

Podgorica, 25 January 2011

PRESS RELEASE ON HRA PROPOSAL OF AMENDMENTS TO THE DRAFT ACTION PLAN FOR  
MONITORING THE IMPLEMENTATION OF RECOMMENDATIONS OF THE EUROPEAN COMMISSION

Human Rights Action (HRA) submitted today to the Prime Minister of Montenegro and competent ministers a Proposal of amendments to the Draft Action Plan for Monitoring the Implementation of Recommendations from the Opinion of the European Commission.

HRA considers that the Draft Action Plan is very good, on the whole. Particularly, the measures for improving the system of appointment of judges are set so as to generally allow the implementation of 109 recommendations that HRA submitted to the Ministry of Justice and the Judicial Council in December 2008, as a conclusion of "Assessment of the Reform of Appointment of Judges in Montenegro, 2007-2008"<sup>1</sup>.

However, in order to thoroughly address the recommendations of the European Commission, HRA considers necessary to amend the Draft Action Plan as follows:

1. Draft Action Plan for the area of rule of law - judicial reform:

- Prescribe **mandatory continuous education for judges and prosecutors for a certain, pre-planned number of working days per year;**
- Extend the prescribed training for judges on the European standards of fair trial rights to freedom of expression as required by the European Commission, as well as to other, equally important rights, such as the right to private and family life (with regard to the European Court of Human Rights judgment *Mijušković v. Montenegro*, finding a violation of this law), prohibition of torture, etc.;
- **Expand initial training to the field of "judicial and prosecutorial skills"** such as "the role of judges in safeguarding the rule of law", "independence and impartiality", "public relations", "forensic psychology", as provided in 2002 in the EAR funded Project for supporting the Judicial Training Centre of Montenegro;
- **Assess the three-year implementation of the Law on Protection of Right to a trial within a reasonable time regarding the effectiveness of legal remedies** provided for therein, since it is particularly problematic in the opinion of the European Commission;
- **Improve transparency of operation of the state prosecutors and courts by organizing press conferences on regular bases and providing persons responsible to regularly inform the public about the results of their work.**

2. Regarding the Action Plan for the area of public administration, HRA proposed **the improvement of protection of civil servants who report corruption and other illegal actions** (so-called *whistleblowers*) in respect of remedies that are available to them; we criticized classification of Ombudsman as public administration and sought to include him in the Action Plan for human rights.

---

<sup>1</sup> See: <http://www.hracion.org/?p=188>.

3. Action Plan for the area of media:

- In addition to planned amendments to the Criminal Code so as to further decriminalize defamation, we also proposed **amendments to the Criminal Code by introducing two offences that would align the protection of journalists in performing their professional tasks with the protection enjoyed by officials in the performance of public services, as well as the amendments to the Media Law** so as to ensure the introduction of European standards of freedom of expression in the field of civil liability for violation of the honor, reputation and privacy.<sup>2</sup>
- We suggested that **the Supreme State Prosecutor is requested to prepare a report on the investigations undertaken on the occasion of physical violence against journalists**, analyzes their results and specifies the measures for further processing.

4. Regarding the Action Plan for the area of human rights, we proposed additional goals:

- **Assessment of the human rights guarantees envisaged by the Constitution and their improvement** (including guarantees of independence of the Judiciary, Ombudsman and Constitutional Court) in accordance with the Venice Commission Opinion on the Constitution of Montenegro and HRA recommendations published in 2008 in the "International Human Rights Standards and Constitutional Guarantees in Montenegro"<sup>3</sup>;
- Monitoring and promoting respect for minority rights, particularly through **cooperation between the Government and councils for minorities**;
- **Assessment of legal guarantees against discrimination against persons of homosexual orientation and transgender persons, and the appropriate amendments to the legislation** in that direction.

5. Regarding the Action Plan for permanently solving the issue of refugees and displaced persons in camps Konik I and II, we proposed amendments to the proposed measures so as to:

- **Urgently create conditions for safe and adequate housing of persons living in Konik camp**, which include: emergency sewer repair; providing quality drinking water; providing electricity through appropriate installation and repair of barracks.
- Take active measures to ensure compulsory education for all children of school age living in the camp, which would imply: **registration of all children of school age in the camp, their enrollment in school and providing the state funding for a sufficient number of teaching assistants for Roma children.**

For further explanation of all the proposals see attached material submitted to the Prime Minister and ministers, or visit our website at [www.hracion.org](http://www.hracion.org).

---

<sup>2</sup> See Reform Proposal for Liability for Breach of Honor and Reputation in Montenegro: [http://www.hracion.org/wp-content/uploads/predlog\\_reforme-zakon\\_o\\_kleveti\\_i\\_uvredi.pdf](http://www.hracion.org/wp-content/uploads/predlog_reforme-zakon_o_kleveti_i_uvredi.pdf)

<sup>3</sup> [http://89.188.32.41/download/medj\\_standardi\\_ljp\\_en.pdf](http://89.188.32.41/download/medj_standardi_ljp_en.pdf)