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Ministar vanjskih poslova I evropskih integracija Republike  
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18 October 2012

Dear Minister,

**OPEN LETTER: MONTENEGRO'S CANDIDACY FOR ELECTION TO THE UN HUMAN RIGHTS COUNCIL**

We write on the occasion of your country's candidacy for membership of the UN Human Rights Council in the elections scheduled for 12 November 2012. We welcome your submission of election pledges to promote and protect human rights at the national and international levels, as indicated in the Annex to the letter dated 11 June 2012 from the Permanent Representative of Montenegro to the United Nations addressed to the UN Secretary-General.<sup>1</sup>

We recall that, according to General Assembly resolution 60/251, members of the Council shall uphold the highest standards in the promotion and protection of human rights and fully cooperate with the Council.<sup>2</sup> On the occasion of Montenegro's candidacy, we take the opportunity to comment on your election pledges and to note additional opportunities for your government to promote and protect human rights. In doing so, we refer to the guidance of the Office of the High Commissioner for Human Rights on presenting voluntary human rights pledges and commitments, including that such pledges and commitments should be specific, measurable and verifiable.<sup>3</sup>

**Commitments at the international level**

*Ratification of international human rights instruments*

We wish to take this opportunity to encourage you to ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

*Cooperation with the Special Procedures*

We note that Montenegro has issued a standing invitation to the Special Procedures, and we welcome your commitment to cooperate with the Special Procedures. We encourage you to facilitate without further delay the visit requested by the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.

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<sup>1</sup> A/67/123.

<sup>2</sup> A/RES/60/251, para 9.

<sup>3</sup> Office of the High Commissioner for Human Rights, *Suggested Elements for Voluntary Pledges and Commitments by Candidates for Election to the Human Rights Council*, available at <http://www2.ohchr.org/english/bodies/hrcouncil/docs/pledges.pdf>.

### *Cooperation with the treaty monitoring bodies*

We welcome your commitment to submit regular periodic reports to the Treaty Bodies, to participate in sessions, and to include all structures of Montenegrin society in the further implementation of concluding observations and recommendations. In this spirit, we urge you to promptly submit the periodic reports that are due to the Human Rights Committee, the Committee against Torture, the Committee on the Elimination of Racial Discrimination, and the Committee on the Rights of Persons with Disabilities.

### *Engagement with the Universal Periodic Review*

We note your pledge to support continuous development of an effective Universal Periodic Review mechanism. We also note that progress has been made in a number of areas addressed in Montenegro's first review in 2008, including with regard to combating discrimination and improving the rights of Roma to education and adequate housing. We note, however, that obstacles remain with regard to obtaining residency status and guaranteeing the right to adequate housing for Roma refugees from Kosovo. We urge that Montenegro's second review, due to take place in January 2013, be used to address this issue. We also encourage your government to take further steps to end impunity for war crimes, including by ensuring that such cases are conducted in accordance with international standards for fair trial and consistent with international humanitarian law, and that victims are guaranteed access to justice and reparations.

### *Participation in the deliberations of the Human Rights Council*

We note your pledge to fully cooperate with the Human Rights Council, including working with its members and other stakeholders to continue its development into an efficient and effective Council that is able to promptly respond to any human rights emergencies.

In this regard, we urge your government to work with delegations from all regions to ensure that the Council addresses situations of human rights violations, including gross and systematic violations and human rights emergencies, without selectivity or double-standards. We also urge your government to support efforts to ensure that all credible allegations of reprisals or intimidation against persons and groups who have engaged or have sought to engage with the UN human rights machinery are brought to the urgent attention of the Council; that the Council demands the government concerned to ensure that any alleged reprisals are investigated in a prompt, impartial, transparent and effective manner and that perpetrators are held to account; and that the Council requests the government concerned to inform it of measures taken in this regard.

### **Commitments at the national level**

We note your pledge to confirm and implement laws and policies for the prevention and combating of violence against women.

We also call on you to fully implement the provisions of the Anti-Discrimination Law and to make further provisions to combat discrimination against Roma and the LGBT community in Montenegro. We urge you to ensure that Roma whose homes were burnt down in the Konik camp in Podgorica are provided, in the medium term, with adequate alternative accommodation, and that obstacles to the provision of permanent housing are addressed without delay, including through the introduction of a Law on Social Housing.

Following the welcome step taken by the government in 2011 to decriminalize defamation, we urge you to monitor the outcomes of civil defamation cases and to ensure that punitive damages that curb the media or the right to freedom of expression are not imposed. We also call on you to resolve the legacy of political killings and unresolved murders and attacks on journalists.

We further encourage you to strengthen and fully resource the Institution of the Human Rights and Freedoms Ombudsman so that it may adequately discharge its responsibilities as a National Preventive

Mechanism under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

We welcome the pledges and commitments already made by Montenegro, and we urge your government to use this opportunity to further strengthen its election pledges by including the additional elements listed above. We also encourage your government to announce the steps it will take to fulfil its electoral pledges and to regularly inform the General Assembly and the Human Rights Council of progress in implementing these commitments. This could be done, for example, in the form of an oral or written statement to these bodies.

We would be pleased to receive your comments and responses to the issues raised in this letter.

A copy of this letter has been sent to your country's permanent missions in Geneva and New York.

Yours sincerely,

Marek Marczynski  
Deputy Programme Director  
Europe and Central Asia Programme  
Amnesty International