



# International Covenant on Civil and Political Rights

Distr.: General  
7 May 2025

Original: English

## Human Rights Committee

### Concluding observations on the second periodic report of Montenegro\*

1. The Committee considered the second periodic report of Montenegro<sup>1</sup> at its 4187th and 4188th meetings,<sup>2</sup> held on 4 and 5 March 2025. At its 4211th meeting, held on 20 March 2025, it adopted the present concluding observations.

#### A. Introduction

2. The Committee is grateful to the State Party for having accepted the simplified reporting procedure and for submitting its second periodic report in response to the list of issues prior to reporting prepared under that procedure.<sup>3</sup> It expresses appreciation for the opportunity to renew its constructive dialogue with the State Party's high-level delegation on the measures taken during the reporting period to implement the provisions of the Covenant. The Committee thanks the State Party for the oral responses provided by the delegation and for the supplementary information provided to it in writing.

#### B. Positive aspects

3. The Committee welcomes the following legislative, policy and institutional measures taken by the State Party:

(a) The adoption of the Audiovisual Media Services Law and the Media Law and amendments to the Law on the National Public Broadcaster (Radio and Television of Montenegro), strengthening media pluralism and media freedom, in 2024;

(b) The adoption of the Law on Lobbying in 2024, instituting a mandatory register of lobbyists;

(c) Amendments to the Law on the Prevention of Corruption, in 2024, strengthening preventive mechanisms in the fight against corruption and enhancing the work of the Agency for the Prevention of Corruption;

(d) Amendments to the Law on the Judicial Council and Judges and the Law on the State Prosecutor's Office to, inter alia, enhance the independence and accountability of judges and prosecutors;

(e) Amendments to the Law on Legal Aid, in 2024, guaranteeing the right to legal aid for victims of torture, victims of sexual offences, and children initiating proceedings to protect their rights;

\* Adopted by the Committee at its 143rd session (3–28 March 2025).

<sup>1</sup> [CCPR/C/MNE/2](#).

<sup>2</sup> See [CCPR/C/SR.4187](#) and [CCPR/C/SR.4188](#).

<sup>3</sup> [CCPR/C/MNE/QPR/2](#).



- (f) The amendment of the Criminal Code in 2023 ensuring the non-applicability of the statute of limitations to torture;
- (g) The amendment of the Law on Foreigners in 2018 introducing a statelessness determination procedure;
- (h) The Strategy for the Fight against Corruption 2024–2028;
- (i) The Strategy for Investigating War Crimes 2024–2027;
- (j) The Strategy for the Protection of the Rights of Persons with Disabilities from Discrimination and for the Promotion of Equality 2022–2027;
- (k) The Strategy for the Improvement of the Quality of Life of LGBTI Persons 2024–2028;
- (l) The Strategy for Social Inclusion of Roma and Egyptians 2021–2025;
- (m) The National Strategy for Gender Equality 2021–2025;
- (n) The Strategy for Combating Trafficking in Human Beings 2019–2024;
- (o) The Strategy on Migration and Reintegration of Returnees in Montenegro 2021–2025;
- (p) The Strategy for the Execution of Criminal Sanctions 2023–2026;
- (q) The Judicial Reform Strategy 2024–2027;
- (r) The Strategy for the Exercise of the Rights of the Child 2019–2023;
- (s) The Minority Policy Strategy in Montenegro 2024–2028.

## C. Principal matters of concern and recommendations

### Implementation of the Covenant

4. Recalling its previous concluding observations,<sup>4</sup> the Committee remains concerned about the reported lack of awareness of the Covenant and the absence of legal cases in which the Covenant has been invoked in national courts. In addition, the Committee is concerned by the absence of a national mechanism to ensure an inclusive, coordinated and effective approach to reporting to United Nations treaty bodies and implementing their recommendations (art. 2).

**5. The State Party should implement appropriate measures to increase awareness of the Covenant and of the jurisprudence of the Committee, and ensure its application in national courts, including through regular training for judges, prosecutors, lawyers and law enforcement officials. The State Party should also establish a national mechanism for implementation, reporting and follow-up, with the aim of ensuring an inclusive, coordinated and effective approach to reporting to United Nations treaty bodies and implementing related recommendations.**

### National human rights institution

6. Recalling its previous concluding observations (para. 7), the Committee welcomes the delegation's indication that a new law is due to be adopted in 2025 to ensure that the Protector of Human Rights and Freedoms of Montenegro is fully in line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). However, it is concerned that at present, the institution is not sufficiently resourced to carry out its broad mandate fully, that procedures for appointments to the management board and for the recruitment of staff are not sufficient to ensure full independence and autonomy, and that its recommendations are not fully implemented (art. 2).

**7. The State Party should proceed with adopting legislation in 2025 to ensure that the Protector of Human Rights and Freedoms of Montenegro is fully in line with the**

<sup>4</sup> CCPR/C/MNE/CO/1, para. 5.

**principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), including by providing sufficient financial and human resources to ensure that it can effectively carry out its broad mandate and that its recommendations are fully implemented.**

#### **Anti-corruption measures**

8. While noting the important measures taken to address corruption, including a significant increase in indictments and prosecutions of former and sitting high-level officials, the Committee is concerned by the reported persistence of corruption, including in the judiciary, and the low number of final convictions. The Committee is also concerned about the reported ineffectiveness of the Agency for the Prevention of Corruption, including as regards insufficient coordination with the State Prosecution Service (arts. 2 and 25).

#### **9. The State Party should:**

(a) **Expedite the conclusion of ongoing judicial proceedings in cases of corruption involving high-level officials, ensuring that perpetrators, if found guilty, are punished adequately;**

(b) **Enhance the effectiveness and independence of the Agency for the Prevention of Corruption, including by ensuring that it has sufficient financial, human and technical resources to ensure the full implementation of its mandate and by strengthening coordination with the State Prosecution Service;**

(c) **Ensure effective implementation of measures to eradicate corruption within the judiciary and the prosecution service;**

(d) **Strengthen the capacity of police, prosecutors and judges to identify and address corruption effectively, including through the provision of appropriate and regular training;**

(e) **Expedite the planned adoption of a dedicated law for the protection of whistle-blowers that is in full conformity with international standards.**

#### **Accountability for past human rights violations**

10. With reference to its previous concluding observations (para. 9), and the related follow-up evaluation, the Committee welcomes the steps taken by the State Party to address impunity for serious human rights violations committed during the armed conflict in the 1990s, including its cooperation with the International Residual Mechanism for Criminal Tribunals and at the regional level. The Committee also welcomes the reopening of the war crimes cases relating to Morinj, Bukovica, Kaluderski Laz and the deportation of refugees from Herceg Novi, in line with international standards for the prosecution of grave human rights violations. The Committee is nonetheless concerned at the excessive length of the investigations, the lack of progress in concluding ongoing cases and bringing perpetrators to justice and the absence of prosecutions based on command responsibility (arts. 2, 6, 7, 14–16 and 26).

**11. The State Party should strengthen capacity for the prompt and effective investigation and prosecution of war crimes cases, including by ensuring that all prosecutorial positions are filled and that judges and prosecutors receive an institutionalized programme of specialized training on international criminal and humanitarian law, victims' rights, and best practices in handling war crimes cases. The State Party should expedite the conclusion of ongoing cases and investigate, and where appropriate prosecute, cases relating to command responsibility.**

12. The Committee is concerned by the lack of a comprehensive reparations policy for victims of war crimes that, in addition to compensation, includes measures of restitution, satisfaction and rehabilitation and guarantees of non-recurrence. The Committee also expresses its concern at reports that access to compensation for victims of war crimes is hindered by obstacles including statutes of limitations and nationality restrictions. The Committee welcomes the delegation's indication that enforced disappearance is to be criminalized as a stand-alone offence in the Criminal Code but is concerned at the lack of

progress in clarifying the fate and whereabouts of persons who went missing during the war, including victims of enforced disappearance.

**13. The State Party should adopt, within the broader framework of transitional justice and in consultation with victims and civil society organizations, a comprehensive reparations policy that addresses compensation, rehabilitation, satisfaction and restitution, and guarantees of non-recurrence, taking into account the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law. This should include:**

(a) **Ensuring that all victims receive full reparation for human rights violations committed during the war, including by removing obstacles that hinder access to compensation, such as statutes of limitations and nationality restrictions;**

(b) **Ensuring effective access to adequate legal aid for victims to pursue claims, including for the families of missing persons;**

(c) **Enhancing efforts to clarify the fate and whereabouts of persons who went missing during the war, some of whom may have been victims of enforced disappearance, informing victims' families regularly about the status and outcome of investigations;**

(d) **Proceeding with amendment of the Criminal Code to establish enforced disappearance as a stand-alone offence;**

(e) **Strengthening support for civil society's efforts to assist victims and for memorialization.**

#### **Non-discrimination and hate speech**

14. While noting the existence of a legislative and policy framework to combat discrimination, including hate speech, the Committee is concerned about the high level of hate speech in public discourse online and in traditional media, at sports events and in schools, directed in particular against political opponents, ethnic, religious and national groups including Roma, Ashkali and Egyptians, women, lesbian, gay, bisexual and transgender persons, persons living in poverty and persons with disabilities. The Committee is also concerned about reports of negationist discourse in relation to war crimes and glorification of war criminals, including by politicians, and an insufficient response to such discourse. The Committee is further concerned at the lack of awareness among the general public of available avenues for redress in regard to hate speech, and that when cases are brought, the penalties applied do not serve as a sufficient deterrent (arts. 2, 20, 26 and 27).

**15. The State Party should strengthen its efforts to combat hate speech and hate motivated violence by, inter alia:**

(a) **Ensuring that alleged hate crimes are thoroughly investigated and prosecuted, that the perpetrators, if convicted, are punished with sanctions commensurate with the seriousness of the offence and that victims have access to full reparation;**

(b) **Ensuring effective monitoring of hate speech and hate crime through the systematic collection of data on related complaints and their outcomes;**

(c) **Taking effective measures to prevent and publicly condemn hate speech and historical revisionism relating to war crimes, in particular by politicians and public officials, including measures to ensure the dissemination of accurate accounts of historical human rights violations;**

(d) **Increasing the provision of special training for law enforcement officials, prosecutors and judges on the identification and prosecution of hate speech and historical revisionism and other forms of hate crimes;**

(e) **Enhancing measures to tackle the prevalence of online hate speech, in close cooperation with Internet service providers, social networking platforms and the groups most affected by hate speech;**

(f) **Promoting respect for diversity and raising awareness of the prohibition of hate crimes and of channels to report such crimes, including through public information campaigns and related measures outlined in the National Media Strategy 2023–2027.**

#### **Discrimination on the grounds of sexual orientation and gender identity**

16. With reference to its previous concluding observations (para. 8), the Committee remains concerned at the high level of prejudice against lesbian, gay, bisexual and transgender persons, which is manifested in diverse forms of discrimination including hate speech and some instances of violent acts. The Committee is also concerned about the reportedly limited accountability of perpetrators of such acts. The Committee welcomes the adoption of the Law on Life Partnership of Same-Sex Persons, in July 2020, but is concerned that its effective implementation appears to have been hampered by the failure to amend relevant legislation accordingly. The Committee welcomes the development of the draft Law on Legal Gender Recognition based on Self-Determination but regrets its delayed adoption (arts. 2, 7, 20, and 26).

17. **The State Party should redouble its efforts to combat discrimination, stereotypes and prejudice against lesbian, gay, bisexual and transgender persons. In this connection, the State Party should:**

(a) **Continue combating stereotypes about, and negative attitudes towards, persons on the basis of their real or perceived sexual orientation or gender identity, including through public information campaigns and education programmes in schools that provide students with full, accurate and age-appropriate information on sexuality and different gender identities;**

(b) **Reinforce the legal framework to promote the equal rights of lesbian, gay, bisexual and transgender persons, notably by adopting the draft Law on Legal Gender Recognition based on Self-Determination, ensuring that it clearly prohibits forced medical sterilization or other inhumane medical procedures;**

(c) **Adopt the necessary legal amendments to ensure effective implementation of the Law on Life Partnership of Same-Sex Persons, enacted in July 2020;**

(d) **Ensure that hate speech and violence motivated by a victim's sexual orientation or gender identity committed by individuals or State officials are investigated promptly, that those responsible are brought to justice and, if convicted, appropriately punished, and that the victims receive comprehensive reparations, including rehabilitation and compensation.**

#### **Discrimination against Roma, Ashkali and Egyptians**

18. With reference to its previous concluding observations (para. 19), the Committee acknowledges the steps taken to address discrimination against Roma, Ashkali and Egyptians but remains concerned about the marginalization of these groups, including with regard to inadequate housing and unequal access to formal employment. The Committee is concerned that despite progress achieved in access to education, the secondary school completion rate among Roma, Ashkali and Egyptian children remains low. The Committee is also concerned about the lack of political representation of these minority groups, including in the national Parliament (arts. 2, 24, 25, 26 and 27).

19. **The State Party should continue and reinforce its efforts to address discrimination against and marginalization of Roma, Ashkali and Egyptians, notably in the areas of housing, employment and education. To this end, it should increase the number of mediators serving these groups and integrate them into the public administration with adequate and sustainable funding. It should also take appropriate measures to increase the participation of Roma, Ashkali and Egyptians in public and political life, including by amending electoral legislation to ensure effective representation in the national Parliament.**

### Gender equality

20. Recalling its previous concluding observations (para. 10), the Committee acknowledges steps taken by the State Party to promote gender equality, including the introduction of a Gender Equality Index and gender mainstreaming in public policymaking. The Committee remains concerned, however, about the prevalence of patriarchal attitudes and behaviours, including a reported rise in hate speech and violence towards women in political and public life. The Committee is concerned by the continued low representation of women in political and public life, especially in high-level decision-making and leadership positions, including in government. While noting that figures indicate a fall in sex-selective abortions, and acknowledging the challenges in data collection linked to privacy rights, the Committee regrets the lack of information provided by the State Party on measures taken to prevent, monitor and, where applicable, investigate this practice (arts. 2, 3 and 23–25).

**21. The State Party should:**

(a) **Combat gender-based stereotypes and hate speech towards women, in particular women working in politics and the media, including through engagement with the media, civil society organizations and other relevant stakeholders;**

(b) **Take appropriate measures to increase the proportion of women in political and public life, including through effective enforcement of the Law on Gender Equality, with a view to achieving gender parity;**

(c) **Take proactive measures to prevent, detect and, where applicable, investigate the practice of sex-selective abortion, including through awareness-raising campaigns with the involvement of medical professionals.**

### Violence against women

22. Recalling its previous concluding observations (para. 11), the Committee welcomes notable steps taken to strengthen the legislative and policy framework for combating violence against women. The Committee is nonetheless concerned about the reportedly high level of societal tolerance for and prevalence of gender-based violence and about reported gaps in implementation of the framework in place. While noting amendments to the Criminal Code in December 2023 that classified a greater number of actions as criminal offences rather than as misdemeanours, and that increased penalties, the Committee is concerned that domestic violence is still often prosecuted as a misdemeanour, and when it is prosecuted as a crime it often results in lenient sanctions. Noting that legislative action is under consideration to criminalize femicide as a specific crime, the Committee is nevertheless concerned about inconsistencies in existing legislative provisions and the lack of adequate and systematic assessment of the risk of femicide. The Committee is also concerned by reports that access to shelters and specialized support, in particular psychosocial support for victims of sexual violence, is not consistently ensured throughout the territory of the State Party (arts. 2, 3, 6, 7 and 26).

**23. The State Party should:**

(a) **Continue and strengthen its efforts to combat and prevent gender-based violence against women and to ensure that perpetrators are prosecuted and, if convicted, adequately punished;**

(b) **Proceed with amendments to the Law on Protection against Domestic Violence to ensure its compliance with the Covenant and the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention);**

(c) **Explicitly criminalize femicide in the Criminal Code and ensure effective risk assessment by law enforcement officials handling gender-based violence cases;**

(d) **Ensure that all victims receive full reparations, including adequate compensation, and have access to shelters and to appropriate protection and assistance, including psychosocial assistance;**

(e) **Continue and expand the training of public officials, including judges, prosecutors, lawyers and law enforcement officers, on identifying and handling cases of violence against women, including femicide and domestic and sexual violence;**

(f) **Strengthen public awareness-raising campaigns in order to address social and cultural patterns and stereotypes that facilitate tolerance of gender-based violence.**

#### **Violence against children**

24. While welcoming the various measures taken by the State Party to combat violence against children, including stricter penalties for sexual abuse and other crimes against children and the establishment of a sex offender registry, the Committee is concerned about reports indicating a high prevalence of violence against children, including sexual violence, domestic violence, peer violence and online abuse. The Committee is also concerned at reports indicating unstable or inadequate funding for related services, in particular for prevention and early intervention programmes (arts. 2, 3, 6, 7, 24 and 26).

25. **The State Party should:**

(a) **Increase investment in prevention of violence against children, including through the expansion of prevention and early intervention programmes in schools, parenting programmes, and measures to address the reportedly high level of societal acceptance of violence against children in family settings;**

(b) **Strengthen measures to prevent and combat online sexual exploitation and grooming of children, including through comprehensive data collection;**

(c) **Increase the number of staff in social welfare centres and build their capacity to provide adequate services to child victims of violence;**

(d) **Improve collaboration between schools, law enforcement agencies and social services in order to improve prevention mechanisms, reporting structures, and victim support services, including legal, psychological, and social support services;**

(e) **Allocate adequate human and financial resources to implement all measures in the Strategy for the Prevention and Protection of Children from Violence 2025–2029, particularly for the Children’s House (Barnahus) service for child victims of violence, exploitation and abuse.**

#### **Child marriage**

26. Recalling the Committee’s previous concluding observations (para. 20) and while welcoming steps taken to address the persistence of child marriage, in particular among Roma, Ashkali and Egyptians, the Committee is concerned that the law does not prohibit child marriage without exception, and regrets the lack of data provided on the impact of measures taken to address this practice (arts. 2, 3, 24 and 26).

27. **The State Party should continue outreach activities targeting Roma, Ashkali and Egyptian communities and amend the Family Law to raise the minimum age for marriage to 18 years of age without exception. The State Party should also ensure that an effective monitoring mechanism is in place and that it has the capacity to address identified cases.**

#### **Prohibition of torture and other cruel, inhuman or degrading treatment or punishment**

28. Recalling its previous concluding observations (para. 12), the Committee welcomes certain steps taken, such as increased penalties for torture introduced in 2023, the abolition of the statute of limitations for torture in June 2024 and the extension of free legal aid to victims of torture in December 2024. The Committee nonetheless remains concerned about reports of torture and ill-treatment in police and correctional facilities, as well as the limited accountability for perpetrators of abuse, including the leniency of disciplinary and criminal sanctions, such as the use of suspended sentences. The Committee is also concerned about the lack of impartiality and effectiveness of investigations, noting that police officers who are under investigation for torture or ill-treatment are only suspended when criminal

proceedings have been initiated, at the earliest. The Committee is furthermore concerned by reports that medical examinations performed in places of detention are not in conformity with the standards outlined in the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol), notably with regard to the documentation of medical examinations following incidents (art. 7).

**29. The State Party should:**

(a) **Conduct prompt, thorough and impartial investigations into all allegations of torture and inhuman and degrading treatment, ensuring that perpetrators are prosecuted and, if found guilty, punished with penalties commensurate with the gravity of the crime committed;**

(b) **Ensure that investigations into allegations of torture and inhuman and degrading treatment, including related medical examinations, are carried out in line with the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol);**

(c) **Ensure that, in cases of alleged torture or ill-treatment, suspected perpetrators are suspended from official duties immediately and for the duration of the investigation, including the preliminary investigation phase, particularly when there is a risk that they might otherwise be in a position to repeat the alleged act, commit reprisals against the alleged victim or obstruct the investigation;**

(d) **Provide victims with full reparations, including rehabilitation and adequate compensation;**

(e) **Strengthen and expand prevention measures, including through the systematic video and audio recording of police interrogations and relevant training for judges, prosecutors and all categories of law enforcement officials, including on the Principles on Effective Interviewing for Investigations and Information-Gathering (the Méndez Principles).**

**Conditions in places of deprivation of liberty**

30. While noting ongoing efforts to improve conditions in places of detention, including the announced or ongoing construction of new prison facilities, the Committee is concerned that overcrowding and inadequate material and sanitary conditions remain serious issues in certain locations, including police custody and remand facilities. The Committee welcomes the measures planned by the State Party to reduce overcrowding and improve conditions for persons detained in psychiatric hospitals, notably through the ongoing construction of the “Special Hospital” within the prison complex in Spuž and the adoption of a deinstitutionalization strategy (2025–2028) in December 2024. The Committee is nonetheless concerned at the reported slow progress in providing community-based treatment options, and that overcrowding persists (art. 10).

**31. The State Party should continue to take effective measures to ensure that the conditions of detention are in full compliance with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) and other relevant international standards. It should, in particular:**

(a) **Enhance the measures designed to end and prevent overcrowding, particularly by expediting the construction of new prison facilities as well as through a wider application of alternatives to pretrial detention and non-custodial prison sentences, as provided for in the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules);**

(b) **Address overcrowding in psychiatric hospitals where persons are detained, notably by expediting the construction of the “Special Hospital” within the prison complex in Spuž and ensuring adequate resourcing and effective implementation of the deinstitutionalization strategy (2025–2028) adopted in December 2024;**

(c) **Intensify its efforts to improve material conditions in all places of deprivation of liberty, including through the renovation of existing facilities.**



### **Trafficking in persons**

32. Recalling its previous concluding observations (para. 14), the Committee welcomes the State Party's continued efforts to combat trafficking in persons, including through increased investigation and prosecution, the introduction of a non-punishment clause for victims of trafficking in persons and the establishment of child trafficking as a distinct criminal offence. The Committee is nonetheless concerned at the reported shortcomings in the identification of victims, particularly for the purposes of labour exploitation and sexual exploitation, and at the lack of shelters and specialized support, particularly outside of the central region (art. 8).

**33. The State Party should:**

- (a) **Enhance identification of victims or potential victims, particularly among groups in situations of vulnerability, including seasonal workers, migrants in transit, asylum-seekers, Roma, Ashkali and Egyptians;**
- (b) **Strengthen the Anti-Trafficking Unit, including by increasing resources and assigning specialized officers to regional offices;**
- (c) **Strengthen the capacity of labour inspectors and law enforcement officials to better detect and respond to trafficking, particularly in labour and sexual exploitation cases;**
- (d) **Expand shelter capacity and establish separate facilities for child and adult male victims, ensuring adequate provision throughout the State Party;**
- (e) **Ensure access to adequate, sustainable, State-funded victim support, including for legal assistance, psychosocial support and reintegration programmes;**
- (f) **Improve access to compensation, including by ensuring that victims are informed of their right to compensation during legal proceedings.**

### **Migrants, asylum-seekers and non-refoulement**

34. The Committee welcomes the adoption of the Law on Temporary and International Protection of Foreigners, in 2016, and expresses appreciation for the temporary protection regime put in place by the State Party in 2022 to respond to mass arrivals of refugees from Ukraine. The Committee is nevertheless concerned by reports that effective access to asylum procedures is not systematically ensured, including reports of pushbacks at borders, as well as alleged cases of ill-treatment of migrants and asylum-seekers entering the State Party's territory irregularly (arts. 7 and 13).

**35. The State Party should:**

- (a) **Take concrete measures to ensure protection-focused management of borders and respect for the principle of non-refoulement, including by ensuring effective implementation of the Law on Temporary and International Protection of Foreigners;**
- (b) **Provide effective access to complaint mechanisms and ensure that all allegations of pushbacks and ill-treatment at borders are promptly, thoroughly and independently investigated and that the perpetrators, if found guilty, are punished with sanctions commensurate with the seriousness of the offence;**
- (c) **Provide adequate training for border control personnel and other relevant officials on international standards, including on the principle of non-refoulement, and on the identification and referral of persons with specific vulnerabilities and protection needs;**
- (d) **Ensure effective access for independent monitoring of border management and immigration detention facilities.**

### **Administration of justice and independence of the judiciary**

36. Recalling its previous concluding observations (para. 15), the Committee welcomes amendments in June 2024 to the Law on the Judicial Council and Judges, which, inter alia,

strengthen safeguards against political influence and conflicts of interest. It also welcomes the indication by the delegation during the dialogue that the Constitution will be amended to end the Minister of Justice's membership in the Judicial Council. The Committee is concerned about the lack of clarity regarding the retirement age for members of the Constitutional Court and the enforcement of term limits for court presidents. The Committee regrets the excessive duration of judicial proceedings, noting major case backlogs in criminal, civil and administrative proceedings as well as in the Constitutional Court. The Committee is concerned by the reported lack of judges and court personnel, as well as the unsatisfactory working conditions for judges and prosecutors, including an insufficient number of courtrooms and chambers for investigation (art. 14).

**37. The State Party should continue its efforts to strengthen the independence of the judiciary, notably by ensuring effective implementation of the Law on the Judicial Council and Judges, including with regard to enforcement of term limits for the position of court president. It should also take the necessary measures to clarify the retirement age for members of the Constitutional Court. The State Party should also substantially increase funding for the justice system to address inefficiencies and delays and reduce case backlogs. This should include increasing the number of judges and court personnel, and enhancing court facilities.**

#### **Legal aid**

38. Recalling its previous concluding observations (para. 16), the Committee welcomes amendments to the Law on Legal Aid in 2024 which strengthen procedural guarantees and extend the right to legal aid to victims of torture, victims of sexual offences, and children initiating proceedings to protect their rights. The Committee is nonetheless concerned by reports that victims of trafficking and persons applying for international protection face challenges in securing effective access to free legal aid, that victims of domestic violence are unable to access legal aid if they have previously withdrawn a lawsuit, and that non-governmental organizations are not eligible to receive State funding for the provision of free legal assistance. The Committee is also concerned by reports that free legal aid is not available to persons at risk of statelessness and persons in need of international protection during birth registration, statelessness determination and refugee status determination procedures, with the exception of appeals relating to refugee status determination procedures before the Administrative Court (art. 14).

**39. The State Party should take the measures necessary to ensure effective access to free legal aid for victims of trafficking in persons and persons applying for international protection, remove obstacles to obtaining legal aid for victims of domestic violence, and amend the Law on Free Legal Aid to allow non-governmental organizations to provide State-sponsored free legal aid. The State Party should amend the Law on Free Legal Aid and other relevant legislation to extend the availability of free legal aid to all persons at risk of statelessness and persons in need of international protection for birth registration, statelessness determination and refugee status determination procedures, at both the application and the appeal stages.**

#### **Right to privacy**

40. The Committee acknowledges measures taken to strengthen the Agency for Personal Data Protection and Free Access to Information, which include increased staffing. It also notes training initiatives in data protection and privacy rights provided to that Agency's staff and other public officials, non-governmental organizations, media organizations and the general public. However, the Committee is concerned about allegations of unlawful surveillance ordered by a former director of the National Security Agency, and the inadequacy of the existing privacy safeguards in the Law on the National Security Agency, noting that article 8 of that law allows access to databases held by legal persons, including banks and non-governmental organizations, without court authorization (art. 17).

**41. The State Party should continue its efforts to raise awareness of data protection and privacy rights and expedite the adoption of the draft law amending the Law on the National Security Agency, ensuring that it contains legal and procedural safeguards to**

**prevent the misuse of surveillance powers, in full compliance with the Covenant and relevant international standards.**

#### **Freedom of conscience and religious belief**

42. While welcoming the State Party's efforts to ensure freedom of religion, notably through legislative measures to prohibit religious discrimination and through cooperation with its various religious communities, the Committee is concerned about the reported rise in religious hate speech, in particular against Muslims. The Committee takes note of the delegation's indication that a law governing restitution of property to religious communities will be adopted, but regrets the lack of information provided regarding religious property disputes, which does not allow it to make an informed assessment of such disputes (art. 18).

**43. The State Party should take appropriate measures to combat and prevent hate speech against religious groups, including measures to prevent or resolve property disputes between religious communities. The State Party should also take the necessary actions to resolve property disputes between religious groups and the State, including by adopting a law governing restitution of property to religious communities that is fully compliant with the provisions of the Covenant.**

#### **Freedom of expression**

44. Recalling its previous concluding observations (para. 21), the Committee welcomes measures taken by the State Party to improve the safety of journalists, notably the adoption of mandatory guidelines for prosecutors to handle cases of attacks against journalists, amendments to the Criminal Code to strengthen the criminal law protection of journalists, and the active support for the multi-stakeholder Commission for Monitoring Attacks on Journalists which includes two prosecutors. The Committee nonetheless remains concerned about the reportedly increased prevalence of threats and attacks against journalists in recent years and the lack of full accountability in older cases, in particular the assassination of journalist Duško Jovanović in 2004 and the 2018 shooting of Olivera Lakić (arts. 2, 6, 7 and 19).

**45. In accordance with the Committee's general comment No. 34 (2011) on the freedoms of opinion and expression, the State Party should:**

**(a) Ensure the prompt, independent and impartial investigation of all reported cases of threats and violent attacks against journalists, prosecute suspected perpetrators, try them expeditiously and, if found guilty, punish them with penalties commensurate with the seriousness of the offence and provide victims with reparations;**

**(b) Ensure that the Commission for Monitoring Attacks on Journalists has access to all the information it needs to carry out its functions effectively and that it is adequately resourced;**

**(c) Set up a national mechanism for the safety of journalists and media workers, that deals with prevention of and response to attacks on media personnel.**

46. The Committee is concerned about the reported prevalence of strategic lawsuits against public participation, often in the form of defamation lawsuits designed to intimidate and silence journalists and media workers reporting on matters of public interest. The Committee regrets the lack of information received from the State Party regarding the outcomes of such cases and the available remedies for journalists and media workers. Noting the planned adoption of a revised law on access to information in line with international standards and the State Party's intent to proactively make more information publicly available, the Committee nonetheless regrets the lack of information received about reports of a growing trend of classifying public information without clear justification, and the uncertainty as to how the revised law would address this concern. While noting the availability of judicial remedies when public authorities do not respond to or delay responding to requests for information, the Committee is concerned about the high number of complaints filed in this regard (art. 19).

47. **The State Party should:**

(a) **Ensure that safeguards are in place to prevent the use of strategic lawsuits against public participation to target or restrict the activities of journalists, human rights defenders and the media or to discourage the publication of critical information on matters of public interest;**

(b) **Expedite the development and adoption of a revised law on access to information in line with international standards, ensuring, inter alia, that it guarantees to individuals the widest possible access to information of public interest, and that restrictions are minimal and clearly defined;**

(c) **Take necessary measures to ensure that requests for access to information are promptly and appropriately responded to by authorities;**

(d) **Continue and expand efforts to proactively make more information publicly available, including online, in officially used languages and in accessible formats for persons with different types of disabilities.**

**Freedom of association**

48. While acknowledging the open and pluralistic civic space in the State Party, the Committee is concerned at reports that civil society, including non-governmental organizations promoting human rights or democracy, or defending the rights of women and lesbian, gay, bisexual or transgender persons, or working on corruption, face intimidation, hate speech and sometimes physical attacks, and have been subjected to threats and verbal attacks by senior politicians. While noting that civil society's role in legislative and policymaking processes is formalized in law, the Committee is concerned by reports that civil society is not systematically consulted or afforded meaningful participation in such processes (art. 22).

49. **The State Party should take all steps necessary to guarantee, in law and in practice, the effective exercise of the right to freedom of association and a safe and enabling environment for non-governmental organizations. It should take appropriate measures to ensure the effective participation of civil society in legislative and policymaking processes and ensure that threats, hate speech and violent acts against members of civil society are investigated and that perpetrators, if found guilty of criminal acts, are punished adequately.**

**Participation in public affairs**

50. While noting that a process for comprehensive reform of the electoral framework has been established in Parliament, the Committee is concerned at the slow progress in making the necessary reforms to ensure its conformity with the Covenant and relevant international standards. The Committee is concerned that the current framework does not ensure adequate regulation and oversight of campaign financing, including with regard to the regulation of third-party campaigning, loans and in-kind donations (art. 25).

51. **The State Party should accelerate reform of its electoral framework to ensure its conformity with the Covenant and relevant international standards. In this regard, it should expedite amendments to the Law on Financing of Political Entities and Election Campaigns to ensure the effective and transparent monitoring of campaign financing and dissuasive sanctions for violations, including by enhancing the monitoring powers of the Agency for the Prevention of Corruption.**

**D. Dissemination and follow-up**

52. **The State Party should widely disseminate the Covenant, the two Optional Protocols thereto, its second periodic report and the present concluding observations, with a view to raising awareness of the rights enshrined in the Covenant among the judicial, legislative and administrative authorities, civil society and non-governmental organizations operating in the country, and the general public. The State Party should**

ensure that the periodic report and the present concluding observations are translated into the official language of the State Party.

53. In accordance with rule 75 (1) of the Committee's rules of procedure, the State Party is requested to provide, by 28 March 2028, information on the implementation of the recommendations made by the Committee in paragraphs 17 (discrimination on the grounds of sexual orientation and gender identity), 31 (conditions in places of deprivation of liberty) and 47 (freedom of expression) above.

54. In line with the Committee's predictable review cycle, the State Party will receive in 2031 the Committee's list of issues prior to submission of the report and will be expected to submit within one year its replies, which will constitute its third periodic report. The Committee requests the State Party, in preparing the report, to broadly consult civil society and non-governmental organizations operating in the country. In accordance with General Assembly resolution 68/268, the word limit for the report is 21,200 words. The next constructive dialogue with the State Party will take place in Geneva in 2033.

---