

## Information Documents

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### Montenegro: Compliance with obligations and commitments

#### Fourth Secretariat Monitoring Report (from September 2009 through November 2010)

#### Document presented by the Secretary General

##### *Executive Summary*

Montenegro has continued to implement its accession commitments and obligations, and has fulfilled most of its formal accession commitments. There have been significant positive developments in the reform of the justice system and the fight against corruption and organised crime over the past year. These efforts should be continued to improve the independence and efficiency of the justice system and to further improve the effectiveness of the fight against organised crime and corruption in the country. The issue of the harmonisation of the electoral law with the Constitution remains a crucial outstanding commitment which needs to be addressed without delay.

A more constructive relationship between the parliamentary majority and the opposition would contribute to a stronger parliamentary input, in particular, through the effective exercise of its scrutiny and monitoring function.

With the EC Opinion recommending the status of candidate country for Montenegro, the country will now be able to focus on the genuine implementation of the legal and institutional framework so as to deliver concrete and visible results for the people of Montenegro. This will require additional emphasis and investment on implementation and monitoring mechanisms, and reinforced transparency and accountability of the Government's work.

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#### **I. Introduction**

1. Montenegro became a member State of the Council of Europe (CoE) on 11 May 2007. Its accession followed the adoption of Opinion<sup>1</sup> No 261(2007) of the Parliamentary Assembly of the CoE, which lists a series of commitments to be met by the country.

2. In accordance with the Resolution [CM/Res\(2007\)7](#) adopted by the Committee of Ministers on 9 May 2007, the Secretariat was instructed to proceed with a regular assessment of the progress achieved by Montenegro in fulfilling its commitments and obligations as a member State of the Council of Europe.

3. This present fourth report has been prepared on the basis, *inter alia*, of information gathered during the Secretariat visit to Podgorica from 29 September to 1 October, and covers the period from August 2009 to November 2010 (the programme of the visit is appended).

4. The Permanent Representative of Montenegro to the CoE, Ambassador Zoran Jankovic, contributed to the organisation of the programme and took part in the official meetings. The CoE Office in Montenegro and in particular, the Acting Head of the Office Ana Zec helped with the organisation of the mission and took an active part in it. Tribute should be paid to the spirit of openness and co-operation of all Montenegrin institutions and authorities visited, including at the highest level.

5. The document [SG/INF\(2010\)22 Addendum](#) shows the state of implementation of the accession commitments. This report does not draw an exhaustive assessment of all the developments relating to all of the accession commitments and obligations. More substantial information regarding specific fields can be found in the relevant recent reports from the CoE monitoring mechanisms.

6. During the reporting period, Montenegro ratified the following CoE Conventions listed in PACE Opinion No. 261<sup>2</sup>, thus completing the ratifications required by the Opinion:

- European Social Charter (revised) (CETS No. 163) (*the collective complaints procedure has not yet been accepted*)
- Convention on Cybercrime (CETS No. 185)
- Additional Protocol to the Convention on Cybercrime, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems (CETS No. 189)
- European Convention on the International Validity of Criminal Judgments (CETS No. 70)
- European Convention on the Compensation of Victims of Violent Crimes (CETS No. 116)

- Convention on the avoidance of statelessness in relation to State succession (CETS No. 200)
- Protocol amending the European Convention on the Suppression of Terrorism (CETS No. 190)
- European Convention on Nationality (CETS No. 166)
- European Convention on the Non-Applicability of Statutory Limitation to Crimes against Humanity and War Crimes (CETS No. 082)
- European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities (CETS No. 106)
- Additional Protocol to the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities (CETS No.159)
- Protocol No. 2 to the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities concerning interterritorial co-operation (CETS No. 169)
- European Convention on the Exercise of Children's Rights (CETS No. 160)

7. The PACE adopted its first Resolution 1724(2010)<sup>3</sup> on Honouring of obligations and commitments by Montenegro on 28 April 2010 and continues to monitor progress. On 17 May, the President of the Parliamentary Assembly addressed the Members of Parliament of Montenegro. Prime Minister Djukanovic addressed the PACE Session on 22 June and met with the Secretary General, the President of the Parliamentary Assembly and the President of the European Court of Human Rights.

## **II. Political context**

8. Four years after the referendum for its independence, Montenegro has continued to face its responsibilities as a new independent State in pursuing Euro-Atlantic integration and developing its constructive role in the region. In 2009 Montenegro quickly reacted to the effects of the global economic crisis and maintained economic and financial stability.

9. The ruling parties led by the Democratic Party of Socialists have adapted themselves to the new requirements of the European integration process and have again confirmed their strong majority in the partial local elections held on 23 May 2010 in 14 municipalities out of 21 municipalities, representing almost 4/5 of the population in Montenegro.

### *European integration process*

10. Montenegro's application for European Union (EU) membership was made on 15 December 2008. On 1 May 2010, the Stabilisation and Association Agreement (SAA) between Montenegro and the EU came into force. Montenegro fulfilled the visa liberalisation benchmarks set by the EC and a visa-free regime for Montenegro was introduced on 19 December 2009.

11. Following the request of the EU Council of 23 April 2009, the European Commission (EC) delivered an Opinion<sup>4</sup> on Montenegro's application for membership on 9 November 2010. It states that: "negotiations for accession to the EU should be opened once the country has achieved the necessary degree of compliance with the membership criteria and in particular the Copenhagen political criteria requiring the stability of institutions guaranteeing notably the rule of law." The Commission recommended "that the Council grants the status of candidate country to Montenegro."

12. The prospect of the delivery of the EC Opinion on EU accession spurred intensified activity for the fulfilment of requirements for EU integration, affecting every sector of Montenegrin society. The Montenegrin authorities have also shown a firm commitment to quickly perform considerable reforms.

13. The Government continues to work towards and promote Montenegro's NATO membership although a sizeable part of the public opinion in Montenegro is still to be convinced of NATO membership. Montenegro was invited to join NATO's Membership Action Plan in December 2009. On 16 June 2010, the North Atlantic Council meeting adopted the final report on implementation of obligations.

#### *Regional cooperation*

14. Montenegro participates actively in all the relevant regional co-operation initiatives that contribute to regional stability. It has used its term in rotating presidencies of regional fora to further express its commitment to regional co-operation and good neighbourly relations, in particular, through the Chairmanship of the South East European Co-operation Process (SEECP), the Adriatic–Ionian Initiative (AII) and the Central European Initiative (CEI), and their parliamentary dimensions (Cetijne parliamentary forum). Moreover, Danilovgrad was chosen to be the seat of the Regional School of Public Administration (ReSPA), supported by the European Commission. Overall, Montenegro maintains very good relations with its neighbours and continues to play a moderating role in the region.

15. On 29 May 2010, the Presidents of Bosnia and Herzegovina (BiH), Croatia, Montenegro and Serbia met in Sarajevo to mark the 10th anniversary of the Igman Initiative. In their joint statement "Partnership for Europe", the four Presidents underlined the important role of civil society and pledged to further improve and strengthen their co-operation towards their common EU aspirations.

16. Co-operation in judicial matters and effective co-operation between police authorities between Montenegro and its neighbouring countries is crucial in order to dismantle the support networks and bring to justice fugitives having committed war crimes, crimes against humanity, terrorism and organised crime. However, difficulties remain for the extradition of nationals. Although it is a CoE accession commitment, Montenegro has still not reviewed the restrictive declarations made when it joined the European Convention on Extradition. On 1 October, Montenegrin and Croatian Ministers of Justice signed an agreement on extradition related to criminal acts of organised crime, corruption and money laundering, excluding the area of war crimes. At the end of October, an extradition agreement for organised crime, corruption, money laundering, crimes against humanity and other criminal acts was signed between Serbia and Montenegro. An agreement on legal assistance in civil and criminal matters and an agreement on mutual execution of court decisions in criminal matters were signed between Montenegro and BiH in July.

17. In March 2010, the Serbian Minister for Foreign Affairs hosted an international conference “Durable solutions for protracted refugee situations and IDPs” in Belgrade with the participation of representatives of Governments from Montenegro, BiH and Croatia, with the aim to establish the mechanism for finding a permanent solution to the issue of refugees in the region. The conference resulted in an agreement on the intensification of the co-operation between national bodies dealing with refugee issues.

18. On 22 June 2010, Montenegro ratified the European Convention on Nationality, with a reservation stipulating that Montenegro does not accept article 16 of the Convention relating to multiple nationalities. This reservation is linked to the Citizenship Act which allows dual citizenship through reciprocal international treaties and agreements and only for people having acquired it prior to the Declaration of Independence of 3 June 2006. The only existing agreement is the bilateral agreement signed between Montenegro and “the former Yugoslav Republic of Macedonia” which refers to citizenship obtained before June 2006. Montenegro continues to negotiate bilateral agreements with Croatia and BiH as well as with Serbia.

19. A new phase in relations with Serbia seems to have started with increased co-operation between the political leaderships. This comes after a period of tense relations between the two countries (due to Montenegro’s recognition of Kosovo<sup>5</sup>’s independence on 9 October 2008, and establishing of diplomatic relations on 15 January 2010). In July 2010, President Tadic paid his first official visit to Montenegro since its independence.

### **III. Democratic institutions**

#### *Parliament*

20. Improvements have been registered in the functioning of the Parliament during the reporting period, in particular efforts to improve the transparency of the work of the Parliament. The Parliament adopted the Rulebook on the internal organisation of the Parliament administration in July 2010. The Parliament introduced a live streaming of Parliament sessions to ensure their direct transmission on TV. The new Parliament web portal was launched in March, including news, agendas, and reports. A system for simultaneous interpretation was put in place, however, interpretation can only be provided if given a 24h notice, which prevents spontaneous interventions in minority languages in parliamentary debates. According to the CEDEM poll “Public Opinion in Montenegro” of October 2010, public trust in the Parliament institution has increased from 44.2% to 49.2% between 2009 and 2010.

21. During the reporting period, Parliament had a very intense legislative activity focused on adopting legislation for the fulfilment of commitments in the European integration process. However, there is a need to further develop adequate mechanisms for the monitoring of the implementation of legislative acts. “The Assessment of Legal Framework and Practice in the Implementation of Certain Control Mechanisms of the Parliament of Montenegro” published by Institut Alternativa in 2010 shows that few control and consultative hearings have been held by Parliament and that the mechanism of parliamentary inquiry has not been used. The administrative capacities of the Parliament should be further increased, and expert support should be provided, in order to improve the effective exercise of the Parliament’s scrutiny function.

22. An improved and more functional relationship between the parliamentary majority and the minority/opposition should be developed through constructive debates both in the Committee

meetings and plenary sessions. Some important issues of national interest, such as electoral reform or amendments to the Constitution, require a large consensus of both the majority and the opposition and are still pending due to the lack of this qualified “Constitutional” majority.

#### *Local self government*

23. Montenegro ratified the European Charter of Local Self-Government on 12 September 2008. During the review of the ratification procedure, the Montenegrin authorities noticed that due to an administrative mistake, the instrument of ratification of the Charter did not contain the Declaration regarding Montenegro’s implementation of the Charter, despite the fact that it was requested by the Law on Ratification. In a subsequent Declaration contained in a Note Verbale from the Permanent Representation of Montenegro of 30 April 2010, it was notified that Montenegro considers itself bound only by certain articles of the European Charter of Self-Government in accordance with article 12.

24. The reform process in the field of local self-government is ongoing, with several laws still in the parliamentary process. Co-operation with the Council of Europe has been a prominent feature in this process, in particular through the Joint EC/CoE Programme on “Strengthening local self-government in Montenegro”.

25. The first report on the state of local self-government in Montenegro was adopted by the Congress of Local and Regional Authorities on 26 October 2010. In its Recommendation 293(2010)<sup>6</sup>, the Congress highlighted the need for reform of the voting system for the election of mayors and municipal counsellors, for the separation of the laws on the local and national election systems and recommended the enhancement of the capacities of municipalities to enable them to carry out their responsibilities. The Congress also recommended lifting some or all of the restrictions on the Charter articles by which Montenegro is bound.

#### *Civil society and media*

26. Following the adoption of the Strategy and Action Plan for Co-operation between the Government and NGOs in January 2009, there has been some improvement in the relationship between the Government and NGOs. Co-operation between the government and non-governmental sector is mostly through the Government’s Office for the Co-operation with NGOs, a network of liaison officers in ministries and other governmental bodies. This network could be strengthened.

27. The consultation structures are in place for successful co-operation, however, representatives of civil society complain that when the issues of transparency and government accountability are raised, the relationship is not so smooth. It is important that in full respect for the respective rules of public authorities and civil society, NGOs are involved in the policy-making at national and local levels, and are able to play their role of monitoring the activities of the authorities, not as a formality but with a real impact.

28. Improved access to public information could help transparency of governance in Montenegro. The law on free access to public information is being implemented with mixed results. Despite the improvements in the implementation of the law by the authorities, there are still difficulties relating to the lengthy and complex procedures and to the non-response by administration to requests for information in some sensitive areas such as privatisation, public contracts, transactions, investment, budget, properties. Amendments to the Law on Free Access to Information are currently in the parliamentary process. Representatives of civil

society expressed concerns about article 9 of the draft that reverses the burden of proof. Montenegro signed the CoE Convention on Access to Official Documents (CETS 205) in June 2009 but has not yet ratified it.

29. A new Law on Electronic Media and amendments to the Law on Electronic Communication were adopted in July 2010. The independent Broadcasting Agency of Montenegro is in charge of planning, allocating and monitoring the broadcasting frequency spectrum. A new Electronic Communications Authority is in charge of the technical side. Although the legislative reforms required in the field of media for accession to the EU have been adopted, the implementation of these laws is still in the initial stage. There are shortcomings in the implementation of the regulation on concentration of media ownership. Montenegro has fallen to the 104th rank on the rating list of the Reporters without Borders' Press Freedom Index 2010, losing 27 places since last year.

30. There are problems with the implementation of the journalists' professional code of ethics in Montenegro, and the self-regulatory body in charge of the supervision of its implementation lacks sufficient sustainable resources to function effectively. Professional and responsible journalism is essential for the functioning of a democratic society. Thus, the community of journalists is encouraged to strengthen their self regulatory mechanism.

31. Montenegro has a dual system of public-service and commercial broadcasters. Although Montenegro represents a very small market for the media, there is a wide variety and high number of public and private broadcast media (a national radio, a national TV, 14 local radio stations, 3 local TV stations, 34 private radio stations and 15 private TV stations). This situation results in financial problems for the many broadcasters present in such a small market, being made worse by the entry of large media companies as well as the launching of cable TV. The independence of the media, when their existence is exclusively dependant upon governmental funds or public advertising resources, can be questioned. It is essential that the media sector is able to operate without political interference, and that the public broadcasting service acts solely in the public interest in accordance with the standards of objectivity, independence and pluralism. To that end, the Committee of Ministers recommended in its Recommendation [CM/Rec\(2007\)2<sup>7</sup>](#) on media pluralism and diversity of media content that governments should include in national law or practice a series of measures as well as evaluate the effectiveness of existing measures to promote media pluralism and content diversity.

32. Attacks on journalists (verbal and physical) as well as criminal and civil proceedings against journalists remain a challenge for freedom of expression in Montenegro. The South East Europe Media Organisation (SEEMO) condemned the alleged threats received by Montenegrin journalists in September 2010. A positive step was taken with the adoption of the amendments to the criminal code relating to defamation (article 196): anyone who states or transmits untrue information about someone that may harm his/her honour and reputation through media or other similar means shall be punished by a fine of up to 14 000 Euros. A journalist or an editor who acted with due professional care cannot be punished for defamation. According to the figures of the Supreme Court, one new criminal proceeding against media and journalists and 3 civil proceedings for compensation of non-pecuniary damage were reported from January to May 2010, whereas 18 criminal and 30 civil cases against media are still pending in the court's procedure for the period 2005-2009.

*Electoral legislation*

33. One of the outstanding accession commitments is the harmonisation of the legislation governing parliamentary elections with the new Constitution: Montenegro committed “to revise the electoral law and, in particular, the provision concerning the system for allocating seats to political party lists, to ensure that it does not mislead voters.” (PACE Opinion No. 261 §19.3.16). In the absence of timely electoral reform, the general elections of 29 March 2009 and the partial local elections of May 2010 were held in accordance with the 1998 Law on the Election of Councillors and Representatives (amended several times, most recently in 2006).

34. A multi-party working group was established to draw up a consensual proposal on electoral reform, but disagreements between political parties delayed the process. In spring 2010, a draft law on amendments and supplements to the law on the election of councillors and members of Parliament was finally submitted to the Venice Commission for opinion (together with alternative proposals from individual parties). The draft provided for the allocation of mandates on the basis of a proportional list system, within a single nationwide constituency, with a 3% threshold. To ensure the “authentic representation of minorities”, the draft provided for a uniform model for all national minorities, without reserved seats, but with a lower quorum requirement (0.7%) for minority parties. The Venice Commission and the OSCE/ODIHR published a Joint Opinion on 8 June 2010 in which they overall supported the draft law that was submitted to them: the Joint Opinion concluded that the provisions related to the “authentic representation of minorities” were in conformity with the Constitution and with European standards; it welcomed the improvements of transparency in the system of allocation of seats; however, it highlighted some unsolved shortcomings in the draft, such as overly long residency requirements for national elections, restrictions on the right to run as an independent candidate and an inequitable representation of political parties on election management bodies.

35. On 21 September 2010, the draft amendments to the law on election of councillors and members of the Parliament were submitted to the Assembly at an Extraordinary Parliamentary Session. The draft did not get the required 2/3 majority (54 votes): the proposal was backed by most of the ruling coalition parties (45 votes for) and was voted against by the main opposition parties and ethnic Albanian parties (32 votes against). The two contentious issues were the representation of national minorities and the right to vote/voter lists. The ethnic Albanian parties considered that the draft did not guarantee an adequate representation of the Albanian minority in Parliament. The ethnic Croats wanted a new lower threshold for smaller national minorities. Another argument against the draft was how it relates to the definition of citizenship and the situation of some 50 000 persons who do not have Montenegrin citizenship but currently hold voting rights. Should they remain or not on the voters register?

36. In September 2010 three opposition parties, the Socialist People’s Party (SNP), the New Serbian Democracy (NOVA) and the Movement for Changes (PzP) submitted a new proposal for the reform of the electoral law to the parliamentary procedure. The Parliamentary Committee for constitutional issues and legislation rejected the opposition’s proposal by a majority vote because it was not in line with the Constitution.

37. The political forces must now reach an agreement on the electoral reform, in accordance with the principles and requirements as provided by the Venice Commission’s June 2010 Opinion. Implementing this crucial commitment would moreover reinforce confidence of citizens in the political leaders, including persons belonging to national minorities.

#### **IV. Rule of law**

## *Courts and prosecution*

38. Over the last few years, the public trust in the judiciary has been low in Montenegro, due to the significant backlog, the duration of courts proceedings and the perception of a high level of corruption and political influence over the judiciary. However, following the efforts and measures taken by the authorities during the reporting period, improvements can be registered. A CEDEM public opinion poll published in October 2010 showed that confidence in the judiciary has improved significantly since last year from 40.1% to 48.4%. The poll also shows that customs and judiciary are perceived as the hotspots of corruption, even if this perception has slightly decreased since last year.

39. The reform of the justice system has remained one of the highest priorities of the Government, guided by the Action Plan for the implementation of the Strategy of reform of the judiciary from 2007 to 2012. A new system for the election of judges was put in place, a new role for an autonomous and independent judicial council was developed and new competencies and powers were provided to the Prosecutorial Council. A department on the case law of the European Court of Human Rights (ECtHR) was created in the Supreme Court, two specialised departments for corruption and organised crime were created within the high courts of Podgorica and Bijelo Polje, and the organisation of the Prosecutor's Office was reformed. A priority was given to the processing of cases on corruption and organised crime and measures were taken to strengthen the transparency of the work of the judicial bodies. The Ministry of Justice requested an Opinion from CEPEJ on its "Analysis of the rationalisation of the court network", which was finalised at the end of October 2010. The new Criminal procedure code, adopted in 2009, and entered into force in August 2010 as regards organised crime, corruption and war crimes (its general entry into force has been postponed by one year) gives broader competences to Prosecutors for investigation purposes. The new prosecutor led investigative system will require an enhanced capacity of the prosecutorial service in order to allow prosecution to perform its new role effectively.

40. There are still some serious concerns concerning the role of the Parliament in judicial appointments, and in particular, the role played by the Parliament when appointing the President of the Supreme Court as well as state prosecutors, which could undermine the independence of the judiciary.

41. The efforts to reduce the backlog of cases have continued in 2009 and 2010. Specific measures have been taken, notably in delegating cases and judges between courts, engaging experts and amending rules of procedure. As a result of these measures the deadlines for case processing have been reduced. According to the figures of the President of the Supreme Court, backlog cases from previous years decreased by 76,19% in 2009 and 45,43% in mid 2010. It is important to stress that the acceleration of the judicial process should not be made at the expense of the quality of justice or of the full respect of the right of the defence. The increased rate of the completion of court cases has led to an increase in the serving of prison sentences, further contributing to the overcrowding of prisons. On the other hand, pre-trial detention is tending to be shorter. The CPT<sup>8</sup> recommended in its last report that the authorities reconsider existing laws and practice related to custody pending trial. The number of complaints filed with the Ombudsman for bad prison conditions has significantly increased. There is a strong need to promote the use of alternatives to imprisonment to overcome the issue.

42. The perception of the judiciary by the public is very much linked to the issue of access to justice: efforts are needed to ensure access to justice for all, through an effective and

sustainable legal aid system. The proper and timely enforcement of domestic final decisions is also urgent. A draft Law on Enforcement procedure is currently being prepared by the Montenegrin authorities, as well as a draft law on legal aid, for which the CoE's expertise was requested. CoE's recommendation on these two drafts should be taken into consideration and the laws be promptly adopted and implemented.

#### *War crimes*

43. Montenegro has continued its co-operation with the International Criminal Tribunal for the Former Yugoslavia (ICTY). The December 2009 report of the United Nations Working Group on Enforced or Involuntary Disappearances stated that the Working Group transmitted 16 cases to the Government; of those, 1 case was clarified on the basis of information provided by the Government, 14 were discontinued and 1 remains outstanding. The Working Group noted that the Government signed the International Convention for the Protection of All Persons from Enforced Disappearance and called upon the Government to ratify it and accept the competence of the Committee under articles 31 and 32.

44. The process of investigations and court proceedings in Montenegro's limited number of domestic war crime cases has continued during the reporting period. In April 2010, the Prosecution indicted seven members of the former Yugoslav People's Army (JNA), for war crimes related to the forced emigration of Muslims from the area of Bukovica in 1992 and 1993, at the High Court in Bijelo Polje. On 15 May 2010, the Higher Court in Podgorica sentenced six members of the former JNA for war crimes. They were found guilty of ordering and committing torture against prisoners of war and civilians between October 1991 and August 1992 during an attack on Dubrovnik, and got sentences ranging from 18 months to four years.

45. In June 2010, the Speaker of Parliament of Montenegro opened national consultations with politicians concerning the Initiative to Set Up a Regional Commission to Establish the Facts of War Crimes and Other Severe Violations of Human Rights in the Territory of Former Yugoslavia (REKOM).

#### *Fight against corruption, organised crime and terrorism*

46. On 30 September, the Government adopted the Strategy for the prevention of terrorism, money laundering and financing of terrorism until 2014 as well as an action plan for its implementation.

47. Some important achievements in the field of the fight against corruption and organised crime can be registered during the reporting period. Steps have been taken to bring legislation in line with CoE standards. However, there is still a need to strengthen the institutions and their implementation capacity. The Parliament's control function is very important in the fight against corruption and organised crime to monitor the implementation of adopted laws that need to be strengthened. The Transparency International 2010 Corruption Perception Index (CPI) ranked Montenegro at the place 69, with a CPI score of 3.7, which represents a drop from last year (when it got 3.9). The Secretariat was informed of some cases of officials (judges, police officers, and public officers) as well as public company directors who have been prosecuted for corruption, and the authorities referred to cases of corruption involving significant amounts. However, there is still no significant track record for high level prosecution regarding corruption-related offenses.

48. The legal framework to fight against corruption and organised crime was strengthened. The new Criminal Procedure Code (adopted in July 2010) and the amendments to the criminal code (adopted in April 2010) facilitate the prosecution of corruption offences by consolidating the leading role of the Prosecutor in criminal investigations, including the use of special investigative means, reversing the burden of proof for property of suspicious legal origins and extending confiscation of criminal assets. The new Criminal Procedure Code entered into force in August 2010, as regards organised crime, corruption and war crimes. The CoE Convention on Cybercrime and its Protocol were ratified and entered into force in July 2010.

49. The Strategy for Combating Corruption and Organised Crime (2010-2014) together with the Action Plan for its implementation (2010-2012) were adopted by the Government on 29 June 2010. They introduce new anti-corruption measures such as whistle blower protection, control of privatisation processes, party funding as well as specific actions in particularly sensitive sectors such as the health system, public procurement, licenses and local governance. A special focus is put on the role of law enforcement agencies, judicial authorities and the police, and preventive action is mainly in the hands of the Directorate for Anti-corruption Initiative (DACI) and the Commission for the Prevention of Conflict of Interest. A new National Commission for the fight against corruption was created on 30 September with the responsibility of monitoring the implementation of the Action Plan. It is chaired by the Minister for European Integration and includes representatives of NGOs.

50. The Law on the Prevention of Conflicts of Interest, adopted in December 2008, allows exceptions for members of Parliament, who may sit on the Board of Directors in companies owned by the State and hold executive positions in public companies or agencies. The independence of the Commission for the Prevention of Conflicts of Interest whose members continue to be elected by Parliament and its enforcement capacity are also open to question. The implementation of the Law on Financing of Political Parties in practice has still only a limited impact, especially at the local level.

51. GRECO and MONEYVAL evaluations were carried out before the adoption of the new legal framework. The compliance report for the Joint First and Second-round evaluation was adopted by GRECO in December 2008. GRECO concluded that Montenegro implemented satisfactorily two-thirds of the recommendations contained in the Joint First and Second Round Evaluation Report. Compliance with the recommendations considered “partly implemented” will be assessed by GRECO in December 2010. The third evaluation round report on Montenegro, focusing on criminalisation of corruption offences and transparency of political party funding, will be adopted at GRECO 49th Plenary Meeting scheduled from 29 November to 3 December 2010.

52. In March 2010, the MONEYVAL Committee adopted the first progress report submitted by Montenegro. It noted the institutional and legislative steps taken by Montenegro to comply with its recommendations since the adoption of the 2009 assessment report. It stressed that substantial legislative changes would be necessary to strengthen the confiscation regime in Montenegro. The law on Prevention of Money Laundering and Terrorist Financing needs amendments in order to comply with MONEYVAL Recommendations, especially to bring the definition of Money Laundering and Terrorist Financing in line with international standards. MONEYVAL also recommended the establishment of a domestic mechanism to freeze and confiscate terrorist assets according to the UN Security Council Resolutions 1267 and 1373.

53. The legislative framework is now generally in place, the relevant CoE Conventions have been ratified and most of the necessary institutions have been established. The legal and

institutional framework can greatly contribute to improving the effectiveness of the fight against organised crime and corruption. There remains a need for visible results and a consistent track record of prosecution, notably of high-level offenders. The preventive and co-ordination role of the Directorate for the Anticorruption initiative and the National Commission can be effective. However, their composition, mandate and functioning do not allow an independent evaluation of the Government policies to fight against corruption. There is still a need for a credible advocate of transparency and integrity in public affairs and for an effective, independent oversight of the implementation and impact of anti-corruption measures.

## **V. Human rights and minorities**

### *Legislative framework and human rights protection mechanisms*

54. 761<sup>9</sup> applications against Montenegro are pending in front of the ECtHR. 30 cases were communicated to the Government (4 in 2009 and 26 in 2010). Three judgments relating to Montenegro were delivered by the Court. The first judgment, *Bijelic v. Montenegro and Serbia*<sup>10</sup> (April 2009) relates to the Montenegrin authorities' failure in enforcing an order given by a court in Montenegro. It is still pending before the Committee of Ministers for execution. Further developments are still expected regarding the general measures, in particular with regard to the announced draft legislation and reduction of the outstanding backlog in enforcement proceedings. On 21 September 2010, *Garzičić v. Montenegro*<sup>11</sup> (no. 17931/07), the Court found that there had been a breach of the applicant's right of access to the Supreme Court (article 6 of the Convention). On the same day, in the judgement *Mijušković v. Montenegro*<sup>12</sup> (no. 49337/07), the Court found a violation of article 8 of the Convention.

55. The Constitutional Appeal as set up by article 149 of the Constitution and article 48 of the Constitutional Court Act of Montenegro allows applicants to file a complaint against an individual decision of a State body in respect of an alleged violation of a human right or freedom guaranteed by the Constitution, after exhaustion of all other effective legal remedies. The question of the effectiveness of the Constitutional Appeal – as a domestic remedy to be exhausted under article 35 of the Convention - will have to be assessed by the Court. At this stage, the ECtHR decided in the *Mijušković v. Montenegro* case that “the constitutional appeal cannot be considered an available remedy in cases of non-enforcement due to there being no individual decision against which such an appeal could be filed”.

56. The Ministry for Human and Minority Rights has an essential role to play in the protection and defence of all human rights in Montenegro. It should serve this purpose without reducing its role to a representative or advocate for particular groups. The Ministry should make full use of its mandate aimed at shaping and improving human rights and minority rights policy, promoting increased public support and mainstreaming of human rights and minority rights, and supporting and enhancing the structures for their protection.

57. A new Protector of Human Rights (Ombudsman) Šucko Bakovic was elected on 9 November 2009, and a new law on the protector is currently being prepared<sup>13</sup>. It is essential that the new legal framework guarantee the autonomy and independence of the Ombudsman and in particular, its financial independence. The new legislative framework entrusts the Ombudsman with special powers. It will be the mechanism for the prevention of torture and other forms of inhuman treatment and punishment (NPM) under the Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or

Punishment (OPCAT). The Ombudsman will also be the mechanism for the protection against discrimination, as described in the Law on Prohibition of Discrimination adopted on 27 July 2010. Most of the key recommendations given by the Venice Commission in its two successive Opinions of December 2009 and March 2010 on the draft laws on prohibition of discrimination have been taken into consideration in the adopted law: definitions (including for direct and indirect discriminations) were improved, the system of sanctions was enhanced, the possibility for third parties (including NGOs) to lodge complaints was introduced and the burden of proof was modified. However, although the law grants enforcement powers to the Ombudsman, it fails to give the Ombudsman the powers and competences, such as investigative powers, specific right to initiate/participate in court proceedings, for an effective fight against discrimination as described in ECRI Recommendation No. 7. Moreover, this law does not specify the means and resources that are required for the supervision by the Protector of the implementation of the anti-discrimination provisions. The draft law on the protector of human rights and freedoms of Montenegro of July 2010 does not clarify whether the general competences provided by article 22 (right to act before Courts in cases related to prolonged procedure) and article 24 (right to initiate proceedings before the Constitutional Court) are also applicable within the framework of the anti-discrimination mechanism. It is thus recommended that the Montenegrin Authorities provide the Ombudsman with the adequate powers, competences, means and resources so that the efficiency and effectiveness of the anti-discrimination mechanism can be ensured.

58. Prosecution and Courts also have a responsibility in ensuring that discrimination cases are dealt with in a fair and effective manner, and that the final judgments are executed, so that there is no impunity in cases of discrimination. Specific protection measures for those vulnerable groups that are more likely to be discriminated (such as access to justice, legal aid system, etc.) are also at stake.

59. Montenegro committed itself (PACE Opinion N0. 261 § 19.3.13) to take all the necessary steps to ensure equality between men and women in law, in the family, society, economy and politics. Montenegro needs to make an effort to increase women's involvement in decision making processes. The Action Plan for achieving gender equality for the period 2008-2010 is the framework document for the development and implementation at national level in eight areas of concern in line with the Beijing Platform for action, including domestic violence. According to the criminal code, violence in the family and family community is sanctioned as a criminal offence. The law on Protection against Domestic Violence adopted in July 2010 allows for urgent interventions and enhanced protection measures.

60. There are strong concerns about the situation of LGBT persons in Montenegro who are still the target of discrimination, with reported cases of intimidation and violence. The LGBT community in Montenegro is almost invisible due to the high level of homophobia. Cases of discrimination and violence against the LGBT community are rarely reported by the victims themselves, who fear being further persecuted because of their sexual orientation or gender identity. It is nevertheless important to note, that within the last few months, there has been increased public debates and more visibility regarding discrimination against the LGBT community in the country. Some NGOs focus on LGBT rights in their work. A coalition for LGBT rights has been established by NGOs and would be an appropriate partner for policy makers, in particular, the Ministry for Human and Minority Rights. It is urgent that the Montenegrin authorities react and start working to create an atmosphere of tolerance, acceptance and equity. In order to build this atmosphere, public speeches by politicians are of the utmost importance, and the use they make of words in the media is of particular importance. An effective implementation of the anti-discrimination law would be a major

advance for the LGBT community, as would proactive measures to introduce the teaching of tolerance in schools, awareness raising of the population on the rights of LGBT people, as recommended in the 2008 Report<sup>14</sup> of the Commissioner for Human Rights on Montenegro. The authorities should take all the necessary steps to ensure the appropriate behaviour of the law enforcement agencies towards LGBTs as well as investigating all reported cases of violence against the LGBT population.

61. Montenegro adopted the Strategy for Inclusion of the Persons with disabilities in Montenegro (2008-2016) and the Action Plans for the Implementation of the Strategy for 2008-2009 and for 2010-2011. The Ministry of Education and Science is implementing a strategy for inclusive education for children with special needs (2008-2012). The CoE is involved in the EU-funded UNICEF awareness raising campaign on the integration of children with disabilities in Montenegro - "It's about ability" launched in September, supported by the highest instances in Montenegro. However, despite this rather coherent legal framework, in reality people with disabilities are still faced with discriminations. The unacceptable situation of the blind employee from the municipality of Podgorica who is still unable to access her work place with her guide dog since December 2008 despite the first instance Court and High Court rulings in her favour in June and December 2009, has not yet been resolved. This case raises the issue of discrimination against persons with disabilities in Montenegro as well as the issue of the non enforcement of the Courts final decisions.

62. Montenegro has adopted its legal and institutional framework on the protection of personal data (the Law on Protection of data on individuals of December 2008 and the Law on Amending the Law on protection of data on individuals of October 2009). A separate state authority (the Agency for Personal Data Protection) was established in December 2009, and is competent in personal data protection and supervising the implementation of the law. A new Department for the protection of data concerning individuals was created within the Ministry of Interior and Public Administration. Montenegro ratified the Additional Protocol to the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data, regarding supervisory authorities and transborder data flows in March 2010 (CETS 181).

#### *National/ethnic minorities*

63. In the 2003 Census, 43.16% of Montenegro's citizens identified themselves as Montenegrins, 31.99% as Serbs, 7.77% as Bosniaks, 5.03% as Albanians, 3.9% as Muslims and 1.10% as Croats. A new population census will be carried out in April 2011. In its Resolution of January 2009 on the implementation of the Framework Convention for the Protection of National Minorities by Montenegro, the Committee of Ministers welcomed the positive framework provided by Montenegro's Constitution and the genuine political will to enhance national minority rights protection. Amendments to the Law on minority rights and freedoms are currently in the parliamentary procedure.

64. The Montenegrin approach to ethnic minority issues has been shown as an example in the region for the integration of minorities. The Ministry for Human and Minority Rights has played an active role in establishing the Minority Councils and Minority Funds. However, ambiguities still persist in the organisation, functioning, authority, and influence of the Minority Councils. The issue of the representativity of the Serb National Minority Council has also been raised. The mechanism for minority representation in the Montenegrin Parliament and local assemblies continues to be contentious. The Constitution provides both individual and collective rights for minorities. However, Roma still do not have access to

social services and continue to experience societal discrimination. Montenegro's 2003 census gives a figure of 2 601 Roma (0.4 % of the country's population). However, since the majority of Roma, Ashkali and Egyptians (RAE) in Montenegro neither possess personal identification documents nor are legally registered, it is likely that the official figures underestimate the number of persons in these three groups. Unofficial data gathered by nongovernmental organisations shows a figure of more than 20 000 RAE (3.2% of the total population). The poverty rate among RAE households in Montenegro is 4.5 times higher than the national poverty rate. Many RAE, including IDPs from Kosovo\*, live illegally in squatter settlements, often far apart from each other and lacking such basic services as water and electricity supplies, public utilities, medical care, and sewage facilities. The situation of the Konik Settlements, which hosts an important number of RAE, located 3km from the centre of Podgorica in one of the most undeveloped areas of the city has been addressed by many International Organisations. The tragic death of two Roma children who died in a fire in the Roma settlement of Kotor in October 2010 showed again the need for urgent and serious measures including security measures, to improve the living conditions of Roma and prevent similar tragedies. Poor housing, ghettoisation and discriminatory practices, together with the lack of basic civil documents, impede access to basic services such as health, education and social protection. The most pressing problems for the education of Roma in Montenegro are low enrolment rates (25.2 % of RAE children enrol in primary education, as compared with 96.9% of the general population), high dropout rates (only 18% of RAE children complete primary education, versus 98 % of all children in Montenegro), and segregation. Montenegro joined the Decade of Roma Inclusion in early 2005 and accordingly developed a Strategy for Improving the Position of the RAE Population in Montenegro in 2008-2012. RAE do not have political representatives and generally stay out of politics. A seventeen-member Romani Council was established in 2008. However, its functions are largely advisory and its members' experience in lobbying, fundraising and monitoring is limited.

65. The European Charter for Regional or Minority Languages entered into force in Montenegro on 6 June 2006. According to the Constitution, "the official language in Montenegro shall be Montenegrin. Cyrillic and Latin alphabet shall be equal. Serbian, Bosnian, Albanian and Croatian shall also be in official use". According to the 2003 census, the language repartition is the following: Serbian 64%, Montenegrin 22%, Bosnian 5.5%, Albanian 5.3%, Croatian 0.4%, Roma 0.4% (unspecified 2.4%). Montenegrin authorities declared that the Charter would apply to the Albanian and Romani Languages. Due to the mutual intelligibility of Bosnian, Croatian, Serbian and Montenegrin spoken in Montenegro, it was decided by the Montenegrin authorities at that time not to include them as regional or minority languages under the Charter. In its Recommendation on the application of the Charter adopted on 20 January 2010, the Committee of Ministers recommended that the territories where Albanian and Romani languages are in official use are clarified, that the necessary steps for the codification and development of the Romani language are taken, that teaching of the Romani language is introduced in education and that teachers' training in Albanian is strengthened.

66. Following the adoption by the Parliament in July 2010 of Amendments to the Law on general education, stipulating that lessons in private and state-owned institutions would be carried out in the Montenegrin language, the Socialist People's Party (SNP), the New Serbian Democracy (NOVA) and the Movement for Changes (PzP) filed a complaint in front of the Constitutional Court, under the motivation that the amendments discriminate the Serbian language. The case is currently pending in front of the Constitutional Court.

*Displaced persons and persons at risk of statelessness*

67. There are 5 400 persons registered as "displaced persons" (DPs) from Croatia and Bosnia and Herzegovina, and 11 000 registered as "Internally Displaced Persons" (IDPs) from Kosovo\*. Following the independence of Montenegro, the DPs and IDPs have not been granted the legal status of refugees, which represents a serious obstacle for their access to basic public services and, for IDPs an almost insurmountable obstacle to their chances for local integration. The situation in Kosovo\* continues to affect the prospects for sustainable voluntary returns: no more than 1 500 displaced persons, mainly Roma, Ashkali and Egyptian (RAE), have returned to Kosovo\* since 2001.

68. Montenegro's accession commitments relate directly to the issuing of documents to refugees and displaced persons and the prevention of statelessness. Montenegro ratified the CoE Convention on the Avoidance of Statelessness in relation to State Succession on 28 April 2010. However, around 1 500 of the domiciled RAE persons risk being stateless due to the lack of personal documents, as well as many DPs and IDPs that are at risk of de facto statelessness due to the combination of the inability to exercise their right to citizenship in their home country and the lack of accessible mechanism to gain Montenegrin citizenship. The newly amended Law on the Montenegrin Citizenship restricts the opportunities for DPs from Bosnia and Herzegovina and Croatia to obtain citizenship, and excludes IDPs from Kosovo\* from naturalisation. There has been no progress and it is unlikely to expect a compromise in negotiations on dual citizenship with neighbouring countries, and in particular with Serbia due to the diametrically opposed provisions.

69. On 17 September 2009, the Government adopted an Action Plan for the Resolution of the Status of DPs from the former Yugoslav Republics and of the Status of IDPs from Kosovo\* in Montenegro. The Action Plan outlines a set of measures for either local integration or voluntary return to the countries of origin. It creates a mechanism for DPs and IDPs to have access to the status of foreigner with permanent residence, through amendments to the Law on Foreigners adopted in October 2009. This status provides the full scope of rights as of Montenegrin citizens, except the right to vote. However, to date, the number of persons who have been granted resident status is low, due to the difficulties to fulfil the very demanding document requirements: out of around 16 500 re-registered DPs and IDPs, the Ministry of Interior and Public Affairs received only some 300 applications for the new status by mid – September 2010; 81 were granted permanent residence, while 4 requests were rejected for "constituting threat to national security". Another difficulty relates to the effective access to economic and social rights for those DPs and IDPs that obtained permanent or temporary residence, which would require further harmonisation of the legislation. It is worth noting that 179 persons holding IDP status were not allowed to re-register in 2009 and 28 appeals are being adjudicated by the Administrative Court.

## **VI. Conclusions and recommendations**

70. Montenegro has continued to implement its accession commitments and obligations, and has fulfilled numerous formal accession commitments. During the reporting period Montenegro has been very active in ratifying the CoE Conventions which were part of its formal accession commitments, and has adopted considerable legislative reforms that matched the benchmarks set by the EU for political criteria.

71. The Government of Montenegro has successfully advanced in the implementation of its formal accession commitments to the CoE and has carried out reforms on its path towards EU accession. The country will now face an even more demanding EU integration phase ahead, and will have to focus on the genuine implementation of the legal and institutional framework

so as to deliver concrete and visible results for the people of Montenegro. This will require additional emphasis and investment on implementation and monitoring mechanisms, and reinforced transparency and accountability of the Government's work.

72. The Parliament can be a more effective and influential institution if it makes full use of its scrutiny and monitoring competences. A more constructive relationship between the parliamentary majority and the opposition would contribute to a stronger parliamentary input to law and policy in Montenegro.

73. There have been significant positive developments in the reform of the justice system and the fight against corruption and organised crime over the past year. These efforts should be continued, through the smooth and effective implementation of the newly adopted legal framework, to improve accountability and efficiency of the justice system in order to further restore citizens' trust in public institutions.

74. The authorities should continue to demonstrate their commitments to ensure that the media sector operates without political interference and that the independence of regulatory bodies is guaranteed.

*Specific recommendations:*

Revise the electoral legislation in close consultation with the Venice Commission, and in particular fulfil the accession commitment concerning the system for allocating seats to political party lists.

Adopt the necessary legislation to ensure an effective access to the justice system (law on legal aid and law on enforcement procedures).

Reinforce the independence of judiciary, in particular, concerning the potential political influence on the appointment of High Judicial functions, as highlighted by the Venice Commission in its Opinion on the Constitution of Montenegro (CDL-AD (2007) 047).

Improve the implementation of the anti-corruption legal framework through strengthening the independence and the enforcement capacities of institutions which monitor.

Further improve the state of local self-government in Montenegro following the Congress' Recommendation 293(2010), and in particular reconsider the restrictions to the applicability of the Charter of local self government in Montenegro.

Ensure and monitor the smooth implementation of the newly adopted Law on Prohibition of Discrimination, in particular, through concrete measures to ensure enforcement of the law and promote an inclusive society of mutual respect and tolerance.

Adopt the law on Protector of human rights and freedoms of Montenegro in compliance with the Venice Commission's Recommendations, securing the autonomy and independence of the institution including financial independence and providing the institution with the adequate resources to comply with its new mandate.

With regard to the people displaced by the wars in the former Yugoslavia, currently residing in Montenegro: develop effective internal monitoring structures with the full involvement of UNHCR for the implementation of the Action Plan on IDPs and DPs to ensure a genuine

enjoyment of the right to return or the meaningful local integration in Montenegro for themselves, and take proactive measures to simplify the procedures for IDPs and DPs to apply for the status of foreigner with temporary/permanent residence.

## **VII. Decisions**

1102nd meeting – 12 January 2011

*Item 2.1bis a*

### **Current political questions**

#### **a. Activities for the development and consolidation of democratic stability**

([GR-DEM\(2010\)CB11](#), [SG/Inf\(2010\)22](#) and [SG/Inf\(2010\)22 add](#))

#### *Decisions*

The Deputies

1. took note of the synopsis of the GR-DEM meeting held on 9 December 2010 (document [GR-DEM\(2010\)CB11](#));

#### **Concerning Montenegro**

Referring to the conclusions of the fourth monitoring report on compliance with obligations and commitments by Montenegro (document [SG/Inf\(2010\)22](#)), which underlines that Montenegro has very nearly fulfilled all the formal, quantifiable commitments it undertook upon accession to the Council of Europe;

2. invited the Montenegrin authorities to fulfil, in the shortest possible time, the remaining accession commitments in line with Parliamentary Assembly Opinion No. 261 (2007), in relation to:

1) the revision of the electoral legislation in close consultation with the European Commission

for Democracy through Law (Venice Commission);

2) the reinforcement of the independence of judiciary, in particular concerning the appointment to the high judicial functions;

3) the full implementation of the newly adopted Law on Prohibition of Discrimination;

4) the development of effective internal monitoring structures for the implementation of the

Action Plan on Internally Displaced Persons (IDPs) and Displaced Persons (DPs)

to ensure a genuine enjoyment of the right to return or the meaningful local integration in Montenegro;

3. in recognition of the progress achieved by Montenegro in the fulfilment of its commitments, decided that the post-accession monitoring procedure of the Committee of Ministers with respect to Montenegro be replaced by a dialogue-based regular stocktaking of co-operation and progress with the fulfilment of statutory commitments and democratic processes;

4. requested, to this effect, that their Rapporteur Group on Democracy (GR-DEM) submit to the Committee of Ministers on an annual basis, or at any time requested by the Committee of Ministers, a review of the state of democratic institutions, the rule of law and human rights in Montenegro, as well as an overview of co-operation with the Council of Europe. This report, drawn up on the basis of information provided by the Secretariat and by the authorities of Montenegro, should take stock of developments and progress made by Montenegro in relation to Council of Europe standards and pay particular attention to the following:

- the functioning of democratic institutions;
- the independence and efficiency of the justice system;
- the fight against corruption, economic and organised crime, as well as trafficking in human beings;
- the protection and promotion of human rights, including non-discrimination and the rights of
- persons belonging to minorities (notably LGBT community);
- the independence of the media;
- the role of civil society.

#### **Appendix: Programme of the Secretariat monitoring mission**

#### ***DIRECTORATE GENERAL OF DEMOCRACY AND POLITICAL AFFAIRS***

#### **Monitoring Mission to Montenegro**

**September 29 – October 1, 2010**

#### ***Programme***

#### **Wednesday, 29 September**

*12h25 Arrival at the airport*

**14.00** MANS

**14.45** Institute Alternative

**15.30** Youth Initiative, Juventas, Center Equista

**16.30** UNEM and Media Institute of Montenegro

**17.15** EUD

**18.00** UNHCR

**Thursday, 30 September**

**08.00** Meeting with Mr. Abaz Dzafic, Director of the Broadcasting Agency of Montenegro

**09.00** Meeting with Ms. Vesna Ratkovic, Director of Directorate for Anti-Corruption Initiative

**10.00** Meeting with Mr. Sucko Bakovic, Ombudsman

**11.00** Meeting with Mr. Predrag Sekulic, Head of PACE Delegation

**12.00** Meeting with:

- Mr. Zeljko Sturanovic, Deputy President of the Parliament
- Djordjije Pinjatic, Chairman of the Committee for Human Rights
- Aleksandar Damjanovic, Chairman of the Committee for Economy, Finance and Budget

**13.00** Meeting with :

- Mehmed Zenka – Democratic Union of Albanians
- Genci Nimanbegu – FORCA
- Mehmet Bardhi, Democratic Alliance of Albanians and Albanian alternative
- Amir Hollaj, AK Perspektiva

**14.30** Meeting with:

- Rafet Husovic - Bosniak Party
- Marija Vucinovic - Croatian Civic Initiative

**15.00** Meeting with Mr. Milan Markovic, President of the Constitutional Court

**16.00** Meeting with:

- Ms. Vesna Medenica, President of the Supreme Court and President of the Judicial Council
- Ms. Ranka Carapic, State Prosecutor and President of the Prosecutorial Council

**17.00** Meeting with Srdjan Milic - Socialist People's Party

**17.30** Meeting with Andrija Mandic - New Serb Democracy

**18.00** Meeting with Nebojsa Medojevic - Movement for Changes

**20.00** Dinner with Ambassadors

**Friday, 1. October 2010**

**08.00** Meeting with Ms. Gordana Djurovic, Minister for European Integration

**08.45** Meeting with Mr. Ferhat Dinosa, Minister for Human and Minority Rights

**09.45** Meeting with Mr. Ivan Brajovic, Minister of Interior Affairs and Public Administration

**10.30** Meeting with Mr. Miras Radovic, Minister of Justice

**11.15** Meeting with Mr. Milo Djukanović, Prime Minister

**12.00** Meeting with Mr. Branislav Micunovic, Minister of Culture, Sports and Media

**12.45** Meeting with Mr. Milan Rocen, Minister of Foreign Affairs

**13.30** Meeting with Mr. Filip Vujanovic, President of Montenegro

*14.30 Departure for the airport*

<sup>1</sup> <http://assembly.coe.int/Main.asp?link=/Documents/AdoptedText/ta07/EOP1261.htm>

<sup>2</sup> Montenegro also ratified the following other Conventions: Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority (CETS 207); Convention on the Conservation of European Wildlife and Natural Habitats (CETS No. 104); Additional Protocol to the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data, regarding supervisory authorities and transborder data flows (CETS No. 181); Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine-Convention on Human Rights and Biomedicine (CETS No. 164); Additional Protocol to the Convention on Human Rights and Biomedicine concerning Transplantation of Organs and Tissues of Human Origin (CETS No. 186); Additional Protocol to the Convention on Human Rights and Biomedicine, concerning Biomedical Research (CETS No. 195); Additional Protocol to the Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine, on the Prohibition of Cloning Human Beings (CETS No. 168); Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS No. 201).

<sup>3</sup> <http://assembly.coe.int/Mainf.asp?link=/Documents/AdoptedText/ta10/ERES1724.htm>

<sup>4</sup> [http://ec.europa.eu/enlargement/pdf/key\\_documents/2010/package/mn\\_opinion\\_2010\\_en.pdf](http://ec.europa.eu/enlargement/pdf/key_documents/2010/package/mn_opinion_2010_en.pdf)

<sup>5</sup> All reference to Kosovo, whether to the territory, institutions or population, in this text shall be understood in full compliance with United Nations Security Council Resolution 1244 and without prejudice to the status of Kosovo.

<sup>6</sup>

<https://wcd.coe.int/ViewDoc.jsp?id=1696775&Site=COE&BackColorInternet=DBDCF2&BackColorIntranet=FDC864&BackColorLogged=FDC864>

<sup>7</sup>

<https://wcd.coe.int/ViewDoc.jsp?id=1089699&BackColorInternet=9999CC&BackColorIntranet=FFBB55&BackColorLogged=FFAC75>

<sup>8</sup> <http://www.cpt.coe.int/documents/mne/2010-03-inf-eng.pdf>

<sup>9</sup> as of 27 October 2010

<sup>10</sup>

<http://cmiskp.echr.coe.int/tkp197/view.asp?item=1&portal=hbkm&action=html&highlight=montenegro&sessionid=61261182&skin=hudoc-en>

<sup>11</sup>

<http://cmiskp.echr.coe.int/tkp197/view.asp?item=3&portal=hbkm&action=html&highlight=montenegro&sessionid=61261182&skin=hudoc-en>

<sup>12</sup>

<http://cmiskp.echr.coe.int/tkp197/view.asp?item=2&portal=hbkm&action=html&highlight=montenegro&sessionid=61261182&skin=hudoc-en>

<sup>13</sup> The Venice Commission gave an Opinion on a draft law on the protector of human rights and freedom in March 2010

<sup>14</sup>

<https://wcd.coe.int/ViewDoc.jsp?id=1350921&Site=CommDH&BackColorInternet=FEC65B&BackColorIntranet=FEC65B&BackColorLogged=FFC679>

\* See footnote 5 on page 6.

\* See footnote 5 on page 6

\* See footnote 5 on page 6.