

## ROUND-UP OF HRA PROPOSED AMENDMENTS TO

### I **DRAFT LAW ON AMENDMENTS TO THE LAW ON CONSTITUTIONAL COURT**

Of the total 15 amendments that HRA proposed to the Draft Law on Amendments to the Law on Constitutional Court, five amendments were proposed, two of which were adopted.

#### *Adopted proposed amendments:*

- 1) to prescribe a deadline for the decision-making process of the Constitutional Court – although deadline of one year was proposed (HRA – Andrija Popović SNP), 18 months deadline was adopted;
- 2) not to enable the Constitutional Court to suspend the procedure if the Parliament or other competent body amends the provision determined by the Constitutional Court as unconstitutional, within due time (the proposed new Article 46a of the Law on the Constitutional Court was deleted).

#### *Not adopted amendments proposed by the MPs prescribed:*

- 3) the competent working body of the Parliament should determine the proposed list of judges for the Constitutional Court by two-thirds majority of all members (Andrija Popović, MP of Albanian parties (FORCA, DP), HGI and LPCG); The MP group of the Pozitivna Crna Gora also proposed this qualified majority, with a suggestion to prescribe the three-fifths majority of all the members in the second round of voting);
- 4) to provide the right to file a constitutional appeal in cases when human rights were violated by failing to adopt an individual act or factual action of a state body, state administration body, local self-government body or a legal entity exercising public powers, not just an individual act adopted by the mentioned bodies (Andrija Popović);
- 5) to authorize the Constitutional Court to prohibit further actions, when it determines a violation of human rights, to determine other measures or actions with the aim of eliminating harmful effects of the violation of rights and to award fair compensation, rather than simply repealing the act and remanding the case to a new procedure to the body that adopted it (SNP).

## **II DRAFT LAW ON AMENDMENTS TO THE LAW ON THE JUDICIAL COUNCIL**

Of the total 21 amendments that HRA proposed, the SNP proposed one amendment, which was not adopted, in relation to the deletion of the requirement that a member of the Judicial Council from among the judges of Basic courts must have at least 5 years of judicial experience.

## **III DRAFT LAW ON AMENDMENTS TO THE LAW ON COURTS**

Of the total 10 amendments that HRA proposed, the SNP proposed one amendment, which was not adopted, in relation to the introduction of the obligation to publish a report on the court operation on the website of the court, within the same deadline as the submission of a report to the Judicial Council and the Ministry of Justice.

## **IV DRAFT LAW ON AMENDMENTS TO THE LAW ON STATE PROSECUTOR'S OFFICE**

Of the total 14 amendments that HRA proposed, only one was partially proposed, in relation to the manner of proposing members for the Prosecutorial Council from among the ranks of eminent lawyers – HRA criticized the decision that only the Association of Lawyers of Montenegro, and the Association of Prosecutors of Montenegro, as civil society organizations, have the right to propose two members for the Prosecutorial Council, and instead we proposed that the right to propose candidates should be open for other NGOs (SNP suggested that, instead of the Association of Lawyers of Montenegro, the Association of Prosecutors, Bar Association of Montenegro and the Protector of Human Rights and Freedoms proposing candidates, this should be done through a public announcement, as in the case of the Judicial Council, while the Pozitivna Crna Gora suggested that the ruling coalition, the opposition and the President of Montenegro should propose one candidate each). SNP amendment was adopted.