



Organization for Security and Co-operation in Europe (OSCE)

Office for Democratic Institutions and Human Rights (ODIHR)

Assessment visit to Montenegro, focusing on the situation of human rights defenders¹

25 August - 1 September 2018

Background

OSCE participating States have recognized “the right of every individual to know and act upon his [her] rights and duties”² and “emphasized the need for protection of human rights defenders”³.

In line with its mandate to monitor the implementation of human dimension commitments,⁴ OSCE/ODIHR will undertake assessment country visits in 2018 to a number of OSCE participating States to identify challenges and good practices in the protection of human rights defenders, thereby launching the first country-specific assessment cycle focused on the situation of human rights defenders. ODIHR will visit Montenegro as part of the first assessment cycle.

Objectives

The ODIHR visit will provide an independent and impartial assessment, taking into account relevant gender considerations, which will be of use to State and civil society actors in Montenegro in strengthening the protection of human rights defenders of all genders. Following the visit, ODIHR will make recommendations to relevant State actors regarding how identified challenges and protection gaps could be addressed. The findings of the visit and ODIHR recommendations will be summarized in *a country-specific assessment report (not public)*, which will be shared with the authorities of Montenegro and will serve as a reference for joint follow-up action.

In 2019, ODIHR will issue *the final assessment report on the situation of human rights defenders (a public report)* which will provide an overview and analysis of findings of all assessment country visits undertaken within the first assessment cycle. Following the structure of the *OSCE/ODIHR Guidelines on the Protection of Human Rights Defenders*⁵ and ODIHR’s 2017 report on “*The Responsibility of States*”: *Protection of Human Rights Defenders in the OSCE Region (2014-2016)*⁶, the final report will cover the following themes: (I) Physical Integrity, Liberty and Security, and Dignity of Human Rights Defenders; (II) A Safe and Enabling Environment Conducive to Human Rights Work; and (III) Framework for Implementation of the Guidelines.

¹ In line with the *UN Declaration on Human Rights Defenders* and the *OSCE/ODIHR Guidelines on the Protection of Human Rights Defenders*, human rights defenders are individuals, who act “individually or in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms” at the local, national, regional and international levels. They recognize the universality of human rights for all without distinction of any kind, and they defend human rights by peaceful means.

² Helsinki 1975

³ Budapest 1994

⁴ Helsinki 1992, Budapest 1994, Oslo 1998, Maastricht 2003

⁵ Available at: <https://www.osce.org/odihr/guidelines-on-the-protection-of-human-rights-defenders>

⁶ Available at: <https://www.osce.org/odihr/341366>

Methodology and ODIHR teams

During the visit, ODIHR will hold meetings with State authorities including the Ministry of Foreign Affairs; Ministry of Human and Minority Rights; Ministry of Justice; Ministry of Interior; Prosecutor's Office; National Security Agency; Council on Gender Equality; Council for Social Protection of Persons with Disabilities; Council for Civil Control of the Police; Council of Ethnic and National Minorities and relevant Committees of the Parliament of Montenegro. ODIHR will also hold meetings with the Protector for Human Rights and Freedoms and civil society organizations and human rights defenders working on a range of human rights issues in Montenegro.

The ODIHR delegation will consist of four staff members, who will work in teams of two. Mr. Omer Fisher, Head of ODIHR's Human Rights Department and Ms. Dilnoza Satarova, Human Rights Adviser, will attend meetings with relevant state bodies; Mr. Johannes Heiler, Adviser on Human Rights and Anti-Terrorism Issues, and Ms Marharyta Zhesko, Associate Programme Officer, will conduct meetings with non-state actors. The ODIHR teams will be accompanied by English-Montenegrin interpreters.

Scope of the visit

During the assessment visit, ODIHR will seek to collect information about the situation of human rights defenders in Montenegro and the measures and mechanisms put in place to protect human rights defenders, including challenges and good practices in this area. This will include information regarding the legislative, institutional and policy framework pertaining to the work and protection of human rights defenders. ODIHR will also gather information about challenges and good practices regarding the facilitation of a safe and enabling environment conducive to human rights work, including information about individual cases of human rights defenders. Furthermore, ODIHR will seek to collect information about efforts of relevant state bodies to apply a gender-sensitive approach to their work with human rights defenders on issues concerning the work and/or safety and security of human rights defenders.⁷

In particular, during meetings with State bodies, ODIHR will seek information about:

- The work of relevant state bodies on issues concerning human rights defenders, including the nature of work, challenges, good practices, programmes and policies, gender-sensitive measures to protect human rights defenders and to facilitate their work, co-operation with human rights defenders and civil society at large;
- Legislative/policy framework governing the work of relevant state bodies on issues concerning human rights defenders (gaps in legislation, areas for improvement, good practices);
- Assessment of relevant state bodies of the situation of human rights defenders in Montenegro, with regard to their protection (legal framework, challenges, good practices, solutions adopted to overcome challenges, etc.), including in the following areas:
 - Protection of human rights defenders (men, women, LGBTI and other genders) from threats, attacks, harassment, arbitrary abuse and detention, and other abuses related to their human rights work; specific issues human rights defenders with disability face in this regard, and relevant protection measures.

⁷ In the framework of the visit to Montenegro, on 30 August 2018, ODIHR will convene a one-day roundtable meeting in Podgorica for relevant State and civil society actors to discuss the situation of human rights defenders in Montenegro; the discussions at the meeting will contribute to ODIHR's assessment.

- Addressing stigmatization and marginalization of human rights defenders; gender-sensitive protection measures.
- Assessment of relevant state bodies of the environment in which human rights defenders operate (legal framework, challenges, good practices, solutions adopted to overcome challenges, etc.), including in the following areas:
 - Freedom of opinion and expression and of information, including legal and other safeguards to protect journalists;
 - Freedom of peaceful assembly;
 - Freedom of association and the right to form, join and participate effectively in NGOs;
 - The right to participate in public affairs;
 - Freedom of movement and human rights work across borders;
 - Right to private life;
 - Right to access and communicate with international bodies.
 - Relevant gender considerations with regards to ensuring the
- Implementation of the OSCE commitments and standards enshrined in the *OSCE/ODIHR Guidelines on the Protection of Human Rights Defenders* in relevant state bodies (Are the Guidelines known to staff working with human rights defenders? Would relevant state bodies be interested in capacity building for staff on standards pertaining to the protection of human rights defenders? etc.).

Require additional information?

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