

H.E. Miras Radovic, Minister of Justice of Montenegro

Dear Mr. President, Your Excellencies, ladies and gentlemen,

It's my pleasure to greet you on behalf of the Government of Montenegro, our delegation and in my own name and to say that it is a great honour to be again in the United Nations - the house that belongs to all of us, and to take a part in the debate regarding the human rights situation in Montenegro within the Universal Periodic Review of the UN Human Rights Council for the period 2008 - 2012.

The occasion of our meeting today – the adoption of the Final report on the human rights situation in our country makes it even more pleasant for us to be here.

Beginning my introductory note I would like to express gratitude to all the participants in the process of the Universal Periodic Review for Montenegro: Montenegrin inter-governmental working group which prepared the National Report in line with the General Guidelines for Preparing Information for the UPR; Montenegrin civil society, which contributed largely to the quality of the Report by its suggestions and remarks; Working Group on the Universal Periodic Review and its „Troika“, Secretariat of the Human Rights Council and the Office of the High Commissioner for Human Rights. A special gratitude also goes to the Member States of the Human Rights Council, other States involved in the review process and international organizations which in their compliments and well-meaning comments gave support and guidelines to our national authorities in the process of improving human rights in our country.

Presenting the National Report on the Human Rights Situation in Montenegro, from 3rd to 5th December 2008, I had the honour to give you the summary presentation of the activities implemented in Montenegro in the field of respect and protection of human rights. We stated together that Montenegro has achieved an enormous progress in the field of human rights since its independence was restored on 21st May 2006 in the referendum organized according to the highest legal standards. On that occasion we had the pleasure to receive the recommendations of the Member States of the Working Group and other States involved in the review process, which were related to further improvement of our legal system, both through

strengthening the legislative framework and through improving the institutional framework for the promotion and protection of human rights and freedoms. We have taken these recommendations as well-meaning, of course, because they were given by our friends who attach high importance to the affirmation of human rights, not only in their countries, but also in other Member States of the World Organization. Such an approach requires all of us to respect the universal nature of one of the highest achievements of human society— human rights and freedoms.

Ladies and gentlemen,

Complying with the UPR procedure, Montenegro responded to the recommendations from the Draft Report of the Working Group on the Universal Periodic Review. Therefore I would not deal today with the content of the answers we provided, but I would like to draw your attention to the overview of the most important activities of Montenegrin institutions undertaken in the period since the presentation of the National Report, which are in line with the given recommendations.

The Parliament of Montenegro ratified the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and in the required time framework it will establish the effective national mechanism for prevention of torture. The Government adopted the Proposal of the Law on Ratification of the Convention on the Rights of Persons with Disabilities.

The Government of Montenegro appointed the Agent to represent Montenegro in the European Court of Human Rights in Strasbourg and thus fulfilled another important international obligation in the field of the protection of human rights and freedoms.

In the field of combating corruption we have undertaken significant activities. We considered the Fourth Report on the Implementation of the Measures from the Action Plan for the Implementation of the Programme for Combating Corruption and Organized Crime for the second half of 2008 and we established that the measures had been implemented to a high extent. Representatives of non-governmental sector were also included in the drafting of the Report. A significant activity in this field is passing of the new Law on Preventing Conflict of Interests which will contribute to raising

the level of trust that public offices are held in legitimate and impartial manner. Adopting the Law on Civil Servants and State Employees, we ensured protection of civil servants and state employees who report cases of corruption.

During 2008 judicial bodies made an obvious progress in solving the corruption cases. The latest examples of processing the cases involving persons of high official rank, some of them even holding offices in judiciary, and obviously intensified work of courts in dealing with the cases of corruption, clearly reflect the intention of judiciary to be a determined factor in fighting this damaging social phenomenon.

The Law on Protection of Personal Data has been adopted and in such a way Montenegro continues harmonizing its legislation in the field of personal data protection with the *acquis communautaire* and ensures higher transparency of the operation of public administration and private sector, providing easier access for citizens to their personal data kept in Montenegro. An independent supervisory body will be established with the task to control the implementation of this Law.

The Parliament of Montenegro adopted the Law on Foreigners, creating thus preconditions for establishment of the efficient system of visas, visa regime and migrations, as the instrument for participation of Montenegro in numerous global and regional systems and initiatives in the field of migrations and border security.

Working group for monitoring the implementation of the National strategy for fighting trafficking in human beings adopted the Action plan which defines the activities planned for 2009. This strategic document incorporates the recommendations of all international organizations that Montenegrin authorities cooperate with in the field of trafficking in human beings. Judiciary attaches adequate importance to the criminal cases of trafficking in human beings and imposes punishments proportionate to their gravity.

Bureau for the Care of Refugees is preparing re-registration of internally displaced persons residing in Montenegro. It is to be conducted in the first half of 2009. Several municipalities will allocate land for the construction of housing units for displaced persons. The process of repatriation of 29 families displaced from Kosovo has started. Through the capital budget the Government allocated the amount of €450,000 for the construction of one

part of the Centre for asylum seekers, and the application has been submitted to the European Commission for the project which would use the 2009 IPA funds for the finalization of the construction and equipping of this facility. We respect and accept the recommendation to invite international community to provide technical assistance and financial support to Montenegro in the implementation of the Strategy leading to a sustainable solution of the issue of refugees and internally displaced persons, since it is a confirmation that the international community has not forgotten that in the 90s Montenegro opened its doors to a large number of persons from the war stricken areas.

We are satisfied with the permanent progress in the implementation of the Strategy for inclusion of Roma population in Montenegrin society. For that purpose the 2009 budget envisages the amount of €600,000 to be used for the creation of decent living conditions for the members of this population. The activity of building 50 flats has already started in two municipalities. In one of them the housing issue of this population will be completely solved in this way. It is worth mentioning that it is also the municipality where all Roma children go to school. We are also satisfied with the preliminary results of the project of education of RAE population implemented with the Red Cross and UNHCR.

Draft Law on Prohibition of Discrimination has been prepared and it will soon be submitted to the Government for adoption and the programme of public consultations will be proposed too. According to this Law, the scope of prohibitions will cover all the basic grounds of discrimination known in the comparative solutions.

It is our pleasure to remind of the conclusions of the Committee for Elimination of Racial Discrimination expressed in the 74th session on 16th February 2009. The Committee, namely, welcomed the fact that Montenegro adopted numerous legislative and administrative measures aimed at establishing the framework for promotion and protection of human rights, particularly in the field of elimination of discrimination in all the forms relevant for the Convention on Elimination of All Forms of Racial Discrimination.

Action plan for achieving gender equality 2008 – 2012 envisages preparation of the Forum for dialogue with civil sector. It is to be organized three times a year with the view to establishing the dialogue and the system

of efficient and direct transfer and exchange of information, views and attitudes between the Government and non-governmental sector. An important data is also the fact that this month one of our private universities will start enrolling the first generation of students in the „Gender Studies School“. The campaign „16 Days of Activism against Domestic Violence“, started in cooperation with international organizations in late November 2008, continued this year. Drafting of the Initial Report on the Implementation of the Convention on Elimination of All Forms of Discrimination against Women coordinated by the Ministry for the protection of human and minority rights is in progress.

Dimensions of media pluralism prove that through the conditions for exercising the freedom of the media a good environment for freedom of expression has been created in Montenegro. Montenegrin Parliament adopted the new Law on Public Broadcasting Services after the implementation of the old law showed that certain issues important for the work of public broadcasting services have not been regulated or have not been regulated in an adequate manner. It turned out that certain solutions even directly contributed to the unfavourable situation of Radio-Television of Montenegro. This particularly refers to the model of management structure, which proved to be irrational and inefficient. The new Law defines precisely the obligations of the Public Broadcasting Service in terms of producing and broadcasting programmes, adopting and complying with professional standards and programme rules, guaranteeing independence of the Public Broadcasting Service and its journalists, as well as the financing sources of the Public Broadcasting Service from Montenegrin budget.

Regarding the recommendation of several states to undertake effective measures to investigate attacks on journalists and protectors of human rights, we would like to say that in the case of criminal offence of homicide of the Director and Editor-in-Chief of the daily „Dan“ the trial is in progress and in three cases of assaults on journalists the criminal procedures have been completed. In two of the cases final judgments have been brought and the prison sentences imposed, while in the third case the trial has been finished and the judgment will soon be announced. As for other three cases, police is still undertaking the operational measures and activities aimed at establishing the identity and tracking the perpetrators.

I would also like to remind you that Montenegrin judicial authorities are conducting criminal procedures in four war crime cases. In three of them

indictments have been brought, while the fourth one is in the investigation stage aimed at supplementing the request for conducting the investigation proposed by the competent state prosecutor. It is obvious that the work on these cases has been intensified, because in the first of the cases the trial is in progress, in the second it is scheduled and it will start this month, while the third case is in the stage of deciding on the objections to the indictment. In all of these three cases it was decided for the defendants to be put in detention.

It is to be mentioned that the court proceedings for the damages in 42 litigations initiated in relation to the event of „Deportation of Muslims“ from 1992 have been finalized by settlement between the plaintiffs and the Government of Montenegro and that the plaintiffs were settled with the amount of €4,135,000. This is a unique example of treatment of the victims from the time of war events in the Region and it can serve as an example for solving the open issues that burden bilateral relations.

We understand and fully accept the recommendation to work more intensively on passing the Law on Protection from Domestic Violence and to establish close cooperation with non-governmental organizations in the procedure of passing this law. According to the Government Agenda, we will soon put the Draft of this Law to public consultations. We would like to stress that in this field judicial bodies have been committed to solving the cases involving the criminal offence of domestic violence. Courts already decided on several hundreds of such cases and in more than 70 the defendants were convicted and imposed prison sentences.

The period since the presentation of the National Report on Human Rights Situation in Montenegro was also rich in the activities of implementing the Action plan for the implementation of the Strategy for the Reform of Judiciary 2007 – 2012. At present the Report on the Implementation of measures from the Action Plan for the second half of 2008 is being considered and the high level of completion of the measures is obvious, particularly in the field of strengthening independence and efficiency of judiciary. We are working on the improvement of the capacities of the Judicial Council, since it is the body which is to ensure independence and autonomy of judiciary, as defined in Montenegrin Constitution. The Judicial Council selected more than 30 judges according to the objective criteria. In this period the Judicial Council also worked on inquiring several cases of disciplinary responsibility of judges. Situation is similar with the Council of

Prosecutors, the basic function of which is to guarantee independence of the organization of state prosecutors.

Highest importance is attached to the efficiency of judicial bodies. The Proposal of the Criminal Procedural Code has been adopted by the Government. It creates preconditions for the efficient work of judicial bodies in the criminal procedure by transferring the investigation from the courts to the prosecutors and introducing alternative dispute resolution. Last year the courts increased efficiency and progress in solving the issue of backlog of cases is obvious in all the courts and at all the levels, with the clear trend to continue with such an approach.

Along with these key reform activities, a number of other activities have been undertaken in the field of judiciary, as well as in other sectors the reform is conducted in. However, the time we have, unfortunately, does not allow us to elaborate them in details.

Ladies and gentlemen,

I would like to reiterate that I perceive the recommendations we received as friendly and well-meaning, but I would also like to say that the continuity of activities in Montenegro, aimed at affirmation of the fundamental rights and freedoms, is showing full commitment of Montenegrin state authorities and other social subjects to promotion and protection of these universal values of human society.

We highly appreciate the frank and rich debate we had in the process of analyzing the Report on the Human Rights Situation in Montenegro.

I would like to thank you for recognizing that Montenegro has made huge steps forward in the field of protection of human rights and freedoms since the independence and for encouraging and supporting our state in continuing the trend of achieving even better results in this field.

I am sure that the report, once adopted, will present a realistic reflection of the real situation in Montenegro and be confident that our country will give its full contribution to the universal affirmation and protection of human rights and freedoms that it cherishes as its heritage and as the foundations and attributes of modern democratic civilization.