

HRA history

Human Rights Action (HRA) is a non-governmental organisation founded in 2004 by Dragan Prelevic, attorney at law and representative of the victims in several internationally known cases of violation of human rights in Montenegro, with colleagues and friends. Since 1 March 2010 the executive director is Tea Gorjanc Prelevic, LL.M. (American University - Washington College of Law, 1999), formerly project coordinator and project director with the HRA. Until 2010 HRA was an organisation without permanently employed staff. Its members, mostly lawyers, were undertaking activities in addition to their regular work and participated in the projects out of their sense of duty to society. Since March 2010 HRA has the nine-member Advisory Council¹ and four full-time volunteers, for the time being, including the executive director.

Since 2004, HRA has completed several projects, among which the **Re-training Lawyers in Transition Countries of the South-East Europe in Human Rights** lasted in continuity until 2009.² More than thousand judges, attorneys at law, prosecutors, governmental and NGO lawyers participated in 40 regional seminars organised within the project. A book by the HRA director „The right to a fair trial – selected judgments of the European Court of Human Rights in the cases against Bosnia and Herzegovina, Croatia, Macedonia, Serbia and Slovenia“ was also published as part of the project.³

The report “**Human Rights in Serbia and Montenegro in 2005**” was elaborated in cooperation with the Belgrade Centre for Human Rights on the state of legislation and practice in the State Union of Serbia and Montenegro. The report follows the catalogue of rights guaranteed by the International Covenant on Civil and Political Rights, International Covenant on Economic, Social and Cultural Rights and European Convention on Human Rights. The Conclusions of the Report were referred by the HRA to the Government of Montenegro in the form of *Recommendations on improving legal solutions and protection of human rights in practice in Montenegro* in April 2006.

HRA contributed chapters on Montenegro in the **Regional Report on Human Rights for 2005 and 2007**, published by the Balkan Human Rights Network (BHRN), which included reports on the state of human rights in Albania, Macedonia, Bulgaria, Montenegro, Serbia, Kosovo, Croatia and Bosnia and Herzegovina.

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² Project was financed by the Norwegian Ministry of Foreign Affairs through means of the Office of Norwegian People's Aid (NPA) in Belgrade. Human Rights Action cooperated on this project with the Belgrade Centre for Human Rights, Centre for Human Rights of the University in Sarajevo, Croatian Helsinki Committee and later Legalis from Zagreb and Forum – Centre for Strategic Research and Documentation from Skoplje. Please see the web page of the project: <http://www.seelawyers.net/?jezik=e>

³ <http://www.hrc.unsa.ba/zbirkapresuda/>

The goal of the reports was to emphasize mutual and specific problems in observance of human rights in the region.⁴

The **Tax Reform for the Support of Human Rights NGOs** was a regional project coordinated by the HRA in 2006 in order to research possibilities for stimulating private donations to HR NGOs by improvement of tax relief and introduction of the so-called „Law on 1%“, based on which the citizens would be given the right to direct 1% of the tax obligation to a non-governmental organisation of their choice. The project result represented draft variations of the corresponding tax regulations and accompanying publication.⁵

In the process of drafting the Constitution of Montenegro following the state's independence in June 2006, HRA working group elaborated **Proposal for Improvement of the Expert Text of the Future Constitution of Montenegro**, as well as the **Draft Proposal of the Constitutional Provisions on the Judiciary**. Later on, the **Comments on the Draft Constitution** were sent to the Constitutional Committee of the Parliament of Montenegro and the Venice Commission, and immediately after passing the Constitution in November 2007, HRA filed the **Initiative for Amendments of the Constitution** concerning provisions of human rights and independence of the judiciary with the president of Montenegro, the Prime Minister and all political parties. In February 2008, the round table **International Human Rights Standards and Constitutional Guarantees in Montenegro** was organised in cooperation with the Venice Commission, and a book was published under the same title, which besides comments on the Constitution by the HRA working, contains the only translation of the Opinion of the Venice Commission on the Constitution of Montenegro.⁶

HRA published the **Proposal of the Reform of Appointment of Judges** in July 2007 and the **Assessment of the Reform of the Appointment of Judges (2007-2008)** in February 2009 with 109 recommendations to the Government and the Judicial Council for the improvement of transparency of the appointment process and guarantees of independence and expertise of the judges.⁷ HRA continues to monitor the activities of the Judicial Council and insist on transparency of decision-making of this body and improvement of the criteria for the appointment of judges. In November 2009, HRA brought an action to the Supreme Court against the decision of the Judicial Council not to disclose the decisions on dismissal and determination of disciplinary responsibility of the judges. In November 2009, the Judicial Council adopted a 4-year Action Plan outlining the need to review the criteria and transparency of its operation.

HRA conducted two researches on the subject of sexual minorities in Montenegro in October 2009: **Research of opinions of 30 homosexual persons about their position in Montenegro** and the public opinion poll **Homophobia in Montenegro** in cooperation with the agency *Ipsos Strategic Marketing*.⁸ Research results were presented at the international conference „Getting out of Darkness – Justice in the Balkans: Equality for Sexual Minorities“, in Podgorica, and caused significant attention and debate in Montenegrin society, sparking other chain developments. In order to counter the overwhelming homophobia, led by the extreme homophobic statements by the Minister for Human and Minority Rights, HRA coordinated a joint request of a dozen of Montenegrin human rights NGOs to the president of Montenegro, to use his authority and explain to the citizens of Montenegro that homosexuals are not

⁴ Balkan Human Rights Network and its projects were financed by the Government of Denmark and partially European Commission. Report for 2007 was mutually elaborated by Aleksandar Zekovic, researcher of human rights violation and Tea Gorjanc Prelevic, HRA program coordinator at the time.

⁵ Project was financed by the Balkan Human Rights Network.

⁶ Project was financed by the Fondation Open Society Institute – Representative Office Montenegro and the UK Ministry for Foreign Affairs Please see the publication at: <http://www.hraction.org/wp-content/uploads/knjiga-eng.pdf>

⁷ Project was financed by Fondation Open Society Institute – Representative Office Montenegro. Please see the publication at: http://www.hraction.org/wp-content/uploads/hra-analiza_reforme_izbora_sudija_u_crnoj_gori-eng.pdf

⁸ Public Opinion Research was supported by the Federal Republic of Germany Ministry of Foreign Affairs.

mentally ill, but people entitled to the right of privacy and non-discriminatory treatment like all other.⁹ The same group of NGOs also requested resignation of the Minister for Human and Minority Rights. HRA executive director is currently finalizing a research study on the LGBT rights in Montenegro for the research project of the Council of Europe.

Within the program **Comments on draft laws and proposals of laws in the field of human rights**, HRA proposed comments and amendments to the competent state bodies regarding: the *Bill of Law on the Protection of Personal Data*, *Draft Law on Criminal Procedure* and *Bill of Law on Criminal Procedure*, *Draft Law on the Constitutional Court* and *Bill of Law on the Constitutional Court*; *Draft Law Against Domestic Violence* and *Draft Law on Protection Against Discrimination*.¹⁰

Within the program **Promotion of freedom of expression in Montenegro in accordance with the European Standards**, HRA initiated translation of the publication of the Council of Europe *„Freedom of expression – A guide to the implementation of Article 10 of the European Convention on Human Rights“* by Monica Macovei, and actively participated in its distribution to the judges, lawyers and journalists. The guide was also posted on the internet site of the HRA (www.hracion.org), along with four judgments of the European Court of Human Rights passed in the cases against Serbia, being especially relevant for the practice of the Montenegrin judges.¹¹ HRA publicly commented on judgments passed upon claims against journalists and media in Montenegro, in which the courts ignored standards determined in practice of the European Court of Human Rights. HRA delivered the translated Guide and judgments of the European Court of Human Rights passed against Serbia to the judges that handled such cases. In September 2009, HRA referred *an appeal* to the *Supreme Court to make principal stands and secure applying of the standards from the practice of European Court in the practice of Montenegrin courts*. In February 2010, together with the Journalistic Self-Regulatory Body, HRA submitted to the Government of Montenegro the *Initiative for cooperation on a thorough reform of defamation law in accordance with European standards of freedom of expression*¹² and is currently working on the organisation of a regional round table to provide for exchange of best practice within the region.

HRA is a member of the **Coalition for the Establishment of the Regional Commission for War Crimes and other Grave Violations of Human Rights on the Territory of the former SFR Yugoslavia (RECOM)**, while the HRA director was a member of the Coordination Council of the Coalition for six months in 2009 and currently works towards formulating a Draft Statute of the future Regional Commission.¹³ The first consultations with representatives of the civic society of Montenegro about the RECOM initiative were organised by HRA in Podgorica on 25 October 2008. In May 2009, on behalf of the Coalition for RECOM, HRA organised together with Centre for Civic Education the Fifth regional forum on transitional justice, in Budva, with approximately 400 participants. HRA follows the prosecution of war crimes in Montenegro. In 2009, in cooperation with the Centre for Civic Education, HRA organized a commemoration for victims of the 1992 war crime deportation of refugees from Montenegro to the Republic of Srpska in Bosnia and Herzegovina and initiated the following NGO actions in Montenegro: support to the appeal for protection of Slobodan Pejovic - witness to the war crime of deportation of refugees and proposal to the Council of Television of Montenegro to broadcast the bunkered documentary *„War for peace“*, on the occasion of 19 years from the siege of Dubrovnik.

In cooperation with the Shelter for Women and Children Victims of Violence, HRA commented on the Draft Act for the Protection against Domestic Violence and following the adoption of the Act will complete a

⁹ <http://www.hracion.org/?p=274>

¹⁰ <http://www.hracion.org/?cat=3>

¹¹ http://www.hracion.org/?page_id=230

¹² <http://www.hracion.org/?p=323>

¹³ HRA is one of the partners in the EC funded project enabling regional consultations on the RECOM initiative.

guidebook for the women of Montenegro on their rights in relation to the incidents of domestic violence, marriage, child care, separation of property, divorce, child custody, child abduction, etc.¹⁴

HRA provides free legal advice for everyone who considers her/himself being a victim of human rights violation, especially in relation to conditions for starting proceedings in the European Court of Human Rights in Strasbourg. HRA internet web page www.hraction.org hosts forms and guidance for addressing this court, as well as guides for implementation of the articles of the European Convention on Human Rights. In the first case against Montenegro adjudicated by the European Court for Human Rights, the Court considered the amicus brief submitted by the HRA.¹⁵

HRA engages in research of particular cases of human rights violations and public advocacy for the protection of human rights. The organisation has had a significant record of presence in the Montenegrin media and uses every opportunity to assist the bodies of the European Union and the Council of Europe to receive information and support improvement of the protection of human rights in Montenegro.

¹⁴ UNDP funded project.

¹⁵ *Bijelić v. Montenegro and Serbia*, Application no. 11890/05, 2009, para. 9.