

Montenegro

EXECUTION OF THE EUROPEAN COURT OF HUMAN RIGHTS' JUDGMENTS

MAIN ACHIEVEMENTS IN MEMBER STATES

The present survey presents short summaries¹ of a selection of the main reforms and achievements reported in final resolutions since the Convention system was amended in 1998 by Protocol No. 11, with a clear focus on recent reforms referring, however, also to important earlier developments.

In view of the wealth of cases closed, the selection concentrates on those which have led to changes of legislation or government regulations or the adoption of new policies or general guidelines from superior courts. As a rule, the survey does not cover information on measures aiming at providing individual redress to applicants.

The presentation is organised country-by-country and reforms are, in principle, presented in the order corresponding to the thematic domains used in the Council of Europe's specialised database HUDOC EXEC and the Committee of Ministers' Annual Reports on the Supervision of the Execution of the European Court of Human Rights' judgments.

Many reforms address issues which appear to be on-going challenges in the member State. The effects of reforms adopted at one point in time may thus need to be monitored and possibly re-evaluated as conditions change.²

¹ The summaries are the sole responsibility of the Department for the execution of the judgments of the European Court of Human Rights.

² The presentation is limited to the information provided at the time of the adoption of the final resolution. It is recalled in this context that the Committee of Ministers has issued [Recommendation \(2004\)5](#) on the verification of the compatibility of draft laws, existing laws and administrative practice with standards laid down in the European Convention on Human Rights.

► *Conditions of detention / remedies*

Following amendments to the Code of Criminal Procedure in 2015, conditions of detention in remand centres were improved in line with CPT standards: detention facilities have been renovated, overcrowding has been eliminated, and outdoor exercise and other activities increased, notably through introduction of alternatives to detention.

Bulatović (67320/10)
Final Resolution
CM/ResDH(2017)35

► *Right to liberty and security*

Two binding legal opinions of the Supreme Court in 2017 introduced an obligation on domestic courts to clearly indicate, in rulings ordering or extending detention on remand, the existence of a reasonable suspicion that a defendant committed a crime, and to respect the statutory time-limits for re-examination of the grounds for detention.

Mugoša (76522/12)
Final Resolution
CM/ResDH(2017)141

► *Functioning of justice*

➤ Execution of final judicial decisions

By the Enforcement Act of 2011, the enforcement of final decisions was entrusted to public enforcement officers with the goal to reduce workload in courts and increase efficiency of enforcement proceedings in general. The Act included special provisions concerning enforcement of decisions in respect of child maintenance imposing special diligence.

Boucke (26945/06)
Final Resolution
CM/ResDH(2016)165

➤ Remedies against excessive length of proceedings

Following amendments to Civil Procedure Law in 2015, civil and labour proceedings became more efficient, notably through the abolition of multiple remittal possibilities, the tightening of procedural deadlines and the creation of alternative dispute resolution options. Effective domestic remedies to complain about excessive length of proceedings were also introduced.

Stakić (49320/07+)
Final Resolution
CM/ResDH(2017)38

► *Freedom of expression*

Defamation and insult were decriminalised following amendments to the Criminal Code in 2011.

Šabanović (5995/06)
Final Resolution
CM/ResDH(2016)44

► *Protection of property rights*

➤ Suspension of pension rights

The possibility to repeal or restrict a person's acquired pension rights should he or she resume work or establish a private practice was repealed in the Law on Pension and Disability Insurance in 2008.

Lakićević and Others
(27458/06+)
Final Resolution
CM/ResDH(2013)91

➤ Deprivation of land on the coast

In 2020 the Supreme Court revised its case-law relating to property rights in coastal zone and adopted a legal position of principle concerning the status of privately-owned land in the coastal zone.

Nešić (12131/18)
Final Resolution
CM/ResDH(2023)427