
- Convention on the Non-applicability of Statutory Limitations to War Crimes and Crimes against Humanity
- International Convention on the Suppression and Punishment of the Crime of Apartheid
- International Convention against Apartheid in Sports
- International Convention for the Protection of All Persons from Enforced Disappearances
- Convention relating to the Status of Refugees and the Convention relating to the Status of Stateless Persons
- Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field; Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea; Geneva Convention relative to the Treatment of Prisoners of War; Geneva Convention relative to the Protection of Civilian Persons in Time of War and their two Additional Protocols
- The Rome Statute of the International Criminal Court

Montenegro has signed the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.

Montenegro accepted being subject to all communication procedures of the United Nations human rights treaties it has ratified and made no reservations to any of those treaties.

Montenegro is also a party to 69 International Labour Organization conventions.

As a party to the fundamental human rights instruments, which were incorporated into national law following their ratification, Montenegro submits periodic reports to the relevant treaty bodies and implements recommendations and concluding observations made upon their examination of reports. In order to make the treaty body system more efficient, Montenegro is committed to contribute to the process of its strengthening. Montenegro successfully underwent the Human Rights Council's universal periodic review in 2008 during its first reporting cycle. Montenegro was among the countries which supported and co-sponsored the General Assembly resolution on the abolition of the death penalty (resolution 62/149).

Additionally, at the regional level, Montenegro actively cooperates with the Council of Europe and the Organization for Security and Cooperation in Europe (OSCE) in the field of protection of human and minority rights and fundamental freedoms, as well as on promotion of the rule of law and further democratization of society. Montenegro has signed or ratified a number of Council of Europe conventions:

- Convention for the Protection of Human Rights and Fundamental Freedoms (including its Protocols Nos. 1-8 and Nos. 11-14)
- Framework Convention for the Protection of National Minorities
- European Charter for Regional or Minority Languages
- European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (including its Protocols Nos. 1 and 2)
- Convention on Human Rights and Biomedicine: Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine (including its Additional Protocols)
- Council of Europe Convention on Action against Trafficking in Human Beings

Being a party to major human rights treaties, Montenegro not only clearly demonstrates the support of their goals, but its active participation in creation and implementation of new standards in promotion and protection of human rights.

As a State party to the Convention relating to the Status of Refugees (1954) and the Convention relating to the Status of Stateless Persons (1960), the Government of Montenegro is strongly engaged in resolving the issue of displacement and ensuring durable solutions for refugees and internally displaced persons at the regional level fleeing the conflict in the former Yugoslavia in the early 1990s.

National level

Human rights are among the Government's top priorities on the domestic policy agenda.

After independence, on the already existing base, Montenegro has renewed the human rights protection and promotion system through the improvement of the legal framework, encouragement of respect for and protection of human rights and raising awareness of the entire society on this issue. Comprehensive legislative reforms were carried out in order to comply with relevant international standards.

The Constitution of Montenegro provides a legal basis for the promotion, protection, strengthening and advancement of basic human rights and fundamental freedoms, including the Government's obligation to uphold and respect international standards. Almost half (68 of 158) of the articles of the Constitution refer to human rights and fundamental freedoms, thus confirming its importance in a normative way.

The legal framework in the field of promotion and protection of human rights and freedoms is continuously improved and adjusted to the highest international standards. At this moment, essential laws are the Law on Minority Rights and Freedoms, the Law on Child and Social Welfare, the Anti-Discrimination Law, the Law on the Protector of Human Rights and Freedoms (Ombudsman), the Law on Health Care, the Law on Gender Equality, the Labour Law, the Law on Media, the Law on Non-governmental Organizations, the Law on Broadcasting, the Criminal Code, the Criminal Procedure Code, and others. It should also be emphasized that the Criminal Code of Montenegro contains provisions on the incrimination of dissemination of ideas based on racial superiority or hatred, as well as inciting racial discrimination and acts of violence motivated by racism.

Within the Government of Montenegro there are specialized bodies that have a role to further support and advance human rights, mainly the Ministry of Justice and Human Rights. Along with the promotion and protection of the human rights and fundamental freedoms of all, the Ministry is, in particular, responsible for providing the human and technical capacities in implementation of project activities for protection and promotion of the rights of lesbian, gay, bisexual or transgender (LGBT) persons.

In 2011, Montenegro became the first beneficiary country of the Council of Europe's LGBT project for eliminating discrimination based on sexual orientation or gender identity.

As a result of the establishment of institutional cooperation between the Government and civil society representatives committed to the protection of rights of the LGBT persons in Montenegro, the Government has formed: (a) a working team for developing the programme document for the fight against homophobia and its action plan, (b) an expert working group for preparation of the analysis of legislation from the aspect of LGBT rights, and (c) an expert working group for preparation of the analysis of human rights of LGBT persons in the textbooks within the education system of Montenegro. A project focused on the public/experts' debate on comparative analysis of the legal recognition of same-sex relationships/marriage in Europe will be initiated with the aim of determining the level and the way how to proceed to harmonize national legal provisions and the constitutional values of equality, dignity and non-discrimination with the relevant international standards in this field.

The Ministry of Human and Minority Rights adopted the Rule Book on the contents and manner of keeping the records on cases of reported discrimination, ensuring accurate records and providing information to the Protector of Human Rights and Freedoms (Ombudsman). That information is included in the special report on discrimination submitted to the Parliament of Montenegro by the Protector.

In August 2011, the Prime Minister's Cabinet was strengthened by the appointment of an adviser for human rights and anti-discrimination.

The Office of the Protector of Human Rights and Freedoms of Montenegro (Ombudsman) is established as an independent institution responsible for:

- (a) Protection of human rights and freedoms guaranteed by the Constitution, other laws, ratified international agreements on human rights and generally accepted international law regulations in case of their violation by an act, action or inactivity of State bodies, local government, public services and other holders of public authority;
- (b) Dealing with general issues in the field of protection and improvement of human rights and freedoms, as well as implementation of projects with other organizations that are active in that field;
- (c) Dealing with and acting on complaints that refer to the pending legal proceedings and, only in case of filibustering, obvious misuse of the power process and indirect contempt;
- (d) Giving initiatives for change and amendment of certain regulations, especially for the sake of their conformity to the internationally recognized standards in the field of human rights and freedoms;

(e) Delivering opinions on draft bills, other regulations and general acts if it is necessary for the protection and improvement of human rights and freedoms;

(f) Undertaking the proceedings before the Constitutional Court of Montenegro for evaluation of the constitutionality and legitimacy of regulations and general acts that relate to human rights and freedoms;

(g) Delivering opinions on the protection and improvement of human rights and freedoms, and, upon request, the bodies that decide on those rights, regardless of the type or level of the pendent legal proceeding before that body;

(h) Improving its cooperation with non-governmental organizations in human rights monitoring.

The Parliament of Montenegro also has the Committee for Human Rights and Freedoms and the Committee for Gender Equality as its permanent working bodies, which are both responsible for examining and considering drafts of laws and other legal acts dealing with issues related to the rights of all Montenegrin citizens. Elimination of discrimination by gender and sexual orientation is a prerequisite for active and non-bias inclusion of all social actors into the political and economic life of Montenegro, so that Governmental official policy moves in the same direction. The Department for Gender Equality falls under the Ministry of Justice and Human Rights and its mission is the creation of an environment for design, initiation, implementation and promotion of gender-sensitive policies and laws, as well as the development of partnership and relations with the international community and full respect for international standards that contribute to the achievement of equal rights, possibilities and responsibilities of women and men in the society.

Child protection is one of the main priorities of the Government of Montenegro. Continuing to further improve efforts to develop the system, national capacities, as well as State and local institutions for the fulfilment of the rights of all children, the Government has established the Council for the Rights of the Child within the Ministry of Labour and Social Welfare. With the aim of building an inclusive society in Montenegro, the campaign “It’s About Ability” has been launched in collaboration with the United Nations Children’s Fund in order to promote a programme of inclusive education and improve the situation of children with disabilities through raising awareness of the need to respect the rights of children with disabilities on an equal basis with other children, in the process strengthening the accountability of individuals, government and local communities. Within this campaign, the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities have been presented for the first time in the Balkans in the Braille alphabet, audio and sign language.

In order to raise society’s awareness of the importance of prevention, reporting and punishment of all forms of discrimination, the Government of Montenegro has established the Anti-discrimination Council. The Council aims to enhance the Government’s cooperation with civil society towards the full development of anti-discriminatory practices and building a society where all human rights are protected.

Montenegro strongly underlines the significance of the promotion and development of intercultural dialogue and cooperation among different ethnic, religious and cultural communities not only within its own borders, but also worldwide. In this regard, the Government of Montenegro decided to establish the

Council for all Minority Communities in Montenegro, the Center for Preservation and Development of Culture of Minorities and the “Foundation for Minorities”, which funds from the State budget the implementation of programmes that promote differences and tolerance with the purpose of preserving and protecting the national, ethnic, cultural, linguistic and religious identity of its national and ethnic groups, as well as the exercise of their full rights as prescribed by the Constitution.

The Government of Montenegro adopted numerous strategic documents and action plans for their implementation, in order to provide protection and respect for human rights, the major among which are as follows: the Strategy of Minority Policy (2008-2012); the Strategy for Improvement of Status of RAE Population in Montenegro (2008-2012); the National Action Plan for the “Decade of Roma Inclusion 2005-2015” in the Republic of Montenegro; the Action Plan for the Achievement of Gender Equality (2008/2012); the Strategy for Development of the Systems of Social and Child Protection in Montenegro (2008-2012); the Integration Strategy for Disabled Persons in Montenegro (2008-2016); the Strategy of Inclusive Education in Montenegro (2008-2012); and the Strategy of Judiciary Reform (2007/2012).

Montenegro enhances the role of civil society in the formulation and implementation of human rights policy and programmes and fully supports the inclusion of a strong, free and independent civil society’s voice in the efforts aimed at improvement of the human rights situation both at the national and international levels. In that context, the Council for Cooperation between the Government of Montenegro and Non-Governmental Organizations has been established, and the Law on Non-governmental Organizations and its inclusion in law and policy formulation has been adopted.

Voluntary pledges and commitments of Montenegro

Montenegro reiterates its full commitment to the principles and works of the Human Rights Council, more specifically the principles of universality, impartiality, objectivity, non-selectivity and constructive international dialogue and cooperation established to enhance the promotion and protection of all human rights and fundamental freedoms.

In support of its candidacy for the Human Rights Council (2013-2015), Montenegro thus pledges to actively contribute to the universal striving for human rights by:

- (a) Fully cooperating with the Human Rights Council and its special procedures;
- (b) Continuously cooperating with and supporting the Office of the United Nations High Commissioner for Human Rights and its activities;
- (c) Working with members and all other stakeholders to continue development of an efficient and effective Human Rights Council;
- (d) Supporting continuous development of an effective universal periodic review mechanism;
- (e) Fully contributing to the active promotion and protection of human rights worldwide, including the implementation of the human rights norms and adequate response to their violations;

- (f) Working within the Human Rights Council to promptly respond to human rights emergencies;
 - (g) Finding innovative ways to promote effective coordination and mainstreaming of human rights within the United Nations system;
 - (h) Strengthening cooperation between Member States, United Nations agencies, other international and regional organizations, national human rights institutions and civil society;
 - (i) Supporting and pursuing international cooperation and dialogue aimed at the improvement of numerous programmes on human rights, gender equality, protection of children, democracy, good governance and the rule of law;
 - (j) Supporting the initiatives at the regional and international levels to combat religious, ethnic, national or linguistic intolerance and assure adequate protection for all minorities, as well as the initiatives to foster interreligious and intercultural dialogue;
 - (k) Confirming and increasing its commitment to implement laws and policies for the prevention and combating of violence against women in all its forms, including domestic violence;
 - (l) Submitting regular periodic reports to the human rights treaty bodies, providing participation of a high-level delegation at its presentations and including all structures of Montenegrin society in further implementation of the recommendations and concluding observations made by those bodies.
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