

PRESIDENT OF MONTENEGRO

Mr Filip Vujanović

PRIMEMINISTER OF MONTENEGRO

Mr Milo Đukanović

PRESIDENT OF THE PARLIAMENT OF MONTENEGRO

Mr Ranko Krivokapić

Podgorica, 22 October 2009

Subject: PROTEST CONCERNING OVERSIGHT OF COMPETENT STATE BODIES TO ELECT THE OMBUDSMAN IN A TIMELY MANNER

Honourable gentlemen,

Bearing in mind that the 6 – years term of office of the Ombudsman, Mr Šefko Crnovršanin, expired on 20 October and that the Parliament failed to elect the new person at that position in a timely manner, we state out protest, since this oversight clearly shows the irresponsible approach of the competent state bodies towards the obligation of the state to provide protection of human rights and freedoms.

Obviously, this omission was also caused by untimely alignment of the Law on Ombudsman with the Constitution, which was recently pointed by the Venice Commission, as well. Particularly, the Constitution stipulates that the Parliament elects the Ombudsman, upon the nomination by the President of Montenegro (Art 95), while Law prescribes that the competent body of the Parliament nominates the Ombudsman, after consultation with the representatives of the civic sector dealing with human rights and freedoms (Art 8).

We demand that the responsibility for this oversight to be determined in order to prevent the possibility of similar situations in future.

We also request the Parliament to promptly align the Law on Ombudsman with the Constitution, and finally elect the Ombudsman.

We propose that the President of Montenegro shall bind himself by the Law to consult with the representatives of civic sector dealing with human rights and freedoms during the process of nominating proposals for the position of Ombudsman.

**Human Rights Action
Centre for anti – discrimination EKVISTA
Centre for Civic Education
Centre for Monitoring (CEMI)
Centre for Development of NGOs
Youth initiative for human rights
Institute Alternative
Youth cultural centre Juventas
Shelter**