MONTENEGRO

Department for the Execution of Judgments of the European Court of Human Rights

Directorate General
Human Rights and Rule of law

Country factsheet

Last update
11 June 2026

COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

French version:
Fiche pays du Monténégro

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Cover design and layout:
Department for the Execution of Judgments of the European Court of Human Rights, Council of Europe

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Table of content

I. MAIN ACHIEVEMENTS 4

Right to liberty and security 5

Functioning of justice 5

Freedom of expression 5

Right to private and family life 5

Protection of property rights 5

II. MAIN ISSUES PENDING BEFORE THE COMMITTEE OF MINISTERS 6

Actions of security forces and effective investigations 7

Conditions of detention 7

Length of judicial proceedings 7

Inconsistent practice of domestic courts 7

Non-enforcement of final judicial decisions 7

I. Main achievements

This chapter presents short summaries 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, government regulations, the adoption of new policies or general guidance from superior courts. As a rule, the overview does not cover information on measures providing individual redress to applicants.

The reforms are in principle presented in the order corresponding to the thematic domains used in the specialised database HUDOC-EXEC of the Department for the Execution of Judgments of the European Court of Human Rights.

Many reforms address issues which appear to be on-going challenges in member states. The effects of reforms adopted at one point in time may thus need to be monitored and possibly revisited as conditions change.[1]

Definitions of the terms used in the context of the supervision of the execution of the European Court's judgments are available in the dedicated Glossary.

[1] 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.

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

Right to private and family life

Defective manner in which the civil and criminal-law mechanisms were implemented in response to the applicant's complaints about bullying by her prison guard colleagues. Change of domestic case-law on the required proof of ill-treatment at work due to bullying in civil proceedings for damages.

Špadijer (31549/18)
Final Resolution CM/ResDH(2023)187

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

II. Main issues pending before the Committee of Ministers

This chapter presents the main issues pending in cases/groups of cases currently under the Committee of Ministers' supervision. The relevant supervision procedure is indicated for each case/group of cases.

Detailed information on the status of execution of these cases as well as on the Committee of Ministers' supervision process is available on the specialised database HUDOC-EXEC of the website of the Department for the Execution of Judgments of the European Court of Human Rights.

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Actions of security forces and effective investigations	
Ill-treatment at the hands of the police and lack of an effective investigation.	***Siništaj* group** (1451/10+) Judgment final on 02/05/2016 Standard supervision **Status of execution**
Conditions of detention	
Poor conditions of detention. Violation of the right to liberty: two months passed after the indictment was issued without new orders extending detention. Lack of sufficient reasons for extending detention.	***Bigović*** (48343/16) Judgment final on 19/06/2019 Standard supervision **Status of execution**
Length of judicial proceedings	
Excessive length of proceedings before the Constitutional Court.	***Siništaj*** (31529/15) Judgment final on 23/09/2021 Standard supervision **Status of execution**
Inconsistent practice of domestic courts	
Inconsistent practice of domestic courts in civil proceedings against the State seeking compensation for non-pecuniary damage caused by ill-treatment suffered during the war in the former Socialist Federal Republic of Yugoslavia.	***Bagoje*** (2890/21) Judgment final on 15/02/2024 Standard supervision **Status of execution**
Non-enforcement of final judicial decisions	
Non-enforcement of domestic judicial decisions rendered since 2006 in the applicants' favour against a socially/State-owned company.	***Dedić and Others*** (4847/20) Judgment final on 11/04/2024 Enhanced supervision **Status of execution**
Non-enforcement of a domestic judgment and two administrative decisions concerning the removal of unlawful constructions. Ineffective handling of expropriation and related administrative proceedings.	***Vlahović*** (62444/10) Judgment final on 24/06/2024 Standard supervision **Status of execution**

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The Council of Europe is the continent's leading human rights organisation. It comprises 46 member states, including all members of the European Union. The Committee of Ministers is the Council of Europe's decision-making body, composed by the foreign ministers of all 46 member states. It is a forum where national approaches to European problems and challenges are discussed, in order to find collective responses. The Committee of Ministers participates in the implementation of the European Convention on Human Rights through the supervision of the execution of judgments of the European Court of Human Rights.

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