

Press Release

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Montenegro: "Human rights standards improved. Implementation must follow" says Commissioner Hammarberg

Strasbourg, 8.10.2008 – "Montenegro has taken many positive steps in recent years to upgrade its legislation, but implementation remains weak and standards do not yet find their way into the courtrooms in a consistent way", the Council of Europe's Commissioner for Human Rights, Thomas Hammarberg, concludes in a report published today. The report reflects the findings from his official visit to the country from 2 to 6 June 2008.

Assessing the country's human rights situation, the Commissioner proposes a set of practical recommendations for improvements in relation to the judiciary, police behaviour, media freedom, the treatment of refugees, the integration of the Roma minority, children's rights and the rights of persons with disabilities.

"Corruption and lack of effective investigations and prosecutions for certain types of crimes, including war crimes, are impediments to any effective implementation of human rights standards" the Commissioner says. "It is therefore important to improve the functioning of the judiciary and to make it more effective and efficient."

Commissioner Hammarberg recommends establishing an independent mechanism capable of conducting impartial and effective investigations of cases of police ill-treatment. Moreover, he stresses the need to enhance the legal and medical guarantees for every detainee and improve the conditions of prisoners, including their right to family life.

Minority protection needs to be stepped up by reviewing the current legal framework and increasing minority representation in the public sector. In particular, the Commissioner urges the authorities to improve the living conditions and access to rights of the Roma population.

The status of refugees in the country must be regularised, accompanied by concrete integration opportunities.

Pointing to practical measures to ensure better respect for the rights of persons with disabilities, the Commissioner stresses the importance of developing a comprehensive social policy that also addresses the stigma surrounding these persons and their families. "The authorities should intensify de-institutionalisation efforts by developing community- and alternative-care solutions. The establishment of an independent body to conduct frequent and comprehensive inspections of healthcare facilities would also be an important measure."

"While the media are free in general, subtle pressures and several unsolved incidents have resulted in self-censorship and uncertainty among the profession", the Commissioner says, calling for better respect of media freedom. He recommends the authorities decriminalise defamation and ensure a fully independent media self-regulatory system.

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A political organisation set up in 1949, the Council of Europe works to promote democracy and human rights continent-wide. It also develops common responses to social, cultural and legal challenges in its 47 member states.

On child rights, Commissioner Hammarberg recommends strengthening the existing Ombudsman structure, reactivating the Council for Child Rights and increasing the education offered in rural areas, all measures to make child protection more effective. He reiterates the need to respect children's rights also when they are in conflict with the justice system. "Detaining children should only be a last resort and always for the shortest appropriate period of time as well as geared to their development needs."

The report further emphasises the need to improve women's protection and increase their participation in decision-making processes, to increase support to trafficking victims and better respect for the constitutional rights of lesbian, gay, bisexual and transgender people.

[Link to the report and the Government's comments
Commissioner's website.](#)

The Commissioner for Human Rights is an independent, non-judicial institution within the Council of Europe, mandated to promote awareness of, and respect for, human rights in the 47 member States. Elected by the Parliamentary Assembly of the Council of Europe, the present Commissioner, Mr Thomas Hammarberg, took up his function on 1 April 2006.