



GOVERNMENT OF MONTENEGRO

ACTION PLAN

FOR CHAPTER 23 JUDICIARY AND FUNDAMENTAL RIGHTS



19 February 2015

INTRODUCTORY REMARKS	4
1. BACKGROUND	4
2. DECSRIPTION OF THE ACTION PLAN STRUCTURE	5
3. AREAS COVERED BY THE ACTION PLAN	12
4. ACTION PLAN UPDATES	13
IJUDICIARY	Error! Bookmark not defined.
1.1. STRENGTHENING OF INDEPENDENCE OF JUDICIARY	Error! Bookmark not defined.
1.2. STRENGTHENING IMPARTIALITY IN JUDICIARY	Error! Bookmark not defined.
1.3. ACCOUNTABILITY IN THE JUDICIARY	Error! Bookmark not defined.
1.4. PROFESSIONALISM, COMPETENCE AND EFFICIENCY IN THE JUDICIARY	Error! Bookmark not defined.
1.5. DOMESTIC HANDLING OF WAR CRIMES.....	Error! Bookmark not defined.
II FIGHT AGAINST CORRUPTION	82
2.1. PREVENTIVE ACTIONS AGAINST CORRUPTION	82
2.2. REPRESSIVE ACTIVITIES AGAINST CORRUPTION	141
IIIFUNDAMENTAL RIGHTS	182
3.1. Strengthening ofthe capacity of the Ombudsman and his role as national mechanism for the prevention of torture.	182
3.2. Introducing an effective legal remedy in line with Article 13 ECHR to redress violations of human rights under the Convention.....	191
3.3. Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)..	194
3.4. Freedom of media and protection of journalists.	218
3.5. Independence of the audio-visual regulator of the public broadcaster.....	225
3.6. A –Prevention of Discrimination.	226
3.6. B –Gender equality.....	231
3.6. C – LGBT Rights.	246
3.7. Right to establish new unions	255
3.8.1 A - Rights of the children.	257
3.8. B - Rights of persons with disabilities	272
3.9. Free legal aid.	279
3.10. A-Protection of Minority Rights and RAE Population	283
3.10.B –Rights of displaced persons.	297
3.11 Prosecution of hate crime.	309

3.12 Protection of personal data.....	310
IV COOPERATION WITH THE NGO	316

INTRODUCTORY REMARKS

1. BACKGROUND

In the session that took place on 10 April 2014, the Government of Montenegro adopted the Decision establishing the Working Group for Preparation of Negotiations on the Accession of Montenegro to the European Union in the area of the *acquis* related to the negotiation chapter 23 – Judiciary and Fundamental Rights (hereinafter referred to as Working Group 23). This decision replaced the previous decision adopted by the Government on 8 March 2012.

Pursuant to the Decision of the Government, the Working Group consists of 47 members from all three branches of government: legislative, judicial, and executive, also including five representatives of civil society from non-governmental organisations: Association of Judges, Centre for Development of NGOs, Centre for Civic Education, NGO Ikra Rožaje, and the Institute “Alternative”.

The explanatory screening for Chapter 23 of the *acquis* covering the area of judiciary and fundamental rights was held in Brussels on 26 and 27 March 2012.

The bilateral screening for Chapter 23 of the *acquis* covering the area of judiciary and fundamental rights was held in Brussels on 30 and 31 May 2012.

At the end of the bilateral meeting, in accordance with the procedures, the Chief Negotiator stated on behalf of Montenegro that Montenegro accepts the European Union *acquis*.

On the basis of the bilateral meeting and the complete screening process, the European Commission summed up the results of the screening process in the screening report, which was submitted to the Working Group on 25 December 2012.

The obligation of Montenegro to adopt the Action Plan was set as the sole benchmark for the opening of negotiations on Chapter 23 – Judiciary and Fundamental Rights, which was clearly stated in the letter of the Permanent Representative of the Republic of Cyprus to the European Union, as the Member State that presided the Union at the moment of submission of the Screening Report.

“On behalf of the Member States of the European Union, you are informed that, in accordance with items 42 and 43 of the Negotiating Framework and screening of the EU acquis for Chapter 23, the EU believes that the opening of this chapter may be considered after the EU confirms that the following benchmark has been met:

- Montenegro adopts one or more detailed action plans including appropriate timelines and implications on funds and setting out clear goals, measurable indicators, and, where appropriate, the necessary institutional order in the following areas: Judiciary, Fight against Corruption, and Fundamental Rights.”

Following the adoption of the Action Plan, at the session of the Government held on 27 June 2013, the EC drafted the Report on Assessment of the Fulfilment of the Opening Benchmark, on the basis of which the Council of the European Union decided that Montenegro is ready to open negotiations. The Government of Montenegro subsequently adopted and submitted the Negotiating Position, and the Council of the European Union adopted the EU Common Position. The negotiations for Chapter 23 were opened on 18 December 2013. The EU Common Position defined 45 interim benchmarks for Chapter 23.

2. DESCRIPTION OF THE ACTION PLAN STRUCTURE

2.1. General remarks

Since the first Action Plan called for adaptation of the document with a view to defining medium-term and long-term priorities in a more concrete manner, after implementation of the first stage of the Action Plan (short-term priorities), the Working Group 23 began adapting the Action Plan for Chapter 23.

2.2. Method of establishing objectives

The objectives were defined, taking into account clear recommendations from the Screening Report, as well as those given in the course of the screening process. Also, some of the objectives were defined by taking into account the need of achieving certain standards that are prerequisites for the fulfilment of certain objectives referred to in recommendations contained in the Screening Report. During the adaptation, the objectives remained the same.

In accordance with the rules for preparation of the Action Plan as a strategic and reform document, as well as in accordance with the European Commission guidelines, the Action Plan contains an overview of activities within a single process which enables the fulfilment of obligations towards the European integration in a planned and proactive manner, through the accomplishment of clearly defined objectives.

The Action Plan represents an overview of mechanisms and activities based on which it is evident what is intended to be achieved within a specified period, based on realistic assessments and within the objective possibilities.

2.3. Method of establishing measures

The measures in the Action Plan for Chapter 23 were designed towards fulfilment of recommendations defined by the Screening Report for this chapter, as well as interim benchmarks. All the measures contained in this Action Plan are in line with the measures provided in the national strategic documents (Judicial Reform Strategy, Plan for Rationalisation of the Judicial Network, Strategy for the Fight against Corruption and Organised Crime, Strategy for the Integration of Persons with Disabilities, Strategy for Durable Solution to the Issue of Displaced and Internally Displaced Persons in Montenegro with particular emphasis on the Konik site, Strategy for Improving the Status of LGBT People, as well as other relevant strategic documents in the area of human rights).

The recommendations provided in the Screening Report and which were defined as goals are divided into measures. During prescription of measures priorities were taken into account; these priorities were assessed as preconditions for fulfilment of certain other goals, i.e. their achievement was deemed necessary in the shortest period of time. Measures were classified as well in relation to priorities; these measures were presented chronologically, depending on deadlines set for their implementation.

The prescribed measures can be divided into three groups: normative harmonisation, strengthening of the institutional and administrative framework, as well as implementation of necessary educational activities for staff and raising awareness of citizens (*where applicable*), all with a view to implementing the legal framework in the best possible manner and achieving the appropriate standard, where necessary.

It is important to note that the planned measures were not conceived so as ensure their mere implementation, in terms of achieving a certain degree of alignment, but special attention was devoted to conceiving them, where possible, in such a manner that their implementation clearly reflects the impact of the reform.

With a view to implementing certain measures in the best possible manner, in the course of adaptation, new sub-measures were introduced, and some measures were reformulated. The implemented measures were highlighted with a different colour, and the sub-measures related to them were deleted.

2.4. The method of setting deadlines

Deadlines were set with regard to implementation of each individual activity, which as a set of measures provide for the achievement of the established objective.

During the adaptation, all deadlines were changed for measures whose implementation was lagging behind, and more specific deadlines were defined for future measures. For each sub-area of Chapter 23, activities were projected and represented in such a manner so as to chronologically follow the pace of their implementation, starting from 2013. In that context, priorities in implementation of activities were established as well, in accordance with the following structure of implementation dynamics:

- **Short-term priorities** – include activities to be implemented in 2015;
- **Medium-term priorities** – include measures to be implemented in 2016 and 2017;
- **Long-term priorities** – include measures to be implemented in the period from 2018 onwards.

Deadlines were precisely defined for implementation of measures from 2015 by stating the month and the year in which their implementation is planned. When it comes to medium-term priorities, implementation of measures is planned by quarters, while implementation of long-term measures is defined on a semi-annual level.

The intention is to enable, by way of structuring the deadlines, a better monitoring of the success of implementation of the Action Plan and creation of adequate conditions for the European Commission to set up an overview of measurable results, as well as to be able to contribute, at any time, to improvement of the substance of the Action Plan through their suggestions.

It should also be noted that the deadlines for carrying out activities under the already approved IPA projects have been adjusted to deadlines defined by projects themselves, and the beginning of performance of these activities depends on the beginning of the project implementation itself. It would be the same for activities, for which funds from IPA II will be approved (2014-2020).

2.5. Method of designating the responsible authorities for implementation of measures

For each individual measure, an institution was specifically designated, i.e., a body that will be responsible for its implementation. During the adaptation of the Action Plan, institutions and responsible authorities were changed for some measures.

For some measures requiring cooperation among several institutions and inter-agency cooperation, the institution in charge of carrying out and coordinating the implementation of activities was placed first, while the other institutions provide support in achieving as high and efficient level of implementation as possible.

In the measures which refer to amendments to the existing and drafting and adoption of new pieces of legislation, multidisciplinary working groups will be established, in accordance with the content of that new piece of legislation, with participation of interested representatives from the civil sector, in accordance with the Decree on Method and Procedure of Establishing Cooperation between State Administration Bodies and Non-Governmental Organisations (Official Gazette of Montenegro 07/12) and the Decree on Method and Procedure of Conducting the Public Dispute in Preparation of Laws (Official Gazette of Montenegro 02/12).

2.6. Method of allocating the necessary funds

The Action Plan defines the funds required for implementation of envisaged measures, and it should be noted that the Budget of Montenegro will represent the major source of financing. The budgetary funds indicated for the measures related to amendments to laws and by-laws include gross amount of the regular salaries of the employees working on drafting of this legislation, as well as regular costs of public discussion and operating costs of the Government and parliamentary committees, in all stages from drafting to adopting legislation. This means that for these measures additional budgetary resources are not required, so they are always prescribed as regular. Since expert assistance is required for implementation of some measures, the engagement of foreign experts through TAIEX assistance mechanism has been envisaged. Also, considering that significant amount of funds is required for implementation of some measures, already allocated funds defined under IPA II projects, and the provided and possible donations of international organisations or EU Member States through projects and bilateral agreements have been stated as the potential sources of financing, along with plans for submission of applications for financing through IPA programming 2014-2020. Also, budgetary funds were allocated for new measures and sub-measures.

Priority activities from this Action Plan are fully in line with priority activities for financing under IPA II.

For activities planned to be implemented in 2015, the exact amount of costs and the source of financing are indicated.

For activities planned to be implemented in 2016, an approximate amount of costs (cca.) of implementation is indicated, as well as the source from which the funds is expected to be obtained.

For activities planned to be implemented in 2017 and onwards, it is indicated that financial assessment will be made in accordance with preparation of project bids and thus assessed financial needs.

2.7. Method of determining the indicators of result and impact

Indicators were set with respect to each measure individually. Indicators were set up to facilitate the manner of monitoring the implementation of the Action Plan, both in terms of quantity and particularly in terms of quality. In this respect, two types of indicators were determined: indicator of result and indicator of impact, where possible. In this manner, the aim is to project clear results that will, at the same time, project a concrete impact towards improving operational standards or the condition in a particular area in general.

Each indicator was set so as not only to monitor the implementation of a certain activity up to the level of alignment (indicator of result), but in a way that the level of implementation (indicator of impact), namely the implementation of a new standard with respect to citizens and all stakeholders can be assessed (for example: an indicator of amendment or adoption of a law is not only its adoption, but also, where possible, statistical data on the enforcement of the law, in some cases research, etc. – hence, measurable data pointing to changes made in society).

During the process of adaptation of the Action Plan, certain indicators of result and impact were added or redefined in order to facilitate the monitoring of implementation of measures, as well as the fulfilment of interim benchmarks. Furthermore, the indicators of impact are linked to the track record tables for the monitoring of fulfilment of interim benchmarks.

2.8. Participation of all relevant stakeholders in development of the Action Plan for Chapter 23

During the preparation of the Action plan it was noted that the initial structure of the Working Group did not meet the needs of the negotiating process in this Chapter. Namely, due to the content of the Screening Report, within the current composition of the Working Group, some of the representatives could not be tasked with concrete responsibilities, or representatives of an institution, pursuant to their competences in the home institution, did not meet the needs of this process. For this reason, during the preparation of the Action Plan, it was necessary to engage a number of representatives of various institutions that were not formally members of the Working Group.

Having in mind the above mentioned facts, particularly for the purpose of implementation of the Action Plan and the establishment of the efficient monitoring mechanism, immediately after defining of the Action Plan, the composition of the Working Group was formally changed in order to adjust it to the upcoming obligations.

The current composition of the Working Group for Chapter 23 includes coordinators for particular areas and coordinators of institutions: two coordinators for the area of judiciary, three coordinators for the area of prevention of corruption, one coordinator for the area of repression of corruption, three coordinators for human rights and one coordinator for cooperation with NGOs. Coordinators of institutions include coordinators of: the Ministry for Human and Minority Rights, Ministry of Interior, Ministry of Finance, Police Administration, Ministry of Labour and Social Welfare, Ministry of Education, Ministry of Health, Ministry of Culture, as well as prosecutor's offices and courts. The Working Group also consists of the following members: two representatives from the Ministry for Human and Minority Rights, Public Procurement Administration, Basic Public Prosecutor's Office and the Commission for Prevention of Conflict of Interest, one representative from the Ministry of Justice, Ministry of Interior, Judicial Council Secretariat, Judicial Training Centre, Protector of Human Rights and Freedoms, Council of the Agency for Personal Data Protection and Free Access to Information, State Audit Institution and the Bar Association, as well as four representatives from the Ministry of Foreign Affairs and European Integration and five representatives of the NGO sector.

In line with the negotiating framework, the Action Plan was developed through the process of consultations between the key stakeholders and the full inter-ministerial cooperation between all responsible institutions and bodies, with a view to providing the maximum support to implementation. Public consultations were also organised during the adaptation of the Action Plan, and all relevant stakeholders were given the opportunity to submit the proposals and provide opinion on the adapted document.

In the professional segment, the important contribution was also provided by representatives of the civil sector in the Working Group 23, who were involved in the adaptation process and the final design of the Action Plan.

When it comes to the financial assessment, as it was previously stated, a more extensive deadline for alignment is required, so as to ensure that every objective and measure are projected in a manner that provides for the financial aspect to be considered as a support, not as a limitation.

2.9. Monitoring

During the implementation of the Action Plan, special attention is paid to continuous monitoring of implementation of all measures and the level of achievement of projected objectives.

In that part, the Working Group 23 is in charge, at the most operative level, of the monitoring of and reporting on the fulfilment of obligations, and above it, pursuant to the Decision establishing the Negotiating Structure, a member of the Negotiating Group, Chief Negotiator, the College and the Government. At its session held on 27 March 2014, the Government adopted the Decision establishing the Rule of Law Council (Official Gazette of Montenegro 19/14) as a high level body that would monitor all the activities and deal with possible challenges, all with a view to enhancing the coordination in terms of fulfilment of obligations arising from chapters 23 and 24.

During the monitoring of implementation, special support is expected to be provided by the civil sector, whose representatives are members of the Working Group 23 and who will considerably, by giving their expert comments and suggestions, contribute to the improvement of implementation of each activity, its monitoring, but also to the maintenance of the necessary level of transparency.

Regular monitoring of implementation of the established obligations will enable, through inter-ministerial communication, as well as in cooperation with the European Commission, the creation of an adequate mechanism for possible updating and reviewing of certain activities during the implementation of the Action Plan.

Specifically, the monitoring of implementation of the Action Plan is performed through a coordinator for particular areas. The coordinators directly cooperate with focal points within the bodies in charge of implementation of envisaged activities and receive from them information on all the issues that are important for the implementation. This means that one person will be determined, and that person will be responsible for reporting on the implementation of defined measures. Those focal points will report to the coordinators every three months, who prepare a semi-annual report on undertaken activities on the basis of that information. The semi-annual report prepared in such a manner is approved by the Head of the Working Group and a member of the Negotiating Group, following which it is submitted to the Ministry of Foreign Affairs and European Integration as the main coordinator of the process of accession of Montenegro to the European Union. Then, the report is considered by the Government and submitted to the European Commission through the MFAEI.

Along with the data on implemented measures, the reports also include information on possible difficulties in their implementation, as well as the reasons for failing to fulfil the obligations from the Action Plan.

Besides the abovementioned, “formal”, manner of reporting by means of submission of quarterly report, ad hoc, “informal”, informing is possible as well, at the request of the Head, members of the Working Group, coordinators for particular areas, as well as the European Commission, or the EU Directorate General for Enlargement.

3. AREAS COVERED BY THE ACTION PLAN

In accordance with the position of the EU Member States and the communication of the Cyprus Presidency, the Action Plan was designed so as to cover 3 sub-areas: Judiciary, Fight against Corruption, and Fundamental Rights. The fourth sub-area – Cooperation with the NGO Sector is also included in the Action Plan.

Prior to presentation of the objectives and measures for each sub-area, in order to consider their projections as adequately as possible, a brief description of the current state of play in that sub-area is provided, which represents a starting basis for the projection of future activities.

Within each sub-area, bearing in mind the wide range of issues covered, as well as the objective – to ensure easier referencing of the material and monitoring of implementation of the measures set, each sub-area is divided into headings, namely topics of which it consists as follows:

I Judiciary

1. *Strengthening independence of the judiciary*
2. *Strengthening impartiality in the judiciary*
3. *Accountability in the judiciary*
4. *Professionalism, competence and efficiency in the judiciary*
5. *Domestic handling of war crimes*

II Fight against corruption

1. *Prevention of corruption*
2. *Repression of corruption*

III Fundamental rights

1. *Strengthening capacity of the Ombudsman and its role as a national mechanism for the prevention of torture*
2. *Introduction of an effective legal remedy in accordance with Article 13 of the European Convention on Human Rights and Freedoms in relation to the violation of human rights guaranteed under the Convention*
3. *Prohibition of torture and inhuman or degrading treatment or punishment*

4. *Freedom of media and protection of journalists*
5. *Independence of audio-visual regulator and public broadcaster*
 - A) *Prohibition of discrimination*
 - B) *Gender equality*
 - C) *Rights of LGBT population*
6. *Right of establishment of trade unions*
 - A) *Rights of a child*
 - B) *Rights of persons with disabilities*
7. *Free legal aid*
 - A) *Protection of rights of minorities and RAE population*
 - B) *Rights of displaced persons*
8. *Prosecution of hate crimes*
9. *Personal data protection*

IV Cooperation with NGOs

V Annex – Plan for drafting and adoption of bylaws for a set of laws in the area of prevention of corruption

4. ACTION PLAN UPDATES

While setting the priorities (short - term, medium - term and long - term), and planning the objectives and measures in the Action Plan care was taken to preserve a certain space that allows for flexibility in planning the medium - term and, especially, long-term priorities.

Likewise the adaptation following the completion of the first stage of the Action Plan, so will the updating of the Action Plan take place again, particularly taking into account certain new circumstances that may occur, such as new legislation of the EU, new information systems and software etc.

In order to adhere to the letter from the EU presidency and the Screening Report, and to adjust the Action Plan to the dynamic process of development of the national legislation, but also to the level of development of the *acquis* under Chapter 23, automatic updating will be

performed after a two-year period, in order to provide details for implementation of medium – term measures (2016 – 2017) and long – term measures to the possible extent (2018 and onwards).

I JUDICIARY

1.1. STRENGTHENING OF INDEPENDENCE OF JUDICIARY

(Coordinator for the area of strengthening of independence of judiciary: Nataša Radonjić, Ministry of Justice)

INTRODUCTION

The independence of the judiciary and the Public Prosecution Office is guaranteed by the Constitution and laws adopted based on the Constitution. Article 118 and Article 3 of the Law on Courts endorse the principle of the independence of judges so that, in performing their duties, judges are obliged to abide only by the Constitution, laws and international treaties, whereas the principle of independence for public prosecutors is guaranteed by Article 134 of the Constitution and Article 3 of the Law on Public Prosecution Office so the public prosecution office is an independent public body which prosecutes the perpetrators of criminal offences and in performing its duties the public prosecution office proceeds according to the Constitution, laws and international treaties. Judges are elected and dismissed by the Judicial Council established as an independent and autonomous body since 2008. The President of the Supreme Court is elected and dismissed by the Parliament on the proposal of the President of Montenegro, the Prime Minister and the Speaker of the Parliament. Public prosecutors are elected and dismissed by the Parliament on the proposal of the Prosecutorial Council for a period of five years, whereas deputy public prosecutors are elected and dismissed by the Prosecutorial Council. Deputies have tenure, with the exception of those elected for the first time in the Basic Public Prosecutor's Office and they are elected for a period of three years. The Prosecutorial Council is elected and dismissed by the Parliament.

The Amendments to the Constitution of July 2013 introduced significant changes with respect to strengthening of the independence of the judiciary, pertaining to the composition of the Judicial Council, its competences, competences of the Prosecutorial Council, election of the President of the Supreme Court, Supreme Public Prosecutor's Office, composition and functional competence of the Constitutional Court.

The Amendments stipulate the change in the composition of the Judicial Council, so as to ensure that at least half of the members work within the justice system. Members of the Judicial Council are: President of the Supreme Court; four judges elected and relieved of duty by the Conference of Judges taking account of the equal representation of courts and judges;; four eminent lawyers appointed and dismissed by the Parliament on a proposal of the competent working body of the Parliament following the announced public call; Minister in charge of judicial affairs. The President of the Judicial Council is elected by the Judicial Council from among its members, who are not judges or prosecutors, by a two-thirds majority of members of the Judicial Council. The Minister in charge of judicial affairs may not be elected as the President of the Judicial Council, and the Council is elected for a four-year term. The Judicial Council, elected in accordance with the Constitutional amendments, was promulgated in July 2014. In accordance with the Constitutional amendments, the president of the Supreme Court is elected by the Judicial Council by a two-thirds majority, on a proposal of the General Assembly of the Supreme Court.

The Constitutional amendments proclaim that the Prosecutorial Council shall ensure the independence of the public prosecutor's office. The Prosecutorial

Council is presided by the Supreme Public Prosecutor, except for the decision-making in a disciplinary procedure. The Prosecutorial Council, among other things, passes a proposal for election of the Supreme Public Prosecutor and appoints and dismisses the heads of public prosecutor's offices and public prosecutors. The Supreme Public Prosecutor is appointed and dismissed by the Parliament of Montenegro, on a proposal by the Prosecutorial Council, following an announced public call. The heads of public prosecutor's office and public prosecutors are appointed and dismissed by the Prosecutorial Council. The Supreme Public Prosecutor and heads of public prosecutor's offices are appointed to a five-year term. The office of the public prosecutor is permanent, except for the person elected as the public prosecutor for the first time to a four-year term.

The office of judges is permanent, while a judge can be dismissed only if convicted for a criminal offence which makes him/her unfit for performing judicial office, if he/she performs the office unprofessionally and unconscientiously or permanently loses the ability to perform judicial office. Judges enjoy functional immunity which implies that they cannot be held liable for the opinion and voting expressed upon passing judicial decision, unless it concerns a criminal offence and that in the proceedings initiated for a criminal offence committed in performing judicial office, detention cannot be ordered without the approval of the Judicial Council. This means that judges are not protected by immunity if they committed criminal offence and that the approval of the Judicial Council is necessary only in case the judge is detained for a criminal offence he/she committed in exercising judicial office. Public prosecutors enjoy the identical functional immunity.

With the adoption and promulgation of the Constitutional Amendments, the necessary assumption have been created for further reforms in the area of judiciary and improvements towards strengthening the effective independence of the judiciary and eliminating potential political influence on the judiciary. In line with this Action Plan, The new Constitutional amendments were followed by amendments to the Law on the Judicial Council, the Law on the Public Prosecutor's Office, and the Law on Courts, in September 2013.

In accordance with the Amendments to the Constitution and amendments to the previously stated law s from 2013, on 29 October 2013 the Conference of Judges elected four judges of the Judicial Council from among the judges. The Parliament elected two members of the Judicial Council from among the eminent lawyers at the session held on 26 March 2014 by a two-thirds majority, and two judges by a three-fifths majority at the session held on 19 June 2014. The President of Montenegro promulgated the composition of the Judicial Council on 1 July 2014. The Judicial Council held the first inaugural session on 2 July 2014 and elected the President of the Judicial Council from among the eminent lawyers by a two-thirds majority. The President of the Supreme Court was elected by a two-thirds majority on 26 July 2014. The Conference of public prosecutors on 30 November 2013 and 3 February 2014, five members of the Prosecutorial Council from among the public prosecutors, the Parliament elected four members of the Prosecutorial Council from among the eminent lawyers. The President of Montenegro promulgated in the Decree the composition of the Prosecutorial Council on 21 January 2014 and 4 February 2014.

As regards the implementation of the mentioned legislative amendments, ; the Commissions for the monitoring of the application of the codes of ethics of judges and public prosecutors have been formed; there are newly formed disciplinary commissions in the Judicial Council and in the Prosecutorial Council.

The 2014 Law on Budget provides EUR 20,583,916.68 for courts and EUR 6,016,656.74 for public prosecution offices, whereas the allocation for the Constitutional Court totals EUR 717,597.00. Within the budget for courts, EUR 675,600.72 is allocated for the Judicial Council, EUR 10,146,655.82 for courts and EUR 9,761,660.14 for administration. Within the budget for the public prosecution offices, EUR 131,823.50 is allocated for the Prosecutorial Council, EUR 4,350,986.14 for prosecution offices and EUR 1,533,847.10 for administration. In comparison with the funds allocated for 2013, the total budget for the judiciary, prosecution, and the Constitutional Court was increased by EUR 498,307 (1.87%).

The administrative capacities of the Judicial Council's Secretariat currently include 29 civil servants and state employees, whereas the Rulebook on internal organisation and job description envisages 51 working posts. The Prosecutorial Council does not have a secretariat, but it is supported by the services established within the Supreme Public Prosecutor's Office such as: Service for Legal, General and Administrative Affairs (3 employees), Service for Accounting and Finance (3 employees), and Service for Information-Communication Technologies and Multimedia (1 employee). Montenegro is committed to provide budget for judiciary on annual level to be from 0.8% to 1% of GDP.

Reform of the judiciary has been implemented since 2007 in line with the Judicial Reform Strategy 2007-2012 and the Action Plan for its implementation. The New Judicial Reform Strategy for 2014-2018 was adopted in April 2014. Based on the Strategy, the Action plan for its implementation for the period 2014-2016 is adopted. The Action plan for negotiation chapter 23 is a document which gives effect to the recommendations laid down in the Screening Report, it is higher in hierarchy level, and it refers to the period of minimum five or more years. These two Action plans are compatible and adjusted to national and international priorities of judiciary reform in Montenegro. In this regard, two Action plans will encompass similar or even the same measures in those part where priorities stated in the Strategy and those stated in the Screening Report match.

However, notwithstanding the above mentioned steps and increased guarantees of the independence of judiciary, there are certain needs for the further improvement, particularly with respect to establishment of a single system of election of judges and prosecutors at the national level, through a procedure that is transparent and merit-based, periodic evaluation of the work of judges and prosecutors, introduction of the system of promotion based on performance, as well as criteria for greater voluntary mobility of judges and prosecutors. This will be achieved through the passing of organizational laws that are expected to be adopted by the end of 2014, as well as through adoption of the Law on Education in the Judiciary and the Law on Bar Exam, and through additional strengthening of the administrative capacity of the Judicial and Prosecutorial Council.

Bearing in mind the abovementioned, the Screening Report for Montenegro on Chapter 23, opening of the chapter and the Joint Position of the EU, the progress achieved thus far in the implementation of the Action Plan, as well as the 2014 Montenegro Progress Report a need arose for making adjustments to the Action Plan for the purpose of further strengthening of the independent judiciary in Montenegro, by means of proposed measures.

1.1. INDEPENDENCE OF JUDICIARY

No.	Measure / Activity	Responsible authority	Deadline	Required funds / Source of financing	Indicator of result	Indicator of impact
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1.1.1. Recommendation: Montenegro should amend its Constitution in line with the Venice Commission recommendations and European standards, ensuring independence and accountability of the judiciary. Changes should include, inter alia, the following points: The Judicial Council and the Prosecutorial Council should be composed by at least 50% of members stemming from the judiciary. These members should be selected by their peers, representing different levels of jurisdiction, without involvement of the Parliament (unless solely declaratory). State prosecutors should not

be elected by the Parliament. Reasons for dismissal of judges and state prosecutors should be introduced in the Constitution.

1.1.1.1	<p>Amend the Constitution in the part governing the judiciary in line with the opinion of the Venice Commission, particularly as regards:</p> <ul style="list-style-type: none"> - composition of the Judicial Council, - election of the President of the Supreme Court, - election of public prosecutors and of the Supreme Public Prosecutor, - composition of the Prosecutorial Council - reasons for dismissal of judges and public prosecutors; - composition and method of election of judges of the Constitutional Court. 	Parliament (Vlatko Šćepanović/Slavica Mirković/Vesna Peković)	July 2013	No need for additional financial funds (Budget)	Amendments to the Constitution adopted; Constitutional Law for the enforcement of the Amendments to the Constitution adopted	<p>Indicator 1: The judiciary is effectively governed by Constitutional principles in line with European standards and EU acquis. Overall, the quality and efficiency of the judiciary is improving. (Tool : third party reports)</p> <p>Indicator 2: The judiciary is perceived as independent by the citizens (Tool :public survey)</p>
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1.1.2. Recommendation: The recruitment process needs to be transparent and merit based. A single, nationwide recruitment system should be introduced, which could be based on anonymous tests for all candidates and obligatory training before being appointed judge/deputy prosecutor. The Judicial Training Centre could be involved in the testing process.

1.1.2.1	Adopt the new Law on the Judicial Council and Rights and Duties of Judges according to amendments to the Constitution, particularly as regards:		Ministry of Justice (Branka Lakočević, Nataša Radonjić, Government, Parliament (Vlatko Šćepanović/Slavica Mirković/Vesna Peković)	September 2013 - February 2015	Budget and TAIEX EUR 59,850	Law adopted	Indicator : Judges and prosecutors are elected on the basis of a single and transparent, merit-based national system. Tool :Administrative data from the Council Indicator 2 (long-term): Professionalism of judges and prosecutors improved with an overall positive impact of the quality of Justice Tool : Third party reports
	1.1.2.1.1	Adopt the Law on the Judicial Council	Parliament (Vlatko Šćepanović/Slavica Mirković/Vesna Peković)	February 2015	Budget EUR 15,850	Law adopted	

1.1.2.2	Adopt the new Law on Courts in line with the amendments to the Constitution, especially regarding: - conditions for the election of judges in terms of stipulating the obligation of completing a mandatory training organised by the Judicial Training Centre - introducing the periodical professional assessment of performance of judges and presidents of courts, as a condition for their promotion Note: Adoption of the Law on Judicial Education is laid down under measure 1.4.4.4.5		Ministry of Justice (Branka Lakočević, Nataša Radonjić), Government, Parliament (Vlatko Šćepanović/Slavica Mirković/Vesna Peković)	September 2013 - February 2015	Total budget EUR 49,549 Regular budgetary funds EUR 39,694 TAIEX assistance EUR 2,700	Law adopted	Election of judges on the basis of a single, merit-based system at the national level
	1.1.2.2.1	Adopt the Law on Courts	Parliament (Vlatko Šćepanović/Slavica Mirković/Vesna Peković)	February 2015	Budget EUR 15,000	Law adopted	
1.1.2.3	Adopt the Law on Public Prosecution Office in line with the amendments to the Constitution, especially with regard to: - procedure for election of members of the Prosecutorial Council; - establishment of a single system for election of the heads of public		Ministry of Justice (Branka Lakočević, Nataša Radonjić), Government, Parliament (Vlatko Šćepanović/Slavica Mirković/Vesna Peković)	September 2013 - February 2015	Total budget EUR 49,549 Regular budgetary funds EUR 39,694 TAIEX assistance EUR 2,700	Law adopted	Election of prosecutors on the basis of a single and transparent, merit-based system

	<p>prosecutor's offices and public prosecutors at the national level;</p> <ul style="list-style-type: none"> - completed mandatory training organised in the Judicial Training Centre as a condition for the election of deputy public prosecutors; - introduction of the system for periodical professional evaluation of performance of the heads of public prosecutor's offices and public prosecutors; - introduction of the merit-based promotion system; - improvement of the criteria for greater voluntary mobility of deputy public prosecutors. <p><i>Note: Passing of the Law on Judicial Education is laid down under measure 1.4.4.4.5</i></p>					
1.1.2.3.1	Adopt the Law on Public Prosecution Office	Parliament (Vlatko Šćepanović/Slavica Mirković/Vesna Peković)	February 2015	Budget EUR 15,000	Law adopted	

1.1.2.4	<p>On the basis of the Law on the Judicial Council, Rights and Obligations of Judges pass the secondary legislation:</p> <ul style="list-style-type: none"> - Rules of Procedure of the Judicial Council and other acts regulating the rights and work procedures of the Judicial Council(See activity 1.1.2.1 and 1.1.2.2) 		Judicial Council (Miroslava Raičević)	January –May 2015	Budget EUR 5,130	Adopted the Rules of Procedure and secondary legislation	<p>Report on operation of the Judicial Council</p> <p>Indicator: Efficient, professional, transparent and accountable functioning of the Judicial Council.</p> <p>Tool : Third party reports (expert missions)</p>
	1.1.2.4.1	<p>Adopt the Plan of vacant judge positions, which includes the number of judges for permanent voluntary work assignment and number of vacant positions in basic courts and accessible work</p>	Judicial Council (Miroslava Raičević)	March 2015	Budget	Plan adopted	

		positions for promotion					
	1.1.2.4.2	Form the commission to carry out the testing procedure in accordance with the new legal solutions	Judicial Council (Miroslava Raičević)	May 2015	Budget	The commission formed	
1.1.2.5	On the basis of the Law on Public Prosecutor's Office pass the secondary legislation: <ul style="list-style-type: none"> - Rules of Procedure of the Prosecutorial Council and other acts regulating the rules and work procedures of the Prosecutorial Council (See activity 1.1.2.3) 		Prosecutorial Council (Stojanka Radović)	January–May 2015	Budget EUR 5,130	Rules of Procedure adopted	Report on operations of the Prosecutorial Council. Efficient, professional, transparent and accountable functioning of the Prosecutorial Council.
	1.1.2.5.1	Plan of vacant prosecutorial	Prosecutorial Council (Stojanka	March 2015	Budget	Plan adopted	

		positions adopted, which will include the number of positions of public prosecutors for permanent transfer to another prosecutor's office and number of free work positions in basic public prosecutor's offices and positions accessible for promotion.	Radović)				
	1.1.2.5.2	Form the commission that carries out the testing procedure in accordance with the new legal solutions.	Prosecutorial Council (Stojanka Radović)	May 2015	Budget	Commission formed	
1.1.2.6	Pass the Law on the Constitutional Court in line with amendments to the Constitution with reference to: - composition and election of judges of the Constitutional Court and the President of the Constitutional Court	Ministry of Justice (Branka Lakočević, Nataša Radonjić), Government, Parliament (Vlatko Šćepanović/Slavica Mirković/Vesna Peković)	September 2013 - March 2015	Total budget EUR 49,549 Regular budgetary funds EUR 39,694 TAIEX assistance EUR 2,700	Law adopted		

	- functional composition of judges in making decisions upon constitutional complaints						
	1.1.2.6.1	Adopt the Law on the Constitutional Court	Parliament (Vlatko Šćepanović/Slavica Mirković/Vesna Peković)	February 2015	Budget EUR 15,000	Law adopted	
	1.1.2.6.2	Adopt amendments to the Rules of Procedure of the Constitutional Court in line with amendments to the Law	Constitutional Court (Desanka Lopičić)	March 2015	Budget EUR 5,130	Rules of Procedure adopted	Report on operation of the Constitutional Court
1.1.3 Recommendation: A fair and transparent system of promotion of judges and prosecutors needs to be established together with a periodical professional assessment of judges and prosecutors' performance.							
No.	Measure / Activity		Responsible authority	Deadline	Required funds / Source of financing	Indicator of result	Indicator of impact
1.1.3.1.	Pass the Law on the Judicial Council and Rights and Obligations of Judges(reference activities 1.1.2.1 and 1.1.2.2)		Ministry of Justice (Branka Lakočević, Nataša Radonjić)			Law on the Judicial Council and Rights and Obligations of Judges adopted	Number of judges promoted on the basis of a single and transparent, merit-based national system
1.1.3.2.	Pass the Law on Public Prosecution Office (reference activity 1.1.2.3)		Ministry of Justice (Branka Lakočević, Nataša Radonjić)			Law on Public Prosecution Office adopted	Number of prosecutors promoted on the basis of a single and transparent, merit-based national system
1.1.3.3	Pursuant to adopted Laws,		Judicial Council	First quarter of	Budget for	Procedures for	Number of judges

	develop a system for merit-based promotion of judges and public prosecutors, and consequently promote judges and public prosecutors from a lower to a higher instance in accordance with the criteria stipulated by the Law	(Miroslava Raičević), Prosecutorial Council (Stojanka Radović)	2017 and continuously	2015 EUR 37,908	promotion of judges and public prosecutors implemented in accordance with the Law, promotion is merit-based through fair, objective and transparent procedures	promoted on the basis of positive evaluation of their performance; Number of public prosecutors promoted on the basis of positive evaluation of their performance Efficient functioning of the judicial system and high quality of court decisions
1.1.3.4.	Pursuant to the adopted Laws, develop a system for periodical professional evaluation of performance of judges and the presidents of court and public prosecutors and their deputies, and consequently professionally evaluate performance of judges and public prosecutors in accordance with the Law	Judicial Council (Miroslava Raičević) Prosecutorial Council (Stojanka Radović)	I quarter 2016 and continuously	Budget for 2015 EUR 45,684	Professional evaluation of performance of judges and public prosecutors implemented in accordance with the Law	Reports of Judicial Council and Prosecutorial Council on evaluation of performance of judges and public prosecutors Measures (dismissal, promotion) applied based on reports on professional evaluation
	1.1.3.4.1	Adopt special rules that will regulate in more details	Prosecutorial Council (Stojanka Radović) Judicial Council (Miroslava	May 2015.	Budget TAIEX	Special rules adopted

		the procedure of evaluation and evaluation indicators, criteria for evaluation of judges and public prosecutors, as well as criteria and indicators for evaluation of presidents of courts and heads of public prosecution offices	Raičević)				
	1.1.3.4.2	Establish single forms for evaluation of performance	Prosecutorial Council (Stojanka Radović) Judicial Council (Miroslava Raičević)	May 2015	Budget TAIEX	Forms established	
	1.1.3.4.3	Organise trainings for judges and prosecutors on the system of	Prosecutorial Council (Stojanka Radović) Judicial Council (Miroslava Raičević)	June-July 2015	TAIEX	Trainings completed	

		professional evaluation					
	1.1.3.4.4	Form special bodies for periodic evaluation of performance of judges and presidents of judges, and public prosecutors and heads of public prosecution offices	Prosecutorial Council (Stojanka Radović) Judicial Council (Miroslava Raičević)	November 2015	Budget	Form the council and the Evaluation Commission	
	1.1.3.4.5	Conduct the procedure of evaluation of performance of judges and presidents of judges, and public prosecutors and heads of public prosecution offices in the pilot court and pilot state	Prosecutorial Council (Stojanka Radović) Judicial Council (Miroslava Raičević)	I quarter of 2016	Budget	Evaluation procedure conducted in the pilot court and pilot state prosecutor's office	

		prosecutor's office (evaluate the work done in 2015)					
	1.1.3.4.6.	Assess the results of the evaluation in the pilot court and pilot State Prosecutor's Office and the need for training of the Council for the evaluation and possible changes of the special rules on evaluation from the submeasure 1.1.3.4.1	Prosecutorial Council (Stojanka Radović) Judicial Council (Miroslava Raičević)	II-III quarter of 2016	Budget	Results of the evaluation assessed	
	1.1.3.4.7	Conduct the procedure of evaluation of performance of judges and presidents of	Prosecutorial Council (Stojanka Radović) Judicial Council (Miroslava Raičević)	I quarter of 2017 and continuously	Budget	Evaluation procedure conducted	

		judges, and public prosecutors and heads of public prosecution offices (evaluate the work of 2015/2016)					
1.1.4 Recommendation: Sufficient administrative capacities and financial means need to be ensured to the Judicial and the Prosecutorial Councils to effectively perform their tasks.							
1.1.4.1	Establish the Judicial Council in line with the adopted amendments to the Constitution and the Law		President of Montenegro	First quarter of 2015	Budget EUR 4,512	Indicator: Improved material circumstances (Budget, staffing, premises, equipment) of the Councils Tool : Third party reports (peer-based missions)	
1.1.4.2.	Establish the Prosecutorial Council in line with the adopted amendments to the Constitution and the Law		President of Montenegro	First quarter of 2015	Budget EUR 4,512	First constitutional session held	
1.1.4.3.	Strengthen the administrative capacities of the Judicial Council's Secretariat		Judicial Council (Miroslava Raičević)	September 2013 continuously	Additional budgetary funds required EUR 291,858	Strengthened the administrative capacity of the Judicial Council's Secretariat	
	1.1.4.3.1.	Conduct	Judicial Council	September 2013	Additional	In 2014, 6 new	

		<p>employment procedures in the Secretariat on the basis of the Rulebook on internal organisation and job description so as to:</p> <ul style="list-style-type: none"> - employ 6 new employees in 2014, as follows: 3 employees in ICT Section, 1 in the Internal Audit Section, 1 in the General Affairs Service, and 1 in the Finance Service, - employ 6 new employees in 2015, as follows: 3 employees in ICT Section, and 3 in the General Affairs Service 	(Miroslava Raičević)	– January 2016	budgetary funds required: EUR 81,600 in 2014, EUR 158,400 in 2015	<p>employees recruited in the Judicial Council's Secretariat.</p> <p>In 2015, 6 new employees recruited in the Judicial Council's Secretariat.</p>	
	1.1.4.3.2.	Assess the needs for training and organise trainings of employees	Judicial Council (Miroslava Raičević) , Human Resources	Continuously	Budget for 2014 EUR 45,000 Donor assistance	Needs for training identified, Number of training	

			Administration (Jadranka Đurković)		of the Kingdom of Norway (IGM) EUR 5,400	courses conducted; Number of attendees in training courses	
	1.1.4.3.3.	Make analysis of the existing administrative capacities of the Judicial Council's Secretariat	Judicial Council (Miroslava Raičević)	Third quarter of 2014	Budget EUR 729	Analysis made	
	1.1.4.3.4.	Amend the Rulebook on internal organisation and job description, provided that the analysis under item 1.1.4.3.3 identifies the need for increasing a number of working posts	Judicial Council (Miroslava Raičević)	First quarter of 2015	Budget EUR 729	Rulebook on internal organisation and job description adopted	
1.1.4.4.	Improve administrative support to the work of the Prosecutorial Council		Prosecutorial Council (Stojanka Radović)	June 2013 - 2015	Additional budgetary funds required EUR 196,830	Strengthened the administrative capacity of the Prosecutorial Council	
	1.1.4.4.1.	In line with the Rulebook on internal organisation of the Supreme Public	Prosecutorial Council (Stojanka Radović)	June 2013 – decembar 2015	Additional budgetary funds required EUR 7,290 in 2013, EUR 48,600	In 2013, one new employee recruited. In 2014, 3 new	

		<p>Prosecutor's Office:</p> <ul style="list-style-type: none"> - recruit one employee in the Accounting Section in 2013, - recruit new employees in 2015, as follows: two IT experts for the needs of developing IT system in the Public Prosecution 			in 2014	employees recruited.	
	1.1.4.4.2.	Adopt the Rulebook on internal organisation and job descriptions for the purpose of establishing the Prosecutorial Council's Secretariat upon the needs assessment	Prosecutorial Council (Stojanka Radović),	First quarter of 2015	Budget EUR 729	Needs for new working posts in the Secretariat assessed, Rulebook on internal organisation and job description adopted	
	1.1.4.4.3.	Take over employees of the Supreme Public Prosecutor's Office who work for the	Prosecutorial Council (Stojanka Radović), Human Resources Administration	Second quarter of 2015	Budget EUR 48,600	Employees taken over from Accounting Section, IT Section and General Affairs	Prosecutorial Council's Secretariat established

		needs of the Prosecutorial Council and conduct recruitment procedures for new working posts	(Jadranka Đurković)			Service and reassigned to the Supreme Public Prosecutor's Office; Lacking staff, identified by the needs assessment, recruited	
	1.1.4.4.4	Assess the needs for training and organise trainings for employees	Prosecutorial Council (Stojanka Radović), Human Resources Administration (Jadranka Đurković)	Second quarter of 2015 and continuously	Additional budgetary funds required in 2015 EUR 10,729	Needs for trainings identified Number of training courses conducted; Number of attendees in training courses	Work of Prosecutorial Councils improved. Staff of the Prosecutorial Council adequately trained to perform its tasks and training needs included as an element in their regular evaluation
1.1.4.5.	Provide budgetary funds for undisturbed work of the Judicial and Prosecutorial Councils as well as for courts and public prosecution offices	Judicial Council (Miroslava Raičević), Prosecutorial Council (Stojanka Radović), Government, Ministry of Finance, Parliament (Vlatko Šćepanović/Slavica Mirković/Vesna	From 2014 Continuously	Budget of the Judicial Council in 2013 = EUR 678,837.48, Budget of the Prosecutorial Council in 2013 = EUR 137,752.88 Budget for courts EUR 19,618,142.25	Provided budgetary funds for the judiciary at the annual level ranging from 0.8% to 1% of GDP.		

		Peković)		Budget for public prosecution offices EUR 5,667,919.47		
1.1.5. Recommendation: Ensure internal independence of judges and review the system of orders within the prosecution system.						

1.1.5.1.	Stipulate the new criminal offence of illicit influence on judges and public prosecutors in the Law on Amendments to the Criminal Code		Ministry of Justice (Branka Lakočević, Nataša Radonjić), Government, Parliament (Vlatko Šćepanović/Slavica Mirković/Vesna Peković)	September 2013	Total budget EUR 39,690	Law on Amendments to the Criminal Code adopted	Indicator 1 : WEF global ranking of the Independence of the Judiciary (2011-2012 rank 4.2; Montenegro ranked 56 out of 142)(Tool : third party report) Indicator 2 : Trends in the number of conducted criminal proceedings for the criminal offence of illicit influence on judges or public prosecutors; Criminal sanctions imposed (Tool : administrative data provided by the Councils)
	1.1.5.1.3.	Initiate criminal	Public prosecution	September 2013	In this moment	Criminal	Number of conducted

		prosecution and conduct criminal proceedings for the criminal offence of illicit influence on judges and public prosecutors	offices and courts (Stojanka Radović, Sanja Kalezić)	and continuously	it is not possible to give assessment of financial needs because we do not have information on exact number of these cases	proceedings conducted in accordance with the Law	criminal proceedings for criminal offence of illicit influence on judges and public prosecutors
1.1.5.2.	Monitor adherence to the Law on Courts as regards application of the provisions on withdrawal of the allocated cases from a judge by the president of the hierarchically higher-instance court with the support of PRIS		Presidents of the courts (Sanja Kalezić), Judicial Council (Anica Obradović)	March 2014 and continuously	Regular budgetary funds EUR 810	Reports on the work of courts	Indicator : 1. Number of withdrawn cases on an annual basis; Indicator 2: Number of lodged and accepted appeals against decision on the withdrawal of the allocated cases; Indicator 3: Number of responsibility procedures initiated against the presidents of the courts who do not adhere to the Law as regards withdrawal of the allocated case from judges
1.1.5.3.	Conduct an analysis of issued working instructions and withdrawn allocated cases, and subsequently propose measures for improvement of		Ministry of Justice (Branka Lakočević, Nataša Radonjić), Supreme Public Prosecutor's Office	November 2014	Regular budgetary funds EUR 5,130	Analysis made on issued mandatory working instructions and withdrawn cases	

	rules for withdrawal of allocated cases as well as amendments to the existing mandatory working instructions in order to strengthen the independence of public prosecutors	(Stojanka Radović)				
1.1.5.4.	Organise seminars for strengthening the integrity of members of the Judicial and Prosecutorial Councils for judges, presidents of courts, heads of public prosecution offices and public prosecutors based on the integrity programmes containing issues of corruption, protection of image, conflict of interest	Judicial Training Centre (Maja Milošević), Association of Judges (Hasnija Simonović), Association of Public Prosecutors, NGO	First quarter at the annual level, Continuously	Regular budgetary funds EUR 4,500 Financial support of the Government of the Great Britain (UNDP) EUR 14,000	Seminar organised in accordance with the Annual Training Programme	Perception of integrity of the MNE Judiciary improved over the year. Tool : public survey or any other source of feedback from users of justice system
1.1.5.5.	Make an analysis of the legislative framework and effects of its application regarding the independence of the judiciary, with recommendations for improvement of the judiciary independence system	Ministry of Justice (Branka Lakočević , Nataša Radonjić), Judicial Council Prosecutorial Council (Stojanka Radović)	Fourth quarter of 2017	Budget TAIEX	Analysis made	
1.1.5.6.	Carry out a survey among citizens on the independence of judges as well as an anonymous survey among judges	NGO (Office for cooperation with NGO- Danka Latković), Association of Judges(Hasnija	2013, 2014 and continuously	Annual budget of the Association of Judges 1,000 EUR NGO Civic Alliance 5,000 EUR	Surveys on selected samples carried out	Results of the surveys

		Simonović)				
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1.2. STRENGTHENING IMPARTIALITY IN JUDICIARY

(Coordinator for the area of strengthening of impartiality in judiciary: Nataša Radonjić, Ministry of Justice)

INTRODUCTION

The Constitution of Montenegro prescribes that everyone is entitled to fair and public trial within a reasonable time before an independent and impartial court established by law, and that the court shall rule on the grounds of the Constitution, laws and ratified and published international treaties. The Constitution also comprises the principle of publicity of judicial proceedings, permanency of judicial office, functional immunity, and incompatibility of judicial and prosecutorial offices with the duties of the Members of Parliament and other public offices, as well as performance of other professional activities.

Within its fundamental principles, the Law on Courts prescribes that judicial office must not be performed under anybody's influence, and that nobody will influence a judge in performing judicial office; everyone has the right to have his/her legal matter heard by a randomly selected judge, regardless of the capacity of parties to the case and nature of the case. The principle of random allocation of cases is developed within the Law on Courts, in the manner that the case is allocated to a judge according to agenda for submission of applications for initiating judicial procedures, and in accordance with alphabetical order of initial letters of judge's surnames. The cases of removal from the allocated case have been strictly defined as well, namely, only if it has been found that a judge has not been making any progress in the case, or if a judge has been unable to perform judicial duties pertaining to his/her post for more than three months. The accountability of the President of the Court has been prescribed if the cases are allocated contrary to law. The method of random allocation of cases has been regulated in details by the Court Rules, and it is applied through electronic allocation of cases through judicial information system.

The Law on Public Prosecution Office prescribes, within impartiality and objectivity principles, that the office of public prosecutor is exercised in the public interest in order to provide the application of law, while ensuring respect for and protection of human rights and freedoms, and that the office of public prosecutor must be exercised in an impartial and objective manner; the public prosecutors must abide by the Code of Ethics for prosecutors, which is adopted by the Prosecutorial Council. The Law prescribes the allocation of cases in such manner as to ensure impartiality, independency and efficiency in performance of duties. Random allocation of cases in the work of public prosecutors is implemented in a way that continuous duty hours and/or standby hours of basic and high public prosecutors are organised to coordinate pre-trial criminal proceedings, and ensure participation in procedural actions and other pre-trial criminal proceeding tasks, as well as other necessary actions.

As regards an important guarantee for impartiality of judicial and prosecutorial authorities, the Criminal Procedure Code and the Law on Civil Procedure prescribe reasons for exemption of judge or lay judge, that mostly refer to: conflict of interest, or that a judge is not a victim of criminal offence, then there are reasons including marital, kinship and other relations between judge and parties, previous participation of the judge in that case, as well as existence of

circumstances giving reasons for doubt in impartiality. Apart from previously mentioned detailed reasons for exemption, procedure for exemption is regulated by procedural laws. Procedures on exemption of a judge and public prosecutor are being implemented.

The financial position of judges and prosecutors has been significantly improved by the Law on Salaries and Other Income of Judges and Prosecutors and Constitutional Court Judges, which has been applied since 2007.

The Law on Prevention of Conflict of Interest prescribes the obligation of judges and public prosecutors to submit the report on income and property to the Commission for Prevention of Conflict of Interest within 15 days from the day of appointment, as well as report on income and property of a spouse and children if they live in the same household, which reflects financial situation on the day of election, nomination or appointment. While performing public office, judges and prosecutors submit reports once a year, until the end of February of the current year for the previous year, and in case of change of data stated in the report regarding increase of assets to more than EUR 5,000 within 15 days from the date of change.

In March 2014, the Conference of Judges adopted the new Code of Judicial Ethics which is aligned with the Opinions of the Consultative Council of European Judges and the Bangalore Principles of Judicial Conduct and the Recommendation Cm/Rec(2010)12 of the Committee of Ministers. The Code prescribes that judicial impartiality is the crucial concept and precondition for ensuring a fair trial. Judge must be free from any relation, favouritism or partiality which influences – or which could be considered to influence – his or her capability make decisions independently. In September 2014, the Conference of Judges has elected the Commission for monitoring the application of the Code of Judicial Ethics. The Commission has a President and two members. The President is elected from among members of the Judicial Council who are not judges, and one member is elected by the enlarged session of the Supreme Court from among judges, whereas the other member is the President of the Association of Judges of Montenegro. The Commission is elected for the period of four years. The Commission for Code of Judicial Ethics may submit the proposal for determination of accountability of a judge and the President of the court due to harming of reputation of judicial office in cases prescribed by law. Persons authorised for initiating disciplinary procedure and/or a judge may address to the Commission and ask them to deliver opinion whether a judge acts in accordance with the Code of Judicial Ethics.

The Conference of Public Prosecutors passed the new Code of Ethics for the Prosecution Service in May 2014 and it is in line with the Opinion of the Consultative Council of European Prosecutors and European Guidelines on ethics and conduct of public prosecutors (Budapest guidelines), adopted by the Conference of Prosecutors General of Europe in 2005.

At the Conference of Public Prosecutors, the Commission for monitoring the Code of Ethics for the Prosecution was appointed and it has a president and two members. The President of the Commission is member of the Prosecutorial Council from among the eminent lawyers, one member is a public prosecutor nominated by the extended session of the Supreme Public Prosecutor's Office, and the other member is the president of the Association of the Public Prosecutors of Montenegro. The Commission is appointed to a four-year term.

The Judicial Training Centre is continuously organizing trainings on the adherence to the codes of ethics. In order to raise the awareness of citizens on control mechanisms for the work of judges and public prosecutors in terms of adherence to ethical rules, the websites of the Judicial and Prosecutorial Council provide the access to the codes of ethics, as well as the report on the work of commissions for monitoring the implementation of the Code of Ethics and the notification for citizens on the manner in which they can address the commissions. The NGOs conducted the survey on citizens' positions as regards the judicial system.

However, apart from the above mentioned guarantees, there is a need for promotion of guarantees of impartiality of judges and public prosecutors, especially regarding provision of rights to competent judge in courts with limited number of judges, as well as monitoring implementation of provisions of law regarding exemption. Furthermore, significant areas for promotion are monitoring of conflict of interest in Judiciary and compliance with the Code of Ethics due to the fact that the Law on Courts and the Law on Public Prosecution Office, as a basis for disciplinary responsibility, prescribe that judges, presidents of courts, public prosecutors insult the function reputation if they accept gifts or do not submit asset declarations in line with regulations which provide for prevention of conflict of interest. Measures have been proposed for removal of the above mentioned shortcomings.

1.2. IMPARTIALITY IN JUDICIARY						
No.	Measure / Activity	Responsible authority	Deadline	Required funds / Source of financing	Indicator of result	Indicator of impact
1.2.1. Recommendation: Improve the system of random allocation of cases, possibly also through streamlining the court network.						
1.2.1.1.	Introduce random allocation of cases in all courts through PRIS in line with the valid regulations	Judicial Council's Secretariat(Darko Drašković), Presidents of courts(Sanja Kalezić), Ministry of Justice(Nataša Radonjić)	June 2013	Regular budgetary funds EUR 810	Cases allocated through PRIS	Reports made by the officers authorised for supervision over the court administration; Number of courts in which cases are allocated through PRIS
1.2.1.2.	In basic courts with three judges, enable random allocation of cases through PRIS by the annual schedule of tasks	Judicial Council's Secretariat(Anica Obradović), presidents of basic courts(Sanja Kalezić)	December 2013	No funds required	Annual schedules of tasks adopted in courts of up to three judges	Courts of up to three judges in which random allocation of cases is applied

1.2.1.3.	Improve the system of random allocation of cases in courts with a small number of judges by passing decision on the minimum number of judges that a court should have in order to be organised as an independent court in accordance with the procedural laws, and ensure random allocation of cases and decision-making in courts in line with the Criminal Procedure Code (arbitration council, investigative judge and the rules of exemption) and the Law on Civil Procedure		Ministry of Justice(Nataša Radonjić), Judicial Council (Miroslava Raičević)	2015- 2017	Montenegro will apply for funds from IPA 2014-2020 (see activity 1.4.2.3 and 1.4.2.3)	Plan for the reorganisation of courts adopted Amendments to the Law on Courts adopted	Indicator : Random allocation is ensured in all courts and prosecution offices or alternatively, there are robust guarantees of impartiality in place there where this is not possible. Tool : third party reports (peer-based missions)
	1.2.1.3.1	Make analysis of the rationalisation of courts, with special focus on the lowest number of judges that a court should have in order to be functional and to apply the system of random allocation of cases (reference activity 1.4.2.3)	Ministry of Justice(Branka Lakočević, Nataša Radonjić), Government	Fourth quarter of 2015	Budget	Analysis adopted	
	1.2.1.3.2	See activities under items 1.4.2.4 and 1.4.2.5)	Ministry of Justice(Branka Lakočević, Nataša Radonjić), Judicial Council (Miroslava Raičević)	Fourth quarter of 2016	Budget		
	1.2.1.3.3	Apply the method of random allocation of cases	All courts (Sanja Kalezić)	2017 and continuously	Budget	All the cases allocated	

		in all the courts regardless of their size				through PRIS	
1.2.2. Recommendation: Review application of disqualification procedures and amend where necessary.							
1.2.2.1	Make an analysis of the submitted requests for exemption and of decisions made upon the submitted requests at the annual level, and amend the rules of exemption should the results of the analysis indicate so, in order to improve this institute as an important mechanism for strengthening the impartiality of judges and public prosecutors	Supreme Court (Radule Kojović/Sanja Kalezić), Supreme Public Prosecutor's Office (Veselin Vučković/Petar Kapuci), Ministry of Justice (Nataša Radonjić)	December 2014	Regular budgetary funds EUR 5,130	Analysis made	Number of cases in which the request for the exemption of a judge or public prosecutor was accepted	
1.2.3. Recommendation: Amend "conflict of interest" rules, ensuring that there is an effective monitoring of asset declarations and cross-checking with other relevant information.							
1.2.3.1.	Ensure that presidents of courts, judges, public prosecutors and deputy public prosecutors declare their assets in accordance with the Law on Prevention of Conflict of Interest (see activity 2.1.2.3, 2.1.2.4 and 2.1.2.5)	Commission for Prevention of Conflict of Interest (dr Slobodan Leković/Maja Karas Bošković/ Dijana Đukanović)	Continuously	No funds required	Reports of the Commission	Number of cases in which irregularities were established; Number of misdemeanour proceedings initiated against judges and public prosecutors for violating the Law on Prevention of Conflict of Interest prior and afterwards the establishment of this mechanism; Number of disciplinary proceedings conducted by	

						<p>the Judicial and Prosecutorial Councils due to failure to declare assets.</p> <p>Reduced number of cases with established irregularities in comparison with first reports. In the case of irregularities, procedures prescribed by the Law carried out.</p>
1.2.4. Recommendation: Ensure effective monitoring of compliance with the code of ethics.						
1.2.4.1	Make amendments to the Code of Ethics of Judges in accordance with the Opinions of the Consultative Council of European Judges and Bangalore Principles of Judicial Conduct and the Recommendation CM/Rec(2010)12 of the Committee of Ministers to member states on independence, efficiency and accountability in judiciary	Conference of Judges (Sanja Kalezić) Judicial Council (Miroslava Raičević)	March 2014	Regular budgetary funds EUR 5,130 Support by the Association of Judges	Code of Ethics adopted; Brochure made and distributed to all judges	
1.2.4.2.	Amend the Code of Ethics of Public Prosecutors in accordance with the opinion of the Consultative Council of European Prosecutors and the European Guidelines on Ethics and Conduct for Public Prosecutors (Budapest Guidelines) adopted by the Conference of Prosecutors General of	Prosecutorial Council (Stojanka Radović) Supreme Public Prosecutor's Office (Veselin Vučković/Sonja Bošković)	March 2014	Regular budgetary funds EUR 5,130 Support by the Association of Public Prosecutors	Code of Ethics adopted; Brochure made and distributed to all public prosecutors	

	Europe on 31 May 2005					
1.2.4.3.	Conduct trainings on compliance with the Codes of Ethics of Judges and Public Prosecutors	Judicial Training Centre(Maja Milošević), Association of Judges(Hasnija Simonović), Association of Public Prosecutors (Veselin Vučković)	Continuously	Budget, Financial support of international organisations (UNDP, OSCE) in the amount of EUR 7,000 per training for 20 participants	Trainings conducted twice a year	Decrease over the years of the number of violations of the Codes of Ethics through comparison of number of violations of the Code of Ethics recorded in 2013 and 2014 and number of violations in 2015 and 2016.
1.2.4.4.	Ensure that the Commissions for Monitoring Compliance with the Codes of Ethics of Judges and Public Prosecutors submit reports on compliance with the Codes of Ethics to the Judicial and the Prosecutorial Councils once a year along with the analysis of the respect of the Code of Ethics. Relation with measure 1.2.4.5.	Commissions for Monitoring Compliance with the Codes of Ethics of Judges and Public Prosecutors(Sanja Kalezić/Veselin Vučković)	Continuously	Regular budgetary funds EUR 729	Reports submitted to the Judicial and Prosecutorial Councils	Indicator : Number of cases of judicial misconduct (violations of the Code of Ethics) and Imposed disciplinary sanctions Tool : administrative data from Councils
1.2.4.5.	Make annual analysis of compliance with the Codes of Ethics with particular focus on adherence to the rules on conflict of interest by judges and public prosecutors	Commissions for monitoring the Code of Ethics for judges and public prosecutors (Sanja Kalezić/Veselin Vučković)	continuously	Regular budgetary funds EUR 729	Analysis made	Results of the analysis

1.2.4.6.	Raise public awareness on the mechanisms for control of work of judges and public prosecutors in terms of compliance with ethical rules, and publish notices on websites of Judicial and Prosecutorial Councils on how citizens can address the Commissions for Monitoring Compliance with the Codes of Ethics and report disrespect of the codes of ethics by judges and public prosecutors	<p>Association of Judges (Hasnija Simonović)</p> <p>Association of Public Prosecutors (Veselin Vučković)</p> <p>NGOs</p>	November 2013 and continuously	No funds required	<p>Brochures made;</p> <p>Citizens polls conducted;</p> <p>Notice published on websites of Judicial and Prosecutorial Councils</p> <p>Research conducted by Association of Judges, Association of Public Prosecutors, NGO CEMI and NGO Civic Alliance on adherence to the codes of ethics of judges and public prosecutors</p>	

1.3. ACCOUNTABILITY IN THE JUDICIARY

(Coordinator for the area of accountability in the judiciary: Tijana Badnjar, Ministry of Justice)

INTRODUCTION

Accountability in the judiciary is regulated by the Constitution, Law on Judicial Council, Law on Courts and Law on Public Prosecution Office, making clear difference between the disciplinary procedure and the dismissal procedure. The procedure for determining disciplinary responsibility of judges is conducted by the Disciplinary Commission, appointed by the Judicial Council for the period of two years. President of the Disciplinary Commission is appointed from among members of the Judicial Council who are not judges, and two members from among judges who are not members of the Judicial Council but have at least 15 years of work experience. Disciplinary measures imposed on judges and presidents of courts are reprimand and salary reduction.

The salary could be reduced up to 20% for the period of six months. A judge or a court president to whom a disciplinary measure of salary reduction is imposed could not be promoted to a higher-instance court within the period of two years as of the day when the decision on disciplinary measure becomes enforceable.

A judge is held disciplinary responsible if he/she seriously misconducts or impedes the judicial office, as prescribed by the law. A court president is held disciplinary responsible if he/she seriously misconducts or impedes the office of the court president.

A judge is relieved of office if he/she: has been sentenced for an offence making him/her unfit for judicial office, exercises judicial office in an unprofessional or negligent manner or loses permanently the ability to exercise judicial office (Article 121 of the Constitution). A judge may be suspended from office if an order was issued against him/her to be detained on remand or if he/she is subject to an investigation for a criminal offence that makes him/her unfit to exercise his/her office. A judge may be suspended from office after the Judicial Council accepts a proposal for initiation of dismissal procedure. Decision on suspension of a judge from office is passed by the Judicial Council. Proposal for dismissal of a judge can be submitted by president of the court, in which the concerned judge works, by president of the higher-instance court, by president of the Supreme Court, by Minister of Justice as well as by other members of the Judicial Council.

Proposal for dismissal is submitted to the Judicial Council. The Judicial Council decides whether there are grounds for launching dismissal procedure within 30 days as of the day of receipt of the proposal. The Judicial Council delivers the same proposal to the judge it concerns, along with a notification that he/she has the right to defence counsel. The judge has the right to declare on the proposal for his/her dismissal within eight days as of the day of receipt of the proposal. The Disciplinary Commission gathers all necessary information and evidence for examining the rationale of the proposal. A judge being subject to dismissal procedure has the right to attend the Commission's sessions. Following the gathered information and evidence, the Disciplinary Commission submits a report to the Judicial Council within the deadline defined by the Council itself. A copy of that report is also submitted to the judge being subject to dismissal procedure. Decision upon the proposal for dismissal must be justified and contain a legal remedy. An administrative procedure can be launched against the decision. Administrative procedure can be launched before the Administrative Court against decisions on disciplinary responsibility, dismissal and suspension of judges.

The Supreme Public Prosecutor, the head of the Public Prosecutor's Office or the public prosecutor is held disciplinary responsible if he/she exercises his/her

office in negligent manner or if he/she harms the reputation of the prosecutorial office. Disciplinary measures are reprimand or salary reduction. Salary reduction may be imposed in the amount up to 20%, for up to six months.

The proposal for determination of responsibility of the Supreme Public Prosecutor, the head of the Public Prosecutor's Office or the public prosecutor is submitted to the Prosecutorial Council. The procedure for determination of responsibility of the head of the Public Prosecutor's Office or the public prosecutor is conducted by the Disciplinary Commission appointed by the Prosecutorial Council. The complaint may be submitted to the Prosecutorial Council against the decision made by the Disciplinary Commission, within the deadline prescribed by the law. The administrative dispute may be initiated against the decision made by the Prosecutorial Council concerning determination of disciplinary responsibility of the head of the Public Prosecutor's Office and public prosecutors.

The Amendments to the Constitution of 2013 prescribe that the head of the Public Prosecutor's Office and the public prosecutor shall be relieved of office if he/she has been convicted to unconditional prison sentence by final and enforceable judgment. In addition to reasons prescribed by the Constitution, amendments to the Law on the Public Prosecutor's Office also prescribe the following reasons for relieve of office of the Supreme Public Prosecutor, the head of the Public Prosecutor's Office and the public prosecutor: if he/she has been sentenced for an offence making him/her unfit for prosecutorial office, exercises his/her office in an unprofessional or negligent manner or loses permanently the ability to exercise the office. Special reasons for relieve of office are prescribed for the head of the Public Prosecutor's Office: when he/she fails to achieve results when directing activities through which the Public Prosecutor's office is being exercised, when he/she fails to initiate procedure for the relieve or disciplinary responsibility of the public prosecutor, although he/she was authorised to do so and he/she was aware of, or must have known the reasons for removal, and when he/she was imposed a disciplinary measure twice in the course of his/her term of office.

The Supreme Public Prosecutor is dismissed by the Parliament of Montenegro, whereas the heads of public prosecutor's offices and the public prosecutors are dismissed by the Prosecutorial Council. The procedure for dismissal is launched by the initiative, which is submitted to the Prosecutorial Council. If the Prosecutorial Council finds that grounds to conduct the procedure exist, it shall establish the Commission for examination of conditions for dismissal from among its members. The decision on dismissal made by the Prosecutorial Council is final and the administrative dispute may be initiated against it.

As explained above, the accountability system for judges and prosecutors is divided into a disciplinary procedure and a dismissal procedure. Disciplinary procedures can result in very mild disciplinary sanctions and therefore do not have dissuasive effect. As regards dismissal procedure, grounds for dismissal are not clearly defined. Since 2008, five judges have been dismissed, whereas disciplinary sanctions have been imposed to others. The disciplinary system should be additionally strengthened and separated in accordance with the principle of proportionality. Double role of the Disciplinary Commission in examining and deciding upon disciplinary responsibility should be revised in the light of the principle of fair trial. Bearing in mind the aforementioned, measures have been proposed for improvement of accountability in the judiciary.

1.3. ACCOUNTABILITY IN THE JUDICIARY

1.3.1. Recommendation: Review rules on disciplinary and dismissal procedures and their implementation and amend where necessary.

No.	Measure / Activity	Responsible authority	Deadline	Required funds /	Indicator of result	Indicator of impact
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				Source of financing		
1.3.1.1	Amend the Constitution in terms of prescribing reasons for dismissal of judges in accordance with the opinion of the Venice Commission	Parliament (Vlatko Šćepanović/Slavica Mirković/Vesna Peković)	July 2013	Budget	Amendments to the Constitution adopted The Constitutional Law Implementing the amendments to the Constitution adopted Positive opinion of the European Commission	
1.3.1.2	In accordance with amendments to the Constitution, pass the Law on the Judicial Council and the Rights and Duties of Judges, the Law on Courts and the Law on Public Prosecution Office so that the following will be entirely regulated by the law: - difference between less severe, more severe and the most severe grounds for disciplinary responsibility. - competence for conducting disciplinary procedures and	Ministry of Justice (Branka Lakočević, Nataša Radonjić) Government Parliament (Vlatko Šćepanović/Slavica Mirković/Vesna Peković)	September 2013 - February 2015	Budget (allocated within activities 1.1.2.1, 1.1.2.2 and 1.1.2.3)	The Law on the Judicial Council and the Rights and Duties of Judges adopted, the Law on Courts adopted, the Law on Public Prosecution Office adopted	

	dismissal procedures, - the role of the Disciplinary Commission, and - introducing the principle of proportionality between the disciplinary offence and the disciplinary sanction					
	1.3.1.2.1.	Adopt the Law on Judicial Council and the Rights and Duties of Judges, Law on Courts, and the Law on Public Prosecution Office	Parliament (Vlatko Šćepanović/Slavica Mirković/Vesna Peković)	February 2015	Regular Budget	Law adopted
1.3.1.3.	In accordance with legislative changes, establish authorities competent for conducting of disciplinary procedure in the Prosecutorial and Judicial Council, according to the principle of fair trial	Judicial Council (Miroslava Raičević) Prosecutorial Council (Stojanka Radović)	March 2015	No budgetary expenses	Disciplinary commissions appointed by the Judicial and Prosecutorial Councils respectively	The number of initiated disciplinary procedures Number of disciplinary misdemeanours reduced
	1.3.1.3.1	Elect disciplinary prosecutors	Judicial Council (Miroslava Raičević) Prosecutorial Council (Stojanka Radović)	February 2015	Regular Budget	Disciplinary prosecutors elected
	1.3.1.3.2	Establish disciplinary commissions	Judicial Council (Miroslava Raičević)	February 2015	Regular Budget	Disciplinary commissions established in

			Prosecutorial Council (Stojanka Radović)			the Judicial and the Prosecutorial Council	
1.3.1.4	Establish databases on procedures conducted regarding the accountability of judges and public prosecutors	Judicial Council Prosecutorial Council	January 2014	Regular budgetary funds EUR 729	Databases established	All the data entered in the databases	
1.3.2. Recommendation: Review the system of functional immunity for judges and prosecutors. Procedures for removing functional immunity need to be strengthened to ensure full accountability of judges and prosecutors under criminal law.							
No.	Measure / Activity	Responsible authority	Deadline	Required funds / Source of financing	Indicator of result	Indicator of impact	
1.3.2.1.	Clarify sub-constitutional provisions on functional immunity and ensure effective implementation in practice in accordance with the constitutional definition of the functional immunity of judges and public prosecutors with a view to ensuring full accountability of judges and public prosecutors for committed criminal offences, in particular criminal offences against official duty thorough amendments to the law on Judicial Council and the Law on Prosecutorial Council and the Law on Public Prosecution (See activities 1.1.1.2 and 1.1.1.4) in	Ministry of Justice (Nataša Radonjić) Government, Parliament (Vlatko Šćepanović/Slavica Mirković/Vesna Peković)	February 2015 and continuously	Budget (the amount presented in the activities 1.1.1.2 and 1.1.1.3)	The Law on the Judicial Council adopted The Law on Public Prosecution Office adopted	Number of cases reported where functional immunity of judges and public prosecutors,stands in the way of criminal investigations	

	line with the best European practice.					
1.3.2.2.	Conduct procedures regarding the accountability of judges and public prosecutors, in accordance with the law	Judicial Council (Miroslava Raičević) Prosecutorial Council (Stojanka Radović)	Continuously	Regular budgetary funds EUR 810	Annual reports on work of the Judicial / Prosecutorial Council	Number of dismissed judges / public prosecutors

1.4. PROFESSIONALISM, COMPETENCE AND EFFICIENCY IN THE JUDICIARY

(Coordinator for the area of professionalism, competence and efficiency in the judiciary: Tijana Badnjar, Ministry of Justice)

INTRODUCTION

The Court Rules regulate issues of reporting, records keeping and statistics. Periodical and temporary overviews of work in courts are done on the basis of records and statistics with a view to exercising supervision and better organizing the work in courts. Courts keep records and statistics in accordance with the guidelines of president of the Supreme Court and administrative body competent for statistical issues. Statistical templates represent an integral part of the guidelines of president of the Supreme Court.

When collecting statistics on efficiency of courts, total number of resolved cases and number of resolved cases per judge are taken into account. Time that each judge passed in his/her workplace during a year and the number of cases that he/she should resolve in that period is also taken into account. As regards unresolved cases in which decision of the court has been abolished, data on the year in which the procedure was initiated is separately presented when preparing the annual report on operation of courts.

Apart from the standard data, annual reports should demonstrate and analyse operation of courts, point out problems and shortcomings in their work, measures being taken or planned to be taken with a view to achieving required work efficiency as well as the amount of funds paid in accordance with the Law governing free legal aid.

The Rulebook on Internal Operation in Public Prosecution Offices regulates records keeping, reporting and statistics. Data in the public prosecution offices are kept and processed in the same manner as in courts.

The Judicial Information System (PRIS), as system for collection of information on a case as of the moment of its receipt in the court's registry office till the end of court proceedings, can provide information on cases being processed (date of receipt, course of proceedings and actions taken therein, duration of

proceedings, type and contents of ruling, taken legal remedies, outcome of those remedies). PRIS ensures electronic processing of data in all judicial institutions, courts, public prosecution offices, prison and the Ministry of Justice. In the previous period, the Judicial Council adopted the Instructions on the methods and deadlines for collection of statistical data, and its goal is to enable PRIS to collect the data that are required for reporting in compliance with the CEPEJ Guideline. The Instructions prescribe that the Judicial Council shall publish standardized reports on the scope of work in the court, duration of the judicial procedure at the court level by various categories of cases, unresolved cases, as well as human and financial resources allocated at the annual level for the work of the judiciary; the analysis of these data on the grounds of the CEPEJ indicators makes the separate part of these reports. Furthermore, in June 2014, the Ministry of Justice, assisted by the donors and experts, obtained the special excel model, which enable monitoring of the work of the basic and high courts from 2011, as well as the analytics upon three CEPEJ indicators – efficiency rate, disposition time and clearance rate. The Ministry is using such analysed statistical data in its reporting, and as the instrument for management and taking of appropriate measures when necessary.

The Plan for the Rationalization of Judicial Network was adopted in 2013 in order to rationalize the court network, on the grounds of the Analysis of the needs for the rationalization of judicial network. Activities for implementation of this plan are carried out continuously. PROVIDE MORE DETAILS

Montenegro introduced the institute of bailiffs into its system in order to promote the execution of judgments in civil procedure cases. Following adoption of the relevant laws and bylaws, as well as completed training for the candidates for bailiffs, and following provision of all preconditions for the commencement of their work, the bailiffs commenced their work in April 2014. So far, in total 21 bailiffs were appointed, out of 32 bailiffs planned under the Law on Bailiffs. The Ministry of Justice is continuously carrying out activities for further appointment of bailiffs.

The Judicial Training Centre is organised as a separate organisational unit of the Supreme Court of Montenegro. The Law on Training in Judicial Authorities stipulates that funds for financing of trainings are provided as a separate line in the budget of the Supreme Court of Montenegro as well as through donations, gifts, and other sources. Making the Centre an organisational unit of the Supreme Court, funds should be provided through special budget line intended for the Supreme Court. However, due to lack of funds for continuous training in the budget of the Supreme Court of Montenegro and bearing in mind the overall financial situation in Montenegro, for years the Centre has been organizing continuous training through cooperation with and support of international organisations that have recognised the importance of the Centre and its work. Still, there is a risk that the Centre could not be able to take planned activities should the international organisations withdraw their financial support.

The Centre is managed by an executive director. The executive director is appointed by the president of the Supreme Court, upon the opinion of the Supreme Public Prosecutor, in the procedure prescribed for employment of civil servants and state employees. Special bodies are organised within the Centre with the task to organise and implement trainings in judicial authorities: Coordination Board, programme boards and Examination Commission. Administrative, technical and other activities for the needs of the Coordination Board, programme boards and the Examination Commission are performed by the Centre, which has not only the executive director but three employees also: advisor for initial training, advisor for continuous training and technical secretary. The Coordination Board has a president and six members appointed by all relevant institutions in the area of justice (Supreme Court of Montenegro, Supreme Public Prosecutor of Montenegro, Judicial Council, Prosecutorial Council, Ministry of Justice, and Faculty of Law in Podgorica). It represents the body with the most important authorisations that adopts annual training programme (areas in which training will be organised, dynamics and deadlines for organisation of trainings, structure and number of attendants, structure of lecturers, required funds and method for programme evaluation) and appoints members of programme boards and the Examination Commission. The Coordination Board is responsible to the Judicial and

Prosecutorial Councils for its work. Programme boards for initial and continuous training have three members each (they elaborate annual programme and special training programmes, and adopt plan for their implementation). The Examination Commission, which has three members, organises sitting for admission and final exams for initial training. Members of the Coordination Board cannot be members of programme boards and the Examination Commission.

The Law on Training in Judicial Authorities makes clear difference between continuous and initial trainings of judicial staff, based on special training programmes. Continuous training programmes are equally available to all judges and prosecutors, both to the newly appointed and others. Initial training programmes are intended for associates in judicial bodies (courts and prosecution offices) as well as for graduates in law meeting the general conditions for work in public authorities and having passed the bar exam, and those programmes are aimed at preparing them for exercising judicial office.

The Law leaves the possibility of designing special curricula for judges and prosecutors who have been exercising judicial office for less than 3 years, but such curricula have not been designed thus far due to lack of financial resources for their implementation.

A judge exercise judicial office in the court that he/she has been appointed to. With a judge's consent, the Judicial Council can second him/her to another court of the same or lower instance for one year, if regular operation of the court that the judge is seconded to is hampered by exemption or impediment of a judge in exercising judicial office or on other justified grounds. The Judicial Council may temporarily second a judge, with his/her consent, to a court of higher instance, if the scope of work in that court has increased temporarily or in the case of a large backlog of cases which cannot be resolved by the existing judges. The seconded judge must meet conditions prescribed for appointment of judges to that particular court. The Judicial Council passes the decision on temporary secondment of a judge to another court at the request of president of the court that the judge is seconded to. Prior to passing the decision on temporary secondment of a judge to another court, the Judicial Council holds consultations with the president of the court that has submitted the request, with the judge being seconded and with the president of the court that the judge is currently working in.

With his/her consent, the Judicial Council can second a judge to the Ministry of Justice, to the Judicial training Centre or to the Judicial Council Secretariat for a period of up to three years for the purpose of taking part in activities of those bodies concerning improvement of courts' operation, particularly with regard to introduction of international standards in courts. During the work in those bodies, the judge does not exercise judicial office. The judge keeps his/her salary, whereas the costs caused by secondment are borne by the body that he/she is seconded to.

The same rules apply to secondment of deputy public prosecutors.

In case of reorganisation of courts implying reduction or abolishment of a number of positions of judges, the Judicial Council can second or transfer a judge to another court without his/her consent. Costs caused by secondment or transfer of the judge to another court without his/her consent are borne by the court that the judge is seconded or transferred to, with exception of the salary that the judge receives in the court in which he/she worked prior to secondment or transfer.

1.4. PROFESSIONALISM, COMPETENCE AND EFFICIENCY IN THE JUDICIARY						
No.	Measure / Activity	Responsible authority	Deadline	Required funds / Source of financing	Indicator of result	Indicator of impact

1.4.1 Recommendation: Ensure reliable and consistent judicial statistics and introduce a system to monitor the length of trial.						
1.4.1.1.	Setting up reliable and consistent judicial statistics according to CEPEJ guidelines on judicial statistics	Ministry of Justice (Branka Lakočević, Tijana Badnjar) Judicial Council (Anica Obradović)	September 2013 - July 2015	Regular budgetary funds EUROL IMG	Reliable and consistent judicial statistics established in accordance with CEPEJ guidelines. Published standardized reports on the work of courts aligned with CEPEJ guidelines	Indicator : The data obtained through PRIS are reliable and consistent and used as an effective management tool (Tool : administrative data)
1.4.1.1.1	Drafting a regulation about procedures, methodologies and timeframes for the collection of statistical figures in compliance with CEPEJ guidelines by the working group composed of representatives from the Ministry of Justice and Judicial Council	Ministry of Justice (Branka Lakočević, Tijana Badnjar) Judicial Council (Anica Obradović)	September – January 2015	Regular Budget EUROL IMG	Working group established Draft regulation prepared	
1.4.1.1.2	Expert discussion on the Draft regulation	Ministry of Justice (Branka Lakočević, Tijana Badnjar) Judicial Council	November 2014	Budget	Public discussion organised	

	1.4.1.1.3	Adoption of regulation on collecting statistical data	Ministry of Justice (Branka Lakočević, Tijana Badnjar) Judicial Council(Anica Obradović)	January 2015	Regular Budget	Regulation adopted	
	1.4.1.1.4	PRIS upgraded for statistical reporting in accordance with the regulation	Secretariat of the Judicial Council(Anica Obradović)	January – March 2015	Additional budgetary funds required	PRIS upgraded	
	1.4.1.1.5	Testing of a new statistical system	Secretariat of the Judicial Council (Anica Obradović)	April – July 2015	Regular Budget	New statistical system tested	
1.4.1.2	Development of indicators for measuring the workload of judges, average time spent on resolving particular cases		Ministry of Justice (Branka Lakočević, Nataša Radonjić) Judicial Council (Miroslava Raičević)	September 2013 - Fourth quarter of 2014	Regular Budget IPA 2012-2013 (EU ROL)	Statistical indicators established	
	1.4.1.2.1	Set up a working group composed Conjunction with measure 1.4.1.3	Judicial Council (Miroslava Raičević)	September 2013- March 2014	Regular Budget EUR 11,930	Working group established	
	1.4.1.2.2	Organise expert discussion on indicators identified	Judicial Council	April - May 2014	Regular Budget EUR 3,810	Public discussion organised	
	1.4.1.2.3	Relevant indicators established	Ministry of Justice (Branka Lakočević, Nataša Radonjić, Tijana Badnjar) Judicial	November 2014	Regular Budget EUR 5,130	Relevant indicators established	

			Council(Miroslava Raičević)				
1.4.1.3	Establishment of standards for the workload of judges and of standard timeframes for proceedings for specific types of cases and/or specific courts		Judicial Council (Miroslava Raičević)	May 2014 – December 2015	Regular Budget EU Rol	Standards of performances according to different types of proceedings and standards about the time needed for finalizing different types of cases established	Number and type of measures taken to ensure equal spread of workload following its permanent monitoring Allocation of resources so as to ensure efficient functioning of the judicial system and resolution of the incoming workload as well as backlogs.
1.4.1.3.1	Establish the working group composed of representatives of the Judicial Council, courts of all levels, as well as representatives of the Public Prosecutor's Office and representatives of the Ministry of Justice		Judicial Council (Miroslava Raičević)	May 2014	Regular budgetary funds EUR 11,930 x 2	Working groups established	
1.4.1.3.2	Identify various types of cases, in which the performance of judges will be measured, and designate		Ministry of Justice (Branka Lakočević, Nataša Radonjić Tijana Badnjar)	November 2014	Budget EUR 3,810	Cases identified Pilot courts	

		the pilot courts where measuring will be performed	Judicial Council (Miroslava Raičević)			designated	
	1.4.1.3.3	Determine and distribute the form for measuring, so that it could be filled-in by judges in the pilot courts	Judicial Council (Miroslava Raičević)	December 2014	Regular budgetary funds EUR 11,930	Form determined Training for judges in the pilot courts as regards the filling-in of forms has been conducted	
	1.4.1.3.4	Filling-in of submitted forms in the pilot courts	Judicial Council (Miroslava Raičević) Pilot courts(Sanja Kalezić)	January - June 2015	Regular Budget	Testing successfully conducted in pilot courts	
	1.4.1.3.5	Collect and analyse the collected data	Judicial Council(Miroslava Raičević)	July – September 2015	Regular Budget EU RoI	Collected data have been analysed	
	1.4.1.3.6	Present the achieved results and follow up	Judicial Council(Miroslava Raičević)	October 2015	Regular Budget EUR 3,810 EU RoI	Results presented at the expert discussion	
	1.4.1.3.7	System established by adopting new standards for the workload of judges	Judicial Council(Miroslava Raičević)	December 2015	Regular Budget	System functional and standards of the workload applied	

1.4.1.4	Strengthen the administrative capacity necessary for the development and maintenance of PRIS in accordance with the adopted strategic documents of the development of ICT in the judiciary: - employ 3 officers in 2014 in the IT department of the Secretariat of the Judicial Council - Employ 3 officers in 2015 in the IT department of the Secretariat of the Judicial Council	Judicial Council(Miroslava Raičević)	January 2014 – December 2015	Budget (see budgetary impact under activity 1.1.3.3.1) IPA 2012-2013 (EU ROL)	Budget resources and donor support provided The analysis of the existing staff done Increased number of staff on the position of developing and maintain PRIS; Determined the level of satisfaction with the PRIS on the based on customer surveys; Training of employees	
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1.4.2. Recommendation: Review and rationalise the court network and ensure sufficient funding for the efficient functioning of the entire court system. Further reduce the existing backlog, especially as regards civil cases.

No.	Measure / Activity	Responsible authority	Deadline	Required funds / Source of financing	Indicator of result	Indicator of impact
1.4.2.1.	Adopting a two-year plan for rationalisation of the judicial network in	Ministry of Justice (Branka Lakočević ,	June 2013	Budget total EUR 662,013.16	Reorganisation plan adopted in	

	accordance with conclusions of the Analysis on the need for rationalizing the judicial network, which was adopted in 2013	Nataša Radonjić , Government, Judicial Council (Miroslava Raičević)		Regular budgetary funds EUR 503,237.66 Additional budgetary funds required EUR 158,775.50	accordance with the 2013 Analysis	
1.4.2.2.	Implementing measures under the two-year plan of rationalisation of judicial network	Ministry of Justice(Branka Lakočević, Nataša Radonjić) Judicial Council(Miroslava Raičević) Prosecutorial Council (Stojanka Radović)	2013-2015	Budget	All measures under the two-year rationalisation plan have been implemented Report on realization of measures under the two-year plan of rationalisation of judicial network prepared and published	
1.4.2.2.1	Adopting necessary amendments to the legislation in line with the Rationalisation Plan	Ministry of Justice (Branka Lakočević, Nataša Radonjić) Government Parliament (Vlatko Šćepanović/Slavica Mirković/Vesna Peković)	Oktobar 2015	Regular budgetary funds EUR 135,525 (see budgetary impact under activity 1.1.2.1 and 1.1.2.3) + EUR 36,427	Amendments to the legislation provided for in the Rationalisation Plan have been adopted	
1.4.2.2.2	Merging two	Judicial Council	March 2015	Regular	One Commercial	

		commercial courts into one court which will be based in Podgorica	(Miroslava Raičević) Commercial Court in Podgorica (Sanja Kalezić)		budgetary funds	Court in Podgorica has been established	
	1.4.2.2.2.1	Adopt the plan for taking over the cases of the Commercial Court in Bijelo Polje	Commercial Court in Bijelo Polje and Podgorica (Sanja Kalezić) Judicial Council (Miroslava Raičević)		Regular budgetary funds	Plan adopted	
	1.4.2.2.2.2	Amend the Decision on the number of judges	Judicial Council (Miroslava Raičević)	February 2015	Regular budgetary funds	Decision amended	
	1.4.2.2.2.3	Adopt the decision on the transfer of judges to work in another court	Judicial Council (Miroslava Raičević)	February 2015	Regular budgetary funds	Decision adopted	
	1.4.2.2.2.4	Take over the cases from the Commercial Court in Bijelo Polje	Commercial Court (Sanja Kalezić)	March 2015	Regular budgetary funds	Cases have been taken over	
	1.4.2.2.3	Merging two special divisions of high courts into one with a view to centralising jurisdiction for the criminal offences of organised crime, corruption, terrorism and war crimes at the special division in the High Court in Podgorica	Judicial Council (Miroslava Raičević) High Court in Podgorica (Sanja Kalezić)	March 2015	Regular budgetary funds	One special division has been formed in the High Court in Podgorica	

	1.4.2.2.3.1	Adopt the plan for taking over from the Special Division of the High Court in Bijelo Polje	High Court in Bijelo Polje High Court in Podgorica (Sanja Kalezić)	February 2015	Regular budget	Plan adopted	
	1.4.2.2.3.2	Amend the Decision on the number of judges	Judicial Council(Miroslava Raičević)	March 2015	Regular budget	Decision amended	
	1.4.2.2.3.3	Take over the cases from the Special Division of the High Court in Bijelo Polje	High Court in Podgorica	March 2015	Regular budget	Cases have been taken over	
	1.4.2.2.4	Changes in the organisation of the Special division for combating organised crime, corruption, terrorism and war crimes at the Supreme Public Prosecutor's Office by establishment of a Special Prosecution	Supreme Public Prosecutor's Office(Stojanka Radović)	March 2015	Total budget EUR 662,013.00 Regular budgetary funds EUR 503,238 Additional budgetary funds required EUR 158,775	Organisation of the Special Prosecutor's Office changed	

	1.4.2.2.5	Adoption of the Law Amending the Law on Non-Contentious Proceeding which provides conditions for delegating inheritance cases to notaries by the Basic Courts	Ministry of Justice (Branka Lakočević)	April 2015	Budget	Law adopted Notaries are acting in inheritance cases	
	1.4.2.2.6.	Establishing bailiffs (see activities under items. 1.4.3.1 and 1.4.3.2)	Ministry of Justice (Branka Lakočević, Nataša Radonjić)	January 2014	Budget (see budgetary impact under activity 1.4.3.1 and 1.4.3.2)	Bailiffs commenced working	Monitoring of the enforcement table Evolution of recovery rate, costs and duration of enforcement proceedings. Tool Administrative data and third party reports/peer-based missions
	1.4.2.2.7	Establish three misdemeanour courts and the High Misdemeanour Court in compliance with the Law on Courts	Judicial Council (Miroslava Raičević)	March 2015	Regular Budget	Misdemeanour courts established in compliance with standards of independent and impartial court	

	1.4.2.2.8	Adopt the decision on the number of judges in misdemeanour courts	Judicial Council (Miroslava Raičević)	March 2015	Budget	Decision adopted	
	1.4.2.2.9	Elect misdemeanour judges in compliance with the decision on the number of judges	Judicial Council (Miroslava Raičević)	September 2015	Budget	Election of judges completed	
1.4.2.3	Conducting analysis on the need for the rationalisation in accordance with the conclusions of the 2013 Analysis and the Plan of Rationalisation 2013-2015 and especially in view of established standards of the workload of judges and plans for human resource development in judiciary		Ministry of Justice (Branka Lakočević, Nataša Radonjić)	December 2015	For realisation of this activity MNE will apply through IPA 2014-2020	Analysis adopted	<p>Indicator1 : Length of procedures/time needed to resolve civil, commercial, administrative and criminal cases (Tool: administrative data from PRIS?)</p> <p>Indicator 2: Sustainable reduction in the number of cases older than 15/10/7/5/3 years/ Total Number of cases in the system. (Tool : administrative data from MoJ)</p> <p>Indicator 3: availability of ADR mechanism and effectiveness (Tool : Third party reports – peer-based</p>

						missions)
1.4.2.3.1	On the grounds of Analysis, establish the criteria for determination of the minimal number of judges which justifies the existence of the court	Ministry of Justice(Branka Lakočević, Nataša Radonjić)	December 2015		Criteria established	
1.4.2.3.2	Consider the reduction of workload in courts with regard to taking over of inheritance cases by the notaries	Ministry of Justice(Branka Lakočević, Nataša Radonjić)	Second quarter of 2016		Adopted conclusions on the reduction of workload in courts with regard to taking over of inheritance cases by notaries	
1.4.2.3.3	Monitor results of the work of bailiffs concerning taking over of enforcement cases from the court Conjunction with measure 1.4.3.3	Ministry of Justice(Branka Lakočević, Nataša Radonjić)	Second quarter of 2016		The report on the work of bailiffs with conclusions concerning the impact of their work on the reduction of workload of the system	
1.4.2.4	Adopting a medium-term rationalisation plan (2017-2019) based on the Analysis	Ministry of Justice(Branka	Third Quarter of	For realisation of this activity MNE	The Plan adopted	

	(see activity 1.4.6) and identified indicators of productivity of courts and average time needed to resolve particular types of cases, based on which human resources could be distributed to courts in accordance with annual workload and cases processed by a particular court in one year	Lakočević, Nataša Radonjić , Government, Judicial Council (Miroslava Raičević) Prosecutorial Council (Stojanka Radović)	2016	will apply through IPA 2014-2020		
1.4.2.5	Implementation of measures under the Rationalisation Plan (see activity 1.4.7)	Ministry of Justice (Branka Lakočević, Nataša Radonjić) , Government, Judicial Council (Miroslava Raičević) Prosecutorial Council (Stojanka Radović)	2016-2019	For realisation of this activity MNE will apply through IPA 2014-2020	Measures have been implemented in line with the Plan.	Number of positions of judges reduced when compared to 2014 Number of courts reduced when compared to 2014 Number of administrative staff reduced when compared to 2014
1.4.2.6	Monitoring backlog of cases within PRIS and adopting the rules and annual programmes for resolving backlog of cases at the level of all courts	Judicial Council (Anica Obradović) Supreme Court and all courts (Sanja Kalezić) Ministry of Justice (Nataša Radonjić)	Continuously	IPA 2012 2013 EU ROL	The number of resolved backlog cases and the number of pending cases	The number of resolved backlog cases and the number of pending cases on an annual basis Monitoring mechanism by the

						presidents of courts and hierarchically higher courts for solving the backlog of cases within the PRIS established	
1.4.2.7	Taking measures for resolving backlog of cases such as: <ul style="list-style-type: none"> - voluntary secondment of judges who have less workload to a court having backlog of cases, - delegating cases, - improving and controlling the work of delivery and enforcement service - monitoring work through monthly submission of reports to the president of the court by judges concerning the resolving of cases, - submission of reports on the work of advisors in the court on a quarterly basis - alternative dispute resolution (mediation, court settlement, arbitration) 		Judicial Council (Anica Obradović) Supreme Court and all courts (Sanja Kalezić) Ministry of Justice(Nataša Radonjić)	Continuously	Regular budgetary funds for secondment of judges to another court EUR 21,000	Number of seconded judges Number of delegated cases	Reports on resolving backlog of cases Number of cases resolved through alternative dispute resolution methods Evolution of number of cases older than 15/10/7/5/3 years/ Total Number of cases in the system
	1.4.2.7.1	Develop the training plan for mediators, judges, public prosecutors and attorneys	Mediation Centre (Miroslav Knežević)	March 2015	Budget	Plan developed	

	1.4.2.7.2	Public promotion of the alternative manners of dispute resolution	Mediation Centre(Miroslav Knežević) Judicial Training Centre(Maja Milošević) Ministry of Justice(Tijana Badnjar)	Continuously	Budget Additional funds required	Distribution of promotional materials in courts and public places Professional gatherings on the alternative manners of dispute resolution have been held	Table monitoring Number of cases resolved in alternative manner has been increased
	1.4.2.7.3	Adopt the special Arbitration Law which is harmonised with UNICTRAL Model Law on the International Commercial Arbitration	Ministry of Justice (Tijana Badnjar) Parliament(Vlatko Šćepanović, Slavica Mirković, Vesna Peković)	March 2015	Budget	Law adopted	
	1.4.2.7.3.1	Adopt bylaws	Chamber of Commerce (Pavle Radovanović/Maja Golović)	June 2015	Budget of the Chamber of Commerce	Bylaws adopted	
	1.4.2.3.7.2	Promote the arbitration in public and among	Chamber of Commerce (Pavle Radovanović/Maja Golović)	Continuously		Promotional material for the public has been developed and distributed	

			parties involved in business - commercial operations				Public lectures organised Established cooperation with other arbitration institutions	
1.4.3. Recommendation: Strengthen the enforcement of judgements in civil cases.								
No.	Measure / Activity		Responsible authority	Deadline	Required funds / Source of financing	Indicator of result	Indicator of impact	
1.4.3.1	Conduct an analysis of the bailiffs in relation to the judicial enforcement in terms of efficiency and costs of enforcement proceeding		Ministry of Justice (Branka Lakočević, Nataša Radonjić)	October 2013	Regular Budget EUR 6,947	Analysis made	Costs of proceeding enforcement realistic.	
1.4.3.2	Taking all measures and actions in accordance with the Law on Enforcement and Security of Claims and the Law on Bailiffs in order to make it possible for bailiffs to start operating and take enforcement cases from the jurisdiction of courts		Ministry of Justice (Branka Lakočević, Nataša Radonjić)	January 2014	Regular Budget EUR 950	Secondary legislation adopted based on the law Bailiffs appointed	Reduced backlogs Reduced average length of proceedings Reduced workload of judges	
	1.4.3.2.1.	Adoption of tariff for work of bailiffs.	Ministry of Justice (Branka Lakočević, Nataša Radonjić), Government	June 2013	Regular Budget EUR 5,130	Tariff adopted	Costs of enforcement realistic according to value of the case for	

							enforcement
	1.4.3.2.2.	Organizing training for applicants for bailiffs.	Ministry of Justice (Branka Lakočević, Nataša Radonjić)	June 2013	OSCE EUR 4,500	Organised training for 32 applicants.	
	1.4.3.2.3.	Making decision on appointment of bailiffs (Rulebook provides for 32 posts).	Ministry of Justice (Branka Lakočević, Nataša Radonjić)	November 2013	Regular Budget EUR 729	Decision made	The bailiffs appointed in all municipalities.
	1.4.3.2.4.	Establishing fulfilment of necessary conditions for work (oath, offices)	Ministry of Justice (Branka Lakočević, Nataša Radonjić) , Public bailiffs	December 2013	Regular Budget EUR 729	Commission receives offices	Established fulfilment of conditions.
	1.4.3.2.5.	Initiation of work of bailiffs and establishment of chamber of bailiffs.	Bailiffs (Branka Lakočević, Tijana Badnjar)	January – February 2014	No budgetary costs	Public bailiffs started to work	Number of proceedings for enforcement carried out by bailiffs
1.4.3.3		Making an analysis of effective functioning of the enforcement system, including bailiffs' performance and impact of the reform on productivity of courts after commencement of operation of bailiffs	Ministry of Justice (Branka Lakočević, Tijana Badnjar)	December 2015	Regular Budget EUR 5,130	Analysis made Implementation of the Analysis conclusions	
1.4.3.4		Establish a single software system for conducting of cases before the bailiffs as regards the monitoring of success of enforcement and duration and costs of	Ministry of Justice (Tijana Badnjar) Chamber of Bailiffs	June 2015	Regular budget	Established electronic connection of all offices of bailiffs	Evolution of success of enforcement, (recovery rate!) costs and duration of the

	the enforcement procedure				Provided access for the Ministry of Justice	enforcement procedures.
1.4.4. Recommendation: Ensure effective functioning of the Judicial Training Centre.						
No.	Measure / Activity	Responsible authority	Deadline	Required funds / Source of financing	Indicator of result	Indicator of impact
1.4.4.1.	Making an analysis of budget funds that the Centre needs for financing initial and continuous training, including recommendations on the future model of organisation and functioning of the Training Centre	Judicial Training Centre (Maja Milošević)	fourth quarter of 2014	Regular Budget EUR 2,430 Technical Assistance (EUR 10,000) Luxembourg/EIPA for Montenegro	Analysis made	
1.4.4.2	Organising continuous training with regard to implementation of the Criminal Procedure Code and the Law on Civil Procedure as well as with regard to the new institutes introduced by substantive laws (Law on Obligations, Law on Property Relations, Family Law, Criminal Code, Law on Enforcement and Security of Claims)	Judicial Training Centre (Maja Milošević)	Continuously	Financial support by the USA Embassy and international organisations (OSCE, IRZ) cca. EUR 150,000 in 2013.	Training implemented in accordance with the Training Programme	Number of trainings Number of participants Satisfaction of participants Forms for evaluation of training
1.4.4.3	Ensuring budget funds necessary for financing continuous training	Supreme Court (Radule Kojović/Sanja Kalezić)	2015 and continuously	In 2015 Budget 170.700.00€ are allocated	Budget funds for financing continuous training provided partly from the Budget in	Number of continuous trainings implemented with the financial support from the Budget

					addition to the international support		
1.4.4.4.	Amending the legislative framework which will be the basis for transforming the Judicial Training Centre into an independent and self-sustainable institution on the basis of the results of the analysis referred to under measure 1.4.13		Ministry of Justice(Branka Lakočević, Nataša Radonjić), Government, Parliament (Vlatko Šćepanović/Slavica Mirković/Vesna Peković)	October 2015	Budget, IPA 2012/2013 - Justice and Home Affairs	Law adopted	
	1.4.4.4.3	Obtaining opinion of the Member State expert and of the Council of Europe on the Draft Law referred to in 1.4.15.2	Ministry of Justice (Branka Lakočević, Nataša Radonjić)	March 2015	TAIEX EUR 2,700x2	Opinion of the Member state experts Opinion of the experts of the Council of Europe	
	1.4.4.4.4	Adopting Proposal for a Law on Training in Judiciary	Government (MJ-Branka Lakočević, Nataša Radonjić)	Maj 2015	Regular Budget EUR 13,365	Proposal for a Law adopted	
	1.4.4.4.5	Adopting the Law on Training in Judiciary	Parliament (Vlatko Šćepanović/Slavica Mirković/Vesna Peković)	July 2015	Regular Budget EUR 15,000	The Law adopted	
	1.4.4.5.	Transforming the Judicial Training Centre in accordance with the adopted Law on Training in Judiciary	Judicial Training Centre(Maja Milošević) Judicial	Fourth quarter of 2015	Budget	New organisational structure of the Training Centre	

		Council(Miroslava Raičević) Prosecutorial Council (Stojanka Radović)			established Budget funds necessary for financing training provided	
1.4.4.5.1	Adopting the act on internal organisation of the Training Centre in accordance with the new Law	Judicial Training Centre (Maja Milošević)	September 2015	Regular Budget EUR 1,215	Act on internal organisation of the Centre for Training in Judiciary adopted	
1.4.4.5.2	Ensuring budget funds necessary for the financing of the Centre and of initial and continuous training, premises and technical conditions and employ necessary number of officers	Judicial Training Centre (Maja Milošević) Ministry of Finance Judicial Council(Miroslava Raičević) Prosecutorial Council (Stojanka Radović)	December 2015 and continuously	Regular Budget Cca EUR 700,000	Necessary budget funds, premises and technical conditions and employees ensured	
1.4.4.6.	Making an analysis of needs for employing trainees in courts and public prosecution service	Ministry of Justice (Branka Lakočević, Nataša Radonjić), Judicial Council (Miroslava	First quarter of 2014	Regular Budget EUR 4,860	Analysis made	

		Raičević), Prosecutorial Council (Stojanka Radović) Supreme Public Prosecutor's Office (Veselin Vučković/Radmila Ćuković)				
1.4.4.7	Adopting and monitoring the implementation of programmes of training of trainees in the courts and public prosecution service	Supreme Court (Radule Kojović/Sanja Kalezić) Supreme Public Prosecutor's Office (Stojanka Radović), Judicial Training Centre (Maja Milošević) Human Resources Administration (Jadranka Đurković)	Continuously	Regular Budgetary funds	Rules adopted Reports by presidents of the courts on the implementation of training programmes	
1.4.4.8	Organising trainings for employed advisers, administration	Human Resources Administration (Jadranka Đurković) Supreme Court	Continuously	Budget EUR 44,550 (EUR 5,670 in 2013, EUR 9,720 in	Analysis made Training implemented	

		(Radule Kojović/Sanja Kalezić) Supreme Public Prosecutor's Office(Stojanka Radović)		2014, EUR 9,720 in 2015, EUR 9,720 in 2016, EUR 9,720 in 2017)	Evaluation of participants in training	
1.4.4.9	Adopt the Law on the Bar Exam which introduces the obligation of taking the admission exam for internship in the court and the public prosecutor's office, changed conditions for taking the bar exam and introduced the grading for the bar exam		Ministry of Justice (Branka Lakočević, Nataša Radonjić)	October 2015	Budget EUR 17,820	Amendments to the Law adopted
1.4.4.9.1	Adopt the Programme for taking the Admission and the Bar Exam	Ministry of Justice (Branka Lakočević, Nataša Radonjić) Judicial Council (Miroslava Raičević) and Prosecutorial Council (Stojanka Radović)	November 2015	Regular Budget	Programme adopted	
1.4.4.9.2	Establish Commissions the Admission and the Bar Exam	Ministry of Justice(Branka Lakočević, Nataša Radonjić) Judicial Council(Miroslava Raičević) and Prosecutorial	December 2015	Regular Budget	Commissions established	

			Council(Stojanka Radović)				
1.4.5. Recommendation: Take incentive-based measures that would contribute to the voluntary mobility of judges and prosecutors.							
No.	Measure / Activity	Responsible authority	Deadline	Required funds / Source of financing	Indicator of result	Indicator of impact	
1.4.5.1.	Adopting incentive measures for voluntary temporary (until the new system of permanent transfer is in place) and permanent transfer of judges or state prosecutor deputies from one court/state prosecution office to another (salary bonus, resolving of housing needs, career incentives).	Judicial Council(Miroslava Raičević) Prosecutorial Council (Stojanka Radović) Ministry of Finance(Antonio Krcalović)	June 2013-December 2014	Regular budgetary funds for secondment of judges to another court EUR 21,000	Budget funds provided	Number of seconded judges Reports by Judicial Council on operation of courts to which judges have been seconded Report by Prosecutorial Council on operation of state prosecution office to which state prosecution deputies have been seconded Number of resolved backlogs	
1.4.5.2.	Following the amendments to the Law (see activity under 1.1.2 and 1.1.3), applying the system of permanent voluntary transfer of judges between the courts of the same level	Judicial Council(Miroslava Raičević)	2015 and continuously	At this moment it is not possible to make financial assessment	System of permanent transfer of judges established.	Number of judges transferred Effects on reducing the number of judges	

1.5. DOMESTIC HANDLING OF WAR CRIMES

(Coordinator for the area of domestic handling of war crimes: Nataša Radonjić, Ministry of Justice)

After the consultations with the representatives of the European Commission in the meeting held on 13 June in Podgorica, it was suggested that measures addressing identified shortcomings in the domestic handling of war crimes should also be included into the Action Plan.

The Criminal Code, Criminal Procedure Code, Law on Protection of Witnesses, Law on Cooperation with the International Criminal Tribunal, Law on International Legal Aid in Criminal Matters and ratified international agreements related to war crimes to which Montenegro is a party, represent the legislative framework for the proceeding of the Montenegrin judicial bodies in war crime cases.

The Criminal Code contains a special part dedicated to criminal acts against humanity and other goods protected by the international law, namely: criminal act of genocide, crime against humanity, war crime against civilian population, war crime against wounded and sick persons, war crime against prisoners of war, organisation and incitement to commit genocide and war crimes.

Criminal Procedure Code regulates witness protection during the criminal proceeding so that protection can be given to any witness who would by giving testimony or answers to certain questions in all probability seriously jeopardise his/her personal safety, safety of his/her property or the safety of spouse or a close relative. Procedure for the application of the witness protection measure during the criminal procedure is initiated by the witness himself/herself or the public prosecutor by submitting explained proposal to the court in written form or orally by entering it in the minutes before the beginning of the investigation hearing or during the main hearing. The Code prescribes special ways of participation and questioning of the protected witness in criminal procedures, including: hearing of witnesses under pseudonym, hearing by using technical devices, (protection wall, voice changing devices, device for the transfer of sound and picture, etc.) Hearing of witnesses under pseudonym includes two ways of hiding identity of a protected witness: hiding only personal data which is accomplished by giving a pseudonym to the witness and using it during the procedure. Full concealment of witness's identity is accomplished by questioning the witness in a separate room and the hearing where the investigative judge and other persons participating in the hearing communicate with that witness by using technical device, whereas the figure and voice of the witness have to be unrecognisable. The Criminal Procedure Code is thus aligned with the Article 24 of the United Nations Convention against Transnational Organised Crime that Montenegro assumed through succession.

According to the Criminal Procedure Code and the Law on International Legal Aid, the hearing can also be performed via video conference with the countries Montenegro has signed agreements with, under the terms of reciprocity.

The protection of witnesses and persons close to them beyond the criminal procedure is provided according to the Law on Witness Protection. The protection of witnesses and their closest beyond the criminal procedure involves the application of police and other measures of personal and property safety (physical protection, moving, hiding identity and data on property and change of identity, defined in line with the Witness Protection Programme). Protection beyond the criminal procedure is provided only for those witnesses whose testimony is indispensable in proving certain criminal act (against Constitutional system, humanity and international law and any other involving the prison sentence of ten years or more) or if proving that crime in other

way would be significantly harder. Witness protection beyond the criminal procedure is provided in line with the Witness Protection Programme. The decision on application, suspension, termination or prolongation of application of the Protection Programme is adopted by the Commission for Application of Witness Protection Programme composed of: judges of the Supreme Court of Montenegro, Deputy Supreme Public Prosecutor and Head of the Unit for Protection. The witness protection procedure is launched by the initiative on the application of the Protection Programme which can be submitted by: the witness, competent public prosecutor, judge conducting the case, Head of the Institution for Enforcement of Criminal Sanctions and Head of the Criminal Investigation Police. The Police Administration has formed a specialised unit responsible for the enforcement and application of the Witness Protection Programme. The Law on Witness Protection was drafted based on law regulations of the neighbouring countries and EU member states since one of the important factors of cooperation in the area of witness protection with the neighbouring countries is the compatibility of laws and other regulations related to witness protection. In the application of the Protection Programme, the Unit for Protection gives the protected persons necessary economic, psychological, social and legal help and helps them through economic and social measures to accomplish economic independence. International cooperation in the application of the Protection Programme is realised based on the international treaty, separate agreements or based on reciprocity. The Unit for Protection: submits the appeal to another state for the admission of a protected person and application of measures prescribed by the Law on Witness Protection and proceeds upon the appeal of another state for the admission of a protected person and application of protection measures in Montenegro.

The Law on Cooperation with the International Criminal Court regulates the cooperation with the International Criminal Court and fulfilment of other obligations, in accordance with the Rome Statute of the International Criminal Court, as well other issues regarding the prosecution of criminal offenders from Article 5 of the Statute, i.e. crimes against humanity and other goods protected by the international law related to violation of the international humanitarian law from the Criminal Code of Montenegro. Pursuant to the Law, the Government can conclude a special agreement with the International Criminal Court on issues of transfer of cases or on international cooperation. Furthermore, the Law stipulates the participation of Montenegro in the work of the Assembly of State Parties to the International Criminal Court, as well as in the work of other bodies of the Court and the allocation of funds for financing the International Criminal Court that Montenegro is obliged to provide in accordance with the Statute and that are secured in the Budget of Montenegro.

The Information Bulletin for the Injured Parties/Witnesses was developed for the support to witnesses and it provides main information on the proceedings and the role of a witness in those proceedings, as well as the contacts of the service for support to the injured parties/witnesses. Also, a special area where the witnesses will stay during the proceedings is provided. During the proceedings for war crimes, the presence of a medical team is provided in the court.

The Judicial Training Centre organised a number of seminars on international humanitarian law within the continuous training of judges and public prosecutors, in accordance with the Annual Training Programme.

In Montenegro, there was a total of 6 proceedings for the criminal offence of war crime against civilians for the events from 1991-1996 that are familiar to the public as the cases: *Štrpci, Klopuh, Bukovica, Kaluđerski Laz, Deportation and Morinj*.

In the case *Klopuh*, there were final and enforceable judgments of conviction against five persons, and in the case of *Štrpci*, there was a final and enforceable judgment of conviction against one person.

The case *Bukovica* is concluded with a final and enforceable judgment of acquittal for all the defendants, and the request for the protection of legality

presented by the Supreme Public Prosecutor's Office was rejected by the decision of the Supreme Court.

The case *Deportation* is concluded with a final and enforceable judgment of acquittal for all the defendants, and, in this case, there is a legal possibility for presentation of the request for the protection of legality.

In the case *Kaluđerski Laz*, there is an on-going proceeding against eight defendants; the next main hearing is scheduled for 24 June 2013.

In the case *Morinj*, a final and enforceable judgment of acquittal was passed regarding two persons, while the proceeding for four defendants is on-going and the next main hearing is scheduled for 26 June 2013.

1.5. WAR CRIMES PROCEEDINGS

No.	Measure / Activity		Responsible authority	Deadline	Required funds / Source of financing	Indicator of result	Indicator of impact
1.5.1.	With the aim to prevent impunity for war crimes, prepare report including data and relevant information on proceedings in war crimes cases upon submitted criminal acts and/or upon direct knowledge of state prosecution office.		Supreme Public Prosecutor's Office (Lidija Vukčević)	December 2013 and continuously	Budget EUR 1,500	Report prepared	Number of final and enforceable judgments Proceedings and judgements in line with international humanitarian law and the case law of the ICTY for Former Yugoslavia
	1.5.1.1	Elaboration of a Strategy for identification and use of all available source of information (foreign prosecutions, ICTY database, NGOs archives, field interviews, available official documents) a series of events where most	Supreme Public Prosecutor's Office (Lidija Vukčević)	May 2015	Budget	Strategy prepared	

		likely Montenegrins were involved in the commission of war crimes					
	1.5.1.2	Formal requests to be sent by the domestic Prosecution to the neighbouring countries' prosecution offices and the ICTY in order to verify if those institutions have evidence related to the identified events	Supreme Public Prosecutor's Office (Lidija Vukčević)	Continuously	Budget	Formal requests sent	
1.5.2.	Organise compulsory trainings for judges and prosecutors on international humanitarian law, involving international experts and in cooperation with the ICTY.		Judicial Training Centre(Maja Milošević)	October 2013 and continuously twice a year	Budget EUR 8,000	Training for 20 judges, 10 state prosecutors and 5 associates in prosecutor's office organised	Correct and full application of international humanitarian law as well as the domestic criminal code in the domestic handling of war crimes
1.5.3.	Provide witness protection in war crime cases according to the Criminal Procedure Code during the proceedings and beyond the proceedings according to the Law		High Courts (Sanja Kalezić) Public Prosecution Office(Petar	Continuously	At this moment it is not possible to make financial assessment	Protection provided	Number of protected witnesses Confidence of witnesses in the witness protection system; increased

	on Witness Protection.	Kapuci) Police Administration (Darko Vujović)				readiness of witnesses to testify
1.5.4.	Provide protection for war crime victims according to the rules of the Witness Protection Service.	High Court in Podgorica(Sanja Kalezić), High Court in Bijelo Polje (Sanja Kalezić)	Continuously	At this moment it is not possible to make financial assessment	Protection provided	
1.5.5.	Raise awareness of witnesses of the existence of a witness protection system	High Court in Podgorica and High Court in Bijelo Polje (Sanja Kalezić) Supreme Public Prosecutor's Office- Special Department(Petar Kapuci) Police Administration – Victim Protection Unit (Darko Vujović)	Continuously	Regular budget 1,810 EUR	Preparing brochure Providing information by focal points Information on witness protection available at www.sudovi.me	
1.5.6	Prepare report on data regarding proceedings in cases for compensation of civilian victims of war crimes	Supreme court (Radule Kojević/Sanja Kalezić)	December 2013 Continuously	Regular budgetary funds EUR 1590 on a yearly basis	Report prepared	Number of requests for compensation of civilian victims of war crimes. Number of civilian victims of war crimes who are granted reparation with data on amount awarded

						and legal bases on which the compensation is awarded
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II FIGHT AGAINST CORRUPTION

2.1. PREVENTIVE ACTIONS AGAINST CORRUPTION

(Coordinator for the area of preventive actions against corruption: Grozdana Laković, Directorate for Anti-Corruption Initiative)

2.1.1 Recommendation: Strengthen and possibly review the institutional framework for the fight against corruption. In particular, DACI's competences need to be upgraded and its capacities reinforced.

STATE OF PLAY

The existing institutional anti-corruption framework includes several preventative (Directorate for Anti-Corruption Initiative, Commission for Prevention of Conflict of Interest), combined (Administration for Prevention of Money Laundering and Terrorism Financing) and repressive bodies and authorities. In order to improve, strengthen and specify coordination in the field of prevention, as well as implement this objective, it is necessary to start with establishing new, more efficient and effective anti-corruption body based upon the law. In this respect, the Agency for the prevention of corruption shall be established as an independent and autonomous anti-corruption body (in line with Article 6 of the UNCAC and ACA standards) which shall compile and improve the existing competences of the Directorate for Anti-Corruption Initiative, Commission for Prevention of Conflict of Interest as well as competences of the State Election Commission in the area of control of financing political subjects and election campaigns. The Agency will compile human and technical capacities of the Directorate for Anti-Corruption Initiative, Commission for Prevention of Conflict and part of employees from the State Election Commission as well as employ a number of new employees for fulfilling new obligations from the competences of the Agency. The competences of the Agency will refer to prevention of conflicts of interest in the exercise of public functions, restrictions in the exercise of public functions, control of gifts, sponsorships and donations and verification of asset declarations of public officials; protection of whistleblowers; coordination and monitoring of the implementation of the integrity plans and activities in prevention of corruption; direct implementation and application of the Law on Lobbying (certification and registration of lobbyists, control and supervision of lobbying); administrative control in the area of financing political subjects and election campaigns. By establishing this body, visible results will be achieved very soon within allocated competences, first by achieving functional independence and autonomy of the Agency in the field of implementation of supervision and control within its jurisdiction. Following the adoption of the Law on the prevention of corruption, the budget of Montenegro for 2015 will provide for adequate assets for smooth work of the Agency in the amount of at least 0,2 % of current budget as it is defined by the Law. Government of Montenegro will provide premises while part of the assets, in particular for establishing and developing necessary IT systems, shall be secured through international donations in the envisaged amount of around EUR 200,000 for establishing interface with data bases of other institutions in order to check asset declarations of public officials.

Until establishing and launching the work of the Agency, the tasks from its competence shall be carried out via the existing institutions such as the Directorate for Anti-Corruption Initiative, Commission for Prevention of Conflict of Interest and the State Election Commission.

Although the AP23 envisages the adoption of the Law on the Agency for Prevention of Corruption, during the drafting of this document there was a question of the adequacy of the title itself, particularly taking into consideration all the areas and fields which will be regulated by this Law. In this regard, considering the qualitative content of the Law, during its drafting we came to believe that the name of the Law should not be limited to an institution (Law on the Agency for Prevention of Corruption) and that a more appropriate name which would represent the essence and the spirit of the Law would be Law on Prevention of Corruption.

The Government of Montenegro adopted on 14 November 2013 the Analysis of organizational structure, capacities and authorities of state bodies and public administration bodies in the fight against organized crime and corruption, with recommendations for improvement of normative and institutional framework. In September 2013 the electronic register of confiscated property was established and internal working procedures were developed. In April

2014, the State Prosecutor's Office and the Police Administration in the Ministry of Interior signed the Protocol on cooperation in pre-trial and criminal proceedings, which describes cooperation between these two bodies in detail. A system for statistical monitoring of criminal offenses involving elements of corruption in all criminal proceedings through the Judicial Information System (PRIS) is established.

No.	Measure/Activity	Responsible authority	Deadline	Required funds/ Source of financing	Indicator of result	Indicator of impact
2.1.1.1	Make and adopt a model for improvement of institutional and normative anti-corruption preventative framework (establishment of the Agency for anti-corruption).	MJ (Merima Baković) in cooperation with, DACI (Vesna Ratković) and CPCI (dr Slobodan Leković/Maja Karas Bošković) and engagement of expert	September 2013	Expert support through IPA 2010 "Support to implementation of anti-corruption strategy and Action Plan" Working Group 6 members, 10 working days 2430 eur	-Made Model for new anti-corruption framework with special focus on evaluation of role and function of DACI, CPCI, National Commission and the State Election Committee within the field of competences for control of financing political parties and election campaigns which contains: -Evaluation of the Action Plan for the period 2011-2012, -Evaluation of the international organizations in relation to achieved results and inter-institutional cooperation, -Analysis of anti-corruption framework with indicators of work efficiency of the existing bodies and level of their coordination; - concrete solutions regarding drafting the Law on Agency for Anti-Corruption, with a view of competences and relations with other institutions using experiences from up-to-date established similar models	Reference: suggested indicators are moved in measure 2.1.1.6

					(Slovenia, Serbia; - organizational and personnel structure, assessment of necessary number of employees, manner and deadlines for taking over employees from the existing bodies as well as necessary budget assets, premises and equipment; necessary specialization and education of employees.	
2.1.1.2.	Prepare Plan for the implementation of a model for new anti-corruption framework.	MJ (Merima Baković) in cooperation with, DACI (Vesna Ratković) and CPCI (dr Slobodan Leković/Maja Karas Bošković) and expert engagement	October 2013	Budget Expert support through IPA 2010 "Support to implementation of anti-corruption strategy and action plan"	-Defined Plan for implementation of model for new anti-corruption framework, within the meaning of defining necessary harmonization of the Proposal for the Law on Prevention of Corruption with the Law on Prevention of Conflict of Interests, the Law on Financing of Political Subjects and Election Campaigns, the Law on Lobbying, the Law on Civil Servants and State Employees, the Law on Labour and other regulations within this area.	
2.1.1.3.	Adopt the Law on Prevention of Corruption in line with proposed model. The Law shall define the following competences of the Agency: coordination and supervision over the implementation of integrity plans; control	MJ (Merima Baković) in cooperation with DACI (Vesna Ratković), CPCI (dr Slobodan Leković/Maja Karas Bošković)	December 2014	Budget EUR 31,770 (Working Group consisting of 8 members, effective work for 2 months – Draft of the Law –EUR 12,960; Public discussion	-Adopted the Law on Agency for Prevention of Corruption in line with proposed model and expert opinion from European Commission. Law on Prevention of Corruption will be applied from January 1 st , 2016, when the Agency will be operational as well.	

	and monitoring in the art of preventing conflict of interest in the performance of public function, limitations in performing public functions, gifts, sponsorships and donation as well as verification of the reports on income and property of public officials, supervision over the implementation of the Law on Lobbying, and the Law on Financing Political Subjects and Election Campaigns acting upon whistle-blower claims protection of whistle blowers and initiating conclusion of international contracts and amendments to regulations in order to fully apply international anticorruption standards.	and participation of NGO and expert engagement through TAIEX		EUR 3,810; Work of Parliamentary Boards EUR 15,000; TAIEX EUR 2,700 (one expert – five working days).		
2.1.1.4.	Provide legislative, financial, personnel and technical assets for the work of the Agency.	Ministry of Justice (Svetlana Rajkovic)/DACI (Mladen Tomovic, Dusan	December 2015	Budget, 0,2% of current State Budget 8 TAIEX expert missions and	Legislative, financial, personnel and technical preconditions met Agency fully operational in January 2016.	Improved rating of Montenegro in reports CPI Transparency International, World Economic Forum

			Drakic, Grozdana Lakovic) /Agency for Prevention of Corruption MF (Antonio Krcalović), MOI		Study Visits		Improved mark of EC in Progress Report for 2016
	2.1.1.4.1	Establish a Working Group for drafting of secondary and other legislation	Ministry of Justice (Svetlana Rajkovic)/DACI(Mladen Tomovic, Dusan Drakic, Grozdana Lakovic)	January 2015	Regular Budget	- WG for the drafting of secondary and other legislation for Law implementation established.	
	2.1.1.4.2	Adopt secondary legislation and other legislation for the implementatio n of the Law on Prevention of Corruption	Ministry of Justice (Svetlana Rajkovic)/DACI(Mladen Tomovic, Dusan Drakic, Grozdana Lakovic)	Within a year following the adoption of the Law	Regular Budget TAIEX expert missions and Study Visits	- Secondary legislation adopted (List of Secondary Legislation with deadlines see in Annex 1)	
	2.1.1.4.3	Adopt Rulebook on internal organization	Agency for Prevention of Corruption	December 2015	Regular Budget TAIEX expert missions and Study Visits	Adopted: Statute of the Agency, Rulebook, Rules of Procedure of the Council, Rules of work of the Agency and the rules for the	

		and job description for the new Agency for Prevention of Corruption				creation and following of implementation of integrity plans	
	2.1.1.4.4	Ensure appropriate work premises	Property Administration (Blazo Saranovic)	June 2015	Budget	- Appropriate work premises ensured	
	2.1.1.4.5	Appointment of the Council members	Parliament of Montenegro (Siniša Stanković)	June 2015	Budget	Council members appointed	
	2.1.1.4.6	Appointment of the Director of ACA	Council of the ACA	September 2015	Budget	Director of ACA elected	
	2.1.1.4.7	Recruitment of necessary staff of the ACA	Director of ACA	December 2015 and 2016	Budget	Occupied working posts in the Agency: Number of officers taken over from DACI, CPCI and a part of employees from SEC who were in charge for control of financing political subjects and election	

						campaigns.Number of new employees in line with expanded competences.	
	2.1.1.4.8	Beginning of work of the ACA	Director of ACA	January 2016	Budget	Agency operational	
	2.1.1.4.9	Develop appropriate software application for analysing and processing data	Ministry of Justice (Svetlana Rajkovic)/DACI(Mladen Tomovic, Dusan Drakic, Grozdana Lakovic) CPCI (Slobodan Lekovic)	November 2015	Budget Norwegian project 100,000 €	Appropriate software application developed	
	2.1.1.4.10	Prepare Draft Budget of the Agency for 2016	Ministry of Finance (Antonio Krcalovic)	July 2015 December 2015	Budget, 0,2% of current State Budget	Prepared and approved the proposal for the budget of the Agency by the Parliament for 2016.	
	2.1.1.4.11.	Prepare amendments to the Law on Tax Administration and Law on Customs Service with a view to bringing	Ministry of Finance (Antoaneta Krivokapic) Customs Administration (Rade Lazovic)	December 2015	Regular Budget	- Defined Law proposal on Tax Administration and Law on Customs Service	

		officials under the asset declaration scheme managed by the Agency					
	2.1.1.4.1 2.	Prepare amendments to the Rulebook on Property Records of Police officers	MOI Miloš Vukčević	December 2015	Budget	Amended Rulebook on Property Records of Police Officers	
2.1.1.5.	Adopt the Law on Lobbying. The Law shall contain clear procedures of lobbying including obligation of keeping public register on lobbyists.	MoJ (Svetlana Rajkovic), in cooperation with DACI (Dusan Drakić/Mladen Tomovic /Grozdana Lakovic) / Agency for Prevention of Corruption ¹	December 2014	Budget (Working Group consisting of 3 members, effective work – one month - the draft of the Law EUR 2,430; Public discussion EUR 3,810; Work of Parliamentary Boards EUR 15,000), TAIEX	The Law on Lobbying adopted	Legal framework that effectively regulates lobbying activities adopted.	
	2.1.1.5.1	Adopt the necessary	MoJ and DACI (Mladen	June 2015	Regular Budget TAIEX expert	Necessary secondary legislation adopted	

¹Until the Agency for anti-corruption starts to work, DACI shall carry out the tasks within the competence of lobbying.

		secondary legislation	Tomovic)		missions and Study Visits	(List of Secondary Legislation with deadlines see in Annex 1)	
	2.1.1.5.2	Monitoring and ensuring the implementation of the Law	DACI/ACA (Mladen Tomovic, Dusan Drakic, Grozdana Lakovic)	June 2015 ongoing	Regular Budget	Analysis of the implementation of the Law on Lobbying a year following the adoption	Number of requests filed for lobbying activities performance; - number of registered lobbyists - Number of work reports of lobbyists - Number and type of sanctions imposed
2.1.1.6.	Monitoring the implementation of the Law on Prevention of Corruption,		Agency for Prevention of Corruption	Since first quarter of 2017 Once a year	Budget (Working Group consisting of 10 persons, effective work - 2 months – EUR 16,200)	Annual Report of the Agency submitted to the Parliament and published, containing data in accordance with the competencies of the Agency proscribed in article 78 of the Law	Number of the violations of the provisions of this Law and other laws of the Agency. Number and type of the imposed sanctions in relation to previous period. Number of cases of conflict of interest, asset verification, whistleblowers reports and whistleblowers' protection cases Number of cases successfully handled by the Agency compared to the total number of cases received Number and types of imposed sanctions in

						<p>relation to previous period.</p> <p>Montenegro improves its ranking on international corruption monitoring rankings such as the Corruption Perception Index (CPI), Global competitiveness report of the World Economic Forum, Freedom House (Tool : third party assessments)</p> <p>Public perception of corruption is improved (Tool : public survey)</p>
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2.1.2 Recommendation: Improve the system of asset declarations, strengthening in particular the supervisory competencies and the professional capacity of the Commission for prevention of conflict of interest to ensure effective and substantial checks on assets, and introduce measures preventing conflicts of interest going beyond holding double public offices (such as public decision makers holding stakes in private companies etc.).

STATE OF PLAY:

The first Law on the Conflict of Interest in Montenegro was adopted in 2004.

Amendments to the Law on the Prevention of Conflict of Interest are adopted in 2011 (Official Gazette of Montenegro 41/11 and 47/11) which contains the EC recommendations and GRECO proposals (extension of CPCI powers and strengthening its oversight role, particularly in verifying data submitted by public officials, prevention of persons directly elected in elections from being members of the management and supervisory boards, executive directors and members of management, obligation of public official to make the statement of conflict of interest, control of movable and immovable property as reported in the asset declarations, increased fines imposed by the misdemeanour bodies, imposing disciplinary measures, suspension and dismissal and revocation of gifts received in violation of the law, etc.).

In accordance with the applicable law, the CPCI does not have automatic access to databases held by other state authorities. Likewise, in accordance with the applicable law, the CPCI does not have the legal authorization to access banking information, as regards public officials. Through IPA 2010 project an

analysis of the compliance of this Law with international and EU standards is prepared. In accordance with the recommendations from the analysis, the intention is to provide for new solutions that will overcome the limitations of certain laws, in order to achieve full implementation of the Law on the Prevention of Conflict of Interest (Law on Banks - checking bank accounts; Law on Personal Data Protection - disclosure of public officials data; Law on Prevention of Money Laundering and Financing of Terrorism - in monitoring suspicious transactions by public officials). In order to continue with legislative changes it is necessary to provide for information networking, so that the CPCI i.e. the Agency for the prevention corruption has at its disposal all the necessary information during the verification of property. It is also necessary to establish the system of monitoring the sanctions undertaken against those who violated the law.

By the adoption of the Law on Agency for the prevention of corruption, the competences and employees of the CPCI shall be taken over by the new Agency.

Having in mind the observed shortcomings, obligations from the strategic documents as well as the recommendations of the EC and other international organisations, the amendments to the Law on the Conflict of Interest are adopted. The amendments are mainly related to extension of the definition of public official and bringing it in line with UNCAC, restrictions on performing of public functions, expanding the scope of data in the asset declarations, strengthening the competences of CPCI in the process of verification of asset declarations as well as expanding the scope of misdemeanours and range of fines for the public officials and legal entities. These provisions should remain into force until the 1st of January 2016 and beginning of the implementation of the Law on prevention of corruption.

Track record will be monitor through the EC' table of results.

No.	Measure/Activity	Responsible authority	Deadline	Required funds/ Source of financing	Indicator of result	Indicator of impact
2.1.2.1	Prepare the analysis of compliance of provisions of the Law on the Prevention of Conflict of Interests with the international standards, in a particular in relation to: -definition of a public official, scope and categories of persons obliged to report property through possible amendments to the Law on Internal Affairs, Law on Customs Service, the Law on Public Prosecution, the Law	CPCI (Slobodan Lekovic) in cooperation with MJ (Merima Bakovic), , APMLTF, Personal data Protection Agency, CBM and expert engagement	October 2013	Budget Secured expert support through IPA 2010 "Support to implementation of anti-corruption strategy and action plan" Expert support in total EUR 8,680	-Prepared analysis of compliance in line with expert opinions including the recommendations for amendments to the Law (the Law on the Prevention of Conflict of Interest, the Law on Internal Affairs, Law on Customs Service, the Law on Public Prosecution, the Law on Courts, the Law on Civil Servants and State Employees etc.)	

	<p>on Courts, the Law on Civil Servants and State Employees etc. (e.g. certain categories of employees in a special Prosecution Office, categories of police, customs, tax and other civil servants),</p> <ul style="list-style-type: none"> -elimination of remunerations of officials working on boards of state owned companies. -authorizations in the part related to the control of the asset declarations respecting rules on personal data protection, -establishing obstacles for accessing necessary data bases for checking property, -misdemeanour sanctions and their application, -the possible introduction of the form of the statement on the control of the bank account of a public official etc. 					
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2.1.2.2.	<p>Adopt the amendments to the Law on Prevention of Conflict of Interests in line with recommendations from the Analysis which shall define:</p> <ul style="list-style-type: none"> -the extension of the categories of persons obliged to report property, -work of officials in boards of state owned companies, without remunerations, -precisely prescribed authorities in the checking of asset declarations, -new solutions with the aim to fully apply the Law, regarding limitations regulated by certain laws (Law on Banks - checking bank accounts with the consent of the public official; Law on Personal Data Protection - disclosure of public officials data;. -sanctions related to violations of the rules on conflict of interest clearly specified (especially in the case on no reporting of assets and incorrect data in the asset declaration). 	<p>CPCI (Slobodan Lekovic) in cooperation with MJ (Merima Bakovic), APMLTF, Personal data Protection Agency, CBM, NGO and expert engagement</p>	<p>December 2014</p>	<p>Budget EUR 23,454 (working group consisting of 6 members, effective work-quarter of working hours of 1 month-draft of the Law EUR 1,944; Public discussion EUR 3,810; work of Parliamentary Boards EUR 15,000; TAIEX EUR 2,700, one expert five working days)</p>	<p>Adopted the Law on the Amendments to the Law on Prevention of Conflict of Interests.</p>	
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	<p>Procurement Procedure,</p> <ul style="list-style-type: none"> -Establish template for monitoring undertaken measures by competent bodies upon the basis of reports of CPCI and its recommendation, requests and decisions; -Follow measures undertaken against perpetrators; -Evaluate efficiency of established mechanisms at annual level. 				<p><u>total number of public officials;</u></p> <ul style="list-style-type: none"> - Checks of changed data in reports referring to changes of financial situation of public official (since 2013). -Established template for monitoring undertaken measures by competent bodies upon the basis of CPCI reports and its recommendations, requests and decisions, in accordance with the EC table of results, -Number of initiated proceedings due to detected violations. 	undertaken actions through the table of results of EC
2.1.2.5.	<p>Establish automatic networking and access of the CPCI to data bases of bodies and institutions which hold data on property and incomes of public officials;</p> <ul style="list-style-type: none"> - secure data bases, software and their maintenance. 	<p>CPCI (Maja Karas Boškovic/Marija Madzgalj), in cooperation with Ministry for Information Society (Mirjana Begovic), Ministry of interior (Natasa Starovlah Knežević, Darko Simonović), Real Estate</p>	November 2015	<p>Budget</p> <p>Norwegian project, 100.000 €</p>	<ul style="list-style-type: none"> - Developed conceptual design (interface) for access to data bases; Established operative interface for access to data bases: Tax Administration, Real Estate Administration, PPA, MI, Securities Commission, Ministry of Maritime Affairs and Transport, Commission for the Control of Public Procurement Procedure, 	<p>Increased number of checks of data;</p> <p>Number of reports on irregularities to competent bodies with reference to previous period.</p>

		Administration, Tax Administration, PPA (Mersad Mujevic), Securities Commission, Ministry of Maritime Affairs and Transport, MF (Antonio Krcalovic)			MF. Data base and software made.	
2.1.2.6.	Provide trainings for: employees in the CPCI/DACI/Agency, especially in the part of control competences and use of data bases and public and local public officials in relation to obligations prescribed by the Law on prevention of conflict of interests and Law on Prevention of Corruption, Law on lobbying and Law on financing political subjects and electoral campaigns	CPCI (Maja Karas Boškovic/Marija Madzgalj/Dijana Djukanovic) with DACI and Human Resources Administration (Jadranka Djurkovic) Agency	January – December 2015 and continuously	Budget EUR 13,000 (for preparation of programme and plan - 4 persons, one fifth of working hours, effective work of one month for 2013, implementation of program, in total 20 lectures, costs per lecture EUR 650) TAIEX requests in the proposed TAIEX training map for 2015 (No. 9, 11, 14 and 15)	Number and type of carried out trainings, number and structure of trained employees from DACI and CPCI and new staff in Agency.	

2.1.2.7.	<p>Strengthen the public awareness on the institute of the conflict of interest and its influence on society, the need for reporting the cases of violation of the law and the role of citizens.</p> <p>-Organise workshops for public officials, state and local, presence of experts from similar institutions, local experts.</p>	<p>CPCI (Maja Karas Bosković/ Dijana Djukanovic/Milica Nikic) in cooperation with NGOs</p> <p>Municipalities with possible engagement of experts from the neighbouring countries</p>	January – December 2015	<p>Budget</p> <p>Necessary additional assets from smaller donations (two campaigns annually, in the amount of EUR 5,000 per each) TAIEX</p>	<p>- Number of public campaigns carried out independently and in cooperation with NGOs.</p> <p>-Number of organized workshops and number of participants.</p> <p>- Made new promotional material.</p>	<p>-Number of reports submitted by citizens in relation to total number of considered cases of conflict of interest, in comparison to the previous period.</p> <p>Number of decisions upon which basis the Commission/Agency found that there was conflict of interests by public official, according to report made by citizen.</p>
2.1.2.8.	<p>Promote ethical principles for carriers of legislative, executive powers at all levels:</p> <p>-organize round tables about the importance of ethical principles for carriers of legislative, executive powers at all levelsLink: measures 1.2.4.1- 1.2.4.5 2.1.7.10 2.1.8.3 and 2.1.8.4</p>	<p>Board of Ethics (Dubravka Bozovic) CPCI /Slobodan Lekovic, Maja Karas Boskovic; HRMA (Svetlana Vukovic), Parliament of Montenegro/HRM</p> <p>Ain cooperation with NGOs</p> <p>Municipalities with possible engagement of experts from the neighbouring countries</p>	January – December 2015	<p>Budget EUR 13,000 (for 2013, implementation of program, in total 20 lectures, costs per lecture EUR 650).</p>	<p>Number of organized round tables and number and structure of participants.</p> <p>-Made new promotional material.</p>	<p>EC Table of achieved results for monitoring violations of the Codes of Ethics for members of the legislative and executive</p>

2.1.3 Recommendation: Review the rules of procedure of the public administration, including appointment and internal control, to fully integrate prevention of corruption and conflicts of interest aspects.

STATE OF PLAY

In March 2011 the Government of Montenegro adopted the *Strategy of Public Administration Reform* in Montenegro for the period 2011-2016 (AURUM), with the AP for its implementation <http://www.mup.gov.me/en/library/strategije?alphabet=lat>. Areas planned to be covered by further reform include: state administration, local self-government, public services and other organizations exercising public powers.

One of the results of AURUM's implementation is the adoption of the Law on Civil Servants and State Employees (Official Gazette of Montenegro 39/11 and 50/11), the application of which started on 1 January 2013. This law prescribes transparent procedures for the employment in public bodies based on objective criteria, establishes a system of merit-based promotion in the civil service and contributes to raising the level of ethics of civil servants and state employees in the fight against corruption. The following regulations were adopted on the basis of the Law on Civil Servants and State Employees: Decree on compulsory testing of ability to work, more detailed criteria and methods for assessing candidates applying for a position in state bodies (Official Gazette of Montenegro 4/13), Rulebook on monitoring and trial work appraisal of civil servants and employees (Official Gazette of Montenegro 51/12); Decision on the appointment of the President and members of the Appeal Committee (Official Gazette of Montenegro 11/13); Rulebook on the criteria and method of making a list of Disciplinary Committee members (Official Gazette of Montenegro 62/12); Rulebook on the contents of the announcement, method of correction and withdrawal of the announcement and manner of applying to the announcement electronically (Official Gazette of Montenegro 8/2013), Decree on the criteria for classification of civil servants' positions into titles within levels and categories (Official Gazette of Montenegro 12/2013). The Law improves the protection of persons reporting possible cases of corruption and stipulates the obligation to adopt integrity plans in state bodies. AACI has developed *Guidelines for the Development of Integrity Plans*, adopted by the Ministry of Justice at the end of January. The risk intensity assessment was also adopted, as well as the form and draft integrity plan, which should, along with the legal grounds, further regulate and specify the obligation of state bodies to adopt integrity plans. By means of the IPA 2010 project "Support to the implementation of the Strategy and Action Plan for the Fight against Corruption", trainings have been organized for integrity managers (approximately 90 managers) in order to produce such a document for all state institutions. Through IPA project expert assistance have been provided for developing integrity plans for four pilot institutions: PA, CA, Basic Court in Podgorica and the Supreme Public Prosecutor's Office. In order to further strengthen integrity in state administration, at its session held on 15 March 2012, the Government of Montenegro adopted the Code of Ethics for Civil Servants and State Employees (Official Gazette of Montenegro 20/12 of 12 April 2012), the application of which started on 1 January 2013. In order to monitor the application of the Code of Ethics, the Government adopted the Decision to establish an Ethics Committee (Official Gazette of Montenegro 11/2013). This body is a novelty in our system which should contribute to the strengthening and promotion of ethical standards and rules of conduct of civil servants and the strengthening anti-corruption culture of civil servants themselves.

Demanding legislative activity, particularly in recent times, and the need to harmonize regulations with international standards, requires expertise and knowledge of both domestic and international regulations. With a view to further improve the quality of the legislative framework and its efficient implementation, the Government of Montenegro introduced in its Rules of Procedure for 2013 an obligation to conduct and deliver preliminary analyses of the impact of regulation, with each proposal for a regulation to be adopted, and provided for involvement of interested partners in their development. Also,

HRA adopted a special training program that will be organized, in cooperation with the ministries and the Secretariat for Legislation, for employees drafting regulations.

In order to improve administrative procedures, recognizing the need to harmonize the legislation governing general administrative procedure with modern social and environment and standards, i.e. the requirements of the European Administrative Space, the Government of Montenegro planned, as one of the key priorities in 2013, the drafting of the new Law on Administrative Procedure. The period from the adoption of the law until the beginning of its implementation will last from 12-18 months and it will be used not only for training of employees who apply the LAP, but also to raise the awareness of citizens about the novelties concerning the exercise of their rights.

In order to ensure the monitoring of implementation of the Law on Administrative Procedure and the Law on Civil Servants and State Employees, it is necessary to strengthen administrative capacities of the Administrative Inspectorate. At the moment, the Administrative Inspectorate has three inspectors. Determining a special methodology for risk analysis in the exercise of inspection control, would certainly contribute, in addition to the Administration for Inspection Affairs (AIA), to the efficient actions of the Administrative Inspectorate, within its competences in the sectors that are most vulnerable to corruption.

Within the state administration of Montenegro there are three institutions with a specific internal control mechanism: Police Administration (PA), Tax Administration (TA) and Customs Administration (CA). It is necessary to develop the analysis of implementation of the existing mechanisms of internal controls with recommendations in order to harmonise all instruments under the scope of these institutions with aim to prevent and fight against corruption within their employees.

No	Measure/activity	Responsible authority	Deadline	Required funds/ Source of financing	Indicator of Results	Indicator of impact
2.1.3.1.	<p>Prepare report on performance of activities from the Strategy of Reform of Public Administration in Montenegro for the period 2011-2016.</p> <p>Prepare Innovated Action Plan for the period 2014-2016.</p>	<p>Ministry of Interior</p> <p>Dragana Ranitović</p> <p>MF Antonio Krcalović</p> <p>Human Resources Management Authority</p> <p>(Jadranka Đurković)</p>	March 2015	Budget EUR 1,620 (10 persons, two months, effectively 10% of working hours)	<p>- Report adopted and published on the MOI website.</p> <p>Innovated Action Plan prepared (2014-2016).</p>	<p>Number of undertaken measures in comparison with total number of measures envisaged by the Action Plan.</p> <p>Rating of Montenegro improved in reports of international organisations (SIGMA).</p> <p>Assessment of the EC improved within the Progress Report</p>
	<p>2.1.3.1.1</p> <p>Prepare the Strategy for Public Administration reform in Montenegro 2016-2019 with the Action Plan</p>	<p>Ministry of Interior</p> <p>Dragana Ranitović</p> <p>MF Antonio Krcalović</p> <p>Human Resources Management Authority</p> <p>(Jadranka Đurković)</p>	December 2015	SIGMA	Strategy for Public Administration reform in Montenegro 2016-2019 with the Action Plan adopted	
2.1.3.2.	Adopt the new Law on Administrative Procedure in	Ministry of Interior	December 2014	Budget (working group consisting	- Proposal for the Law on Administrative	Normative framework provided for provision

	<p>accordance with European standards and best practices. The new legal solutions will refer to the following:</p> <ul style="list-style-type: none"> - simplification and acceleration of the general administrative procedure; - reduction of procedural costs for all participants in the process; - modernisation of procedural mechanisms of the LAP; - creation of conditions and openness towards the use of modern information and communication technologies for provision of administrative services (so called eGovernment); - more efficient protection of both the public interest and individual interests of citizens and legal persons in administrative matters - easier and more complete achievement and protection of both the legality and the rights and freedoms of citizens in the process of direct implementation of regulations in administrative matters. 	(Dragana Ranitović Ministry for Information Society and Telecommunications (Milica Vucinic)	and ongoing	<p>of nine persons, effective work of 30% during the month – Draft Law EUR 2,187; Public discussion EUR 3,810; Work of Parliamentary committees EUR 15,000; IPA expert EUR 4,000 one expert – 13 working days)</p>	<p>Procedure adopted. Law adopted.</p>	<p>of more quality and quicker service, protection of rights of citizens, as well as protection of public interest.</p> <p>Public perception on increased efficiency and reduced corruption in the public administration (tool: public survey)</p>
2.1.3.3.	Determine and implement the training programme and Training Plan for implementation of the new Law on General Administrative Procedure.	Human Resources Management Authority (Jadranka Đurković)	January - 2015 Continuously	Funds provided through IPA 2012 – 800,000 eur	Training Programme and Plan adopted. Number of organized trainings and number of attendees.	Timely training of employees who applied Law on Administrative Procedures is provided.

		MOI (Dragana Ranitović)				
2.1.3.4.	Raising awareness of citizens regarding the standards introduced in the new Law on General Administrative Procedure	Human Resources Management Authority (Jadranka Đurković) MOI (Dragana Ranitović)	January - December 2015 Continuousl y	Funds provided through IPA 2012 – 800,000 eur	Round tables organized. Public discussions organized. Promotional material.	Timely information of the public and raising awareness of citizens themselves about the novelties concerning the exercise of their rights. Public perception on increased efficiency and reduced corruption in the public administration (tool : public survey conducted one year after the beginning of implementation of the new Law on Administrative Procedures)

2.1.3.5.	<p>Build the organisational and administrative capacities of the Administration for Inspection Affairs with the view to full implementation of provisions of the Law on Civil Servants and State Employees, which refer to the employment procedure</p> <ul style="list-style-type: none"> - establish the annual programme of control with special focus on the following: <ul style="list-style-type: none"> -control of procedure of employment and termination of employment. -control of implementation of provisions referring to promotion system. -Efficiently and timely acting upon complaints and appeals from civil servants referring to violations of labour rights and by virtue of labour. - carry out control over work of Human Resources Management 	<p>Ministry of Interior/ (Dragana Ranitović), Appeal Commission (Snežana Radović) Chief Administrative Inspector (Dragica Anđelić)</p>	<p>January-December 2015</p> <p>December 2015</p> <p>Annual reports March 2014 and further on.</p>	Regural Budget funds	<p>Department for strategic and analytic affairs of the Administrative Inspectorate established</p> <p>Annual control programme adopted.</p> <p>Annual Report on the Work of the Administration for Inspection Affairs and the Appeal Commission developed.</p>	<p>Staff capacities of the Administration for Inspection Affairs strengthened in comparison with the previous period.</p> <p>Number of completed controls increased, number of irregularities identified in comparison with the previous period, Number of actions, which were undertaken by the Administration for Inspection Affairs upon complaints; Number of initiated procedures for determination of responsibility on the</p>

	Authority in relation to employment procedure.					<p>grounds of performed controls and submitted complaints.</p> <p>Number of regular controls and controls upon complaints submitted upon the employment procedure.</p> <p>Number of regular controls and controls upon complaints submitted upon procedures of promotion and assessment.</p> <p>Monitor the statistics of second-instance proceedings regarding the decisions of first instance authorities and administrative disputes (once a year in the first quarter)</p> <p>The EC assessment improved in the Progress Report.</p>
2.1.3.6.	Determine the methodology of the risk analysis in performance of inspection control, pursuant to provisions of the Law on Inspection Control, with a view to proactive	Administration for Inspection Affairs (Božidar Vuksanović) in	June 2015 Continuousl	Expert support needed (SIGMA) EUR 5,740 (working group, 8 employees,	Methodology determined. The number of records on inspection controls which, besides	The number of adopted administrative measures on the grounds of inspection control increased in

	<p>action in prevention and early detection of acts of corruption and other offences with elements of corruption.</p> <p>Performing controls in accordance with determined methodology.</p>	cooperation with competent ministries	y	effectively 15 days EUR 4,860 + donation EUR 2,500)	<p>irregularities, revealed acts of corruption and/or other offences with elements of corruption.</p> <p>Annual report on the work of the Administration for Inspection Affairs, which will contain data on undertaken activities and results achieved by this Administration.</p>	<p>comparison with the previous period.</p> <p>The number of misdemeanour and criminal charges on the grounds of performed controls and submitted complaints increased in comparison with the previous period.</p> <p>Efficiency of the work of the Administration for Inspection Affairs improved.</p>
2.1.3.7.	<p>Provide full transparency in the process of employment and merit-based and result-based promotion within the state bodies, on the grounds of provisions of the Law on Civil Servants and State Employees and the accompanying secondary legislation.</p> <p>Monitor implementation of provisions on disciplinary responsibility of civil servants and state employees; in order to improve the trust of citizens in the work of the state administration.</p>	Human Resources Management Authority (Svetlana Vukovic) in cooperation with the Ministry of Interior (Dragana Ranitović) and other state bodies	March 2014 First quarter of 2015 and continuously	Budget 5 employees, third of working time, 3 months 3,645 eur yearly, for two years 7,290 eur.	<p>Data concerning civil servants and state employees regularly updated in the central human resources records</p> <p>Regular updating of records of internal labour market:</p> <p>Number of vacancies</p> <p>Number of available civil servants and state employees</p> <p>The number of civil servants and state employees who were promoted</p> <p>The number of civil</p>	<p>Number of implemented disciplinary procedures and imposed sanctions.</p> <p>Number of implemented disciplinary procedures with corruptive elements.</p> <p>Number of cases submitted to the prosecutor.</p> <p>The EC assessment improved in the Progress Report .</p> <p>Public perception on increased efficiency and reduced corruption</p>

					servants and state employees to whom disciplinary sanctions were imposed.	in the public administration (survey on public perception)	
2.1.3.8.	Conduct trainings for persons responsible for preparation and implementation of the integrity plans (102 integrity managers in state administration bodies).		Administration for Anti – Corruption Initiative (Grozdana Lakovic) in cooperation with the HRMA (Jadranka Đurković)	Continuously	Expert assistance provided through IPA 2010 "Support Implementation of the Anti-Corruption Strategy and Action Plan" – EUR 13,000	Number of authorities which established the working groups for adoption of Integrity Plans: The Manual for Integrity Managers developed. Number of appointed and trained integrity managers.	Public perception on increased efficiency and reduced corruption in the public administration (survey on public perception)
2.1.3.9.	Adopt the integrity plans in four pilot institutions: Police Administration, Customs Administration, Basic Court in Podgorica and the Supreme Public Prosecutor’s Office.		Administration for Anti – Corruption Initiative (Grozdana Lakovic)	March 2014 onwards	Expert assistance provided through IPA 2010 "Support to the Implementation of the Anti-Corruption Strategy and Action Plan" – EUR 6,750+budget EUR 9,720 (in total thirty employees, two months, and effective work 20%).	Risk analysis carried out and the Integrity Plans adopted for the following pilot institutions: Police Administration, Customs Administration, Basic Court and the Supreme Public Prosecutor’s Office.	
	2.1.3.9.	Adopt the integrity plans in	State bodies,	January	Budget	Number of adopted	Adopted analysis of

	1	other public authorities, in accordance with the Law on Civil Servants and State Employees.	Administration for Anti – Corruption Initiative (Grozdana Lakovic)	2015 and continuously		Integrity Plans	quality of adopted plans of integrity is prepared. Adopted analysis on implementation of plans of integrity with recommendations. Public perception on increased efficiency and reduced corruption in the public administration (Survey on Public perception)
2.1.3.10.	Make a functional analysis on implementation of the existing internal control mechanisms. The analysis will include the existing legal authorisations, organisational structure and administrative capacities of the Police Administration, Tax Administration and Customs Administration, with special emphasis on the competences in implementation of preventive and repressive mechanisms, as well as determined forms of cooperation and data exchange.		Inter-ministerial WG Ministry of Interior - Police Administration (Miloš Vukčević, Hermin Šabotić, Drago Spičanović, Marina Radonjić, Saša Milić) Tax Administration Customs Administration	June 2014	Budget: (total of 9 employees, 1 month, 35% effectively) EUR 2,552 Expert support needed (TAIEX) EUR 2,700	Functional analysis made, containing an overview of the current situation regarding the implementation of internal control mechanisms and recommendations for further work.	Normative equality provided regarding authorisations and compatibility of competences of other authorities in the fight against corruption.

2.1.4 Recommendation: Improve the system of political party funding, ensuring reliable reporting as well as effective supervision and sanctioning powers by an independent authority. Strengthen the capacities of the monitoring bodies (the State Audit Institution (SAI) and the State Election Commission) and ensure a clear division of tasks and cooperation framework. Accounting obligations for political parties should be increased and all in-kind donations should be reported. The recommendations of GRECO should be followed-up.						
<p>STATE OF PLAY Pursuant to amendments to the Law on Financing of Political Parties from February 2014, SAI implements an audit of annual consolidated financial reports of political parties and audit of received reports on origin, amount and structure of collected and used resources for election campaigns and publishes its reports on its website (www.dri.co.me). Following the decision of the Constitutional Court from 30 May 2014, which determine that the most discussed provisions of the Law on Amendments to the Law on Financing of Political Parties in February 2014, is not inconsistent with the Constitution of Montenegro, these provisions have ceased to exist. Recognizing the importance of this law for the overall anti-corruption policy and above all, appreciating reviews and recommendations for improvement in the area of financing of political parties addressed by the relevant international and national institutions, the new Law on Financing of Political Subjects and Electoral Campaigns is adopted. This Law regulates the manner of acquisition and provision of financial resources for regular work and election campaign of political subjects, monitoring, and revision of financing and financial operations of a political subject in order to achieve the legality and transparency of their operations. It also prescribes the competencies of the Agency for prevention of corruption, or the State Election Commission and the State Audit Institution, in performing monitoring, control, audit and decision-making in case of violation of this law. This Law regulates the area covered by the current Laws governing the financing of political parties and campaign financing for the election of the President of Montenegro. Therefore, this law treats political subjects comprehensively, not just political parties. It also eliminates the previous shortcomings referring to the coalition and the group of voters. By drafting the law, special attention was paid to the recommendations issued by the relevant international institutions. So, following the four partially implemented GRECO recommendations, restrictions and prohibitions are prescribed for the use of state resources for election campaign, powers of the State Audit Institution and the National Electoral Commission in supervising the implementation of the law are clearly defined, investigative powers of the competent authorities are defined and system of sanctions is improved and covers all possible violations of the law.</p> <p>By adopting the Law on the Prevention of Corruption, the Agency will assume the responsibility for control over the political subjects financing. The Agency will take over employees of the State Electoral Commission as regards the control over the political subjects financing and election campaigns.</p> <p>Track record will be monitor through the EC' table of results.</p>						
No.	Measure/activity	Responsible authority	Deadline	Required funds/ Source of financing	Indicator of result	Indicator of impact
2.1.4.1.	Adopt the Law on Financing of Political Entities and Election Campaigns in accordance with	Parliament of Montenegro	December 2014	Budget (working group consisting in nine persons,	The Law was adopted. GRECO recommendations	Number of fulfilled recommendations listed in

	GRECO recommendations for its amendment (clearly defined competencies of SAI and SEC in the implementation of laws, prescribing the duty of third parties to submit the information required upon requests by the competent authorities, defining investigative powers of competent authorities, and the promoted system of sanctions)			effective work of 30% during a month – draft Law EUR 2,187; Public discussion 3,810; Work of Parliamentary committees EUR 15,000; IPA expert EUR 4,000, one expert – 13 working days)	fulfilled. Strengthened control powers of SEC.	the GRECO Report
2.1.4.2.	In accordance with the new Law on Financing of Political Entities and Election Campaigns, adopt the relevant secondary legislation which will regulate the following: - the use of public resources for political subjects' activities and the election campaigns (GRECO recommendation),	Ministry of Finance (Antonio Krkalović) DACI (Dušan Drakić)	June 2015	Budget EUR 3,240 (two persons working group, effective work of two months)	- Adopted secondary legislation, the number and type of secondary legislation acts (List of Secondary Legislation with deadlines see in Annex 1) - Reports of political	The GRECO report providing the number of recommendations accepted NGO report Improved EC's assessment in the Progress Report Increased quality of financial management and records (keeping business records) of

	<ul style="list-style-type: none"> - the method of performing control and supervision during the election campaign - the manner of keeping of business books of political entities, and -determine the manner of regular and transparent reporting of revenues, expenditures, assets and liabilities and the sources of funds of political entities 				subjects.	political parties
2.1.4.3.	<p>Ensure financial, staff and technical resources for the work of Administrative and Technical Services of State Electoral Commission and State Audit Institution</p> <ul style="list-style-type: none"> -Amend the Rulebooks on internal Organisation and Job Descriptions of the the State Electoral Commission and the State Audit Institution which will specify the authorizations and competences of staff (Administrative and Technical Services), in line with the new statutory arrangements from this field - fill in the planned positions in Administrative and Technical Services - Ensure adequate budgetary funds 	<p>Ministry of Finance State Audit Institution (Jadranka Delibašić), State Electoral Commission (Budimir Šaranović/Mil isav Ćorić)</p>	June 2014 – June 2015	<p>Budget EUR 17,010 Note: in 2014, the budget for seven months, expenses for three employees amount to EUR 17,010 Note: budget for 2015 is 240.000 EUR</p>	<ul style="list-style-type: none"> - Rulebook on Internal Organisation and Job Descriptions of the State Electoral Commission and the State Audit Institution passed in accordance with amendments to the Law (total number of new employees State Electoral Commission – 8, State Audit Institution – 1) -number of job positions defined number of positions laid down in job descriptions filled <p>The Parliament upheld the budgets of the State Electoral Commission</p>	<p>The new Rulebooks will precise more clearly the authorizations and competences of employees (Administrative and Technical Services) in accordance with the new statutory arrangements</p>

	and equipment for the Administrative and Technical Services of the State Electoral Commission and State Audit Institution -draft a specialization plan and continuous training plan in accordance with competences				and the State Audit Institution(especially regarding additional staff, equipment, specialized training) Training programme included in the training programme of the Human Resources Management Authority for 2015	
2.1.4.4.	Monitor the implementation of the Law on Financing of Political Entities and Election Campaigns with regard to: reporting obligations, verifications of reports, established irregularities, procedures initiated and sanctions imposed	State Electoral Commission (Budimir Šaranović/Milisav Ćorić) / Agency for Prevention of Corruption, and State Audit Institution (Jadranka Delibašić) / ⁴	Continuously	No funds necessary	-Prepared and published report by State Electoral Commission/Agency for Prevention of Corruption and State Audit Institution / The number of controls conducted, The number of irregularities established and sanctions imposed	NGO reports on the implementation of the Law Improved EC's assessment in the Progress Report Positive assessment from GRECO (Tool: third party assessment) Positive Public perception on overall work and financial operation of political parties (too: public opinion poll) Link to the indicator 2.1.1.6

2.1.5 Recommendation: Ensure effective implementation of free access to information rules, inter alia, with regard to sensitive information with economic value. The provisions of the Law on prevailing public interest need to be clarified. Appropriate interaction between the Law on Free Access to Information and the Laws on Protection of Personal Data and on Data Secrecy should be ensured.

⁴ Until the start of operations of the Anti-Corruption Agency, the implementation of the Law on Financing of Political Parties will be monitored by SEC

STATE OF PLAY

The drafting of the Law on Free Access to Information, was assisted, among others, by representatives of the Venice Commission, whose suggestions and comments contributed to the final text of the law and to the assessment that the law is harmonized with European standards and that this Law and Law on Amendments to the Law on Personal Data Protection and Amendments to the Law on Data Confidentiality are mutually harmonised as well.

Law on Free Access to Information (Art. 7) provides that access to information is of public interest and may be limited only in order to protect interests in cases prescribed by law. Law on Protection of Personal Data (Art. 10, paragraph 2, item 4) stipulates that the processing of personal data is carried out without the consent of the person if it is necessary to carry out work of public interest or in the exercise of public authorizations falling within the scope of work and responsibilities of the keeper of the personal data filing system or a third party, or users of personal data. Interaction between these laws on free access to information and the Law on Protection of Personal Data was ensured in this manner.

For the purpose of efficient and quality implementation of these laws, it is necessary to further train the staff responsible for taking decisions upon requests for free access to information, so as to make sure information are published in due time, where legal grounds to do so exist.

A special quality of the legal solutions from Articles 14, 15, 16, and 17 is reflected in the obligations of authorities from which the information is sought and the Agency, with regard to appeal procedures. The restriction of access to information is regulated by Article 14 of the Law on Free Access to Information. The authority from which the information is sought, may limit access to information if the disclosure of the information would significantly jeopardize the interest under Article 14, i.e. if there is a possibility that disclosure of information would cause harmful effects to the interest that is of greater importance than the public interest to know that information. If there is an over-riding public interest under Article 17, the information must be disclosed. An authority is obliged to provide access to information or a part of the information referred to in Article 14 of this Law, when there is an overwhelming public interest in its disclosure.

When deciding on the protection of trade and other economic interests with regard to a disclosure relating to competition protection and trade secrets in connection with intellectual property rights, the first-instance authorities from which the information is sought and in particular the Agency must, in the appeal procedure, take into account that corruption or any other illegal activity is not hidden under the umbrella of protecting the economic interests, and the other side, not to jeopardize the economic interests of vital importance for the development of the state and investors, particularly in the area of intellectual property.

In cases of the application of the harmfulness test under Article 16 it is necessary to carefully assess whether the public interest in disclosure is stronger than the potential harm that could be caused by disclosure. For example, the public interest in disclosure of the information would be very strong in situations related to the documents from which it could be determined that there is corruption, non-compliance with regulations, unlawful use of public funds and abuse of authority in the exercise of public functions, that a criminal offense was committed or when there are reasons to contest the court ruling, illegally obtaining or spending of public funds, endangering public safety, threat to life, threats to public health, putting environment to risk.

The concept of public interest can not in any case be prescribed in detail in the Law, as it occurs in many different forms, and it is necessary to carefully weigh the balance in every case. The first instance authority and the Agency must be trained and capable to properly apply these provisions of the Law, which means that the decisions made should include a quality justification of the attitude prevailing in decision-making.

No.	Measure/activity	Responsible authority	Deadline	Required funds/ Source of financing	Indicator of result	Indicator of impact
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2.1.5.1.	Carry out trainings for the employees responsible for the decision-making upon requests for free access to information in line with case law and international standards, and pursuant to the annual programme of the HRA.	HRA (Jadranka Đurković) and the Personal Data Protection and Free Access to Information Agency (Bojan Obrenović)	Continuously	Budget Expert assistance needed (TAIEX) EUR 1,950 (programme implementation in 2013, total of three lectures, cost per lecture EUR 650), expert assistance Taiex EUR 2,700.	The number and type of trainings conducted -The number and structure of participants	Officials are trained to act according to the provisions of Law
2.1.5.2.	Monitor the implementation of the Law on Free Access to Information -Regularly inform the public on the application of the Law on	Personal Data Protection and Free Access to Information Agency (Bojan Obrenović)	December 2013 and once a year in the first quarter	Budget EUR 3,240 Note: in 2013 the annual budgetary costs per employee are EUR 810	Annual reports on the application of the Law containing all the information from Articles 12, 39, 40 and 41 of the Law.	The relationship between the number of requests received and: - The number of decisions in the first instance; - The number of requests

	Free Access to Information, as well as about the rights defined in this Law					resolved and the number of requests that have not been resolved within the prescribed period; - The number and submitted, rejected and / or dismissed and adopted appeals; - The number claims submitted to the Administrative Court, and the number of annulled decisions.
2.1.5.3.	Prepare an analysis of implementation of the Law on Free Access to Information, with special emphasis on: 1. Application of the criteria used for taking decisions concerning the public interest to disclose information or deny access to information 2. procedures initiated and sanctions imposed 3. application of exceptions from the principle of publicity, especially as regards the criterion of "foreign and economic policy" Take into consideration the assessments and recommendations from the	Personal Data Protection and Free Access to Information Agency Bojan Obrenović	September 2015 Two years after the beginning of implementation	Budget Expert assistance needed in the preparation of analyzes of € 4,120 (2 employees month effectively € 1,620)	Analysis including the possible recommendations to amend the text of the law drafted and recommendations to improve implementation of the Law	Number of cases in which access is provided compared to the total number of requests for access. Law harmonised with the recommendations and international practice in the area of free access to the informations.

	following, during analysis: - EC from the Annual Progress Report for Montenegro, - NGO reports, - relevant international organisations.					
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2.1.6 Recommendation: The control system for public procurement is to be strengthened as well as the supervision of implementation of awarded contracts. Anti-corruption measures at local government level need to be stepped up.

STATE OF PLAY

Public procurement is treated in detail in Chapter 5, while AP for chapter 23 treated only anti-corruption measures in this field.

In the area of public procurement, the 2011-2014 Strategy for the Development of Public Procurement System has been adopted. Also, a new Rulebook on the internal organization and job descriptions of the Public Procurement Administration (PPA) has been adopted.

The Help Desk of the PPA for advisory and consultancy services has been promoted, which resulted in many direct and telephone consultations on a daily basis. The procedure for reporting corruption to the PPA by third parties has also been promoted, and a special telephone line for reporting corruption, 020 245 798, has been activated. Access to all relevant documents has been enabled by placing them on the PPA's website. The PPA's website is regularly updated, on a daily basis, and all relevant documents are published on the website www.ujn.gov.me, as are various notifications, such as: public procurement plans, secondary legislation, list of contracting authorities, list of public procurement officers, list of bidders, opinion of the Public Procurement Administration related to specific issues regarding the Law on Public Procurement, information related to trainings and taking the state license exam for public procurement officers, as well as daily publication of invitations to tender, decisions, and contracts of contracting authorities. A new PPA's portal has been developed, www.ujn.gov.me, and the electronic public procurement system has been established there.

The new Law on Public Procurement started to be implemented as of 1 January 2012. Pursuant to the new Law, PPA is tasked with reporting concerning the implementation of contracts once a year.

Public procurement is a special area in the AP and as for the monitoring and control of public procurement at the local level, public procurement is implemented, monitored and controlled in the same manner as public procurement at the central level, i.e. it is subject to the same regulations.

No	Measure/activity	Responsible authority	Deadline	Required funds/ Source of financing	Indicator of result	Indicator of impact
2.1.6.1	Adopt amendments to the Law on Public Procurement which will include:	MF (Ana Cerović) and Public Procurement Administration	December 2014 and ongoing	Budget EUR 23,913 (working group)	Amendments to the Law adopted	Positive assessment from EC to the text of

	<p>-the obligation for at least one member of the Commission for bid opening and valuation to have a certificate of passed state license exam to cover public procurement related duties,</p> <p>- legal grounds to adopt secondary legislation which would govern clear criteria for the procedure and manner of appointing members of the Commission for bid opening and valuation and their authorizations and responsibilities,</p> <p>- Authorize inspectors for public procurement to exercise control over contracts awarded,</p> <p>- The system of control of conflict of interests in public procurement procedure improved,</p> <p>- Records system kept by the contracting authorities and the contents of PPA's reports on public procurement improved.</p>	(Mersad Mujević)		<p>containing seven persons, effective work one month – draft Law EUR 5,103;</p> <p>Public discussion EUR 3,810;</p> <p>Parliamentary Committees' work EUR 15,000)</p>		<p>the Law on Public Procurement</p> <p>Number of reports on PP cases (anonymous, NGOs and others) and including outcomes on notifications comparing to previous period.</p>
2.1.6.2.	Adopted secondary legislation to implement new provisions in the Law on Public Procurement	MF, (Ana Cerović) PPA (Mersad Mujević), Commission for Control of Public Procurement Procedure (CCPPP)	June 2015	Budget EUR 2,430 (3 employees, one month effectively)	- The number and type of secondary legislation adopted (List of Secondary Legislation with deadlines see in Annex 1)	

2.1.6.3.	<p>Monitor the improvement of the system of control of public procurement: establish a methodology of risk analysis in the control, with the aim of proactive action in the prevention and early detection of corruptive acts and other acts with corruption elements.</p> <p>Perform control in accordance with established methodology Prepare an annual report of PPA</p>	PPA (Sandra Škatarić) in cooperation with Administration for Inspection Affairs (Hivzo Kajević) MF (Stoja Roćenović)	June 2015 Continuously Annually, in June	Budget EUR 19,440 for two employees in 2015	<p>Established methodology The number of controls on the basis of which irregularities have been established and corruptive acts and other acts with elements of corruption discovered. Prepared annual report of PPA which contains the data on: -contracts concluded and their implementation: -The number of contracts whose implementation is checked; -The number of contracts in which the violation of the implementations has been discovered; - The number of contracts terminated; -The number and type of sanctions imposed; - The number and type of penalties imposed; -The number of bidders to whom the participation in PP procedures has been temporarily banned.</p>	<p>The percentage of institutions in which the control was conducted on an annual basis in relation to the total number of contractors; Number of irregularities in public procurement procedures compared with number of irregularities detected in the previous year No of internal audit reports on PP and recommendations related to anti-corruption.</p>
2.1.6.4.	Capacities of competent bodies to supervise the execution of awarded	AIA (Hivzo Kajević), PPA (Mara Bogavac)	April 2015	Budget – additional funds	-The number of authorized employees for inspection	The number of controls conducted

	contracts enhanced by increasing the number of authorized employees and the number of inspection controls		December 2016	needed for two new employees EUR 19,440 Note: in 2013 the annual budgetary costs per employee amount to EUR 9,720	control in public procurement increased for one in 2015 and another employee in 2016.	increased, The number of imposed sanctions compared to the number of controls exercised, -Reduced percentage of established irregularities
2.1.6.5.	Adopt the annual plan and programme of trainings for employees participating in the public procurement process and stipulate the manner of taking exams for the area of public procurement, Identify target groups for training and involve employees at the local level, Conduct training in accordance with established training plan and organize the exam for public procurement	PPA (Sandra Škatarić) in cooperation with the HRA (Jadranka Đurković)	As of January 2015, four times a year	Budget for preparation of Training Plan and Programme, 4 persons, fifth of working hours, effective work of a month, 20 lectures, expenses EUR 650 eur per lecture	<ul style="list-style-type: none"> - Annual training plan and programme adopted, Exam taking plan and programme stipulated. The number of trainings and participants; - The percentage of trainees compared to the total number of employees for PP; - The numbers of exams organized; - The number of candidates who have passed the vocational exam; - Keeping records of exams passed. 	

2.1.7 Recommendation: Develop specific measures to fight corruption in particularly vulnerable areas, such as those identified in the findings of the risk assessment of July 2011. For these areas, separate Action Plans could be envisaged. Ensure that risks assessments are being used systematically. The anti-

corruption measures must be improved at the self-government level.

II FIGHT AGAINST CORRUPTION

STATE OF PLAY

The areas of particular risk were defined in the 2010-2014 Strategy for the Fight against Corruption and Organized Crime, by a consensus of the members of the Working Group that worked on this document. These are: privatization, public procurement, urban planning, education, health care, and local self-government. Public procurement is a separate area in this AP, and with regard to monitoring and controlling public procurements at the local level, they are implemented, monitored and controlled in the same manner as the public procurements at the central level, i.e. they are subject to the same regulations. The Strategy was accompanied by the 2011-2012 Action Plan for its implementation, as an operational document, while the new Action Plan for the period 2013-2014 was adopted in May 2013. This AP was developed by representatives of the state and the NGO sector, whose scope of work covers the fields defined in the Strategy for the Fight against Corruption and Organized Crime. (http://antikorupcija.me/en/index.php?option=com_phocadownload&view=category&id=7:&Itemid=91) In order to avoid duplication of administrative duties, writing a number of APs and to achieve greater coordination and efficiency in meeting the planned measures, areas of particular risk have been already covered in detail by the 2013-2014 AP for the implementation of the Strategy for the Fight against Corruption and Organized Crime (16 measures related to privatization, 7 measures related to public procurement, 11 measures related to urban planning, 14 measures related to education, 13 measures related to health care, and 9 measures related to local self-government), whereas this AP will also include the measures to enable mechanisms of monitoring of the results achieved as regards deterring from committing corruption in these areas. Depending on the need for further elaboration of the measures envisaged in 2013-2014 AP for the areas of particular risk, the line ministries and authorities can adopt special sectoral APs, for example in the field of education as adopted by the Ministry of Education. As the UNODC report "Corruption in Montenegro – Bribery as Experienced by the Population" identified police activities as a potential risk in terms of corruption, the 2013-2014 AP for the implementation of the Strategy for the Fight against Corruption and Organized Crime Contains special measures to prevent corruption in the police (9 measures), and this AP will focus on measures which will enable the monitoring of measurable results in the area of combating corruption in the police. Please note that the semi-annual report on the implementation of the national AP will be an integral part of the report on the implementation of the Action Plan for Chapter 23 (see the introduction for 211). As for the concrete results in the detection and prosecution of corruption offenses in these areas, they will be monitored through the Tripartite Commission's report which is an integral part of the report on the implementation of the national AP from 2013 to 2014.

Taking into consideration that the existing Strategy and its AP shall cease to exist at the end of 2014, MOJ in cooperation with relevant institutions and NGO will prepare for the Government, for adoption, an operational document which will further deal with areas of special risk, for all of those significant matters which have not been included in the AP for Chapter 23. Reporting according to this operational document will be carried out in the same timeframe as reporting for AP 23 by members of the WG 23. Document will, in addition to recommendations of international partners, as a basis also include Analysis from measure 2.1.7.1 and will be adopted in the II quarter of 2015.

No	Measure/activity	Responsible authority	Deadline	Required funds/Source of financing	Indicator of result	Indicator of impact
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2.1.7.1	Prepare an impact assessment analysis in the areas of particular risk (privatisation, public procurement, urban planning, education, health care, local self-government and police) on the basis of the Report on Implementation of the Action Plan Measures for the Implementation of the Strategy for 2013-2014.	DACI (Mladen Tomovic)	First quarter of 2015.	Budget EUR 4,050 (Secretariat of the NC, 5 employees, one month effectively)	Adopted impact assessment analysis based on data from the semi-annual reports on the implementation of the AP with special emphasis on the parts regarding areas of particular risk (privatisation, public procurement, urban planning, education, health care, local self-government and police) including the Tripartite Commission report that contains information about the analysis of the crimes in this area	Identified measures and achieved progress and defined recommendations for further improvement of the situation and elimination of the risk. The Risk Analysis prepared as a starting point for further strategic planning of activities in the fight against corruption in areas of particular risk.
PRIVATISATION						
2.1.7.2.	Analyse and improve the legal framework related to the privatization process and investment process	ME (Mia Živković)	March 2015	Budget EUR 26,100 (10 employees effectively per month, Analysis and draft Law EUR 7,290; Public discussion EUR 3,810; Costs of	Comprehensive legislative solution defined for investment and incentivised investment, defined and introduced rules	Reduced number of irregularities in the privatization compared to previous period

				Parliamentary Committees EUR 15,000)	for all investments.	
2.1.7.3.	Improve the system to control investments into privatized companies and compliance with contractual obligations	Privatization and Capital Projects Council (Jelena Prlja)	Starting from July 2013, twice a year	Budget EUR 14,580 (nine-member working group, effective work for two months)	<ul style="list-style-type: none"> - the system for the control of investments and execution of contractual obligations on an annual basis or in accordance with the obligations under the contract established, - Controls plan of privatized companies drafted, - The number of developed and published reports, - Database of privatized companies set up, - The number of breached privatization contracts, - The number and type of activated protection mechanisms from privatization 	<p>The number of claims for breach of contract on privatization compared with statistics from previous reporting period;</p> <p>The number of terminated privatization contracts compared with statistics from previous reporting period;</p> <p>The number of cases forwarded to police and prosecution office compared with statistics from previous reporting period;</p> <p>The number of final verdicts in cases where criminal offenses existed compared with statistics from previous reporting</p>

					contracts.	period
URBAN PLANNING						
2.1.7.4.	Efficiently monitor the system for reporting illegal construction and the establishment of clear and precise procedures for dealing with complaints and reports of citizens related to the work of inspection	AIA (Hajradin Osmanovic)	Starting from July 2013, twice a year	Budget EUR 2,916 (annually EUR 324, two employees, at one fifth of the working hours)	<ul style="list-style-type: none"> - Number of reports of citizens of illegal construction in relation to the number of processed reports, - The percentage of reports processed compared to the total number of reports, - Procedures for handling complaints of citizens related to the work of inspections set up, - The number of complaints related to the work of inspections. 	<p>The number of reports by citizens compared with statistics from previous reporting period.</p> <p>The number of processed reports compared with statistics from previous reporting period.</p> <p>The number of complaints of citizens related to the work of inspections compared with statistics from previous reporting period decreased.</p>
2.1.7.5.	Reporting of criminal offenses: building a structure without a building permit and unlawful connection of construction site to technical infrastructure	SPPO i Jelena Lučić and the High Court	Starting from July 2013, twice a year	Budget EUR 1,620 (working group consisting of up to 4 persons / 1 month effective work)	<p>A report drafted that contains:</p> <ul style="list-style-type: none"> - the number of criminal charges filed, - the number of indictments raised, - the number of adjudicated cases 	<p>The number of indictments compared to the number of submitted criminal charges.</p> <p>The number of final judicial decisions compared with</p>

					and types of decisions, - the number of final judicial decisions.	statistics from previous reporting period.
2.1.7.6.	Establish and regularly publish a list of investors and contractors which have been found to violate regulations governing the field of spatial planning	AIA (Sandra Milić)	Starting from July 2013, twice a year	Budget, EUR 810.00 (Regular activities of one employee during one month)	The list drawn up and made public on the website of the AIA.	The number of investors violating the regulations in the field of spatial planning compared with statistics from previous reporting period.
EDUCATION						
2.1.7.7.	Establish a transparent system of control of accreditation and licensing of educational institutions	Ministry of Education (Mubera Kurpejović), Higher Education Council	Starting from July 2013, twice a year	Budget, EUR 810.00 (Regular activities of one employee during one month)	Make public all issued accreditations with a report on compliance with the requirements for the issuance thereof, - number of licensed educational institutions, - number of educational institutions that have lost their license, - number of implemented controls of institutions whose license had expired.	The number of irregularities in the work of educational institutions compared with statistics from previous reporting period.

	2.1.7.7. 1	Implement campaigns and other types of awareness raising activities aimed at counteracting / risk of diploma buying	Ministry of Education (Mubera Kurpejović), Higher Education Council NGO	Starting from January 2015 continuously	Regular Budget Project CGO "That only knowledge bears the title"	Number and types of realised activities, The number and structure of participants	
	2.1.7.8.	Improve online databases in all higher education institutions (all faculties within the University of Montenegro) concerning the employed academic staff and open them to the public	University of Montenegro (dr Biljana Đuričin) Ministry of Education (Mubera Kurpejović)	Starting from July 2013, once a year in II Q	Budget, EUR 810.00 (Regular activities of one employee during one month)	Database in all higher education institutions developed and made publicly accessible. It contains: - CV of each hired lecturer, - class load per lecturer, - annual self-evaluation of educational institutions and external evaluation by the Education Inspectorate. - evaluation of lecturers by students per semester, in accordance with the decision of the authorities.	Transparent data on the teaching personnel of the University of Montenegro.

2.1.7.9.	Publish annual financial statements of the University of Montenegro and university units at the website of the University of Montenegro	University of Montenegro (dr Biljana Đuričin) Ministry of Education (Mubera Kurpejović)	Starting from July 2013, once a year, in II Q	Budget, EUR 810.00 (Regular activities of one employee during one month)	The number of published reports at the University of Montenegro website, which in addition to standard items, include reports on revenues from profitable activities of the University and its units	The level of financial reporting transparency increased. The number and type of sanctions against persons responsible for established irregularities.
HEALTH CARE						
2.1.7.10.	Promote the Code of Ethics of Chamber of Physicians and organize trainings for health care professionals on the application of the provisions of the Code of Ethics Monitor adherence to the Code of Ethics	Chamber of Physicians (Đoko Jočić)	Starting from July 2013, once a year	Budget, EUR 810.00 (Regular activities of one employee during one month)	<ul style="list-style-type: none"> - number of trainings; - number of participants. - Code of Ethics published on the websites of the MH, Chamber of Physicians and Public Health Institute; - number of disciplinary proceedings; - number of health care workers who have violated the Code of Ethics. 	The provisions of the Code of Ethics are respected and applied; increased trust of citizens.

2.1.7.11.	Regularly publish reports on public procurement in the health sector	MH (Aleksa Miranović) , PPA (Mersad Mujević) , SCCPPP	Starting from July 2013, once a year	Budget EUR 2,430 (working group of up to three persons / one month effective work)	<ul style="list-style-type: none"> - Annual report on public procurement in the health sector drafted and made public; - The number of irregularities found by the inspectors for public procurement; - The number of decisions cancelled by the Commission. 	The number of irregularities in public procurement in the health sector reduced.
LOCAL SELF-GOVERNMENT						
2.1.7.12.	Prepare and adopt the implementation of action plan to combat corruption for each local self-government unit, based on the Model of harmonized action plan to combat corruption in local self-government (2013-2014). The strategic objectives are established by the model, which are used to further elaborate measures in the AP at the local	Union of Municipalities (Refik Bojadžić) Ministry of Interior (Dragana Ranitović) - Commission for monitoring the implementation of the Action Plan to combat corruption in local self-governments	until December 2014 and continuously	Budget of local self-government units EUR 40,500 (a total of 50 employees – two per local self-government + 6 Ministry of Interior, , Association of municipalities, 1 month effectively)	<ul style="list-style-type: none"> - The number of adopted action plans; - The number of reports; -Promoted internal and external control of work of local self-government -Strengthening the integrity of local self-government units and implementation of ethical standards in local self-government -Creating conditions and encouraging civil and private sector to 	An increased degree of responsibility and professionalism in the work of local self-governments Improved transparency in the process of planning, adopting regulations and their implementation with respect to the participatory principle

	<p>level:</p> <ul style="list-style-type: none"> -Increased level of responsibility and professionalism of local self-government's work -Improved transparency in the planning process, developing documents and their implementation, with respect to the participatory principle Monitor the implementation of the AP for fight against corruption for each unit of local self-government 				<p>engage in the fight against corruption at the local level;</p> <ul style="list-style-type: none"> - Publish all the data on donations, sponsorships, and subventions on the web-pages of local self-governments 	
2.1.7.13.	Establish transparent procedures on public procurements in line with the Law on Public Procurements	Union of Municipalities (Refik Bojadžić)	Continuously	Budget of local self-government units 23 municipalities, three employees each, EUR 10,692	<ul style="list-style-type: none"> - Number of established services for public procurement in units of local self-government. - Number of appointed officers for public procurement in units of local self- 	The number of irregularities in public procurement procedures at the local level reduced.

					government. - Publish all the contracts on public procurements on the web-pages of local self-governments.	
2.1.7.14.	Carry out audits by the SAI and an independent audit institution in each of the local self-government units	SAI (Jadranka Delibašić) , Union of Municipalities (Refik Bojadžić) (Dragana Ranitović)	Starting from January 2014, once a year	Local self-government units budget, hiring an independent auditor for 20 municipalities – EUR 140,000 annually (audit per municipality EUR 7,000, 20 out of 23 municipalities)	Audit conducted once a year by the SAI and another external audit institution selected under the public procurement procedure Audit reports published on websites of municipalities	80% of audits conducted by the SAI and external audit institutions
POLICE						
2.1.7.15.	Conduct internal control of work of Police Administration	Ministry of Interior (Drago Spičanović) and Supreme Public Prosecutor's Office (Jelena Lučić)	Starting from July 2013, once a year	Budget, a total of 23 employees, EUR 223,560 annually	Prepared and published semi-annual report containing: -the number of cases on the basis of reports and ex-officio; -the number of citizens' reports of cases related to the	Increased number of indictments compared to the number of filed criminal charges. Increased number of final judicial decisions.

					<p>corruption of PA employees;</p> <p>-the number of initiated disciplinary procedures on the basis of internal control reports;</p> <p>-the number and type of imposed disciplinary sanctions;</p> <p>-the number of investigations initiated against PA employees on the basis of internal control reports.</p>	
2.1.7.16.	<p>Detect and combat corruption cases against officers in the Ministry of Interior and PA</p>	<p>Ministry of Interior (Saša Milić, Dragan Radonjić, Drago Spićanović), Supreme Public Prosecutor's Office (Jelana Lučić), High Court (Sanja Kalezić)</p>	<p>Starting from July 2013, twice a year</p>	<p>Budget, four employees twice a year, one month, half of the working hours – EUR 3,240 annually</p>	<p>- Adopt the Amendments to the Law on Internal Affairs;</p> <p>The number of reports submitted by citizens, legal persons, NGOs, media and ex-officio, with regard to corruption in the Ministry of Interior and PA,</p> <p>Type of decisions made under reports</p>	<p>The annual report on work of the Ministry of Interior and PA establishing a reduced number of irregularities in the work of personnel compared with previous annual report.</p>

					<p>filed,</p> <p>The number of investigations initiated under reports</p> <p>The number of indictments</p> <p>The number of final judicial decisions</p>	
2.1.7.17.	Detect and combat corruption at the high level in the Ministry of Interior and PA	Ministry of Interior (Saša Milić, Dragan Radonjić, Drago Spičanović), Supreme Public Prosecutor's Office (Jelena Lučić) High Court	Starting from July 2013, twice a year	Budget, four employees – EUR 3,240 annually	<p>- The number of investigations initiated for high-level corruption in the Ministry of Interior and PA;</p> <p>- The number of indictments raised;</p> <p>- The number of final judicial decisions.</p>	Public opinion poll showing an increased public confidence in the work of Ministry of Interior and PA employees
2.1.7.18.	Implement continuous campaigns on the manner of reporting corruption and the measures for protection of citizens reporting corruption	MOI, PA (Tamara Popović, Saša Milić, Dragan Radonjić), Supreme Public Prosecutor's Office (Jelena Lučić)	Starting from July 2013, twice a year	Budget, four employees – EUR 3,240 annually	<p>- The number of campaigns led;</p> <p>- The number of corruption cases reported by citizens, NGOs, and the media;</p> <p>- The number and type of decisions made upon reports of citizens, NGOs, and the media;</p> <p>- The number of</p>	An increased number of detected cases of corruption on the basis of reports by citizens, NGOs and the media

					investigations compared to the number of cases reported.	
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2.1.8 Recommendation: Strengthen the Parliament's role in fighting corruption by stepping up supervision of the executive. The Parliament should also pay specific attention to anti-corruption issues when revising and improving the legal framework. Ensure a thorough integrity system within the Parliament.

STATE OF PLAY

As regards the functioning of the Parliament and its legislative and supervisory role in matters involving the rule of law, international reports include an assessment that progress has been made in this regard. Implementation of the recently adopted legislation on elections has begun, and the professional and administrative capacities of the Parliament have been strengthened.

The Parliament has amended its Rules of Procedure in May 2012. Amendments of the Rules of Procedure provide, inter alia, for the establishment of an Independent Parliamentary Committee on Anti-Corruption. Its key responsibilities include monitoring and analysis of work of state authorities in the fight against corruption and organized crime, considering issues and problems in the implementation of laws relating to the fight against corruption and organized crime, and proposing amendments thereto, as well as proposing additional measures to improve strategies, action plans and other documents in the area of fight against corruption and organised crime. A political agreement was reached, according to which the Committee on Anti-Corruption will be chaired by a representative of the opposition parties.

With a view to further strengthening the preventive role of the Parliament in the fight against corruption, there should be more intensive use of the mechanisms that are available on the basis of the new Parliamentary Rules of Procedure for the control of the executive branch of power. A very important tool for achieving this goal is certainly the possibility of citizens to file petitions to the newly-created Committee on Anti-Corruption.

It is necessary to undertake further efforts to promote administrative capacities in order for the Parliament to be prepared for the obligations that will arise from the continuation of the integration processes, particularly with regard to the ability to harmonize national legislation with the EU acquis.

As regards the prevention of corruption among the members of Parliament, the Code of Ethics should include the best standards and practice, and primarily GRECO recommendations from the IV round of evaluation. Adhering to the provisions of the Code of Ethics should be adequately monitored by a competent body.

No.	Measure/activity	Responsible authority	Deadline	Required funds/ Source of financing	Indicator of result	Indicator of impact
2.1.8.1	Provide for efficient application of control mechanisms of the Parliament of Montenegro	The Service of the Parliament (Siniša Stanković)	Once a year, 1 quarter	Budget EUR 4,860 (12-person working group / effective work 15 days)	Published Annual report on the work of parliament which contains data on implementation	

					<p>of control mechanisms as follows:</p> <p>the number of submitted and approved requests for holding consultative hearings and number of interviewed persons;</p> <p>- the number of submitted and approved requests for holding control hearings and number of interviewed persons;</p> <p>-the number of submitted and approved proposals for initiating parliamentary investigation, number of meetings of inquiry committees held and number of interviewed persons;</p> <p>-the number of submitted and considered</p>	
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					interpellations concerning the work of the Government; -the number of proposed and adopted conclusions of the Parliament and monitoring their implementation.	
2.1.8.2	Adopt a report on the work of the Committee on Anti-Corruption Monitor actions taken by public authorities upon complaints filed by citizens to the Parliamentary Committee on Anti-Corruption	Parliament of Montenegro (Siniša Stanković)	Once a year, 1 quarter	Budget EUR 405 (Regular activities of an employee for 15 days)	Annual report on the work of the Committee adopted the number of petitions filed by citizens; the number of statements provided by public authorities according to petitions; activities taken upon citizens' petitions by public authorities. - information on state authorities, institutions, organizations and bodies for fight against corruption and organized crime that have been analyzed in the	Strengthened role of the Committee on Anti-Corruption in the fight against corruption -The number of persons against whom appropriate procedures were initiated as a result of using the control

					<p>reporting period;</p> <ul style="list-style-type: none"> - data on examined issues and problems in implementation of laws regarding fight against corruption and organized crime and proposals for their amendments; - proposals for additional measures aimed at improving strategies, action plans and other documents concerning the fight against corruption and organized crime and monitoring their implementation; - data on analyzed citizens' complaints, with a breakdown of actions taken. <p>The number of laws and other legal acts that have been modified as a result of the use of control mechanisms of the Committee for Anti-Corruption;</p>	function of the Parliament.
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2.1.8.3.	Adopt the Code of Ethics of MPs which will contain - clear guidelines to MPs on conflict of interest, lobbying and other related areas in accordance with best practice examples and GRECO recommendations - define the composition and competences of the body for monitoring the compliance with provisions of the Code.	Parliament of MNE in cooperation with the civil sector	December 2014	Budget EUR 405 (Regular activities of an employee for 10 days)	Code of Ethics of MPs adopted	
2.1.8.4.	Ensure the adherence of the provisions of the Code of Ethics carried out by a competent authority	Parliament of MNE (Siniša Stanković) in cooperation with the civil sector	Starting from March 2015 once a year	Budget EUR 4,252 (7-person working group / effective work 15 days)	Body competent for monitoring the adherence to the Code of Ethics started its work; Number and title of campaigns and other activities in cooperation with NGO sector aimed to	High level of adherence to the Code of Ethics by MPs

					awareness rising on the Codes of Ethics for MPs. Annual report on monitoring the compliance with the Code drawn up, including data on the measures taken to sanction violations of the Code's provisions	
2.1.8.5.	Prepare an Integrity Plan for the Parliament and regularly monitor its implementation	Parliament of MNE (Siniša Stanković)	June 2014 Following the adoption, reporting once a year	Budget EUR 810.00 (Regular activities of an employee in the duration of one month)	Integrity plan adopted Employee in charge of preparing the Report on the implementation of the Integrity Plan designated.	Employees responsible to draft and implement integrity plans trained to conduct risk analyses and draft integrity plans.
2.1.9 Recommendation: Ensure that NGOs are involved in the anticorruption agenda.						
2.1.9.1	Conduct joint campaigns with the aim of fostering greater and more efficient participation of citizens in the fight against corruption	AACI (Grozdana Lakovic) /Anti-corruption Agency, in cooperation with NGOs	Starting from July 2013, twice a year	Budget depending on activities, estimated EUR 10,000 annually	The number of joint activities implemented	Increased number of reports from citizens by comparison with the previous period

2.1.9.2	Regularly report on the participation of NGO representatives in the work of working groups established by state authorities and in organized public debates and roundtable discussions on the draft anti-corruption laws	Office for Cooperation with NGOs (Danka Latković) in cooperation with the line ministries	Starting from July 2013, twice a year	Budget- one person EUR 810.00 annually /ten days per report	The number of NGO representatives in working bodies for preparing anti-corruption laws - The number of public debates and roundtable discussions organized.	Increased involvement of NGO representatives into the working groups established by state authorities
2.1.9.3	Participation of NGPs in sessions of the Anti-corruption Committee in accordance with the Rules of Procedure of the Parliament	Parliament of MNE Anti-corruption Committee	continuously	Funding not needed	- The number of NGO representatives who participate and/or attend the sessions of the Committee	More efficient monitoring of the work of all the bodies in charge of the fight against corruption
2.1.9.4	Promote reports of relevant NGOs dealing with issues of corruption and anti-corruption activities	Office for Cooperation with NGOs- (Danka Latković) in cooperation with public authorities and NGOs	Starting from July 2013, twice a year	Budget as 2.1.9.2	The number of NGO reports posted on the website of the Office for Cooperation with NGOs and/or public authorities The number of	Increased awareness of citizens on various issues related to the fight against corruption Increased quality of information on various issues

					round tables, debates and panel discussions that promoted NGO reports	related to the fight against corruption Areas of fight against corruption contained in the NGO reports published on the website of the Office for Cooperation with NGOs
2.1.9.5	Organize joint training programmes for civil servants as regards the issues of the fight against corruption	AACI (Grozdana Lakovic) HRA (Jadranka Đurković) in cooperation with NGOs	Starting from July 2013, twice a year	Budget as 2.1.9.2	The number of joint trainings and seminars The number of NGOs with which the cooperation has been established The number of trainees	A larger degree of training of civil servants on various topics in the field of fight against corruption.

2.2. REPRESSIVE ACTIVITIES AGAINST CORRUPTION

(Coordinator for the area of repressive activities against corruption: Merima Baković, Ministry of Justice)

2.2.1 Recommendation: Ensure independent, effective specialised investigation/prosecution bodies, in particular through:

OBJECTIVE 1: Constitutional and legal amendments strengthening the independence of the judiciary and to protect all investigative bodies from (potential) political pressure.

Regarding mentioned recommendation of European Commission which refers to amendments of the Constitution and laws in order to strengthen independence of judiciary and protect all investigative authorities from possible political pressure, measures are stated in the part of the Action plan „Strengthening the independence of judiciary“ within objective 1: „Strengthening the independence of judiciary through independent elections of Judicial Council and Prosecutorial Council and establishing transparent and objective system of election and promotion of judges and public prosecutors.“, measure number. 1.1.

OBJECTIVE 2: Provision of adequate resources (financial resources, staffing etc) to all investigation and judicial authorities involved in the fight against corruption, making corruption cases priority matters. A review of the definition of "high level corruption" in view of the SSPO's area of competence would be

recommendable.

OBJECTIVE 3: Ensure that prosecutors have real-time access to relevant databases and sufficient capacity to effectively implement of the Criminal Procedure Code.

OBJECTIVE 4: Review the competences of the Special Investigative Team and ensure its access to relevant databases.

OBJECTIVE 5: Ensure sufficient training, well qualified staff and international exchange of expertise to allow for modern investigative techniques to be applied efficiently and on a regular basis. Similar training must be ensured for judicial authorities.

STATE OF PLAY

By adoption of the new Criminal Procedure Code, the concept of investigation was changed, being delegated to the public prosecutor's office. In addition to the prosecutorial investigation, which represents the main novelty, the new CPC, envisages numerous criminal law institutes which did not exist in our legal system earlier, and many already existing institutes were significantly modified. With a view to better implementation of the new Code, the Government of Montenegro adopted in 2009 the Plan for CPC implementation. It created the preconditions for the successful first steps in implementation of the CPC and overcoming the original problems in implementation of every reform law. Plan for CPC implementation contained several segments: impact of CPC on other regulations, training of professional and other stakeholders with respect to the CPC, informing the public of the basic legislative norms in the CPC, procurement of the necessary technical equipment, assessment of staff and spatial and technical needs in the Public Prosecutor's Office, establishing a Commission for monitoring the implementation of the CPC, framework timeline for realization of the Plan for implementation and budget for its implementation.

New competences of public prosecutors and their changed role in criminal procedure have led to increased workload so, in order to implement the Criminal Procedure Code in efficiently, it is planned to appoint additional public prosecutors-35 of them and other persons employed in public prosecution office. When it comes to the special division of the Supreme Public Prosecutor's Office, the number of Special Prosecutor's Deputies was increased from 2 to 7. For all the newly-employed, in addition to salaries, the adequate spatial and technical conditions for work were provided.

Since the corruptive criminal offences are hard to prove and since their prosecuting and adoption of final judgments takes specialist knowledge, it is necessary to carry out centralization of competences by entrusting one court with solving of these cases, while in the prosecutor's office, a special prosecutor's office will be formed in charge of fight against organized crime and corruption. This conclusion arose from the Analysis of the Judicial Network, with a view to harmonizing practice and specialization in cases of corruptive criminal offences. In addition, centralization of powers is aimed towards cost-effectiveness of the procedures and costs, taking into account that conducting of certain evidence-related activities and following the course of the procedure which requires support of a special IT equipment. Thus, a high level of specialization will be achieved, and the procedure will be much more rational, which is in line with the recommendation of the Commission regarding establishment of effective and specialized bodies. For the purpose of implementation of the results of the Analysis of Judicial Network, in the second quarter of 2013, it is planned to adopt the Plan for Reorganization of Judicial Network. This plan will provide an overview of staff capacities, spatial conditions and technical equipment of judicial bodies, obligations and deadlines will be defined and bodies in charge of their implementation designated. Also, another document which deals with, inter alia, improvement of organization and finding solutions to improvement of institutions is the Analysis of the structure, capacities and authorities of the state bodies and public administration bodies in fight against organized crime and corruption, with an overview of measures.

Efficient fight against corruption primarily means good cooperation between all institutions on national and international level. The Criminal Procedure Code of Montenegro provides for authorizations to the Prosecutor to collect all necessary notifications from all institutions. i.e. evidence and data required for resolving

criminal cases. As a body in charge for detection of criminal offences, the Police are obliged to act upon all orders issued by the Prosecutor as well as to inform the Prosecutor about all undertaken actions. In order to have more efficient fight against corruption in Montenegro, a joint investigation team has been established, competent for the work on cases in the field of the organized crime and corruption at high level. Namely, the Supreme Public Prosecutor's Office has signed the Agreement on establishing the Joint Investigation Team with the Police Directorate, Administration for Prevention of Money Laundering and Terrorism Financing, Tax Administration and Customs Administration. In such a manner, the prosecutors are enabled to directly manage the representatives of these institutions with the aim to achieve faster and more efficient gathering of evidence for corruptive criminal offences.

in accordance with the conclusions of the Analysis for the needs of rationalization of judicial network (<http://www.pravda.gov.me/en/library?alphabet=lat>) which was adopted in 2013, in the forthcoming period, it is planned to merge two specialized divisions within high courts into one, with a view to centralizing the competence over organized crime, corruption, terrorism offences and war crimes , within a specialized division in the High court in Podgorica and change in organization of the specialized prosecutorial division for fight against organized crime, corruption, terrorism and war crimes, by establishing a special state prosecutor's office. Detailed activities, competent bodies and deadlines are envisaged by the Plan of Rationalization of the Judicial Network 2013-2015 (link will be available after adoption at the Government).

Following the plan for implementation of the Criminal Procedure Code, and its part related to the creation of spatial and technical conditions in state prosecutors' offices, and considering their new competencies, primarily their changed role in the pre-trial investigation which has increased their workload, the new conditions in respect of spatial, technical and human capacities have been created for 10 basic and two higher prosecutors' offices, and additional space has been provided for the Basic Prosecutor's Office in Podgorica and the Division of the Special Prosecutor's Office. Nevertheless, the creation of spatial and technical conditions will be continued in the future period (2013-2014) through the provision of the necessary spatial and technical conditions for the Division for the suppression of organised crime, corruption, terrorism and war crimes.

However, recognised as weaknesses are the databases, i.e. electronic data exchange and access to the bases. This action plan foresees activities to resolve this issue, following the recommendation of the Screening Report on the need for improved cooperation, exchange of information between bodies involved in the fight against corruption.

The 2009 Criminal Procedure Code has introduced numerous novelties in respect of special investigation methods. These are, primarily, the extended list of criminal offences for which secret surveillance measure can be imposed, as well as the extended catalogue of measures which can be applied. During the course of their work, all bodies involved in the fight against crime were trained on both the application of the secret surveillance measures, and the use of the evidence obtained in such manner. However, having in mind the more contemporary forms of the crimes, it is necessary to conduct continuous trainings of the police in regards to the ways and techniques of application of modern investigation methods, and the judges and prosecutors on the use of the evidence obtained by means of application of such measures. It is necessary to emphasize that amendments to the Criminal Procedure Code will be a means to consider the possibility of prolonged duration of the secret surveillance measures, and the possibility to introduce new measures, all aimed at creating a good legislation framework for fight against crime. Therefore, the above mentioned measures within this objective, will lead to well-trained staff and international exchange of knowledge in regards to the application of modern investigation methods.

Measures for strengthening the capacities of the Police Administration are shown in detail in the action plan for negotiating chapter 24 in the part 6.2 Police cooperation and organized crime.

No.	Measure / Activity	Competent authority	Deadline	Required funds / Source of financing	Indicator of result	Indicator of impact
2.2.1.1	<p>Prepare comprehensive Analyses of organisational structure, capacities and competences of state authorities and public administration bodies in fight against organised crime and corruption, that will include:</p> <p>a. Overview of legislative framework for fight against corruption and organise crime (Criminal Code, Criminal Procedure Code, Law on Internal Affairs, Law on Customs Service etc);</p> <p>b. Organisational structure and functional content of the public prosecutor's office, police, Customs Administration, Tax Administration etc.;</p> <p>c. Special section on seizing of material gain, with emphasise on practical issues when identifying property for extended seizure, exchange of information and competences of the Public Property Administration in respect of</p>	<p>Ministry of Interior (Miloš Vukčević, Maja Raspopović, Milan Tomić, Saša Milić, Dragan Radonjić)</p> <p>Ministry of Justice (Merima Baković)</p>	October 2013	<p>Budget of MoJ 6.029 eur</p> <p>Project OSCE expert support</p> <p>IPA 2010 Strengthening of prosecutorial network expert support</p>	Analyses made with recommendations for amending legislative and institutional framework for fight against corruption in accordance with The Government Work Plan-priority activities point 56	<p>1) improved pre-trial investigation phase based on improved ratio between investigations launched and cases brought before court. (Tool: PRIS)</p> <p>2) Increase in the value of confiscated criminal assets following convictions for corruption (Tool : reports from the asset confiscation directorate)</p> <p>3) Increase in the number of high level corruption vcases investigated,</p>

	<p>management and redemption of the temporarily seized property;</p> <p>d. Special section on the current position of special investigative team and its relationship towards other bodies;</p> <p>e. existing relevant databases for the efficient implementation of the CPC and recognize the technical barriers in terms of access to databases of the Tax Administration, Customs Administration, Police Administration, MoI, Public Property Administration, Central Depository Agency, Harbour Master's Office, Securities Commission, Central Register of Commercial Entities, and reassess the role of the current special investigative team;</p> <p>f. Comparative model of Croatia and Serbia and</p> <p>g. Proposal of conclusions for overcoming existing legislative and institutional limitations</p> <p><i>Note: the same measure is foreseen in the Action Plan for Chapter 24 under Fight Against Organised Crime (measure 6.2.5)</i></p>					prosecuted and tried.(reporting tool PRIS)
2.2.1.2	Adopt Plan of realisation of conclusions from previous	Ministry of Interior (Miloš	December 2013	Budget of MoJ 3.000 eur	Plan of realisation of conclusions from	

	<p>Analysis with concrete measures that need to be realised, competent authorities and deadlines for realisation of measures, especially:</p> <p>Laws that need to be amended, and particularly the Criminal Code, Criminal Procedure Code, Law on Internal Affairs, Law on Customs Service etc.;</p> <p>Changes that need to be made in organisational structure;</p> <p>Improvement of procedure for seizure of material gain and functioning of Property Administration;</p> <p>Define future role of investigative team;</p> <p>Establish unique data base and enable exchange of information between relevant authorities;</p> <p>Adopt best solutions from comparative experience.</p> <p><i>Note: the same measure is foreseen in the Action Plan for Chapter 24 under Fight Against Organised Crime (measure 6.2.6</i></p>	<p>Vukčević, Maja Raspopović, Milan Tomić, Saša Milić, Dragan Radonjić) Ministry of Justice (Merima Baković)</p>			Analyses adopted	
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2.2.1.3	Merge two specialised divisions in high courts into one for the purpose of centralising competences for criminal offences of organised crime, corruption, terrorism and war crime <i>Note: the same measure is foreseen in the Action Plan for Chapter 24 under Fight Against Organised Crime (measure 6.2.7</i>	Judicial Council (Darko Drašković) High Court in Podgorica (Sanja Kalezić) High Court in Bijelo Poje (Sanja Kalezić) Secretariat of Judicial Council (Darko Drašković) Ministry of Justice (Merima Baković)	March 2015	Budget of the Supreme Court 3.824 eur	Analyses made of human and technical resources in specialised divisions the Decision on number of judges amended Plan made for taking over the cases	Centralized competence for the criminal offences of organized crime, corruption, terrorism and war crimes
2.2.1.4	Establish the Special State Prosecutor's Office, which will be responsible for prosecution of perpetrators of high corruption criminal offences (in public and private sector), organized crime, terrorism and war crimes <i>Note: the same measure is foreseen in the Action Plan for Chapter 24 under Fight Against Organised Crime (measure 6.2.8</i>	Prosecutorial Council (Stojanka Radović) Special State Prosecutors Office (Đurđina Ivanović)	June 2015	Regular budgetary funds EUR 503.237,66 for 2015 Additional budgetary funds provided for 2015 EUR,150.000,00	Special State Prosecutor's Office established; A functional relationship between the Police Administration and the Special State Prosecutor's Office established	
	2.2.1.4.1	Adopt the Law on Special State Prosecutor's Office	Parliament (Siniša Stanković)	February 2015	Budget	Law on Special State Prosecutor's Office adopted;

	2.2.1.4.2	Adopt a decision on the required number of state prosecutors, including special prosecutors	Prosecutorial Council (Stojanka Radović)	February 2015	Budget	Decision adopted	
	2.2.1.4.3	Adopt a Plan for transfer of items and inventory from the Department for suppression of organized crime, corruption, terrorism and war crimes Publish a public advertisement for the election of the chief special prosecutor and special prosecutors	Supreme State Prosecutor's Office, Specialized Department Prosecutorial Council (Stojanka Radović)	March 2015	Budget	Published public advertisement	
	2.2.1.4.4	Elect the Chief special prosecutor and special prosecutors	Prosecutorial Council (Stojanka Radović)	May 2015	Budget for 2015 109,000.00 eur	Elected Chief special prosecutor and special prosecutors	
	2.2.1.4.5	Take over the cases falling within jurisdiction of the Special State Prosecutor's Office which were within	Special State Prosecutor's Office (Đurđina Ivanović) Supreme State Prosecutor's	May 2015	Budget	The cases taken over	

		jurisdiction of the Division for Suppressing Organised Crime, Corruption, Terrorism and War Crimes	Office (Stojanka Radović)				
	2.2.1.4.6	Take over the tasks from the Division for Suppressing Organised Crime, Corruption, Terrorism and War Crimes at the Supreme State Prosecutor's Office, the employees responsible for carrying out these tasks, as well as the equipment, funds and official documents	Special State Prosecutor's Office (Đurđina Ivanović) Supreme State Prosecutor's Office (Stojanka Radović)	May 2015	Budget	The tasks from the Division for Suppressing Organised Crime, Corruption, Terrorism and War Crimes at the Supreme State Prosecutor's Office, the employees responsible for carrying out these tasks, as well as the equipment, funds and official documents taken over	
	2.2.1.4.7	Establish an information system in the State Prosecutor's Office, including the Special State Prosecutor's Office <i>Note: There is a</i>	Supreme State Prosecutor's Office (Stojanka Radović)	Decembar 2015	Budget of the Supreme State Prosecutor's Office Donations	Information system established	

		<i>same measure in the Action Plan for Chapter 24 under Fight Against Organised Crime (measure 6.2.9)</i>					
2.2.1.5	<p>Set up a secure electronic communication network for mutual access to databases and exchange of information among law enforcement agencies, including the State Prosecutor's Office, through:</p> <p>1. Prepare analysis of the proposed measures, concerning the existing infrastructure and possibilities for access to databases</p> <p>2. Implementation of measures for facilitating access to information from databases and information exchange, as follows:</p> <p>a) Exchange of messages between system users with the possibility of exchanging files;</p> <p>b) Automatic data collection using Web services or Message Queuing;</p>	<p>Ministry of Interior – Police Administration (Nataša Starovlah Knežević, Dejan Đurović, Nikola Rogošić),</p> <p>Ministry of Justice (Merima Baković, Dušan Polović),</p> <p>Ministry of Information Society and Telecommunications (Milica Vučinić)</p> <p>Supreme State Prosecutor's Office (Stojanka Radović)</p>	<p>1. October 2013</p> <p>2.</p> <p>a) March 2015</p> <p>b) March 2016</p> <p>c) I Quarter 2017</p>	<p>1. No additional costs</p> <p>2.a) cca EUR 50,000/ budgetary financing</p> <p>b) cca EUR 200,000/ budgetary financing</p> <p>c) cca EUR 100,000/ budgetary financing</p>	<p>a) Enabled exchange of messages and files</p> <p>Trainings on the method of data exchange organized</p> <p>b) Special program which provides access to information from databases</p> <p>Connection of all relevant authorities with the Prosecutor's Office made</p> <p>Trainings on the method of data exchange organized</p> <p>c) Existing technical requirements for</p>	<p>Better and more efficient inter-agency cooperation (number of exchanged information, the number of data access, number of investigations for which the network was used to access data from a database and information exchange) established</p>	

	c) Implementation of Enterprise Service Bus data exchange <i>Note: Same measure no. 6.1.8 the Action plan for Chapter 24 under Fight Against Organised Crime</i>				access to data of the competent authorities improved Trainings on the method of data exchange organized	
2.2.1.6	Provide spatial and technical conditions for work of the Special State Prosecutor's Office <i>Note: the same measure is foreseen in the Action Plan for Chapter 24 under Fight Against Organised Crime (measure 6.2.10)</i>	Supreme State Prosecutor's Office (Radmila Ćuković/Đurđina Ivanović)	March-May 2015	Budget for 2015 41.000,00	Provided spatial and technical conditions for work of the Special State Prosecutor's Office	
2.2.1.7	Strengthen staff capacities of the Special State Prosecutor's Office <i>Note: the same measure is foreseen in the Action Plan for Chapter 24 under Fight Against Organised Crime (measure 6.2.11)</i>	Supreme State Prosecutor's Office (Radmila Ćuković/Đurđina Ivanović)	May 2015	Budget for 2015 44.000,00	Strengthened staff capacities	
	2.2.1.7.1	Adopt an Act on internal organization and systematization of the Special State Prosecutor's Office	Supreme State Prosecutor's Office (Stojanka Radović)	May 2015	Budget	Adopted act on internal organization and systematization of the Special State Prosecutor's Office, which specifies the required number

						and profile/vocation of civil servants and employees	
	2.2.1.7.2	Start filling vacancies in accordance with the Act on internal organization and systematization of the Special State Prosecutor's Office	Supreme State Prosecutor's Office (Stojanka Radović)	May – September 2015	Budget for 2015 44.000,00	Civil servants and employees employed	
2.2.1.8	Equipping the Section for the fight against organised crime, the Section for Suppression of General Crime and the Section for Suppression of Economic Crime at central and regional level with material and technical assets in line with EU standards and analysis from measure 6.2.6 through procurement:		Ministry of Interior – Police Administration (Saša Milić, Zoran Asanović, Nataša Starovlah Knežević, Dragan Radonjić, Saša Rakočević), Ministry of Finance (Milanka Otović/Ana Cerović)	1. September 2015, september 2016, september 2017 2. III quarter 2016 3. III quarter 2016 III quarter 2017 4. III quarter 2017 5. III quarter 2018 6.	Financial assessment is given in the Action Plan for Chapter 24	1. Number of vehicles procured 2. Number of IT equipment procured 3. communication equipment procured 4. Number of personal protection sets (bullet-proof vest) 5. Number of metal safes for classified documents	Number of investigations initiated according to pace and deadlines of the acquired equipment

	<p>4. ets for personal protection (bulletproof vest) and the work of employees;</p> <p>5. The metal boxes for disposal of classified documents;</p> <p>6. Sets for collection of evidence.</p> <p><i>Note: Link with the measure no. 6.2.15 in the Action plan for chapter 24</i></p>		III quarter 2018		procured 6. Number of sets for evidence collecting procured	
2.2.1.9	<p>Amendments to the Rulebook on Internal Organisation and Job Description of the Ministry of Interior with a view to the following: Reorganisation, defining competences and centralisation of the line of work for economic crime investigation. Defining competences of the Department for suppression of economic crime and the Department for the fight against</p>	<p>Ministry of Interior – Police Administration (Miloš Vukčević, Saša Milić, Dragan Radonjić)</p>	<p>1. February 2014</p> <p>2. April 2015</p>	<p>Financial assessment is given in the Action Plan for Chapter 24</p>	<p>Decision on establishing a Working Group whose member will be a representative of the line for fight economic crimes.</p> <p>Adopted amendments to the Rulebook on Internal Organisation and Job Description for</p>	<p>Number of initiated investigations.</p>

	organised crime and corruption in conducting financial investigations. <i>Note: Link to the measure 6.2.16.3 in the Action plan for chapter 24</i>				working positions in the Ministry of Interior.	
2.2.1.10	Strengthening personal capacities in Police Directorate through increasing the number of work posts for implementing secret surveillance measures <i>Note: Link to the measure no. 6.2.27 in the Action plan for chapter 24</i>	Ministry of Interior – Police Directorate (Milan Tomić, Nikola Rogošić)	1. April 2015 2. June 2015 3. September 2015	Financial assessment is given in the Action Plan for Chapter 24	1. Amendments adopted on organization and job descriptions of the Police Directorate 2. Number of officials for implementing secret surveillance measures increased, through reallocation of police officials 3. State servants that meet the required conditions are employed for open-ended period of time	Capacities of Special Verifications Section provide for carrying out at least four field operations at the same time
2.2.1.11	Definition and organization of specialized trainings in the country and abroad for trainers and officers for secret surveillance measures, as well as	MOI - Police Administration (Nataša Starovlah-Knežević, Darko	March 2014	Financial assessment is given in the Action Plan	Curriculum for trainings prepared (including time of organization and content)	Number of trained officers

	<p>research and development for the following areas: Internet and telecommunication surveillance operational technique and observation newly adopted instructions <i>Note: Same measure no. 6.2.32 is planned in the Action plan for chapter 24</i></p>	<p>Simonović, Ranko Vojinović, Nikola Rogošić, Ivan Jokić), Police Academy (Milica Pajović/Jelena Tomić), Project manager for IPA 2012</p>	<p>from April 2014</p> <p>to April 2016</p>	<p>for Chapter 24</p>	<p>Number of organised trainings (courses, seminars, workshops, working visits)</p> <p>Number of own trainers</p>	
2.2.1.12	<p>Equipment of the Division for Special Checks with material – technical means in accordance with EU standards, on the grounds of previous analysis (IT and special purpose equipment for conducting investigations and surveillance, audio, video and GPS devices, improvement of Internet and telecommunication surveillance, vehicles and material – technical means etc.)</p> <p>Improve mechanisms of electronic recording and external control of application of measures of secret surveillance in the system for monitoring of telecommunication, in line with</p>	<p>Ministry of Interior (Nataša Starovlah-Knežević, Darko Simonović, Nikola Rogošić, Ivan Jokić, Ranko Vojinović)</p>	<p>1. March 2014</p> <p>2. From March 2014 to September 2018</p>	<p>Financial assessment is given in the Action Plan for Chapter 24</p>	<p>1. Completed procurement;</p> <p>2. Completed installation of equipment.</p>	

	expert recommendations. <i>Note: Same measure no. 6.2.34 is planned in the Action plan for chapter 24</i>					
2.2.1.13	<p>Providing Unit for undercover investigators with funds and technical resource in accordance with the EU standards (special vehicles, IT equipment and equipment for protecting and collecting evidence, material-technical means and other).</p> <p>1. Sets for collection of evidence and protection of employees; 2. Supply and maintenance of civilian vehicles; 3. Procurement of IT equipment; 4. Procurement communications equipment, and maintaining and upgrading of existing equipment.</p> <p><i>Note: Link to the measure no. 6.2.31, submeasure 6.2.31.4 in the Action plan for chapter 24</i></p>	<p>Proposal for responsible authority: Ministry of Interior – Police Directorate (Aleksandar Radović, Nataša Starovlah Knežević)</p>	<p>1. September 2014. September 2015.</p> <p>2. September 2014. September 2015. September 2016.</p> <p>3. September 2014. September 2016. September 2017.</p> <p>4. September 2016. September 2017.</p>	Financial assessment is given in the Action Plan for Chapter 24	<p>Number and type of equipment provided for collection of evidence and protection of officers</p> <p>Number of vehicles provided</p> <p>Number and type of computer equipment provided</p> <p>Number and type of communication equipment provided</p>	Increased number of investigations that have been initiated on the basis of engaging undercover investigators
2.2.1.14	Designate target groups which will undergo specialized trainings on the application of modern investigative methods	JTC (Maja Milošević)	December 2013 and continuously	Regular budgetary funds	Target groups in the Public Prosecution Office and courts designated and	Trainings delivered Number and structure of attendees Assessment of the success

	within the Public Prosecution Office and Courts and define and continuously organize specialized trainings for the prosecutors and judges on modern investigative methods and measures and use of evidence obtained through application of these methods				trainings organized	of training by evaluation forms
2.2.1.15	Procurement of equipment "NCase" and other devices necessary for the forensic examination of mobile phones and examination of bank accounts in the group testing of IT in Forensic Center. <i>Note: Same measure no. 6.2.17 is planned in the Action plan for chapter 24</i>	Ministry of Interior - PA (Zoran Tomčić, Jakša Backović)	September 2015	Budget	Number and type of provided equipment	
2.2.1.16	Conduct employee training in a group test of IT in Forensic Center in a way that will be two officers trained in the field of computer forensics, the two officers in the field of forensic analysis of mobile phones, and 1 officer for the analysis of bank cards. <i>Note: Same measure no. 6.2.18 is planned in the Action plan for chapter 24</i>	Ministry of Interior (Zoran Tomčić, Jakša Backović)	December 2015	Budget TAIEX	Conducted training The number and structure of participants Assessment of training success through the evaluation form	
2.2.1.17		Police Academy (April 2014 - second	through the	Trainings delivered	

	Organize joint trainings for the police, state prosecutors and judges on secret surveillance measures, use of evidence in the court, collection of such evidence in cross border cooperation	Milica Pajović/Jelena Tomić), JTC (Maja Milošević)	quarter of 2017	approved IPA 2012 – EU ROL	at national, regional and international level; Number and structure of attendees Assessment of the success of training by evaluation forms	
2.2.1.18	Carry out trainings for the police, prosecutors and judges on application of secret surveillance measures in accordance with the Law on Personal Data Protection and the Law on Classified Information	Police Academy (Milica Pajović/Jelena Tomić), JTC (Maja Milošević)	April 2014 – second quarter of 2017	through the approved IPA 2012 – EU ROL	Trainings delivered Number and structure of attendees Assessment of the success of training by evaluation forms	

2.2.2. Recommendation: Amend the Criminal Procedure Code where needed and ensure its effective implementation.

STATE OF PLAY

The new Criminal Procedure Code is one of the most important reform projects, which transfers investigation from courts to prosecutor's office. The establishment of the prosecutor's investigation system is the most comprehensive change of the future criminal procedure. The secret surveillance measures have been extended to cover all corruptive criminal offences, the procedure of temporary seizure of pecuniary gain has been introduced, along with the financial investigation for extended confiscation of property where legal origin was not proved in the criminal procedure, and the burden of proof is placed on the defendant.

As concerns the recommendation to amend the Criminal Procedure Code and ensure its efficient implementation, it was originally planned to compile a report on the need for amendments to the CPC which will especially cover the following matters: enforcement of decision on temporary seizure of property, as well as the rights of conscientious third parties in respect of temporary seized property; provisions regulating secret surveillance measures in relation to the subjects imposing them, the scope of SSM, criminal offences for which these are applicable, persons on whose these are applied and their duration; provisions regulating dismissal of criminal charges and control of dismissal; provisions regulating authorisations and acts of the police in the preliminary investigation, whereas particular consideration will be given to a possibility for the police to conduct hearing of the suspect subject to approval of the state prosecutor and without consent of the suspect, length of period of deprivation of liberty conducted by the police, as well as the need for the police to adopt decisions, etc. The adoption of the Law on Amendments to the Criminal procedure Code is planned to take place in 2014.

No.	Measure / Activity	Competent authority	Deadline	Required funds / Source of financing	Indicator of result	Indicator of impact
2.2.2.1	<p>Prepare a report on the need for amendments to the CPC, particularly in the following areas:</p> <ul style="list-style-type: none"> - assignment of <i>ex officio</i> defence council in the order following the list of the Bar Association; - more precise establishment of legally invalid evidence in reference to some of the Articles of the CPC; - the procedure of enforcement of decision of temporary seizure, and the rights of conscientious third parties in respect of temporary seized property; - provisions regulating secret surveillance measures in relation to the subjects imposing them, the scope of SSM, criminal offences for which these are applicable, persons on whose these are applied and their duration; - provisions regulating dismissal of criminal charges and control of the dismissal; -provisions regulating 	Ministry of Justice (Branka Lakočević, Merima Baković)	June 2013	No additional funds needed – standard budget of the Ministry of Justice	Prepared report on the scope of needed amendments to the CPC and adopted decision on the time frame for work on specific amendments to the CPC	<ol style="list-style-type: none"> 1) improved pre-trial investigation phase based on improved ratio between investigations launched and cases brought before court (tool: PRIS) 2) Increase in the value of confiscated criminal assets following convictions for corruption (tool: Report of the Office for seizure of property attained through criminal activity) 3) Increase in the number of high level corruption in cases investigated, prosecuted and trialed (tool: PRIS)

	<p>authorisations and actions of the police in preliminary investigation, whereas particular consideration will be given to a possibility for the police to conduct hearing of the suspect subject to approval of the state prosecutor and without consent of the suspect, length of period of deprivation of liberty conducted by the police, as well as the need for the police to adopt decisions;</p> <ul style="list-style-type: none"> - time limits for decision of the state prosecutor on custody, and to prescribe the time limits for complaint against custody decision, and particularly to consider the need to modify the period of custody for some of the criminal offences (organised crime and corruption); - provisions regarding proposal of evidence in investigation in terms of prescribing the obligation of the state prosecutor to adopt a decision which can be complained against; - provisions governing the 					
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	control of indictment in regards to functional jurisdiction over confirmation of indictment. <i>Note: the same measure is foreseen in the Action Plan for Chapter 24 under Fight Against Organised Crime (measure 6.2.2)</i>					
2.2.2.2	Adopt the Law on Amendments to the Criminal Procedure Code <i>Note: the same measure is foreseen in the Action Plan for Chapter 24 under Fight Against Organised Crime (measure 6.2.3)</i>	Ministry of Justice (Merima Baković) Parliament	March 2015 (adoption by Government) June 2015 (adoption by Parliament)	Budget 97.260 eur Donation 2.700 eur	Working team established Adopted text of the Working version Expert opinion obtained from the experts of the European Commission Criminal Procedure Code amended	
2.2.2.3	Conduct trainings on the amended provisions of CPC of all actors in the criminal proceedings (police, prosecution, courts, customs officers, tax administration, administration for prevention of money laundering and financing terrorism, lawyers)	Judicial training Centre (Maja Milošević) Police Academy (Milica Pajović/Jelena Tomić) Human Resource Authority (Jadranka Đurković)	Continuously in 2015 and 2016	Budget	Conducted training The number and structure of participants Assessment of training success through the evaluation form	

		Bar Association (Tamara Durutović)				
2.2.2.4	Monitor application of the amended provisions of the CPC <i>Note: Same measure is envisaged in the Action Plan for chapter 24 under Fight against organised crime (measure 6.2.3.1).</i>	MJ (Branka Lakočević, Merima Baković)	June 2015	Does not require additional funds – Regular budgetary funds	Plan for the monitoring of implementation of the CPC adopted	Reports on application of the amended provisions of the CPC
2.2.2.5	With a view to a more efficient implementation of the Law on Criminal Procedure, amend the Law on Customs Service with a view to elaboration of authorities for measure-taking during the preliminary investigation	Customs Administration (Goran Milonjić) Government Parliament (Siniša Stanković)	April 2015	No additional funds required – regular budget	Law on amendments of Law on Customs Service adopted	More efficient conducting of the preliminary proceedings

2.2.3. Recommendation: Improve the use of financial investigations, possibly through establishing a team of highly qualified investigators for this purpose.

STATE OF PLAY

Amendments to the Criminal Code, adoption of the new Law on Criminal Procedure, in the period 2009-2011, introduced a series of amendments whereby the system for confiscating pecuniary gain has been improved, and a new institute was introduced – extended seizure of pecuniary gain.

Montenegrin system, in this field, recognizes the following institutes: confiscation of objects, pronounced as a security measure; confiscation of property, extended confiscation of pecuniary gain and temporary seizure of objects, property and pecuniary gain. Also, the novelty was introduced that the competent prosecutor conducts financial investigations with a view to extended confiscation of pecuniary gain. The procedure of extended confiscation of pecuniary gain takes place at three stages: at the first, investigative (preliminary investigation and previous procedure) stage, property and pecuniary gain are established, located and data on the owner are collected. At the second, judicial stage, a decision is adopted on permanent confiscation of such property; while at the third stage, the state becomes entitled to disposing of the confiscated property.

With a view to improving the financial investigation system, a better setting up of a functional link among the bodies that possess the information necessary for conducting financial investigations and the judiciary, employment of a number of professionals-analysts, and exchange of experience at the regional and international levels are required, especially because the proceeds of crime are often located in the territory of several states.

No.	Measure / Activity	Competent authority	Deadline	Required funds /	Indicator of result	Indicator of impact
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				Source of financing		
2.2.3.1	<p>Adopt the Law on Special State Prosecutor's Office, which will provide for formation of a team of professional assistants and accountants, experts in the area of money laundering, banking experts, specialists for taxes and international banking transactions</p> <p><i>Note: the same measure is foreseen in the Action Plan for Chapter 24 under Fight Against Organised Crime (measure 6.2.12)</i></p>	Parliament (Siniša Stanković)	February 2015	Budget	Law on Special State Prosecutor's Office adopted	<p>1. Number of teams formed for complex cases</p> <p>2. Increase the success rate in the conduct of investigations in cases in which a professional team is formed</p>
2.2.3.2	<p>Adopt the Law on Seizure and Confiscation of Proceeds from Crime, which will regulate the procedure of conducting financial investigations and seizure of assets (material and procedural provisions on seizure of assets, provisions for its management, custody and return)</p> <p><i>Note: the same measure is foreseen in the Action Plan</i></p>	<p>Ministry of Justice (Merima Baković)</p> <p>Government Parliament (Siniša Stanković)</p>	<p>June 2015 (adoption by Government)</p> <p>October 2015 (adoption by Parliament)</p>	Budget 97.260 eur Donation 2.700 eur	Special law adopted which will be aligned with the Directive 2014/42	

	<i>for Chapter 24 under Fight Against Organised Crime (measure 6.2.47)</i>					
2.2.3.3	<p>Establish specialised organisational units in line with expert recommendations, within the Criminal Investigation Police through changes in organisation and job description, particularly for the following:</p> <ul style="list-style-type: none"> - Financial investigations; - High-tech crime; - Trafficking in human beings and - Terrorism. <p><i>Note: Link to the measure no. 6.2.16., submeasures 6.2.16.1 and 6.2.16.2 in the Action plan for chapter 24</i></p>	Ministry of Interior – Police Administration (Miloš Vukčević, Saša Milić, Dragan Radonjić)	<p>1. February 2014</p> <p>2. April 2014</p> <p>3. May 2014</p> <p>4. April 2015</p> <p>5. September</p>	Financial assessment is given in the Action Plan for Chapter 24	<p>1. Working group established.</p> <p>2. Assessment of necessary number of officers made.</p> <p>3. Draft Proposal for the Rulebook developed.</p> <p>4. Amendments to the Rulebook on Internal Organisation and Job Description adopted.</p> <p>5. Fulfilling of</p>	Number of initiated investigations.

			2015		working posts.	
2.2.3.4	Strengthening human resources of the economic crime field of work, deployment of new employees to vacancies. <i>Note: Link to the submeasure no. 6.2.16.4 in the Action plan for chapter 24</i>	Ministry of Interior – Police Administration (Dragan Radonjić)	September 2015	Financial assessment is given in the Action Plan for Chapter 24	Realisation through internal relocation of police officers	Number of initiated investigations.
2.2.3.5	Deliver trainings for employees in the special unit of the Police Administration for conducting financial investigations, as well as for state prosecutors and judges. <i>Note: Link to the submeasure no. 6.2.16.5 in the Action plan for chapter 24</i>	Police Academy (Milica Pajović/Jelena Tomić) JTC (Maja Milošević)	May 2014 and continuously	Financial and expert assistance of the EU required Apply for the twinning project	Trainings organized Number of trainings carried out Number and structure of attendees	Inspectors trained for conducting financial investigations Trained prosecutors and judges
2.2.3.6	Exchange of experience at the regional and international levels through organizing expert meetings in the field of	Judicial Training Centre (Maja Milošević) Police Academy (Milica Pajović/Jelena Tomić)	April 2014 - April 2016	Budget IPA 2010 Fight against organized crime and corruption:	Expert meetings organized Conclusions presented	

	fight against corruption with a special overview of financial investigations and data collecting at the international level			strengthening of prosecutorial network OSCE		
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2.2.4. Recommendation: Improve the cooperation and information exchange between authorities involved in the fight against corruption, including also tax and other only indirectly linked authorities.

STATE OF PLAY

Prosecutor, pursuant to the authorities prescribed in the Law on Criminal Procedure, handles the pre-trial procedure by issuing the binding orders to the police administration or, by means of direct managing, directs the work of the police. Also, during the pre-trial procedure, prosecutor needs a lot of information from other state bodies, as well, so the prosecutor collects the necessary notifications from them too, in line with the provisions of the Law on Criminal Procedure. All the state bodies are obliged to provide the requested information, at the request of the prosecutor.

Taking into the account that it is necessary to improve the exchange of information of all the bodies involved in fight against corruption, Montenegro will make an improvement not only by fulfilment of measures prescribed under this objective, but meeting this objective will also be significantly influenced by the fulfilment of objective 1 sub-objective 3 whereby access to the relevant databases will be enabled for the prosecutors, as well as through the fulfilment of a measure prescribing designation of highly-qualified inspectors for conducting financial investigations and their linkage to the Special Prosecutor's Office.

Improvement of cooperation and exchange of information among the bodies involved in the fight against corruption will be achieved also by establishment of a security channel for exchange of information between the Public Prosecutor's Office and other bodies, as well as enabling the Special Prosecutor's Office the access to relevant databases.

Cooperation and exchange of information between the authorities involved in the fight against corruption will be enhanced in a way that others state organs (except for police and prosecutors) will conclude agreements on the exchange of information in order to get a pre trial data necessary for the elucidation of corruption offenses. It is important to note that the Supreme state prosecutors office in the previous period concluded agreements with countries in the region (Serbia, Bosnia and Herzegovina, Croatia, Former Yugoslavian Republic of Macedonia, Albania, Romania and Hungary) to enable direct exchange of evidence and data. Our objective will be reached if other authorities conclude agreements on exchange of information.

No.	Measure / Activity	Competent authority	Deadline	Required funds / Source of financing	Indicator of result	Indicator of impact
2.2.4.1	Sign a Protocol on Cooperation of the Police Administration and Supreme Public Prosecutor's Office,	Supreme Public Prosecutor's Office (Veselin Vučković) Ministry of Interior	April 2014	Regular funds from the budgets of both bodies	Protocol signed	Clearly determined roles of the police and prosecution on the occasion of conducting preliminary investigation related

	whereby cooperation in the pre-trial and criminal procedures will be regulated	(Miloš Vukčević , Maja Raspopović, Hermin Šabotić, Milan Tomić, Radovan Ljumović)				to corruptive and other criminal offences
2.2.4.2	Signing of the agreement between the state bodies of Montenegro on the exchange of information necessary for collecting data in pre-trial and criminal proceedings (Police Administration, State Prosecutor's Office, Tax Administration, Customs Administration, Harbour Master Office, etc.) <i>Note: the same measure is foreseen in the Action Plan for Chapter 24 under Fight Against Organised Crime (measure 6.2.25)</i>	Tax Administration (Rade Simonović) State Prosecutor's Office(Stojanka Radović) Police Administration (Teodora Vojinović) Customs Administration (Goran Milonjić) Harbour Master Office	January 2014 and continuously	No funds required	Agreements concluded	1.) Created possibility for exchange of information between the state bodies 2.) Increased success rate in bringing investigations before courts following increased Number of joint activities
2.2.4.3	Prepare an analysis of the organizational structure, capacities and authorities of state bodies and administration bodies in the fight against organized crime and corruption (same as measure within 2.2.1.1)					
2.2.4.4	Adopt a Plan for implementation of the	Ministry of Interior-Police				

	conclusions from the previous analysis (same as measure within 2.2.1.2)	Administration(Miloš Vukčević, Maja Raspopović, Milan Tomić, Saša Milić,Dragan Radonjić)				
2.2.4.5	Amend the provisions of the Criminal Procedure Code with respect to the part governing authorities and activities of the police during preliminary investigation (same as measure within 2.2.2.2)	MJ (Branka Lakočević, Merima Baković)				

2.2.5. Recommendation: Improve the collection of unified statistics on corruption, distinguishing clearly between different types of criminal activities and allowing for a detailed assessment of length of the cases, outcome etc.

STATE OF PLAY

Strategy establishing the judicial information system was a part of the Judiciary Reform Strategy, but, bearing in mind the complexity of this system, a special Strategy for the Development of the Judicial Information System for the period 2011-2014 with the action plan for implementation of the strategy was drafted. Judicial information system comprises the information systems of the Ministry of Justice, courts, public prosecutors' offices, misdemeanours and Institution for Enforcement of Criminal Sanctions. Objective of the setting up of such a system is, inter alia, a single systematization and classification of data, more efficient provision of information, aimed at a single, quick and accurate data exchange. One of the tasks that the Judicial Information System has to meet is setting up of single system of reporting on the cases of corruption and organized crime. In the forthcoming period, a new action plan will be adopted for the purpose of strategy implementation.

Detailed measures and sub-measures for enhancement of functioning of the PRIS are given in the part 1.4. professionalism, expertise and efficiency of judiciary.

No.	Measure / Activity	Competent authority	Deadline	Required funds / Source of financing	Indicator of result	Indicator of impact
2.2.5.1	Perform the analysis of the possibility for application of the existing judicial	Secretariat of the Judicial Council (Darko Drašković)	December 2013	Regular budgetary funds	Analysis with a special overview of the possibility for setting up	

	information system (PRIS) with respect to the statistical monitoring of criminal offences with elements of corruption from filing of the criminal charges until the adoption of the final judgment				the uniform statistical data on corruption at the level of all bodies, drafted and distinction of various types of criminal offences; Enabled estimate of duration of a procedure and outcome upon the filed criminal charged	
2.2.5.2	Within PRIS provide the possibility of establishing uniform statistical data for monitoring criminal offences with elements of corruption.	Secretariat of the Judicial Council (Darko Drašković) Secretariat of the Prosecutorial Council (Jelena Lučić)	December 2015	IMG project	System for keeping uniform statistics at all levels in the field of corruption, set up: Automated system updating enabled	Semi-annual reporting from the PRIS
	2.2.5.2.1	Establish a system for monitoring corruption cases from criminal charge until indictment	Secretariat of Prosecutorial Council (Jelena Lučić)	November 2015	EuRoL and IMG	System for monitoring corruption cases from criminal charge until indictment established
	2.2.5.2.2	Connecting of the PRIS and the system for	Secretariat of Prosecutorial Council (Jelena Lučić)	December 2015	EuRoL and IMG	Connecting of the PRIS and the system for monitoring corruption cases from criminal

		monitoring corruption cases from criminal charges until indictments				charges until indictments done	
2.2.5.3	Deliver trainings for the persons in charge of keeping, monitoring and reporting on the statistics for the criminal offences with elements of corruption	Department of the Judicial Council is responsible for PRIS (Darko Drašković) Judicial Training Centre (Maja Milošević)	December 2013 and continuously	Regular budgetary funds	Plan of trainings adopted Trainings implemented Number of trainings delivered Number and structure of trainees Assessment of the success of the training by evaluation forms		

2.2.6. Recommendation: The procedures for seizure, confiscation and management of proceeds of crime need to be further regulated and the professional capacity of the relevant State Agency strengthened.

STATE OF PLAY

In relation to recommendation that procedures of seizure, confiscation and management of property gained by criminal offence should be regulated in more detail, it is important to emphasize that via the amendments to the Criminal Code and then adoption of the new Criminal Procedure Code, in the period from 2009 to 2011, several changes were implemented which improved the system for confiscating pecuniary gain, and a new institute was introduced - institute of extended seizure of property.

In this area, Montenegrin system recognizes the following institutes: confiscation of objects, which is pronounced as a security measure; confiscation of property; extended confiscation of pecuniary gain, and temporary seizure of objects, property and pecuniary gain.

Via the amendments in 2009 and 2010, our legislation introduced new institute of extended confiscation of pecuniary gain i.e. confiscation of pecuniary gain from

the accused, his/her legal successor or person to whom gain was transferred and for which it cannot be proved that it is legitimate. The extended confiscation of pecuniary gain can be taken into account only if the accused is found guilty by final and enforceable judgment for one of the criminal offences for which the Criminal Code stipulates the possibility of extended confiscation of pecuniary gain. The Prosecutor can submit this request within the period of one year from the date the judgment has been made final whereby s/he was convicted for one of the criminal offences in respect of which extended confiscation of property gain is possible. The Criminal Code defines offences for which the accused should be found guilty by final judgment, so that the Prosecutor can have a right to propose the extended confiscation of pecuniary gain. These are the following criminal offences: all criminal offences committed within criminal organization, within the meaning of criminal organization defined by Article 401 a of the Criminal Code; criminal offences against humanity and other values guaranteed by international law if they were committed out of greed (terrorism, trafficking in human beings, public call for the commission of terrorist acts, financing of terrorism etc.); criminal offence of money laundering; unauthorized production, possession and release into circulation of narcotic drugs; criminal offences against payment operations and economic activity and criminal offences against official duty, which were committed out of greed, and which carry eight year prison term or a more severe punishment.

U In the forthcoming period, more attention will be paid to improvement of the legislative framework and strengthening the capacity of the Public Property Administration.. Namely, emphasis will be placed on the adoption of a special law governing the issues of confiscation of property. Adoption of this law will take place simultaneously with the amendments to the Law on Criminal Procedure and Law on Public Prosecutor's Office. In the meantime, the capacity of the Public Property Administration will be strengthened while during 2015, an independent body will be established which will be in charge of custody and management of temporarily seized and permanently confiscated property.

Measures referring to the training of police on confiscation of property gain are in the Action plan for the negotiating chapter 24 in part 6.2 Police Cooperation and Organized Crime, as well as in the part of this action plan (chapter 23) in the part related to financial investigations. Strengthening of the capacity of the Special Prosecutor's Office is also described in detail within the recommendation concerning financial investigations.

No.	Measure / Activity	Competent authority	Deadline	Required funds / Source of financing	Indicator of result	Indicator of impact
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2.2.6.1	<p>Within the Analysis of the organizational structure, capacities and authorizations of the state bodies and administration bodies in fight against organized crime and corruption, the procedure for confiscation of pecuniary gain, custody and management over it will be particularly analysed</p> <p><i>Note: refer to the measure 2.2.1.1 in the framework of recommendation 2.2.1</i></p> <p><i>The same measure is foreseen in the Action Plan for Chapter 24 under Fight Against Organised Crime, measure 6.2.46</i></p>	<p>Ministry of interior (Miloš Vukčević, Maja Raspopović, Milan Tomić, Saša Milić, Dragan Radonjić) Ministry of Justice (Merima Baković)</p>	October 2013	<p>No additional funds necessary – regular budget of the both ministries</p> <p>OSCE project expert support</p> <p>IPA 2010 Fight against organized crime and corruption:</p> <p>Strengthening of the prosecutorial network</p>	<p>Analysis made with the overview of the current state in the cases where pecuniary gain was confiscated, further custody and management thereof by the Public Property Administration, obstacles detected and deficiencies in application of this institute and recommendations for improvement</p>	Increased number of cases and higher value of criminal assets confiscated on a yearly basis
2.2.6.2	<p>Adopt the Law on Seizure and Confiscation of Proceeds from Crime, which will regulate the procedure of conducting financial investigations and seizure of assets (material and procedural provisions on seizure of assets, provisions for its management, custody and</p>	<p>Ministry of Justice (Merima Baković) Government Parliament</p>	<p>June 2015 (Government adoption) October 2015 (adoption in Parliament)</p>	<p>Budget 97.260 eur Donation 2.700 eur</p>	<p>Special law adopted which will be aligned with the Directive 2014/42</p>	

	return) <i>Note: the same measure is foreseen in the Action Plan for Chapter 24 under Fight Against Organised Crime, measure 6.2.47</i>					
2.2.6.3	Strengthen administrative capacities of the Public Property Administration through increase in number of jobs for civil servants for management and custody of the temporarily seized or permanently confiscated property, by recruitment of two civil servants <i>Note: the same measure is foreseen in the Action Plan for Chapter 24 under Fight Against Organised Crime (measure 6.2.48)</i>	Public Property Administration (Emir Dacić)	December 2014 March 2015	Budget in the amount of EUR 19.440 per two employee at the annual level	Increased number of jobs for civil servants for management and custody of the temporarily seized and permanently confiscated property	Strengthened administrative capacities of the Public Property Administration for management and custody over the confiscated property
2.2.6.4	Develop internal work procedures of the Public Property Administration <i>Note: the same measure is foreseen in the Action Plan for Chapter 24 under Fight Against Organised Crime (measure 6.2.49)</i>	Public Property Administration (Emir Dacić)	December 2013	Budget of the Public Property Administration 2.700 eur	Developed work procedures, determined criteria for management of various types of property	
2.2.6.5	Establish the electronic Register of confiscated	Public Property Administration (Emir Dacić)	December 2013	Budget of the Public Property	System for keeping records of the confiscated	

	<p>property which will contain:</p> <ul style="list-style-type: none"> – number of the decision; – name of the court, namely, body in charge of conducting the misdemeanour procedure; – type and estimated value of property confiscated and – data on the person from whom property has been confiscated <p><i>Note: the same measure is foreseen in the Action Plan for Chapter 24 under Fight Against Organised Crime (measure 6.2.50)</i></p>	Dacić)		Administration 4.000 eur	property established	
2.2.6.6	<p>Regularly report on custody and management of seized property</p> <p><i>Note: the same measure is foreseen in the Action Plan for Chapter 24 under Fight Against Organised Crime (measure 6.2.51)</i></p>	Public Property Administration Emir Dacić)	2014-2015 semi-annually	Budget of the Public Property Administration 400 EUR	Semi-annual reports of the Public Property Administration prepared and published on the web-site	Number of cases and value of permanently confiscated property
2.2.6.7	Adopt a plan of trainings and deliver trainings for the civil servants of the Public Property	Human Resources Administration (Jadranka Đurković) Public Property	December 2013 and continuously	Budget of the Human Resources Administration	Plan of trainings adopted Number of trainings delivered Number and structure of	

	Administration in the field of custody and management of confiscated property <i>Note: the same measure is foreseen in the Action Plan for Chapter 24 under Fight Against Organised Crime (measure 6.2.52)</i>	Administration (Emir Dacić)		and Public Property Administration 3.000 eur	trainees	
2.2.6.8	Deliver trainings for the civil servants of the Police Administration, public prosecutors and judges on financial investigations, detection and freezing of proceeds acquired by criminal offence, in line with the annual training programme <i>Note: the same measure is foreseen in the Action Plan for Chapter 24 under Fight Against Organised Crime (measure 6.2.53)</i>	Judicial Training Centre (Maja Milošević) Police Academy (Milica Pajović/Jelena Tomić)	January 2014 December 2015	Budget of the Judicial Training Centre and 3.000 eur Police Academy IPA 2010 Fight against organized crime and corruption: Strengthening of the prosecutorial network OSCE project	Number and structure of trainees Number of trainings delivered	
2.2.6.9	Establish an independent body which will be in charge of management and custody of the seized property <i>Note: the same measure is</i>	Ministry of Justice (Branka Lakočević, Merima Baković) and Ministry of Finance (Milanka Otović/Ana Cerović)	January 2016	Budget	Independent body established	

	<i>foreseen in the Action Plan for Chapter 24 under Fight Against Organised Crime (measure 6.2.54)</i>					
2.2.7. Recommendation: Take the necessary steps to make the system of whistle-blower protection more effective in practice.						
STATE OF PLAY						
<p>With respect to the recommendation for strengthening of efficiency of the system for the protection of persons reporting corruption, the Law on Civil Servants and Public Employees (Official Gazette of Montenegro 39/11, 50/11 and 66/2012), providing for the main bases for establishment of a de-politicized and professional public administration, protection of the persons reporting possible cases of corruption is improved and the obligation of adoption of the integrity plans in the public sector is prescribed. Also, the Administration for Anti-Corruption Initiative prepared, and the Ministry of Justice adopted by the end of January, the Guidelines for Development of Integrity Plans.</p> <p>Work on strengthening the system for the protection of persons reporting corruption will be continued by making an analysis into application of the existing legal framework and taking the necessary activities in line with the conclusions of the analysis.</p>						
No.	Measure / Activity	Competent authority	Deadline	Required funds / Source of financing	Indicator of result	Indicator of impact
2.2.7.1	Analyse the existing normative framework and implementation of regulations referring to the protection of persons reporting corruption with the information on: <ul style="list-style-type: none"> - key problems in implementation of the regulations; - number of reporting instances from the private sector; - number of reporting instances from the state 	Police Administration (Dragana Đurišić , Danijela Nedeljković-Vukčević, Radovan Ljumović, Saša Milić) Supreme Public Prosecutor's Office (Đurđina Ivanović), Supreme Court of Montenegro (Radule Kojović/Sanja Kalezić)	September 2013	Budget of the Police Administration Supreme Public Prosecutor's Office Supreme Court of Montenegro Expert support	Make an analysis into implementation of the regulations referring to the protection of persons reporting corruption	Number of persons reporting corruption (whistleblowers) on an annual basis.

	administration; - number of initiated investigations; - number of indictments raised; - number of final judicial decisions; - number of persons who bore consequences due to reporting, including the data on number and type of sanctions pronounced against these persons; - number of sanctioned superiors using the measures of intimidation, restrictions or punishing of civil servants who point out to corruption; - type and extent of sanctions pronounced for the superiors					
2.2.7.2	Ensure legal protection of whistle blowers through amendments to the Criminal Code, whereby protection of whistle blowers will be ensured through incrimination of persons who cancel the labour contract to an employee, who due to the	Ministry of Justice (Branka Lakočević, Merima Baković) Parliament	September 2013	Budget of the Ministry of Justice EUR 39.690	Law Amending the Criminal Code adopted	Legal protection ensured Number of criminal charges Number of dismissed criminal charges Number of persons accused Number of persons convicted

	reasoned doubt that a criminal offence with elements of corruption has been perpetrated, submitted a report or addressed the competent persons or bodies.					
2.2.7.3	Adopt the Law on the Anti-Corruption Agency, in line with the proposed model. The Law will define the following competences of the Agency: coordination, surveillance and monitoring of implementation of the strategic documents for fight against corruption with the accompanying APs, coordination and surveillance of implementation of integrity plans; direct implementation and surveillance of the Law on Lobbying, Law on Prevention of Conflict of Interests and Law on Financing of Political Parties and Election Campaigns, whistleblower protection and initiating	MJ (Branka Lakočević, Merima Baković) in cooperation with the MF (Milanka Otović, Ana Cerović), AACI (Vesna Ratković) and CPCI (dr Slobodan Leković/Maja Karas Bošković) with the participation of the NGO and engagement of an expert through TAIEX	December 2014	Budget EUR 31,770 (working group of 8 persons, effective work for 2 months – draft law 12,960; public debate 3,810; work of the parliamentary committees 15,000 ; TAIEX EUR 2,700 (one expert, five working days)	-Law on Anti-Corruption Agency adopted, in line with the proposed model and the expert opinion of the EC	- Legal framework for operation of the Anti-Corruption Agency established, with the established competences, i functional and financial independence and autonomy of the Agency ensured.

	<p>signing of international agreements and amending regulations with a view to full application of the international anti-corruption standards i.</p> <p>Note: The same measure is envisaged in the part concerning preventive actions against corruption, within the recommendation 2.2.1</p>					
2.2.7.4	Monitor application and adherence to the mechanisms for corruption reporting	Administration for Anti-Corruption Initiative (Grozdana Laković)	June 2015 and continuously	No additional funds required	Semi-annual reports containing: <ul style="list-style-type: none"> - total number of corruption reports; - number of corruption reports by employees - number of reports forwarded to the public prosecutor's offices; - number of indictments raised; - number of final and enforceable convictions; - number and type of pronounced sentences; 	
2.2.7.5	Promote channels for corruption reporting and protection mechanisms, as	Administration for Anti-Corruption Initiative (Grozdana Laković)	Continuously	No additional funds required	Number of informative campaigns	Percentage of citizens' trust in police, public prosecutors' offices and judiciary, as well as

	well as good examples of corruption reporting				Annual public opinion surveys carried out in order to monitor trust of citizens in institutions in charge of fight against corruption Number of surveys carried out;	the Administration for Anti-corruption Initiative
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2.2.8. Recommendation: Review the system of immunities and ensure that effective procedures for lifting of immunities are in place.

With respect to the above recommendation of the European Commission, referring to reassessment of the immunity system and establishment of an efficient procedure for revoking immunity, measures are given in the part of the Action Plan entitled “Strengthening the independence of judiciary” within objective 1.3.: “Liability in judiciary”, measure 1.3.5.

Constitution of Montenegro stipulates that the Member of Parliament of Montenegro shall enjoy immunity, shall not be called to criminal or other account or detained for expressed opinion or vote in the exercise of his or her function as a Member of Parliament. Moreover, no criminal proceeding shall be initiated against a Member of Parliament, nor detention shall be assigned, without approval of the Parliament, unless the Member of Parliament has been caught performing a criminal offence for which the prescribed penalty is more than five years of imprisonment. Beside the Members of Parliament, the President of Montenegro, Prime Minister and cabinet members, President of the Supreme Court, President and judges of Constitutional Court and Supreme Public Prosecutor enjoy the same immunity. Prime Minister and other Ministers enjoy immunity, which means that they cannot be imposed with criminal or other liability or detained for the opinion expressed or for voting within performance of their office. No criminal procedure may be initiated against them, or custody ordered, without the authorization of the Parliament, unless they are caught in performance of the criminal offence for which a punishment in duration exceeding five years of imprisonment is prescribed.

2012-2013 The Parliament has not adopted any decision on granting permission to launch the criminal proceedings against its members. In 2012 the Administrative Committee reviewed two requests and submitted a report with suggestions to the Parliament, and in 2013 (until now) the competent authorities have submitted two requests, which are on the Committee’s agenda of the session, scheduled for 25th June.

2.2.9. Review the procedure for closure of criminal cases and consider possibilities for appeals or complaints

STATE OF PLAY

Law on Criminal Procedure governs the procedure for dismissal of criminal charge, whereby authorization is given to a public prosecutor to dismiss a criminal charge by a reasoned decision, if s/he finds that the reported deed is not a criminal offence or is not an offence prosecuted ex officio, if the statute of limitations ensued or if the offence is covered by an act of mercy or if there are other circumstances excluding prosecution, or if there is no reasoned doubt that a criminal

offence was perpetrated.

After the dismissal of the criminal charge, public prosecutor is obliged to inform the person who submitted the report and the injured party, and to submit him/her the decision on dismissal of the criminal charge. Law on Criminal Procedure provides for a possibility for the injured party to undertake criminal prosecution within a certain period of time, if s/he does not agree with the prosecutor's decision, on which right the public prosecutor is obliged to inform the injured party. The Code does not provide for a possibility for the person who submitted the report not to have a possibility to lodge an objection to the adopted decision on dismissal of criminal charge, which should be considered in the forthcoming period through possible amendments to the corresponding law (Criminal Procedure Code or Law on Public Prosecution), especially with respect to the criminal offences of organized crime and corruption.

It is important to emphasize that the Supreme State Prosecutor's Office performs the control of all the decisions on dismissal of criminal charges once per year, and if it finds that the prosecutor did not make an adequate decision, may place such a decision out of legal effect, and order initiation of a procedure.

No.	Measure / Activity	Competent authority	Deadline	Required funds / Source of financing	Indicator of result	Indicator of impact
2.2.9.1	Improve elaboration and recording of Prosecutorial Decisions by introducing/revising rules on: -Stronger elaboration of 1) prosecutorial decisions on rejecting or accepting criminal reports; 2) prosecutorial decisions on preliminary investigations; 3) prosecutorial decisions on indictment -Documentation of prosecutorial decisions/keeping records	Supreme Public Prosecutor's Office (Petar Kapuci) Ministry of Justice (Merima Baković)	From September until December 2013 June 2015	Regular budgetary funds	Prosecutorial decisions regarding rejecting or accepting criminal complaints and decisions on preliminary investigations are better elaborated and documented/recorded. Law on Amendments to the Criminal Procedure Code, which will improve the system of review of prosecutorial decisions adopted.	
2.2.9.2	Amend Criminal Procedure Code in respect of reassessment of the	Ministry of Justice (Merima	March 2015 (adoption by	Budget 97.260 eur Donation 2.700	Legal possibility created for reassessment of the prosecutor's decision on	Number of initiated procedures for reassessment of the prosecutor's decision on

	decision of the prosecutor on dismissal of criminal charges in all cases.	Baković) Governant Parliament	Government) June 2015 (adoption by Parliament)	eur	dismissal of criminal charge in all cases.	dismissal of criminal charge and their outcome
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III FUNDAMENTAL RIGHTS

(Coordinators for the area of fundamental rights: Maja Maraš, Duška Velimirović and Tatjana Radović, Ministry of Justice)

3.1. Recommendation: Strengthen the capacity of the Ombudsman, in particular in view of his role as national mechanism for the prevention of torture.

CURRENT SITUATION

Under the Constitution of Montenegro, the Ombudsman has been established as an autonomous and independent authority undertaking measures for the protection of human rights and freedoms.

The Law on Montenegrin Ombudsman⁵ stipulates that the Ombudsman shall autonomously and independently, based on the principles of justice and fairness, undertake measures to protect human rights and freedoms when these are violated by an act, action or omission to act by state bodies, state administration bodies, local self-government bodies and local administration bodies, public services and other entities exercising public powers, as well as measures to prevent torture and other forms of inhuman or degrading treatment or punishment and anti-discrimination measures (Article 2 paragraph 2 of the Law). Under this new Law, the Ombudsman has been established as a national mechanism for the protection of persons deprived of liberty from torture and other forms of cruel, inhuman or degrading treatment or punishment (NPM). In addition to competences and powers the Ombudsman had under previous law, the Ombudsman has been also entrusted with the prevention of torture and other forms of inhuman or degrading treatment or punishment in accordance with the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment. In exercising the function of the NPM, the Ombudsman directly cooperates with the UN Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment. The Law on Amendments to the Law on Ombudsperson, passed on 18 July 2014 and come into force early August 2014, has strengthen the independence and professionalism of the Ombudsperson in line with international standards.

The Rulebook on internal organization and job description of the Technical Service of the Ombudsman of Montenegro⁶ (regulates sistematiosation of working posts for the employees working on activities related to the NPM. For these jobs it is planned to recruit five civil servants with higher education (four advisers to the Ombudsman and one independent advisor). With Deputy Ombudsman (who was appointed to this position by the Parliament of

⁵The Law was published in the Official Gazette of Montenegro 42/11, and it applies as of 23 August 2011. The Amendments to the Law were published in the Official Gazette of Montenegro 32/14, while it comes into effect as of 7 August 2014

⁶The Rulebook on internal organization and job description of the Technical Service of the Ombudsman of Montenegro entered into force on 15 May 2012. The Rulebook on Amendments to the Rulebook (aligning the posts of state employees with the Law on civil servants and state employees) entered into force in June 2014.

Montenegro, in this area, in June 2012), the institution of the Ombudsman, for now, is staffed to carry out the tasks of prevention of torture and protection from torture. However, in the future, it is necessary to strengthen the human resources for performing these tasks (with two new employees). In 2013, the total budget for the Ombudsman amounted to EUR 528,924.32, for 2014, it amounts to EUR 526,160.26. For the NPM no specific amount was earmarked in the budget of the Ombudsman so that the activities in this area are funded from the integral budget of the Ombudsman. In 2012, EUR 101,450.96 was allocated for the NPM activities through a special program in the Ombudsman's budget - Prevention of Torture. The Rulebook on internal organization and job description of the Technical Service of the Ombudsman envisages 33 working posts in total of which 22 have been occupied. A plan to strengthen the administrative capacity of the Ombudsman by recruiting the missing officers has been made (in total for all areas 11 working posts: for protection of discrimination 3 officers, for prevention of torture and protection from torture 2 officers, for protection of rights of the child 1 officer, for the protection of human rights within the framework of the protection in general 3 officers and for assistance/ technical work 2 officers) which is expressed through the following measures - 3.1.6, 3.6.1.4 and 3.8.1.8.

Based on powers laid down in the Law on Montenegrin Ombudsman, the Ombudsman has established the Advisory Body of the Montenegrin Ombudsman for the assessment of situation in authorities, organizations and institutions in which persons deprived of liberty and persons whose movement is restricted are held⁷, which comprises experts from the previously established experts list in the fields of penology, psychiatry, psychology, disability studies, forensic medicine and other relevant fields. For each specific activity falling within the scope of tasks of the NPM, the Ombudsman appoints the experts, who, together with the representatives of the Ombudsman inspect and assess the situation in authorities, organizations and institutions in which persons deprived of liberty and persons whose movement is restricted are held and make an assessment report to be submitted to the authority, organization and institution where the visit was conducted, as well as to the authority competent for supervision over the work of such authority, organization or institution. As regards the found cases of torture and other forms of cruel, inhuman or degrading treatment or punishment and other violations, the Ombudsman identifies violations committed in the report and gives opinion and recommendations to the authority, organization or institution in which such violation has been found.

In order to ensure easier access of persons deprived of liberty to the institution of the Ombudsman and to monitor the level of protection of their rights (including the prevention of and protection from torture and other forms of cruel, inhuman or degrading treatment or punishment), in cooperation with OSCE, in early 2012, in the Institution for Enforcement of Criminal Sanctions (in facilities in Podgorica and Bijelo Polje) and in the buildings of institutions in which persons whose movement is restricted are held, the Ombudsman placed Ombudsman's boxes through which these persons can address Ombudsman, if they consider that their rights or freedoms have been or may be violated including torture and other prohibited forms of conduct. Keys to the boxes are kept by the authorized persons of the Ombudsman and complaints are taken once in fifteen days.

Overview of actions taken by the Ombudsman upon individual complaints is given in the annual Work Report of the Ombudsman which is published on the web site of the Institution⁸. The annual Work Report include the general breakdown of the cases processed, the breakdown on areas of responsibilities, the assessment of the state of play in human rights and freedoms in Montenegro, recommendations and measures proposed by the Ombudsperson for

⁷Decision establishing the Advisory Body of the Montenegrin Ombudsman for the assessment of situation in authorities, organisations and institutions in which persons deprived of liberty and persons whose movement is restricted are held was published in the Official Gazette of Montenegro 54/12

⁸The Report can be found on the Ombudsman's website at: <http://ombudsman.co.me/izvjestaji.php>

strengthening human rights and remedying spotted deficiencies. Every Work Report has been discussed by the Parliament of Montenegro. In 2011, the Ombudsman assessed the conditions in police premises used for police custody in the Police Directorate and made a Special Report thereof⁵. Research has been made also of the situation in the field of human rights of mentally ill persons placed in institutions and a Special Report was made thereof as well⁶. Most deficiencies pointed out by the CPT and the Ombudsman were remedied and significant progress has been made. However, it is still necessary to continue to monitor the situation and improve the conditions for the accommodation and treatment of these persons in accordance with the recommendations made.

As regards the visits carried out by the Ombudsman, in September 2012 the Ombudsman made the Information Brief on actions taken by the police upon recommendations made by the Montenegrin Ombudsman in 2011 Special Report⁷. The Report of the Ombudsman on the situation in the Remand Prison in Podgorica was prepared in March 2013. In 2013 (May-December) the Ombudsperson in his/her capacity of NPM conducted 17 controls of remand premises of the Police Directorate.⁹ The Annual Ombudsperson Report in his NPM capacity for 2013 has been made in June 2014.¹⁰

The huge contribution to the promotion of human rights in Montenegro will be also given via the Project "Support to the Office of the Ombudsperson and Constitutional Court of Montenegro in Applying the European Standards in the Area of Human Rights (SOCCER) financed by the European Union and implemented by the Council of Europe.

No.	Measure/Activity	Responsible authority	Deadline	Required funds/Source of financing	Indicator of results	Indicator of impact
3.1.1.	Adoption of the Law on Amendments to the Law on the Protector of Human Rights and freedoms of Montenegro, harmonized with the EU and UN regulations and standards including in relation to the National Preventive Mechanism (NPM).	Ministry of Human and Minority Rights (Blanka Radošević Marović) and Protector of Human Rights and Freedoms of Montenegro (Budimir Šćepanović)	July 2014	Budget of Montenegro/section the Ministry of Human and Minority Rights, regular budgetary funds in the amount of EUR 23,260	Adopted Law on Amendments to the Law on the Protector of Human Rights and Freedoms harmonized with the EU and international standards	The number of solved complaints on an annual basis compared to total number of complaints (track record)
3.1.2.	Amendment of the Rules of	The Ombudsman of	December	The budget of	Rules amended	

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	functioning of the Ombudsman of Montenegro (amendments or new rules depending on the scope of the necessary changes stemming from the amended/new legal competences with respect to implementing the NPM function).	Montenegro (Petar Ivezić)	2014	Montenegro / section Ombudsman, EUR 4,860 (regular budgetary funds)		
3.1.3	Adoption of the Regulation on forming a new body under the Ombudsman of Montenegro for analysing the state in the authorities, organizations and institutions for the retention of persons deprived of liberty or persons whose movement is restricted, in line with the Amendments to the Law and Amendments to the Work Rulebook. Ensuring the election of experts in the team in a transparent procedure – upon the public vacancy call.	The Ombudsman of Montenegro	February 2015	The budget of Montenegro / section Ombudsman EUR 4,860 (regular budgetary funds)	The Regulation adopted A new NPM team established, the experts nominated and tasked with assessing the state of play with the aim of torture prevention.	
3.1.4	Drafting of the Analysis with the register of jurisdictions of the Ombudsman as the NPM with proposals for establishing new organization and job descriptions.	The Ombudsman of Montenegro (Petar Ivezić/Ivan Krkeljić)	June 2014	The budget of Montenegro / section Ombudsman EUR 4,860 (regular budgetary funds)	The Analysis with the register of jurisdictions of the Ombudsman as the NPM drafted, with proposals for establishing new organization and job descriptions. All	

					activities of the NPM listed.	
3.1.5.	Amending of the Rulebook on the Internal Organization and Job Descriptions of the Administrative and Technical Service of the Ombudsman of Montenegro in accordance with the proposals made in the analysis.	The Ombudsman of Montenegro (Zdenka Perović/Ivan Krkeljić)	Mart 2015	The budget of Montenegro / section Ombudsman EUR 4,860 (regular budgetary funds)	The amended (or the new one) Rulebook on the Internal Organization and Job Descriptions and special organisational unit for conducting NPM activities established Internal organization and job descriptions for performing activities of the NPM and protection from torture are adjusted to the amended jurisdictions of the Ombudsman as the NPM.	
3.1.6	Strengthen human resources of the Ombudsperson. Recruit new employees for the job vacancies stipulated by the Rulebook on the Internal Organization and Job Descriptions (11 vacancies):	The Ombudsman of Montenegro (Zdenka Perović)	February 2015	Budget of Montenegro /section Ombudsman, (Approximate increase in the	The number of staff increased by 4 employees in 2015, 4 in 2016 and 3 in 2016.	

	<ul style="list-style-type: none"> - 4 officers (1 for protection from torture, 2 for protection from discrimination and 1 for children rights). - 4 officers, (1 for torture prevention, 1 for human rights protection within the general protection area, 1 for technical work - interpreter) - 3 officers (2 for human rights protection within the general protection area of work and 1 tasked with technical work) <p>-Link of measure relating to the employment in Institution of protector 3.6.1.4 and 3.8.1.8</p>		<p>December 2016</p> <p>December 2017</p>	<p>budget of EUR 48.000 for 4 new employees in 2014, in 2015 approximate increase in the budget of EUR 45,000, approximate increase in the budget of EUR 30,000 in 2016 for three new employees)</p>		
3.1.7	<p>Drafting of the Plan of professional and specialization trainings on prevention of torture and protection from torture</p> <p>-</p>	<p>The Ombudsman of Montenegro (Petar Ivezić)</p> <p>The Ombudsman of Montenegro in cooperation with authorities, organizations and institutions in which people deprived of liberty, or persons whose movement has been restricted</p>	<p>March 2014 (drafting of the Plan)</p>	<p>The budget of Montenegro / section Ombudsman, EUR 4,860 (regular budgetary funds)</p>	<p>Plan of professional and specialization trainings adopted.</p>	

		are placed				
	3.1.7.1	Deliver Trainers training (for employees in the Office of the Ombudsperson tasked with torture prevention and protection, as well as for experts and representatives from NPM team members)	HRMA (Jadranka Đurković)	Jun 2015	Regular budgetary refunds)	Number and type of the trainings delivered; number and structure of attendees
	3.1.7.2	Delivery of training for the employees in bodies, organisations and institutions in which the people deprived of liberty or the people with movements restricted are held (continuously, once in a year at least).	The Ombudsman (Petar Ivezić) (trainers in cooperation with HRMA and Police Academy	July – December 2015 and continuously (Once in a year at least.)	Regular budgetary refunds)	Number and type of the trainings delivered; number and structure of attendees
3.1.8		Drafting of the Plan of campaign for acquainting persons deprived of liberty or other persons whose movement is restricted with their rights and the powers of the Ombudsman regarding prevention and protection from torture.	The Ombudsman of Montenegro (Petar Ivezić)	September 2014	The budget of Montenegro / section Ombudsman, EUR 4,860 (regular budgetary funds)	The Campaign Plan adopted on informing persons deprived of liberty and other persons with restricted freedom of movements with their rights and the duties of the Ombudsperson in preventing and protecting from torture.

	3.1.8.1	In line with the endorsed plan deliver the campaigns for informing persons deprived of liberty and with freedom of movements restricted on their rights and the duties of Ombudsperson in protection from and prevention of torture (meetings with the people deprived of liberty, round tables, informative leaflets and booklets distribution).	The Ombudsperson (Petar Ivezić) and bodies and institutions for people deprived of liberty or with restricted freedom of movement	At least once a year - December	Budget of Montenegro /section Ombudsperson , 6,000 € (regular budgetary funds)	Number and type of the activities delivered;	
3.1.9	Drafting of the four year Plan of visits to authorities, organizations and institutions for the retention of persons deprived of liberty or persons whose movement is restricted - The Plan includes the names of authorities of organizations and institutions for the retention of persons deprived of liberty, and persons whose movement is restricted, time of the visit, the team and the participants, time frames, specific activities, the necessary funds,		The Ombudsman of Montenegro (Petar Ivezić)	December 2013	The budget of Montenegro / section Ombudsman, EUR 4,860 (regular budgetary funds)	The four year Plan of visits to authorities, organizations and institutions for the retention of persons deprived of liberty or persons whose movement is restricted is adopted – enlisted bodies,	

	etc. (to be specified for each year individually)					organisations visited and framework deadlines (included for each year separately)	
	3.1.9.1	Make the Annual plan of visits and implement it	Ombudsperson (Petar Ivezić)	December 2014 December 2015 December 2016	The budget of Montenegro / section Ombudsman, EUR 4,860 (regular budgetary funds)	The annual visits plan made (detailed overview of bodies and organisations and institutions to be visited and time slots for visits)	The Report/s on visit/s paid made and published comprising: - Activities overview - State of play assessment - Opinion given - And recommendations made
3.1.10	Innovate the methodology for procedure of the NPM during visits to authorities, organizations and institutions for the retention of persons deprived of liberty or persons whose movement is restricted		The Ombudsman of Montenegro(Petar Ivezić)	December 2013	The budget of Montenegro / section Ombudsman, EUR 4,860 (regular budgetary funds)	Adopted innovated methodology for procedure of the NPM with regard to the characteristics according to types of authorities, organizations and institutions being visited.	
3.1.11	Drafting of the Report on the Prevention of Torture (offprint of the NPM, included in the annual report or a separate)		The Ombudsman of Montenegro (Petar Ivezić)	March 2014 March 2015 and continuously	The budget of Montenegro / section Ombudsman, EUR 5,600	Special Report (or offprint of the Annual Plan) of Ombudsman as the NPM on the	The number of complaints extended to the Ombudsperson on the cases of torture annually-

				(regular budgetary funds)	prevention of torture drafted and submitted to the Parliament of Montenegro, with the overview of the state of play, evaluations, conclusions and recommendations. Reports published on the Ombudsman's website	The number of complaints resolved annually.
3.1.12	Apply for obtaining the accreditation by the International Coordination Committee (ICC) – status assessment	The Ombudsman of Montenegro (Zdenka Perović/Ivan Krkeljić)	March 2015	Approximately EUR 10,000 annually. The budget of Montenegro/ Ombudsman	Application filled	Received accreditation; Received mark of status.

3.2 Recommendation: Introduce an effective legal remedy in line with Article 13 ECHR to redress violations of human rights under the convention.

In Article 20 of the Constitution of Montenegro everyone is guaranteed the right to legal remedy (Article 13 of the European Convention on Human Rights and Fundamental Freedoms) against a decision determining his right or interest based on law.

The right to legal remedy is an important element of protection of human rights and freedoms. By exercising this right, it is possible to eliminate violations of the law or possible abuses by State authorities when deciding on citizens' rights and freedoms contributing thereby to greater legal certainty and confidence in the actions of public authorities.

All procedural laws in Montenegro ensure the right to an effective legal remedy through ordinary and extraordinary legal remedies, which means that in case of violation of human rights protection can be sought in civil, criminal and administrative proceedings.

Specific legal remedy for the protection of human rights in Montenegro is a constitutional complaint on which the Constitutional Court shall render a decision. Constitutional complaints may be lodged by anyone who believes that his human right and freedom guaranteed by the Constitution was violated by an individual act of state authority, local self-government authority or legal person vested with public powers. Constitutional complaint may be lodged

after all effective legal remedies have been exhausted. Moreover, the Protector of human rights and freedoms may, concerning complaint he has in work, lodge constitutional complaint if the complainant agrees with that.

When the Constitutional Court establishes that a challenged individual act violated a human right or freedom guaranteed by the Constitution, it shall grant the constitutional complaint and repeal that act, entirely or partially, and remand the case for repeat procedure to the authority which enacted the repealed act. When enacting the new act, the competent authority shall be obliged to observe legal reasons of the Constitutional Court expressed in the decision and to make the decision in repeat procedure within a reasonable time. Since effective legal remedy does not only mean the possibility of lodging a legal remedy against a decision of the right or interest determined by law, but also the possibility of the parties to exercise the right to trial within a reasonable time, which is guaranteed by Art. 6 paragraph 1 of the Convention, the Montenegrin legal system introduced legal remedies for the protection of trial within a reasonable time. Namely, the Law on protection of the right to trial within a reasonable time provided for the two legal means for protection: request to expedite proceedings (supervisory appeal) and an action for fair redress. The parties have the right to this type of judicial protection in civil, criminal and administrative proceedings, if the procedures are related to the protection of their rights under the European Convention for the Protection of Human Rights and Fundamental Freedoms. The duration of a reasonable time limit shall be determined in accordance with the practice of the European Court of Human Rights. Moreover, the criteria for deciding on legal remedies were taken from the practice of the European Court, so that the reasonableness of duration of the process is determined considering the complexity of the case in the factual and legal terms, conduct of the complainant, conduct of the court and other state bodies, local government bodies, public services and other holders of public authority and the interest of the complainant.

The party may file the supervisory appeal if he/she believes that the court unduly delays the proceeding and decision in the case and he/she files the supervisory appeal with the court in which the trial is underway. The president of the court decides on the supervisory appeal. When the president of the court determines that the proceeding and decision in the case are being unduly delayed, he/she will determine by the decision a deadline for taking certain procedural actions, which may not be longer than four months, as well as an appropriate time limit within which the judge must notify him/her about the taken actions. President of the Court may order the priority resolution of cases where the circumstances of the case or urgent nature of the case so requires. If the judge does not take measures determined by the decision on the supervisory appeal, as in other cases of non-compliance with the Law, the president may seize the assigned case in accordance with a separate law.

If the president of the court rejects or refuses the supervisory appeal or fails to render a decision, i.e. notification to the party within reasonable time, the applicant may lodge an appeal before the immediately higher instance court.

Other legal remedy available to the party is an action for fair redress, which may be filed by the party who has previously filed the request for expedited proceeding or by the party who objectively has not been able to file such request.

Fair redress for violation of the right to trial within a reasonable time may be achieved by:

- 1) payment of compensation for damage caused due to violations of the right to trial within a reasonable time and/or
- 2) publication of the judgment that the party has been violated the right to trial within a reasonable time.

The lawsuit is filed with the Supreme Court which decides in a panel of three judges, and is obliged to render a decision at the latest within four months from the day of receipt of the lawsuit. If the Supreme Court finds that there has been a violation of the right to trial within a reasonable time, it may upon

request of the party, in addition to monetary compensation, order with a decision publication of the judgment. Judgment must be publicly available on the website for a period of two months, after which it is archived or deleted at the request of a party within 15 days of receipt of the request.

Amendments to the Constitution as of 2013 provide for significant novelties when it comes to the election of judges of the Constitutional Court to be elected by the Parliament by 2/3 majority; two of them to be elected upon the proposal of the President of Montenegro, and five upon the proposal of the line working body of the Parliament. The president is to be elected by the judges of the Constitutional Court. In line with the amendments in December, the judges of the Constitutional Court have been elected. The new Law on the Constitutional Court is under the governmental procedure for the time being and it aims at improving the constitutional court work efficiency particularly in terms of acting upon the constitutional complaints and in the procedures of assessing the constitutionality and legality of legislation. The law provides for more precise definition of the constitutional complaints ground that has been, under this law, extended as to include the failure of the line agencies to act and by doing so make the violation of the human rights and freedoms possible; it provides for more precise definition of what shall be considered the effective legal remedy.

No.	Measure/Activity	Responsible authority	Deadline	Required funds/ Source of financing	Indicator of result	Indicator of impact
3.2.1	Conduct training for judges of ordinary courts on the effects and practice of the Constitutional Court's decision upon a constitutional complaint/appeal	Judicial Training Centre (Maja Milošević)	January – December 2014 January- December 2015 January – December 2016	Regular budgetary funds of the JTC 2,000 EUR Donation needed in the amount of 2,000 EUR	Number and type of training implemented Number and composition of participants	
3.2.2.	Conduct training for judges and advisors of the ordinary courts and the Constitutional Court on using the search practices of the European Court of Human Rights – HUDOC and relevant judgements of this Court	Constitutional Court (Dragica Davidović)	January – December 2014 January – December 2015 January – December 2016	with reference to measure 3.2.1	Number and type of training implemented Number and composition of participants	
3.2.3	Monitor the implementation of the Law on the Protection of the right to trial within a reasonable time	Ministry of Justice (Branka)	January – December 2014 January – December 2015 January – December 2016	Regular budgetary funds – 810	The number of requests for	The percentage

		Lakočević, Tijana Badnjar)		EUR per year	accelerating procedure in comparison with data in the previous period The number of the claims for just satisfaction in comparison with the data in the previous period	of cases pending before the courts for three or more years
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3.3. Recommendation: Fully implement the recommendations provided by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT). Improve prison conditions; measures to reduce the prison population, in particular alternative sanctions and conditioned sentencing could be further explored.

CURRENT SITUATION

The Prison system

The system of enforcement of criminal sanctions is regulated by the Law on Enforcement of Criminal Sanctions, as a systemic law in this area, and secondary legislation which elaborates in more detail the rights and obligations of the persons enforcing criminal sanctions. Apart from these, the field of criminal sanctions is also regulated by the Criminal Code and the Criminal Procedure Code. The Law on Enforcement of Criminal Sanctions has not complied fully with the international documents and standards in this field for some time, and as regards practical application it exhibits certain discrepancies and insufficient flexibility. For the mentioned reasons, it has been found that new legal solutions are necessary which will regulate this field more comprehensively, incorporate international standards and enable better implementation in practice. Since January 2013, through the IPA Twinning Project "Support to the Reform of the System of Execution of Criminal Sanctions," Lasting until July 2013 in partnership with the FR of Germany and the Kingdom of the Netherlands it has been delivered three components aiming at establishing the legislative framework, improvement of the management in prisons and strengthening the alternative sanctions and establishing the Probation Division.

In line with requirements arising from the need to set up effective institutional framework, in accordance with the Rulebook on Internal Organization and Job Descriptions of the Ministry of Justice of 18 February 2012, the Probation Division was established and staffed with new employees,

The Ministry of Justice provided the new premises for the Probation Division equipped in line with the international standards. The officers of the Division together with the officers from the Institute for Enforcement of Criminal Sanctions have been delivered 8 trainings and given the internationally recognized certificates for working in this very field. Within the component of improvement of the managerial system in prisons, it has been organised 39 missions (trainings) delivered to security and offenders treatment officers in the Institute.

Aiming at the strengthening of alternative sanctions and measures, the Law on enforcement of conditional sentence and community sentence has been adopted on 16 July 2014 (Official Gazette 32/14). With the view of further strengthening the Probation Division, the new project "Matra CoPROL Project

has been launched under the name “The support to the Probation Division and the system of alternative sanctions in Montenegro” that will last 1 January 2014 to 31 December 2015. The Project has been implemented in partnership with the Ministry of Foreign Affairs of the Kingdom of the Netherlands, Helsinki Committee of the Netherlands and the Centre for International Legal Cooperation.

In the first half of 2013, the detention facilities and prison for short sentences were renovated. By doing so, the Detention facilities accommodation capacity in 2013 have been expanded for 60-70 persons. There have been renovated 44 rooms, 7 bathrooms for detainees in the ground floor, the first, second and third floors, health care facility and first aid station on the second floor, a room for placement of juvenile offenders, a room for persons with disability with the bathroom and restroom in line with the European standards; as well as the office for the chief of the advance guards and the premises for officers on the ground floor, I and II floors. Especially, sanitary facilities were renovated and electrical power supply and water supply system improved, with the cost of construction works amounting to EUR 300,000.00 (capital budget). The semi-open prison unit in Bijelo Polje has been renovated, with the cost of works amounting to EUR 100,000.00. In line with the government’s conclusion dated 4 September 2014, there will be allocated 350,000 EUR for adaptation and construction of the prison kitchen (measure 3.3.20).

With a view to improving the criminal sanctions enforcement system, within the framework of IPA 2014, the Ministry of Justice has defined in the Action plan “Support to the antidiscrimination and gender equality policies” the component aiming at improving the protection of the people deprived of liberty in line with the Council of Europe and United Nations standards. These activities refer to the technical assistance in assessing the present facility capacities of in the prisons sector, support in the designing the models of standardization of the present capacities (including the security issues), strengthening the capacities and delivery of trainings of NPM in the area of coordination, monitoring and applying international standards when it comes to prevention of torture and conducting the awareness raising campaigns in the area of Council of Europe human rights standards. It is expected that the assessment of capacities of the facilities in prisons and further development of the application of standards will contribute to the efficient modernization of the prisons system.

The cooperation has been established with the Office of UNICEF in Montenegro, with whose support the conditions for the execution of juvenile imprisonment will be significantly improved.

Implementation of alternative sanctions and measures will significantly contribute to reducing the prison population, which will, in addition to the construction, reconstruction and expansion of prison accommodation facilities, contribute to having a minimum 4m² of space available to each inmate who is in prison.

In accordance with Recommendation R (2000), paragraph 15, which refers to the importance and role of the media regarding the execution of alternative sanctions, recognizing the importance of this issue, Montenegro prepared the media strategy aiming at better and more efficient implementation of alternative sanctions.

Implementation of the CPT recommendation from 2008 related to the Police Directorate

The Police Directorate has, within its competencies in the period from 2008 - 2013, intensified activities and has taken a number of measures to implement the recommendations of the CPT Report - <http://www.cpt.coe.int/documents/mne/2010-03-inf-eng.pdf>. A great number of shortcomings in the treatment of detainees, which the Committee had pointed out, have been removed. In particular, hygienic and technical conditions of the premises for detention of

persons deprived of liberty have been improved. The premises were renovated in most regional and branch offices, in accordance with CPT standards and recommendations. Starting from conditions described in the CPT report, a serious improvement has been made in relation to: providing the required number of premises for retention according to the prescribed standards; surface and equipment; lighting of the premises; hygiene; ventilation, heating and cooling; equipment of toilet facilities and full access to the drinking water; establishing communication with detainees; coverage of video surveillance system; coverage of the electric closets, vehicles equipment; removal of opportunities for torture and inhuman treatment; keeping prescribed records and number of people trained and in charge for performing the activities of retention.

The Ministry of Interior has prepared the Information on the fulfilment of the CPT's recommendations which stated that all the regional offices in: Podgorica, Niksic, Budva, Bar, Herceg Novi, Bijelo Polje, Berane and Pljevlja, as well as in branch offices in Ulcinj, Kotor, Tivat, Cetinje, Danilovgrad, Kolasin, Mojkovac, Andrijevica, Plav, Rozaje, Zabljak, Pluzine and Savnik, in all areas for retention, to the extent possible, have provided: access to drinking water, daylight by setting the so-called "anti-vandal" glass - windows, ventilation system and blowing hot and cold air (except Savnik and Zabljak), wooden chairs, toilets, either in the premises for retention or as an annex to the premises. Each detainee has been given the so-called "Information Sheet for detainee", whose admission is confirmed by all detained persons by personal signature. The Information sheet was published in several languages, and within it are the rights of detained persons.

The Ministry of Interior has also prepared the Action plan for implementation of recommendations and elimination of irregularities detected during the visit of the CPT in the 2013, as follows:

- that all available capacities of the control and supervisory authorities of the Ministry of Interior - the Police Administration are put in function for monitoring whether the legislation is applied by all employees of the Ministry, and that, in case of violation of norms, tough measures are taken, which will result in respect of human rights when it comes to this area;
- that managers of relevant organizational units take the necessary measures to urgently improve all of the conditions in detention premises, in accordance with the recommendations of the Preliminary report of CPT;
- that the competent services of the Ministry of Interior proceed with the proposed investment in "Project facilities for detention of detainees", which in a very precise way examines the current situation and provides appropriate guidance and sets priorities for future investments required, thus this issue is fully brought to the proper level;
- by signing the Memorandum on monitoring facilities for detention of detainees between the Ministry of Interior, SSP and one or more NGOs, by which it will be able to monitor the detention rooms, inspect the documentation of retention and verify if the process was conducted in accordance with the norms of national and international law.

Reform process of social welfare and child care

In accordance with the planned reform process of social welfare and child care, in accordance with EU and UN standards, "Transformation of the PI Komanski most" is set as a priority task of the project in the field of social welfare and child care. This transformation plan is developed to support the institutional, structural and organizational transformation of the institution "Komanski most". The plan focuses on the prevention of further reception of beneficiaries and gradual deinstitutionalization of the current residents, through the development of independent living skills and adequate alternative services within the family and community, and is based on the principles and attitudes of the UN Convention on the Rights of Persons with Disabilities.

Bearing in mind the fact that establishing new services is a time consuming process, activities were undertaken in the Public Institution "Komanski Most" to separate children from the adults. The refurbishment and equipping of the space for children within the Institution area has been completed. The refurbished space includes bedrooms, living room, dining room with mini kitchen, bathrooms and mini laundry room. The space is adapted to the needs of children. Within the children ward, there is a separately enclosed park for children with adequate equipment. Thus, the children are completely separated from the adults which certainly does not imply their isolation from the external environment, as through the system of special education these children are being integrated into the community. Educators and carers work with children and in working with them they apply a method of intensive interaction in which they were specially trained by UNICEF experts. The work with children includes also a physiotherapist, psychologist and speech therapist who work individually with every child. Individual plans for children, which are revised every three months, have been prepared in "Komanski most" in cooperation with the Ministry of Labour and Social Welfare, social work centres and experts engaged by UNICEF.

In the Public Institution "Komanski most", wards for accommodation of men were refurbished, Ward A, as well as Ward B for women, and their facilities have been fully adapted to the needs of beneficiaries. Conditions have been created for positive therapeutic environment, protection of privacy, whereby their living conditions and quality of life were largely improved. Equipping of sensor room in Ward A, equipping of isolation room in Ward B and equipping of room for physical rehabilitation was also completed.

Apart from refurbishment of the wards for accommodation of beneficiaries, dining room, kitchen and storage room have also been refurbished. Apart from these, a well has been drilled and irrigation system laid out. Central heating boiler-room was constructed, and installation of central heating is under preparation, for which project documentation was completed. Public lighting was installed within the area of the Institution and around the Institution, including video surveillance.

Conditions in the Institution regarding personal hygiene of beneficiaries and rooms in which they live have been improved. Necessary hygiene materials and cosmetic products are regularly supplied and used for personal hygiene. In both wards, there are machines for washing and drying laundry. Professional products are used daily for maintaining the hygiene in the institution, while a special service providing the services of disinfection, desinsection and deratisation of the premises is engaged every six months.

Health supervision and hygiene treatment of the beneficiaries is provided continuously for 24 hours, and accordingly the nurses and carers work in shifts. Primary health protection is focused on implementing hygiene, dietetic and medication treatment. With the view to providing comprehensive health protection, the Institution engages professional associates such as: general practitioner, neuropsychiatrist, dentist, gynaecologist, twice a week and when necessary, and a physiatrist once a week and when necessary.

Full check-up examinations of all beneficiaries are performed each year, which include laboratory tests, RTG and internist examination. In late 2011, a gynaecological clinic started to work. The hired dentist provides regular dentist services. Physical therapy is an important segment of medical therapy for improvement of health of persons with severe disabilities. Therefore, equipping room for physiotherapy in the Institution led to significant improvement in physical health of the beneficiaries, and also in their psychomotor stability. Physiotherapist applies one of the forms of physical therapy which is prescribed by the physiatrist.

In the Institution, there is a Protocol on how to proceed in cases of extreme anxiousness and aggressiveness of the beneficiaries, but fixation or physical restraining of beneficiaries has not been applied since April 2010.

One of regular activities of social work centres is to encourage parents-guardians and families to maintain contact with the beneficiaries, which is regularly reported on at the meetings in the Institution. In the same way, the Institution makes efforts to create conditions for as many such visits by relatives as possible by covering their travel expenses.

In order to achieve the highest possible quality of care for the beneficiaries, increasing the number of staff remains a priority. Education of staff of Public Institution "Komanski Most" is one of the main activities, which is being continuously implemented within the planned reform of the Institution. Professional staff visited several similar institutions in the region, in order to exchange experience and gain new knowledge, and a study visit to Finland was also organized. Furthermore, within the Project of Transformation of Public Institution "Komanski most" expert consultants are regularly engaged with the assistance of international organizations, and they provide a large number of training in the field of human rights, and also in the field of specific expert methods and procedures related to persons with intellectual disabilities.

At the moment, the Ministry of Labour and Social Welfare performs expert supervision over the work of the Institution, involving entire work of the institution, focusing in particular on professional work, which is also implemented through monthly meetings with the representatives of all social work centres. Apart from the Ministry of Work and Social Welfare and the CPT, the work of Komanski most is also regularly supervised by the Ombudsman, as well as the Monitoring Team of several NGOs, led by the Action for Human Rights. The assessment of progress in current situation has been noted, in raising the quality of care for and relationship towards the beneficiaries of services of the Institution, which has been implemented in the previous period in line with the available financial resources of the State and new personnel solutions. In order to achieve an even higher level of control of personnel of the Institution, boxes were placed by the Ombudsman for complaints by the beneficiaries and their guardians and parents.

Law on the Protection of Rights of Mentally Ill Persons (Official Gazette of the Republic of Montenegro 32/05) has been harmonized with the European Charter and recommendations of the World Health Organization and recognized contemporary standards in treatment and therapy for mentally ill persons. Continuous process of improving the protection of rights of these persons resulted in drafting the Proposal for a Law Amending the Law on the Protection of Rights of Mentally Ill Persons which is currently undergoing the parliamentary procedure of adoption. The proposed law improves the protection of the rights of these persons, of which the most important one is the prohibition of surgical treatment of mental illnesses, prohibition of biomedical research, time limitation of measure of physical isolation. The proposed law included the recommendations of the European Committee for the Prevention of Torture, Inhuman or Degrading Treatment or Punishment.

The living conditions in Dobrota Special Hospital were also significantly improved, inter alia, through implementation of a twinning project, in the effort to comply with contemporary standards in medical treatment of the mentally ill persons and recommendations of the EU Committee in the circumstances of limited resources. However, the problem which has persisted for many years is the inability to dislocate court division from the Hospital, as there is no prison hospital within the Institution for Enforcement of Criminal Sanctions. This is exhausting financial resources of the Hospital which funds guards for the convicts from its own resources. The Hospital has no capacity for adequate accommodation of such persons. Therefore, the implementation of the project of constructing a prison hospital is of utmost importance for the implementation of legislative solutions and contemporary standards in the protection of rights of mentally ill persons. Improving conditions requires multi-departmental approach for the category of social cases who have nowhere to go and remain in the Hospital, and who do not require further treatment. Therefore, the Action Plan identifies multi-departmental activities whose implementation will enable improvement of conditions of medical treatment and living conditions of mentally ill persons, having effect also on public

awareness in order to reduce stigma.						
No.	Measure/Activity	Responsible authority	Deadline	Required funds/ Source of financing	Indicator of result	Indicator of impact
MONITORING THE CPT RECOMMENDATIONS FOR 2008 and 2013						
3.3.1	<p>Adopt the Law on the Enforcement of Prison Sentences, fine and security measures;</p> <ul style="list-style-type: none"> - Greater degree of incorporation of provisions of the European Prison in part related to improvement of the system of visits, introduction of a new form of protecting the rights of prisoners through multi-degree decision-making in administrative proceedings and administrative disputes and introduction of new measures of protective supervision of conditionally released prisoners; - New concept of for the probation release; - visits of extramarital partners to prisoners. <p>Recommendation from the CPT report for 2008.</p>	Ministry of Justice (Slavica Rabrenović, Miljan Vlaović)	March 2015	<p>Budget, IPA 2011 Twinning Project MN 11 IB JH 01 "Support to the Penitentiary Reform in Montenegro";</p> <p>Budget of the EC: EUR 700,000,</p> <p>Co-financing: (total) EUR 45,000, EUR 4,359 for this component;</p> <p>Component for improving the legislative framework EUR 67,808.00</p>	Law on the Enforcement of Prison Sentences adopted;	CPT recommendation fulfilled.
3.3.2	Drafting a plan and program for the training of officers of the Institution for Enforcement of Criminal Sanctions in the area of application of the Law on	Ministry of Justice (Slavica Rabrenović, Miljan Vlaović) and	December 2013 January – December 2014	Budget; IPA 2011 Twinning Project MN 11 IB JH 01 "Support to the	Program for the training-drafted, Plan of	CPT recommendation fulfilled.

	<p>Enforcement of Prison Sentences</p> <ul style="list-style-type: none"> - Prepared analysis of the situation and the need for further training in some segments of the Law; - Provided statistics on current professional qualifications of employees in the Institution for Enforcement of Criminal Sanctions, for the purpose of developing a training program. <p>Implementation of the training program.</p> <p>Recommendation from the CPT report for 2008.</p>	Institution for the Enforcement of Criminal Sanctions - Centre for the staff of the organization		<p>Penitentiary Reform in Montenegro", Budget of the EC: EUR 700,000</p> <p>Co-financing: in total EUR 45,000, EUR 8,457 for this Component;</p> <p>Total project value – EUR 700,000.00</p> <p>Component for improving the prison management and introducing good practice – EUR 131,558.00</p>	training of officers of the Institution for Enforcement of Criminal Sanctions in the area of application of the Law on Enforcement of Prison Sentences - implemented.	
3.3.2.1	<p>Deliver trainings to the servants employed with the Institute for Criminal Sanctions</p> <p>Enforcement on the implementation of the Law on enforcement of imprisonment, fine and security measure</p>	<p>Ministry of Justice (Slavica Rabrenović and Miljan Vlaović) and the Institute for Criminal Sanctions</p> <p>Centre for Human Resources trainings</p>	<p>June –December 2015</p> <p>January – June 2016</p>	TAIEX 2015 and 2016	<p>Number and type of trainings delivered.</p> <p>Number and composition of attendees.</p>	
3.3.3	<p>Drafting the plan of education, vocational training and working treatment of convicts and juveniles who are serving a prison sentence based on:</p>	<p>Ministry of Justice (Slavica Rabrenović, Miljan Vlaović),</p> <p>Institution for the</p>	<p>December 2013</p> <p>January – December 2014</p> <p>and continuously</p>	<p>Budget EUR 4,450</p> <p>(working group consisting of five members, effective work of 1 month)</p>	<p>Plan - elaborated and carried out,</p> <p>Statistical data</p>	<p>CPT recommendation fulfilled.</p>

	<ul style="list-style-type: none"> - Analysis of the current situation and need for working treatment of convicts; - Analysis of the current situation and need for elementary and secondary education and vocational training of convicts. - Analysis of the current situation and program of literacy training for convicts where this need was identified. <p>Implementation of trainings according to the designed program.</p> <p>Recommendation from the CPT report for 2008.</p>	Enforcement of Criminal Sanctions, Ministry of Education (Mubera Kurpejović)			<p>on the number of convicted persons and juveniles who are serving a prison sentence who acquired vocational qualifications;</p> <p>Enlarged number of books in the prison library;</p> <p>Report of the Institution for Enforcement of Criminal Sanctions on the benefits accomplished through the working treatment of the convicted persons;</p> <p>Conducted surveys among the prison population of</p>	
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					the need for literacy training. Obtained certificates/diplomas on the acquired elementary and secondary education as well as on the acquired degree of vocational education.	
3.3.4	<p>Construction of the Prison of Bijelo Polje.</p> <p>Moreover, with the construction several more recommendations are being implemented, as explained in the introductory section.</p> <p>Note: We had one round of negotiations with the Council of Europe Development Bank. The technical mission on elaboration of the feasibility study is to follow by the end of the year, in order to define the scope and cost of this investment.</p> <p>Recommendation from the CPT report</p>	Ministry of Justice (Slavica Rabrenović, Miljan Vlaović)	NOTE: Only when the feasibility study is prepared can we provide the dynamics of Bijelo Polje prison construction	Approximate cost estimates ~ EUR 5,950,000 Land (plot) provided by the Municipality of Bijelo Polje; Additional funding required potentially through a loan from the Development Bank of the Council of Europe	Constructed Prison of Bijelo Polje; The standard of minimum space conditions the sentenced person should enjoy per square meter applied	CPT recommendation fulfilled.

	for 2008.					
3.3.4.1	Feasibility Study delivery		Note: The Council of Europe expert will pay a visit to MNE for reconsidering the issue of the feasibility study		The feasibility study delivered	
3.3.4.2	Project documentation preparation and works permit obtaining				Project documentation prepared and works permit obtained	
3.3.4.3	Begin the prison in Bijelo Polje construction				The construction works started	
3.3.5	Strengthen the capacity of health services at the Institution for Enforcement of Criminal Sanctions by employing the remaining medical personnel, as follows: 1 doctor - psychiatrist 3 medical technicians. Recommendation from the CPT report for 2008.	Ministry of Justice (Slavica Rabrenović, Miljan Vlaović), Institution for Enforcement of Criminal Sanctions	Fourth quarter of 2015	Additional budgetary funding required in 2014 for 3 new employees. Note: in 2013 the annual budget costs for one employee amounted to EUR 6,144.00	Employment status regulated for 1 doctor - psychiatrist. 3 new medical technicians employed.	CPT recommendations 3 and 4 from report for 2008 fulfilled
3.3.6	Conduct initial and thematic training for all police officers on the prohibition of torture during arrest, detention and subsequent police investigation in order to ensure "zero tolerance of	Police Academy (Milica Pajović/Jelena Tomić)	January-December 2014 and continuously	Regular budgetary funds provided	Number and type of trainings carried out Number and	CPT Recommendation fulfilled.

	abuse." Recommendation of the CPT Report for 2008 year.				composition of participants.	
3.3.7	Conduct investigations on appeals for exceeding police powers and unlawful use of force by the police recommendation of the CPT for 2008.	Police Directorate and Ministry of Internal Affairs (Drago Spičanović , Milan Adžić)	January 2014 January 2015 January 2016	Regular budgetary funds provided	Prepared and published annual report containing; - number of investigations conducted upon the citizens complaints and ex officio - number of complaints from citizens concerning exceeding police powers and unlawful use of force by the police against the police officers; - the number of disciplinary actions; - the number and types of disciplinary	CPT recommendation fulfilled

					sanctions; The ratio between the number of police officers sanctioned and number of complaints lodged	
3.3.8	Adopt Instruction on medical examination at the Institution for Execution of Criminal Sanctions. Recommendation from the CPT report for 2008 in relation with urgent CPT recommendation from 2013.	Ministry of Justice (Slavica Rabrenović, Miljan Vlaović); Institution for Enforcement of Criminal Sanctions	June 2013	Budget, EUR 810.00	Instruction on medical examination already adopted.	CPT recommendation fulfilled.
3.3.9	Refurbishing of Ward A in the Correctional facility for long sentences in the Institution for the Enforcement of Criminal Sanctions. Urgent CPT recommendation from 2013.	Ministry of Justice (Rabrenović, Miljan Vlaović), Institution for the Enforcement of Criminal Sanctions, Directorate of Public Works	May/June 2013	Funding provided from the budget for 2013 - EUR 9,000;	Renovated and refurbished rooms with private bathroom facilities used by prisoners.	CPT recommendation fulfilled. Improved living conditions of prisoners.
3.3.10	Transfer a convicted person (Serbian citizen) into the relevant psychiatrist clinic in Serbia. Recommendation from the CPT report for 2008 in relation with urgent CPT	Ministry of Justice (Slavica Rabrenović, Miljan Vlaović), Institution for Enforcement of	October 2013	Regular budgetary funds provided EUR 250	Convicted person transferred.	CPT recommendation fulfilled.

	recommendation from 2013.	Criminal Sanctions				
3.3.11	Monitor implementation of the recommendations from the regular CPT report for 2013.	Ministry of Justice (Slavica Rabrenović, Miljan Vlaović), Institution for the Enforcement of Criminal Sanctions	Continuously until the next regular CPT report	Regular budgetary funds	Report on the level of implementation of the CPT recommendation drafted – once a year.	
IMPROVEMENT OF THE CONDITIONS IN PRISONS						
3.3.12	Adopting Rulebook on house rules for the enforcement of criminal sanctions - incorporating international standards regulating the life and work of the convicted persons with special reference to the capacity overload - achieving a greater degree of working treatment of convicted persons.	Ministry of Justice (Slavica Rabrenović, Miljan Vlaović)	June 2015	Budget, EUR 810 (Regular activities of one employee in duration of one month)	Rulebook on house rules for the enforcement of criminal sanctions – adopted Made available to any convicted person serving a prison sentence.	Number of employed convicted persons who are serving prison sentence;
3.3.13	Adopting Rulebook on conditions which have to be fulfilled in rooms for the accommodation and work of convicted persons.	Ministry of Justice (Slavica Rabrenović, Miljan Vlaović)	June 2015	Budget, EUR 810.00 (Regular activities of one employee in duration of one month)	Rulebook on conditions which have to be fulfilled in rooms for the accommodation and work of convicted persons – adopted.	
3.3.14	Adopting Rulebook on the uniform, titles and badges title of the Security	Ministry of Justice (Slavica	September 2013	Budget, EUR 810.00	Rulebook on the uniform, titles	

	Sector officers in the Institution for Enforcement of Criminal Sanctions;	Rabrenović, Miljan Vlaović		(Regular activities of one employee in duration of one month)	and title badges of the Security Sector officers in the Institution for Enforcement of Criminal Sanctions adopted.	
3.3.15	Adopting Rulebook on keeping the central record and personal files of prisoners, persons sentenced for misdemeanour and detained persons.	Ministry of Justice (Slavica Rabrenović and Miljan Vlaović)	June 2015	Budget, EUR 810.00 (Regular activities of one employee in duration of one month)	Rulebook on keeping the central record and personal files of prisoners, persons sentenced for misdemeanour and detained persons – adopted.	
3.3.16	Adopting Instructions on the use of uniforms for persons serving prison sentences;	Ministry of Justice (Slavica Rabrenović, Miljan Vlaović)	December 2015	Budget, EUR 810.00 (Regular activities of one employee in duration of one month)	Instructions on the production and use of uniforms for persons serving prison sentences - adopted;	
3.3.17	Design a training program and plan for employees working in the Institutions for Enforcement of Criminal Sanctions on treatment of juveniles.	Ministry of Justice (Slavica Rabrenović, Miljan Vlaović), Institution for the	June 2013 – January – December 2014	Budget; Additional funding provided UNICEF - EUR 14,000.00	Training program for employees working in the Institutions for Enforcement of	

		Enforcement of Criminal Sanctions - Centre for the staff of the organization			Criminal Sanctions on treatment of juveniles.	
3.3.18	Conducting effective investigations upon applications on abuse at the Institution for the Enforcement of Criminal Sanctions.	Ministry of Justice (Slavica Rabrenović, Miljan Vlaović), Police Directorate, Supreme State Prosecutor's Office and Supreme Court	December 2013 December 2014 December 2015 December 2016	Budget EUR 38,880 Annual budget for four employees	the number of applications upon which the investigations have been conducted on the possible abuse in the Institution for the Enforcement of Criminal Sanctions.	The number of disciplinary measures and criminal sanctions imposed.
3.3.19	Sign agreements on cooperation with non-governmental organizations dealing with human rights-related issues in order to facilitate the monitoring of prison units and participation in the reintegration and resocialization of inmates for life in the community by the civil sector.	Ministry of Justice (Slavica Rabrenović, Miljan Vlaović)	December 2013 December 2014 December 2015 December 2016	No funds required	Number of signed agreements on cooperation with NGOs and other legal entities aiming at transparent execution of criminal sanctions and providing assistance in this segment;	Number of persons whose successful reintegration and resocialization for life in the community was achieved. Number of prisoners who are treated for withdrawal from narcotics, implemented by some non-

					Number and type of activities conducted based on the signed MoUs	governmental organizations, in cooperation with relevant institutions.
3.3.20	Refurbishing and equipping prison kitchen	Ministry of Justice (Slavica Rabrenović, Miljan Vlaović), Institution for the Enforcement of Criminal Sanctions, Directorate of Public Works	First quarter of 2016	Funding provided from the budget for 2015 – EUR 350,000.00	Prison kitchen refurbished;	
3.3.21	Reconstruction of the stationary health prison unit - Spuž; – NOTE: Montenegro has applied for IPA 2014 technical assistance aiming at preparing the Action Plan for standardization in the prison sector	Ministry of Justice (Slavica Rabrenović, Miljan Vlaović), Institution for the Enforcement of Criminal Sanctions	After the analysis through IPA 2014 is prepared, deadline for reconstruction shall be designated	Approximate cost estimates ~ EUR 2,700,000 Required funding through IPA 2014-2020	Reconstructed stationary health prison unit - Spuž;	
3.3.22	The adaptation of the Ward Ain the Correctional facility for long sentences in the Institution for the Enforcement of Criminal Sanctions.	Ministry of Justice (Slavica Rabrenović, Miljan Vlaović),	After the analysis through IPA 2014 is prepared,	Funds requested from the capital budget for 2014 EUR 695,000.00	Ward Ain the Correctional facility for long sentences in the	

	NOTE: Montenegro has applied for IPA 2014 technical assistance aiming at preparing the Action Plan for standardization in the prison sector	Institution for the Enforcement of Criminal Sanctions	deadline for adaptation shall be designated		Institution for the Enforcement of Criminal Sanctions adapted.	
UPGRADING THE SYSTEM OF ALTERNATIVE SANCTIONS AND MEASURES						
3.3.23	Adoption of the Law on execution of the suspended sentence and the sentence of community service.	Ministry of Justice (Slavica Rabrenović, Miljan Vlaović)	July 2014	Budget, Funding from the IPA 2011 Twinning Project MN 11 IB JH 01 "Support to the Penitentiary Reform in Montenegro", Budget of the EC: EUR 700,000 Co-financing: in total EUR 45,000, EUR 4,359 for this Component; Component for improving the legislative framework EUR 67,808.00	Law on Enforcement of Alternative Sanctions - adopted;	
3.3.24	Implementation of the Law on execution of the suspended sentence and the sentence of community service	Ministry of Justice (Slavica Rabrenović, Miljan Vlaović)	in continuity	Budget, Funding from the IPA 2011 Twinning Project MN 11 IB JH 01 "Support to the Penitentiary Reform	Number of persons serving community sentence.	

				in Montenegro", Budget of the EC: EUR 700,000 Co-financing: in total EUR 45,000, EUR 10,007 for this Component; Component of improving the work of the Division for Probation Release (Probation Service) EUR 155,672.00		
3.3.24.1	Sign the MoU with legal persons with which the community sentence will be served and monitor the MoUs implementation	Ministry of Justice (Slavica Rabrenović, Miljan Vlaović)	In continuity		MoUs signed with legal persons with which the community sentences will be served	
3.3.24.2	Ensure the control over the parole, parole with protective supervision and supervision on the persons released on parole	Ministry of Justice (Slavica Rabrenović, Miljan Vlaović)	In continuity		Number of persons the control has been conducted on.	Number of the alternative sanctions and measures imposed. Number of criminal reoffenders.
3.3.24.3	Strengthen the administrative capacities in the Probation Division	Ministry of Justice (Slavica Rabrenović, Miljan Vlaović)	December 2015	Regular budgetary funds	Head of Division and two Probation officers	

		employing Head of Division and two officers				employed.	
	3.3.24.4	Deliver trainings to probation officers, prison officers and judicial office holders	Ministry of Justice (Slavica Rabrenović, Miljan Vlaović)	In continuity	Project titled “the Support to the Probation Division in the Ministry of Justice and to the alternative sanctions system in Montenegro” project worthy 807,685 EUR, donor: the Ministry of Foreign Affairs of the Netherlands (MATRA CoPROL Project)	Number and type of the trainings delivered Number and composition of the attendees.	
3.3.25	Adopting Rulebook on closer methodology of conducting parole, conditional sentence, conditional sentence with protective supervision and community sentence		Ministry of Justice (Slavica Rabrenović, Miljan Vlaović)	February 2015	Budget, EUR 810.00 (Regular activities of one employee in duration of one month)	Rulebook adopted	
3.3.26	Rulebook on the official identification cards of officers of the Division for Probation Release adopted		Ministry of Justice (Slavica Rabrenović, Miljan Vlaović)	January 2015	Budget, EUR 810.00 (Regular activities of one employee in duration of one month)	Rulebook on the official identification cards of officers of the Division for Probation Release –	

					adopted	
3.3.27	Drafting communication strategy on alternative sanctions	Ministry of Justice (Slavica Rabrenović, Miljan Vlaović) NGOs	December 2013	Budget; Additional donor funding required, IPA 2011 Twinning project MN 11 IB JH 01, "Support to the Penitentiary Reform in Montenegro", Budget of the EC: EUR 700,000 Co-financing: in total EUR 45,000 (Planned activity on preparing a communication strategy/action plan for strengthening public awareness of the Probation Service, value - EUR 14,994.00)	Communication strategy on alternative sanctions drafted;	
KOMANSKI MOST						
3.3.28	Enhance staff capacities in the Public Institution "Komanski most" through additional recruitment of one general practitioner, defectologists, nurses and other professional workers.	Ministry of Labour and Social Welfare (Mirjana Đurić) and PI "Komanski	December 2013 December 2014 December 2015 December 2016	Regular budgetary funds EUR 25,000 Regular budgetary funds EUR 38,800 Regular budgetary funds EUR 38,800 Regular budgetary funds EUR 38,800	Number of employees	

		most"				
3.3.29	Carry out education of the employees in the Public Institution "Komanski most", daily centres for the work with children and adults with intellectual disabilities, social work centres, as providers of different services for the NGO sector employees, in line with the standards in this area	Ministry of Labour and Social Welfare (Mirjana Đurić) and PI "Komanski most" day care centres, centres for social work, NGOs	December 2013 December 2014 and continuously	Budget – additional funding required / international organizations -UNICEF, UNDP EUR 10,000 Budget - Additional funding required EUR 10,000	Number and type of training implemented. Number and composition of participants.	
3.3.30	Provide individual treatment and monitoring of planned goals from the individual plans for the protection of persons with disabilities residing in the Public Institution "Komanski most"	Ministry of Labour and Social Welfare (Mirjana Đurić) , PI "Komanski most", centres for social work, parents/guardians, the beneficiaries themselves	September 2013 December 2014 December 2015 December 2016	Regular budgetary funds EUR 3,535	Individual plans with short evaluation deadlines developed Annual Report of the Public Institution "Komanski most" on the results of individual treatment Prepared.	

		in accordance with their capabilities				
3.3.31	Developing a plan for the transformation of the Public Institution „Komanski most“ into the institution for supporting the adults who are not capable of living independently to introduce a broader spectre of services provided by the Institute “Komanski most”, which will provide technical support to other local services in working with children with disabilities and adults with intellectual disabilities	Ministry of Labour and Social Welfare (Mirjana Đurić) , PI “Komanski most”	December 2013	Regular budgetary funds EUR 6,480	The plan for the transformation of the Public Institution adopted. Number of consultations held and measures of expert support and supervision implemented in relation to other service providers in local communities intended for the adults with intellectual disabilities	
3.3.32	Introducing the services of the Day Care Centre for adults with intellectual disabilities in the local community in accordance with the measures of the Plan for the transformation	Ministry of Labour and Social Welfare (Mirjana Đurić) , PI “Komanski most”, local government, NGOs	Second quarter 2017	Regular budgetary funds EUR 15,000	The number of the adults with intellectual disabilities who are the beneficiaries of the Day Care centre in their local communities per year	

		dealing with persons with disabilities				
3.3.33	Developing other services of support to persons with intellectual disabilities (such as supported housing, protection workshops) in local communities for the purpose of prevention of institutionalization and enhancement of capacities of the persons with intellectual disabilities for the integration into the community	Ministry of Labour and Social Welfare (Mirjana Đurić), local governments, centres for social work, NGOs dealing with persons with disabilities	Fourth quarter of 2013 and beyond (depending on the capacity of local governments and NGOs to develop support services) March 2015 March 2016	Funds from the distribution of a part of revenue from the games of chance for co-financing plans and programs aimed at satisfying needs of persons with disabilities EUR 900,000 /funds raised by NGOs and public institutions through other programs and projects/funds from international organizations: UNICEF, UNDP etc.	Number of newly opened support services in the community; Number of persons with intellectual disabilities using the services of support in their respective local communities;	
Special hospital of DOBROTA						
3.3.34	Improving living conditions of patients in the Special Hospital of Dobrota by improving accommodation, technical and hygiene conditions	Special Hospital Dobrota (dr Aleksandar Tomčuk), MH	December 2013 - December 2014	Regular budgetary funds EUR 31,000, additional donor funding required EUR 5,000	Electrical generating unit provided, bathrooms renovated, room for visits adapted, created conditions	

					for patient privacy	
3.3.35	Opening a Day Hospital as a new organizational unit in the Special Hospital of Dobrota	Special Hospital Dobrota (dr Aleksandar Tomčuk), MH	January 2014	Required additional budgetary funds – employee wages, EUR 48,000	Day Hospital as a new organizational unit in the Special Hospital of Dobrota – formed	
3.3.36	Forming the National Centre for Mental Health in the Special Hospital of Dobrota aimed at the realization of the continuous medical education in the area of mental health and future international cooperation in this area	Special Hospital Dobrota (dr Aleksandar Tomčuk), MH	December 2014	EU funding provided / Twinning light project EUR 15,000	National Centre for Mental Health in the Special Hospital of Dobrota formed	
3.3.37	Implementing campaigns for health workers in order to make the work with psychiatric patients more attractive	MH (Ljiljana Vujisić), Special Hospital Dobrota (dr Aleksandar Tomčuk), Department of Psychiatry, Clinical Centre of Montenegro, Nikšić Psychiatric Unit, mental health	June - December 2013 January December 2014	Budget Required additional donor funding EUR 5,000	Number of TV shows, published brochures, Continuation of the regular bonus on the monthly salary of all the employees in the Special Hospital of Dobrota in the amount of 15% due to the difficulty and conditions of work	

3.4. Recommendation: Ensure protection of journalists against threats and violence, in particular through effective investigations and deterrent sanction of past attacks. Review and amend the legislative and institutional framework for the protection of media freedom.

CURRENT SITUATION

Further to the recommendations, activities have been implemented in the field of freedom of expression that have contributed, to a significant extent, to creating a more favourable environment for the exercise of this right.

Amendments to the Criminal Code of July 2011 decriminalized libel and insult. Redress for these offenses is now pursued exclusively through civil proceedings. The Amendments to the Criminal Code of July 2013 laid down additional ground of penal liability exclusion for certain criminal offences against fundamental rights and freedoms based on the prevalent interest. Namely, some criminal offences (articles 172-176) referring to unlawful acts of interference into private life of an individual may be justified in case such acts were made on purpose in order to prevent or discover graver criminal offences (in connection with the fulfilled measure 3.4.1). On 29 March 2011, the General Session of the Supreme Court of Montenegro adopted the following legal position: "If legal grounds have been found for liability of journalists and media, the court shall weight the amount of rightful compensation for violation of personal rights (reputation, honour, etc.) taking into account all the circumstances of the case in question, and especially: the significance of the breach and the consequences arising thereof, duration of emotional pains and that the compensation should, as a rule, be in line with the case law of the European Court of Human Rights, in a way that the amount of compensation awarded is not such as to discourage journalists and media from performing their role in protecting democratic values of the society."

In 2013, 23 Montenegrin judges have been delivered trainings in the Strasbourg Court about the practice of the European Court for Human Rights and implementation of the European Convention for Protection of Human Rights and Fundamental Freedoms.

The Constitution guarantees the freedom of the press and other forms of publication, whereas censorship is prohibited. If the interests of preserving the territorial integrity of Montenegro so require, the competent court may prevent dissemination of information and ideas through the means of public information. This provision must not lead to "undue restriction of freedom of expression", as it applies only to exceptional circumstances and is not obligatory, but it is left to the court to decide whether or not it will prevent the dissemination of information and ideas. Through this provision, the Constitution provides a balance between fundamental rights and freedoms, on the one hand, and protects the territorial integrity as one of the basic prerogatives of the state, on the other.

All criminal cases of libel and insult that were initiated before the decriminalization of libel and insult have been concluded with final and enforceable judgments.

According to recommendations 12 and 13 of the National Commission for implementation of the Strategy for the fight against corruption and organized crime, authorized officers of the Police Administration in continuity take planned measures and actions in order to clarify attacks on the media representatives and attempts of their intimidation, and in order to track down perpetrators and ordering parties and prosecute them to the competent state prosecutor. In accordance with statutory powers and obligations concerning protection of safety of citizens and property, the Police Administration

will perform risk assessment analysis in the future, which applies to employees in the public service, and accordingly direct their work and take appropriate measures and actions to prevent such violations and intensify work on unclarified cases of attacks on members of the journalistic profession. From the reporting of the event, intensive measures and actions have been taken in order to identify and prosecute the perpetrators to the competent state prosecutor. By the new Law on amnesty, the persons who have been convicted with a final court decision for the offense of defamation and libel were granted amnesty after the abolition of these offenses.

With a view to strengthening the freedom of the press and independence of professional journalism, media companies and media associations have established three self-regulatory bodies in the field of the media, including the following; the Media Self-Regulatory Council, which includes 19 media outlets, the Press Council, which brings together three media outlets and the Self-Regulatory Council for Local and Periodical Press which comprises 11 media outlets. This completes the institutional framework for the field of the media, because on the one hand, the Agency for Electronic Media operates as a politically, institutionally and financially independent regulatory body for the field of electronic media, while on the other, there are three self-regulatory bodies for the field of both electronic and print media, which aim to establish mechanisms for respect for ethical rules and journalistic code of conduct by the media outlets that have become their members.

With a view to preserving pluralism in the media industry in Montenegro, a three-year Program of State Aid for Broadcasters/Electronic Media was introduced in 2011, on the basis of which a schedule was decided for the takeover of the debt owed to the Agency for Electronic Communications (EKIP) and the Broadcasting Centre (RDC) in the amount of EUR 4,447,639.61. The financial commitments for 2011 and 2012 in the amount of EUR 2,148,174.81 and EUR 1,512,197.48 have been met in full. The remaining financial commitment for 2013 is in the process of being met.

In the context of meeting the technical requirements for the functioning of the Media Self-Regulatory Council, a transparent and independent three-year financing model for this self-regulatory body has been designed. In accordance with the stipulated model, the commitments for 2012 were met according to schedule.

In order to secure consistent implementation the case law of the European Court of Human Rights, the Judicial Training Centre conducted an annual training program for judges, which included the area of freedom of expression.

Within the preventive scope of actions, the Risk Assessment of Vulnerability of Employees in the Media have been developed with the aim of assessing the problems the media people face in their work, discovering the motives behind the violence against journalists, listing media the employees and property of which are most vulnerable and recommending actions to be taken by the state institutions and media houses in order to address those problems. The document represents the framework for developing the priorities at the preventive and repressive approach with the aim of ensuring the safest situation possible for the work of employees in the media of Montenegro. The regular activities within the scope of these measures are operational checks on the field against persons perceived as security threats to media and situation analysis in the press and electronic media aiming at finding out whether their activities at the reported time may have as a consequence the violation of their safety.

Pursuant to the Government Decision (Official Gazette of MNE, No. 5/2014) Commission to monitor the actions of the competent authorities in investigating cases of threats and violence against journalists, murders of journalists and attacks on media property has been established. The committee consists of the president and ten members (State Prosecutors' Office, Police, National Security Agency, NGOs and the media). The tasks of the Commission are to: 1) establish the plan and dynamics of collecting facts and determining other circumstances in connection with the investigation referred to in Article

1 of this Decision and, for that purpose, cooperate with the competent authorities responsible for conducting these investigations, 2) on the basis of the information obtained and studying the circumstances in connection with the investigations conducted, to make an overview of the trends of investigations conducted, 3) prepare an opinion on the effective manner in which to conduct investigations could be improved and to that end recommend specific measures to be taken. (in connection with the fulfilled measure 3.4.2).						
No.	Measure/Activity	Responsible authority	Deadline	Required funds/Source of financing	Indicator of result	Indicator of impact
3.4.1	Amendments of the Criminal Code for the purpose of stipulating the exemption from criminal liability for criminal offences referred to in Articles 172 - 176 of the Criminal Code if taking actions of committing any of those offences led to the prevention or detection of a criminal offence for which the law defines the punishment of imprisonment in the duration of five or more years.	Ministry of Justice (Branka Lakočević, Merima Baković)	September 2013	Regular budgetary funds The funds need assessment made in measure 1.1.5.1	Adopted Law on Amendments to the Criminal Code which stipulates the exemption from criminal liability for criminal offences referred to in Articles 172 - 176.	
3.4.2	Establish a Government Commission to monitor the actions of competent authorities in the investigation of old and recent cases of threats and violations against journalists and murders of journalists, consisting of representatives from the Ministry of Interior, prosecutor's office, police, NGOs and the media, with the aim to investigate the reasons for unsolved murders of journalists through cooperation with the competent authorities, collection and	Multidisciplinary team – Commission (Ministry of Interior - Miloš Vukčević , Supreme State Prosecutor's Office, NGO and media representatives)	December 2013	No funds required.	Adopted Decision on establishing a Multidisciplinary commission for investigating murders of journalists. Adopted Rules of Procedure of the Commission setting up the	

	reviewing of all relevant documents.					organization, method of work and decision-making process of the Commission. Provided space and resources for the Commission.	
	3.4.2.1	Submission of the Commission Report to the Government	Commission (Ministry of Interior - Police Directorate Violeta Vujisić , Supreme State Prosecutor's Office, NGO and media representatives)	May 2015 September 2015 December 2015		The Report of the Commission on the investigations conducted	
	3.4.2.2	Implementation of the Commission's recommendations	Commission (Ministry of Interior - Police Directorate Violeta Vujisić)	June 2015 December 2015		Number of implemented recommendations out of total number of given recommendations	
3.4.3	Prepare and submit regularly Reports on investigations of old and recent cases of threats and violations against journalists to the Government Commission from activity 3.4.2		Ministry of Interior/Police Administration (Milan Tomić, Saša Rakočević), Supreme State Prosecutor's Office (Jelena Lučić)	January – June 2014, July - December 2014 January – June 2015 July – December 2015	Regular budgetary funds (2 employees, annual level EUR 3,240)	Report submitted to the Government Commission. Status of cases in the procedure. Number of	Ratio of total number of cases resolved and total number of cases on six month basis.

			January – June 2016		resolved backlog cases.	
			July – December 2016			
3.4.4	<p>Introducing the system of measures and actions that Police Administration undertakes with a view to protection of journalists against threats and violence</p> <ul style="list-style-type: none"> - System of preventive measures undertaken to protect journalists: - risk analysis of vulnerability of employees in the media - preparing an assessment of the safety of journalists and members of their families - security in the event of danger, police escort and protection of family members and facilities in which they live and in which they are professionally engaged - operational checks on the ground in relation to the persons registered as the perpetrators of attacks on journalists <p>The system of repressive measures undertaken to protect journalists:</p> <ul style="list-style-type: none"> - The police officers in accordance with their powers under the Criminal Procedure Code and the Law on Internal Affairs, while the investigation is led by the prosecutors in charge in cases of attacks on journalists undertaking measures and actions to clarify these 	Ministry of Interior - Police Administration (Milan Tomić , Miloš Vukčević, Saša Rakočević)	<p>December 2013</p> <p>January – December 2014 and beyond, on six month basis</p>	<p>Regular budgetary funds</p> <p>Impossible to make the fund need assessment</p>	<p>Preventive measures taken</p> <p>Repressive measures taken</p>	

	acts, identify both the perpetrator and the ordering party and their prosecution to the prosecutor in charge.					
3.4.5	Preparing a report on implementation of professional and ethical standards in Montenegrin journalism. Publishing reports on respect for the Code of journalists in media	Media Council for Self-Regulation (MC-Miloš Lalević)	December 2013 December 2014	Funds from the Media Council for Self-Regulation (EUR 1,620 per year)	Report on implementation of professional and ethical standards in Montenegrin journalism - adopted Reports published on web pages of the Media Council	The number of complaints on the work of the media (submitted and processed)
3.4.6	Deliver trainings to journalists in the area of human rights with special emphasis on Article of the European Convention for Human Rights and Fundamental Freedoms—Freedom of expression with the aim to introduce the European standards in terms of reporting on the respect for human rights with special reference to the area of freedom of expression	Self-regulatory bodies (MC-Miloš Lalević) , NGOs, Media, Expert support required (TAIEX)	Implementation of training from January 2014 and beyond	International donors required ca. EUR 6,000 per seminar ca. EUR 12,000 for realization of the programme annually	Number and types of training. Number and composition of participants.	
3.4.7	Conducting trainings for judges and prosecutors in the area of freedom of expression and application of practice of	Judicial Training Centre (Maja Milošević)	From January 2014	Regular budgetary funds EUR	Number and type of training. Number and	

	<p>the European Court of Human Rights relating to:</p> <ul style="list-style-type: none"> - the amount of compensation for non-pecuniary damages to honour and reputation inflicted through media, - independent judiciary, freedom of the media and respect for human rights, - relation between media and judiciary, - freedom of expression according to the case law of the European Court of Human Rights – with the emphasis on Article 10 of the European Convention on Human Rights 		2 seminars annually	6,000 International donors required for realization of the programme annually EUR 12,000 (ca. EUR 6,000 per seminar)	composition of participants.	
3.4.8	Developing the program of training for journalists in the context of reporting on special categories of personal data and reporting on juveniles	Agency for the protection of personal data and free access to information(Bojan Obrenović), Self-regulatory bodies (MC-Miloš Lalević), Media, NGOs	From January 2014 and beyond 3 seminars annually	International donors required ca. EUR 6,000	Training program developed. Number and types of training. Number and composition of participants in the training.	
3.4.9	Preparation and promotion of manual and other training material which will contain standards „worthy of journalist’s attention“, proportional imposition of compensation for damages, protection of privacy on grounds of court case of the European Court of Human Rights in the area of freedom of expression	Ministry of Culture (Miloš Lalević),	From January 2014 and beyond	Regular budgetary funds (Ministry of Culture) EUR 5,000 International donors required for	Material published and distributed to all courts and media in Montenegro. The number of events organised for	

				Supreme Court) ca. EUR 5,000	the purpose of manual and other educational material promotion, in cooperation with the media	
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3.5. Recommendation: Ensure the independence of the audio-visual regulator and of the public broadcaster.

CURRENT SITUATION

The Law on Public Broadcasting Services of Montenegro guarantees the election and independent work of members of the Council of the Public Service Broadcaster RTCG in accordance with Recommendation No. R (96) 10 on the guarantee of the independence of public service broadcasting. The provision in question was reviewed favourably by experts who participated in the drafting of the law (OSCE and Article 19).

The Law on Public Broadcasting Services of Montenegro regulates the activity of the public broadcasting service, Radio of Montenegro and Television of Montenegro. This Law is aligned with Recommendation No. R (96) 10 of the Committee of Ministers to Member States on guaranteeing the independence of public broadcasting services and other international instruments in this field. It guarantees the political, institutional and financial independence of the public radio broadcasting service RTCG.

Electronic Media Law regulates the rights, duties and responsibilities of legal and natural persons engaged in the production and provision of audio-visual media services (hereinafter: AVM services), services of electronic publications via electronic communications networks; jurisdiction, status and sources of funding for the Agency for Electronic Media as an independent regulator for the field of electronic media, preventing unauthorized media concentration, encouraging media pluralism and other issues of importance for the field of providing AVM services, in accordance with international conventions and standards. This Law, to the maximum extent possible, is aligned with the Audio-visual Media Services Directive (Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010).

Independence issue of audio-visual regulator and public broadcaster will be elaborated in detail within Chapter 10 - Information Society and Media.

No.	Measure/Activity	Responsible authority	Deadline	Required funds/Source of financing	Indicator of result	Indicator of impact
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3.5.1.	Prepare Amendments to the Law on Electronic Media in order to achieve full harmonization with the Audio-visual Media Services Directive of 2010	Ministry of Culture (Miloš Lalević) in cooperation with the Agency for Electronic Media	December 2015	Regular budgetary funds (EUR 4,050 - five staff, a month of effective work; EUR 3,810 -public debate; EUR 15,000 work of parliamentary committees)	Adopted Law Amending the Law on Electronic Media	Report on the implementation of the Law prepared one year after the adoption of the Law
3.5.2	Monitor implementation of the Montenegrin Public Broadcaster Strategy 2011-2015 http://www.rtcg.me/sw4i/download/files/article/Strategija_RTCG_2011-2015_1.pdf?id=93	Ministry of Culture (Miloš Lalević) in cooperation with the Council of Television of Montenegro	From June 2013 to December 2015, twice a year	Budget of the Radio Television of Montenegro	Report on implementation of the Montenegrin Public Broadcaster Strategy 2011-2015	

3.6. A - Recommendation: Take concrete steps to ensure practical implementation of non-discrimination, including through strengthening of the monitoring bodies and more effective reactions of the law enforcement bodies to possible violations.

CURRENT SITUATION

Legal framework of national legislation which needs to provide legal protection of full and equal enjoyment of all human rights and freedoms, has been defined in the first Articles of the Constitution, more precisely, Article 6, which provides for general guarantee of the protection of human rights and freedoms as inviolable categories; Article 7, providing for prohibition of incitement to hatred or intolerance on any ground; and Article 8 providing for prohibition of discrimination, as a general prerequisite for the enjoyment of all human rights and freedoms.

Given the existing, general legal framework, the Ministry of Human and Minority Rights has undertaken legislative activities to adopt special laws defining the field of protection from all forms of discrimination; these are primarily the Law on Prohibition of Discrimination and the Law on Protector of Human Rights and Freedoms.

The Amendments to the Law on Anti-discrimination (Official Gazette 18/14) and to the Law on Ombudsperson (Official Gazette 32/14) have been adopted which make for a huge step forward towards the harmonization of our legislation with the EU acquis, and by doing so, the prerequisites have been met for launching the system approach to the antidiscrimination, that would provide for the conditions for full implementation of the equality principles.

Following the adoption of these Laws, the Ministry of Human and Minority Rights, in cooperation with the OSCE Mission to Montenegro, has adopted the

Plan for Implementation of anti-discrimination legislation, which has included the following: the Plan of Education in the field of protection from discrimination, and the Plan of Promotion of anti-discriminatory behaviour and practice, within which special seminars, workshops, TV spots, newspaper advertisements, posters, flyers and other propaganda material have been designed for LGBT population.

Education and promotion of anti-discriminatory behaviour have been marked as continuous activities of the Ministry since the adoption of the Law on Prohibition of Discrimination, with a view to providing the necessary skills to as many persons as possible who are indirectly and/or directly involved in the provision of protection from discrimination.

Plan of Education has so far included the activities related to the implementation of a highly complex training in the field of anti-discrimination, aimed at raising awareness, sensitivity and, primarily, provision of skills necessary to provide protection from discrimination for the representatives of state administration, police, judiciary, non-governmental and other independent institutions, as well as representatives of local self-government, and all regional police units and stations in Montenegro.

Plan of promotion has included a media campaign on anti-discriminatory behaviour designed to create more humane and tolerant environment, as well as to introduce the most general public to their rights guaranteed by the Law; its first stage targeted the most vulnerable social groups. A visual identity of the media campaign has been developed; as mentioned, the campaign was tailored according to the most frequent grounds for discrimination: disability, gender identity, and sexual orientation. Conducted throughout 2011, the campaign included TV spots, (broadcast of 1045 spots or 62 700 seconds), newspaper advertisements, insertions of flyers (leaflets) in the total circulation of all three daily newspapers in Montenegro (204 000 flyers) and a considerable number of billboards (64 in total), in the entire territory of Montenegro. A total of 204 000 flyers, printed and inserted in the entire circulation of each daily newspaper in Montenegro, were containing anti-discrimination messages and excerpts from laws providing for prohibition of and protection from discrimination.

All these activities have been conducted in order to achieve an effective and good-quality implementation of the legal regulations, and increase the level of tolerance and sensitivity of both professional and general public.

The Education and Promotion plans in 2011, 2012 and 2013 have been implemented, the Plan for 2014 reaches its final stage of implementation via trainings of those who have been directly and indirectly involved in implementation of the antidiscrimination legislation. Within the Promotion Plan, the media campaign titled “I support, respect, protect and advocate the man”.

The Supreme Court of Montenegro has been cooperating with the NGO LGBT Forum Progress and signed the MoU in March 2014. National conference on LGBT rights: LGBT rights in Montenegro: Judicial and Police Practice was held on 30 July 2014 organised by the Supreme Court and LGBT Forum Progress. The booklets “Standards and court practice” and “Law and the LGBT rights” prepared in joining efforts are available on the web page of the Supreme Court and distributed to judges, experts and lay public.

When it comes to antidiscrimination and gender equality, the Ministry of human and minority rights under IPA 2014 submitted the request for support in the process of strengthening the legislative and institutional framework for antidiscrimination, strengthening of the overall system of human rights, with

special emphasis given to application of polices of antidiscrimination and gender equality. These activities planned under IPA project aim at better understanding and implementing the framework for antidiscrimination, in particular when it comes to ROMA, LGBT people, people with disabilities, women and minorities. It would also results in efficient gender equality- based system with standards for women empowerment. The third result of the Project refers to the improving of criminal sanctions enforcement system (see Prison system).

No.	Measure/Activity	Responsible authority	Deadline	Required funds/Source of financing	Indicator of result	Indicator of impact
3.6.1.1	Adopt Amendments to the Law on Prohibition of Discrimination and the Law on Protector of Human Rights and Freedoms of Montenegro, according to the EC and CoE recommendations	MHMR (Blanka Radošević Marović), Ombudsman (Siniša Bjeković)	March and July 2014	Budget EUR 54,410 (two working groups consisting of 5 members, 2 months effective work - EUR 8,900 -draft law; EUR 3,810 - Public debate; EUR 15,000 – work of parliamentary committees);	Adopted Amendments to the Law on Prohibition of Discrimination and the Law on Protector of Human Rights and Freedoms .	A report on the application of the Law one year after it comes into effect Number of registered cases of discrimination in ordinary courts, state prosecutor's offices, authorities for misdemeanour, authorities responsible for police affairs and inspection authorities (monitoring tool

							for implementation of IB)
	3.6.1.1.1	Prepare the amendments to the Law on Prohibition of Discrimination in order to fully harmonise it with EU standards	MHMR (Blanka Radošević Marović),	December 2016	Regular budgetary funds	Adopted Amendments to the Law on Prohibition of Discrimination fully harmonized with EU standards	
3.6.1.2	Implementation of education regarding the anti-discriminatory behaviour through continuous implementation of seminars/workshops and trainings in accordance with the defined Plan of implementation of anti-discriminatory legislation on an annual basis. Training courses include: Term and nature of discrimination General legal regime of protection against discrimination Protection of the most vulnerable social groups against discrimination. Special forms of discrimination against persons with disabilities,		MHMR (Blanka Radošević Marović), JTC (Maja Milošević), HRMA (Jadranka Đurković), PA	April – November 2013 January-December 2014 And continuously	MHMR Budget provided funds (EUR 3,000) foreign donors OSCE Mission to Montenegro provided funds (EUR 13,200)	Number and type of realized trainings, Total number and structure of participants who received a certificate for providing protection against discrimination	

	<p>LGBT population, women, HIV infected people and people infected with hepatitis C.</p> <p>All campaigns are based on the standards defined by the European Charter on Human Rights, the Council of Europe's European Convention for the Protection of Human Rights, Convention on the Rights of Persons with Disabilities, and the relevant UN conventions.</p>					
3.6.1.3	<p>Promotion of anti-discriminatory behaviour and practices through media campaign on the rights and opportunities of marginalized social groups (TV-video clips, advertisements, flyers, billboards...) on protection against discrimination and affirmation of anti-discriminatory behaviour.</p> <p>All campaigns are based on the standards defined by the European Charter on Human Rights, the Council of Europe's European Convention for the Protection of Human Rights, Convention on the Rights of Persons with Disabilities, and the relevant UN conventions.</p>	<p>MHMR (Blanka Radošević Marović) in cooperation with NGOs</p>	<p>June 2013 - March 2014</p> <p>January – December 2015</p>	<p>MHMR Budget, EUR 20,000</p> <p>Provided donor funds OSCE Mission to Montenegro, (EUR 80,000)</p>	<p>Number of videos broadcasts, published advertisements, flyers and other propaganda material.</p> <p>Percentage of monitoring the effect of media campaign in public.</p> <p>Change of public opinion in relation to discrimination</p>	<p>Conducted public opinion survey as a monitoring mechanism on the state of human rights shows percentage of monitoring effective media campaign in public and degree of changes of public opinion in relation to discrimination</p>

3.6.1.4	Strengthen the capacities of the Ombudsman in the area of protection from discrimination See measure 3.1.6 (Employment plan elaborated in detail)	Protector of Human Rights and Freedoms (Zdenka Perović)				
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3.6. B- Recommendation: Take concrete steps to ensure practical implementation of gender equality in practice, including through strengthening of the monitoring bodies and more effective reactions of the law enforcement bodies to possible violations, as well as through better awareness raising and support measures, especially on employment and public representation of women.

CURRENT SITUATION

The Constitution of Montenegro, the Chapter on Human Rights and Freedoms, stipulates that the State guarantees the equality of women and men and develops a policy of equal opportunities. The introduction of special measures (positive action aimed at the gradual elimination of historically conditioned inequality) will not be considered as discrimination. Guarantees provided under the highest law of Montenegro are elaborated in a series of laws that regulate labour relations, employment, pension and disability insurance, education, health care and social welfare, occupational health, family relations, criminal acts, etc. The Gender Equality Law ("Official Gazette of the Republic of Montenegro" 46/07) was adopted in July 2007. The Law establishes the state administration body responsible for tasks related to achieving gender equality, which is the Ministry of Human and Minority Rights. The Gender Equality Law prescribes mechanisms for achieving gender equality. In order to eliminate gender discrimination and achieve gender equality, the Law establishes the obligations of state authorities, state administration bodies and local self-governments, public institutions, public companies and other legal persons that exercise public authority. The Law highlights the role of civil society and gives some significant space for nongovernmental organizations in the overall efforts to achieve gender equality.

The Government adopted the Law amendments on Gender Equality Law aligned with EU key directives in the gender equality field (Directive 79/7/EEC, Directive 2006/54/EC of the European Parliament and of the Council i Council Directive 2010/18/EU) on 25 December 2014. In the Action plan for negotiation chapter 19 – Social policy and employment the steps and deadlines for transposition of directives related to this field into the Montenegrin legislation are defined, so the realization of these activities should be followed through the Action plan report for chapter 19. In that regard Council Directive 79/7/EEC of 19 December 1978 is transposed into the Law on Social and Child Protection, Law on Prohibition of Discrimination and Gender Equality Law, Council Directive 92/85/EEC of 19 October 1992 will be transposed into the Rulebook on safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding and Labour Law, Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 is transposed into the Law on Prohibition of Discrimination, Gender Equality Law and Labour Law, Council Directive 2010/18/EU of 8 March 2010 is transposed into the Law on Social and Child Protection, Gender Equality Law and Labour Law, and the Directive 2010/41/EU of the European Parliament and of the Council of 7 July 2010 is transposed into the Law on Social and Child Protection.

In Montenegro, until now, two institutional mechanisms for achieving gender equality have been established. The Committee for Gender Equality of the Parliament of the Republic of Montenegro was established on 11 July 2001. The Government of Montenegro established the Office for Gender Equality at

the meeting held on 27 March 2003. The office operates as the Department of Gender Equality of the Ministry for Human and Minority Rights. The Protector of Human Rights and Freedoms (Ombudsman) is an independent and autonomous institution and a mechanism to fight discrimination, and therefore an important mechanism to combat discrimination based on sex. Pursuant to the Law on Gender Equality, ministries and administrative bodies appointed their employees to act as coordinators of the activities related to issues of gender equality within their jurisdiction, and participate in the preparation and implementation of the Action Plan. Also, with 14 municipalities in Montenegro cooperation was established in implementation of gender equality policies at local level, and offices for gender equality were established in the three municipalities (Cetinje, Pljevlja and Bijelo Polje).

The Plan of Action on Gender Equality, as a basic document for achieving gender equality, was adopted in January 2013, including an implementation plan for the period 2013-2014. The Plan identified the following areas of work: Improving human rights and gender equality of women; gender-sensitive care and education; gender equality in the economy; gender-sensitive health care; gender-based violence; media and culture; equality in decision-making processes in political and public life; International policy and cooperation; and institutional mechanisms for the implementation of gender equality.

The Law on Protection from Domestic Violence, the first specialized law that regulates the area of domestic violence (Official Gazette of Montenegro 46/10), entered into force in August 2010. This Law defines domestic violence as "any act or omission to act of a family member that endangers the physical, psychological, sexual or economic integrity, sanity and serenity of another family member, regardless of the place where it is committed" (Article 2). The Law regulates the protection of victims in misdemeanour proceedings and provides five types of protective measures as sanctions (Article 20 and Article 26): removal from the apartment, restraining order to protect the victim, prohibition of harassment and stalking, mandatory treatment of addiction and mandatory psychosocial treatment. The principle of urgency is also anticipated in proceedings relating to the protection from violence. The Strategy for Protection against Domestic Violence was adopted in 2011, while the Protocol on handling cases of domestic violence between the relevant institutions was signed the same year. The Rulebook on the detailed contents, form of the order of removal from place of residence or other premises and restraining order (Official Gazette of Montenegro 42/12), Rulebook on the detailed manner of enforcement of orders of removal from residence, restraining order, prohibition of harassment and stalking a victim (Official Gazette of Montenegro 4/14), the Rulebook on the detailed manner of imposing and enforcing of protection order of mandatory psycho-social treatment (Official Gazette 50/13) have been adopted.

Being aware of the fact that the quality of social protection is determined by the institutional capacities of the primary providers of social protection services – social welfare centres, the Government has launched the project of the Social Card – Social Welfare Information System. Via the Social Welfare Information System, the so-called Social Card, the sophisticated software application for keeping records on cases, among others, the cases of domestic violence, has been developed and is in the test phase in 3 social welfare centres. The database generates all the data for the purposes of statistics and reporting, disaggregated with respect to all demographic variables. Until the end of 2014 single database on domestic violence will be developed and it will provide electronic data interchange for social welfare centres, Police Directorate, courts and state prosecutors office.

In the area of protection against domestic violence and violence against women, it is necessary to work on the strengthening of inter-sectorial cooperation for all the victims of violence to receive the necessary support and assistance.

When it comes to the increased participation of women in politics, the progress is reported at the level of local governments through the implementation of the Law on Amendments to the Law on election of local councilors and MPs that stipulates that every fourth place at the electoral list shall be occupied

by a woman.							
No.	Measure/Activity		Responsible authority	Deadline	Required funds/Source of financing	Indicator of result	Indicator of impact
3.6.2.1	Strengthen the capacity of the Department for gender equality in order to better coordinate, implement and monitor the implementation of gender equality policy at the national level		MHMR (Biljana Pejović)	March 2015 (one officer) Second quarter of 2017 (one officer)	Additional funding required for one employee Note: in 2013 the annual budget costs for one employee amounted to EUR 9,720	The number of employees increased by two officers	
	3.6.2.1.1	Align the Gender Equality Law with the following directives: Council Directive 79/7/EEC of 19 December 1978 on the progressive implementation of the principle of equal treatment for men and women in matters of social security, Directive 2006/54/EC of the European Parliament and of the Council of 5	MHMR (Biljana Pejović)	March 2015	Regular budgetary funds	Adopted Law aligned with the listed directives.	

		July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast) and Council Directive 2010/18/EU of 8 March 2010 implementing the revised Framework Agreement on parental leave concluded by BUSINESSEUROPE, UEAPME, CEEP and ETUC and repealing Directive 96/34/EC.					
	3.6.2.1.2	Prepare amendments to the Labour Law in order to align it with the following directives: Council Directive 92/85/EEC of 19 October 1992 on	MLSW (Tijana Prelević) MHMR (Biljana Pejović)	Fourth quarter 2017	Regular budgetary funds	Adopted Law aligned with the listed directives.	

		<p>the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding (tenth individual Directive within the meaning of Article 16 (1) of Directive 89/391/EEC (Official Gazette no. 348 dated 11 November 1992, pp.1); Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of</p>					
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		men and women in matters of employment and occupation (recast); Council directive 2010/18/EU of 8 March 2010 implementing the revised Framework Agreement on parental leave concluded by BUSINESSEUROPE, UEAPME, CEEP and ETUC and repealing Directive 96/34/EC					
3.6.2.2	Continue cooperation and support with municipalities in order to implement more efficiently gender equality policies at the local level	MHMR (Biljana Pejović), municipalities	June –December 2013, June and September 2014, March 2015, First quarter of 2016	Budget and donor funding Project in partnership with the OSCE "Strengthening mechanisms for gender equality at the local level" EUR 10,000 per year	Number of established local offices/councils for gender equality, number of adopted local action plans	Number and type of the activities fulfilled in line with the Gender Equality Action Plan	
3.6.2.3	Implementation of training programs and mentoring for women who are starting a private business in four pilot	MHMR (Biljana Pejović), four pilot municipalities	June -December 2013	Provided funding IPA 2010 Gender Program EUR 30,000	Number of registered women entrepreneurs in four pilot		

	municipalities in order to strengthen gender equality at local level				municipalities	
3.6.2.4	Encourage diversification of rural economies through establishment of women's business in the field of traditional crafts, souvenirs, handicrafts, etc.) in four pilot municipalities in order to strengthen gender equality in rural areas	MHMR (Biljana Pejović), four pilot municipalities	June -December 2013	Provided funding IPA 2010 Gender Program EUR 30,000	Number of registered women entrepreneurs in four pilot municipalities dealing with traditional crafts, souvenirs and handicrafts	
3.6.2.5	Strengthen cooperation with women's NGOs in the implementation and monitoring of the implementation of international and national standards for gender equality	MHMR (Biljana Pejović) in cooperation with NGOs	June -December 2013 June 2014, June 2015, Second quarter of 2016	Budget and additional funds from donations necessary EUR 20,000 per year	The number of meetings held with the representatives of the NGOs. Number of joint activities implemented	
3.6.2.6	Deliver trainings for the staff in education institutions at all levels on the issue of domestic violence and violence against women and the equal representation of women and men in all spheres of social life	MHMR (Biljana Pejović), Ministry of Education (Vesna Vučurović)	June 2013 June 2014 June 2015, Second quarter of 2016	Budget and necessary funds from donations Preparation and organization of one seminar per year EUR 3,203	Number and type of trainings, number and structure of participants	Number of cases of violence against women/domestic families reported at institutional level
3.6.2.7	Implementation of education of judges and prosecutors, as well as attorneys on gender equality,	Judicial training Centre (Maja Milošević)	March 2015, Third quarter of 2016	Budget and necessary funds from donations	Number and type of training, number and	

	with the special emphasis on CEDAW Convention	MHMR (Biljana Pejović)		necessary Preparation and organization of one seminar per year EUR 3,203	structure of participants	
3.6.2.8	Implementation of education of journalists in media organizations on gender equality and portrayal of women to counter stereotypes	MHMR (Biljana Pejović) in cooperation with NGOs and media	September 2013, December 2014, December 2015, Fourth quarter of 2016	Budget and necessary funds from donations Preparation and organization of one seminar per year EUR 3,203	Number and type of training, number and structure of participants	
3.6.2.9	Implement raising awareness campaigns on international and domestic instruments for protection of human rights of women (with reference to measure 3.6.1.3)	MHMR (Biljana Pejović) in cooperation with NGOs and media	March 2014, January – December 2015	Additional funds necessary preparation of campaign EUR 4,450 (5 persons, effective work for one month) Implementation of the campaign EUR 8,000 per year	Number of broadcasted TV spots, printed media advertisements, leaflets and other promotion material; The influence assessment of the media campaign	Public surveys on gender equality and gender violence
3.6.2.10	Collect data on cases of discrimination on grounds of gender and their outputs and make them available to public	Ombudsman (Dina Knežević) MHMR (Biljana Pejović),	March 2015, March 2016 and continuously	One person, effective work for 10 days EUR 405 per year	Number of reported and solved cases of discrimination on grounds of gender Number of the	

					complaints filed with the Ombudsperson.	
3.6.2.11	Organization of training for political parties on international standards and comparative models of inclusion of women in public and political life		Parliamentary Committee for Gender equality (Vlatko Šćepanović/Slavica Mirković/Vesna Peković) in cooperation with the MHMR (Biljana Pejović) and NGOs	May - June 2013, May - June 2014	Funds from donations UNDP and OSCE EUR 10,000 per year	Number and type of training at national and local level. Number and structure of participants.
	3.6.2.11.1	Improve cooperation with women organization in political parties on the need to further include women in public and political life	Parliamentary Committee for Gender equality (Siniša Stanković)	March 2015 First quarter of 2016	Regular budget	Number of meetings held with women organization in political parties Number of joint activities realised
3.6.2.12	Convene the thematic sessions of the Parliamentary Committee for Gender Equality in the municipalities of Montenegro on the need of more significant women inclusion in public life		Parliamentary Committee for Gender equality (Siniša Stanković) in cooperation	January – December 2015 and January – December 2016	Regular Budget	The number of the thematic sessions organized number and composition of attendees

	and politics	with municipalities and NGOs and media				
	3.6.2.12.1	Organise a conference/Round table on the status of women in public life and politics.	Parliamentary Committee for Gender Equality (Siniša Stanković) in cooperation with Municipalities, NGOs and the media	December 2015 Fourth quarter 2016	Regular Budget	Number of conferences/round tables organised Number and composition of the attendees
	3.6.2.12.2	Publish data on the number of women holding public office at the state and local level in order to inform the public and encourage further changes	Parliamentary Committee for Gender Equality (Siniša Stanković) in cooperation with the Ministry of Human and Minority Rights (Biljana Pejović) , Municipalities, NGOs and the media	December 2015 Fourth quarter 2016	Regular Budget	Data on the number of women at decision-making posts at the state and local level published Percentage of women holding public offices in public and political life
3.6.2.13	Conduct evaluation of implementation of the 2011-	MLSW (Svetlana Sovilj)	February 2014, June 2015,	Budget EUR 4,450 (working group)	Reports on implementation of	Degree of implementation of

	2015 Strategy for protection against domestic violence http://www.mrs.gov.me/biblioteka/strategije	MHMR (Biljana Pejović) in cooperation with NGOs	Second quarter of 2016	consisting of five members, 1 month of effective work)	the Strategy adopted by the Government	the Strategy
3.6.2.14	Elaborate the analysis of the state of play and identify key problems in social and other protection of victims of domestic violence and estimate capacities required for effective support to victims of domestic violence	MLSW (Svetlana Sovilj)	March 2015	Additional funds from donations necessary engagement of TAIEX experts EUR 2,700	Analysis prepared with recommendations	Established structure and number of necessary personnel in line with standards in the area of domestic violence victims' support. Determined optimum capacities to accommodate victims of domestic violence
3.6.2.15	Regular monitoring of work of multidisciplinary teams for protection against domestic violence at local level	MLSW (Svetlana Sovilj), MI (Saša Rakočević, Ljilja Đonaj), MHMR (Biljana Pejović) Judiciary Misdemeanour Council in cooperation with NGOs	February 2014, June 2015, Second quarter of 2016	Additional funds from donations necessary engagement of TAIEX experts EUR 2,700 per year	Annual performance evaluation of teams	Number and type of support provided of teams at local level

3.6.2.16	Create preconditions to establish free and single SOS line for reports of domestic violence with 24 hour duty		MHMR (Biljana Pejović) MLSW (Igor Vučinić) MI (Vojislav Dragović) in cooperation with NGOs	December 2015	Regular funds	Budgetary	Preconditions to establish free and single SOS line created	Single and free SOS line established Number of users, types of services provided
	3.6.2.16.1	Sign the Memorandum of Cooperation between MHMR and NGOs interested in developing this service	MHMR (Biljana Pejović), NGOs	May 2015	Regular funds	Budgetary	Memoranda of Cooperation signed	
	3.6.2.16.2	Creating legislative preconditions for accreditation of programs and licensing expert workers and service providers	MLSW (Igor Vučinić)/Institution for Social and Child Protection (Drago Spaić)	July 2015	Regular funds	Budgetary	Rulebooks adopted Programs accredited and licence issued	

		for SOS phone					
	3.6.2.16.3	Announcing the public call for awarding a service SOS line to service provider, in accordance with legal requirements	MLSW (Igor Vučinić)/Institution for Social and Child Protection (Drago Spaić)	December 2015	Regular Budgetary funds	SOS line awarded to a service provider	
3.6.2.17	Develop the single database on domestic violence (by gender, age, type of violence, number of submitted complaints, number of raised indictments, number of adjudications and imposed protection measures)		MLSW (Svetlana Sovilj) in cooperation with MHMR (Biljana Pejović)	December 2015	Funds provided through Project "Social Card"	Single database established	Track record on domestic violence cases
	3.6.2.17.1	Create a web-service within the Police Directorate, containing all available data on perpetrators and	MI (Nataša Starovlah-Knežević, Saša Rakočević, Vojislav Dragović, Ljilja)	September 2015	Regular budgetary funds	Web service created and electronic data interchange provided	

		victims of domestic violence and ensure electronic data interchange with Centres for Social Work	Donaj)				
	3.6.2.17.2	Ensure electronic data interchange with Courts	Judicial Council (Darko Drašković)	December 2015	Regular budgetary funds	Electronic data interchange provided	
	3.6.2.17.3	Ensure electronic data interchange with State Prosecutor Office	State Prosecutor's Office (Ljiljana Klikovac)	December 2015	Budget provided through measure 2.2.1.4.7	Electronic data interchange provided	
3.6.2.18	Implement research on violence against women and domestic violence and include data of state institutions		MHMR (Biljana Pejović) MLSW, MI (Saša Rakočević), MH Judiciary Misdemeanour Council NGO	November 2013, December 2014	IPA Gender Program 2010 UNDP Additional funds from donations necessary EUR 6,000 per year	Number of research; adopted recommendations	
3.6.2.19	Campaigning 16 Days of Activism of fight against discrimination against women and domestic violence		MHMR (Biljana Pejović) Parliamentary Committee for Gender equality (Siniša Stanković) Ombudsman	November-December 2013 and 2014, November - December 2015, Fourth quarter of 2016	IPA Gender Program 2010 UNDP, OSCE preparation of campaign EUR 4,450 (5 persons, effective work for one	Campaigns conducted Media performances	

		(Siniša Bjeković) in cooperation with NGOs and international organizations (Radmila Đakonović)		month) implementation of the campaign EUR 8,000 per year		
3.6.2.20	Prepare, print and ensure the availability to broader public of education material on domestic violence, with addresses of institutions, organizations and other facilities that victims of violence may refer to for assistance, support and protection	MHMR (Biljana Pejović) MRSS (Svetlana Sovilj) in cooperation with NGOs	November 2015	Additional funds from donations necessary EUR 3,000 per year	Number and type of promotional material Public promotion	
3.6.2.21	Implementation of education of members of multidisciplinary teams in order to implement more efficiently the Law on Protection against Domestic Violence and Protocol of action	MHMR (Biljana Pejović) MRSS (Svetlana Sovilj) in cooperation with NGOs	June 2014, June 2015, Second quarter of 2016	IPA 2010 Gender Program UNDP, EUR 20,000 per year Budget - preparation and organization of one seminar per year EUR 3,203	Number and type of training Number and structure of participants	
3.6.2.22	Elaborate and implement the training plan for police officers, judges and prosecutors on domestic violence	MHMR (Biljana Pejović) Judicial Training Centre (Maja Milošević), Police Academy	May 2013, June 2014, June 2015, Second quarter of 2016	IPA 2010 Gender Program UNDP, EUR 20,000 per year Budget - preparation and	Number and type of training Number and structure of participants	

		(Milica Pajović/Jelena Tomić) in cooperation with NGOs		organization of one seminar per year EUR 3,203		
3.6.2.23	Elaborate and implement the training program for teachers of civic education on domestic violence	MHMR (Biljana Pejović) Education Office NGOs	November 2013, Third and fourth quarter of 2014	IPA Gender Program 2010 EUR 20,000 per year	The number of the trained civic education teachers	

3.6. C -Recommendation: Particular focus should be put on ending discrimination of the LGBT community.

CURRENT SITUATION

The affirmation of the values protected by international legal standards, in particular human rights and freedoms and the fight against discrimination, including on grounds of sexual orientation and gender identity, are priority objectives. So far, the Government of Montenegro has developed a whole set of policies for the promotion and protection of the rights and freedoms of LGBT persons, and clear guidelines to combat discrimination and increase the visibility of LGBT persons in the society. It is a serious social process, whose results cannot be achieved through ad hoc activities or overnight.

This process is ongoing and the current situation is described through the following actions:

- Action of the Council for Protection from Discrimination of the Government of Montenegro, headed by the Prime Minister, whose work is participated by line ministers, Advisor to the Prime Minister and civil society representatives. The Council highlights the crucial role that we have taken to combat all forms of discrimination and the promotion of anti-discrimination policy in Montenegro.
- Montenegro is the first beneficiary country of the Council of Europe LGBT Project, whose implementation started in September 2011 and will last until December 2013. The project includes support to the countries in preparation of measures and implementation of actions to combat discrimination on the basis of sexual orientation or gender identity, in order to implement Recommendation CM/Rec(2010)5.
- The Government of Montenegro is continuously working on the training of judges, prosecutors, police officers, human rights defenders and civil servants, provides support and promotes dialogue and a wide range of consultations with civil society, and works to raise awareness among the general population in relation to LGBT issues. In the region and beyond, Montenegro is now recognized by the initiatives and training models that are developed for members of judicial authorities, prosecutors, police and civil servants, and human rights defenders, in order to improve their knowledge and sensitivity regarding the protection of and respect for LGBT rights. We are also recognized for discussions about the need for open expression of the LGBT community, including the Government's support for greater visibility of LGBT population in society. At the level of public security centres of the Ministry of Interior – Police Administration, there have been appointed 8 officers as contact points for the LGBT population, based on their experience gained through trainings. LGBT persons communicate with OPS as their contact points in cases of discrimination or violence against those persons, and after being interviewed, they are referred to line institutions.

- The Government of Montenegro most strongly condemned the burning of the flag, which symbolizes LGBT rights.
- The Council for Protection against Discrimination strongly condemned hate speech and attacks on LGBT people.
- The Working Group established by the Council for Protection against Discrimination at the meeting on 7 November 2012 completed the final Draft Strategy for Improving the Status of LGBT People from 2013 to 2018. The consultation process on the Strategy development, including an active role and contribution of the civil society and the LGBT community, lasted for 16 months. The Government of Montenegro adopted the Strategy and accompanying Action Plan at its session of 9 May (<http://www.minmanj.gov.me/biblioteka/strategije>). The Strategy will confirm the direct support of the process, in order to provide encouragement and support the desired cultural and social changes, initiatives such as public campaigns on the harmfulness of homophobia, training officials in the responsible authorities on protecting the rights of LGBT people, especially in the police and prosecution, as well as ongoing cooperation with the LGBT community. The Strategy includes an Action Plan for 2013. The most of activities from the Action plan for 2014 have been performed in line with intended time dynamics.
- The normative framework have been amended as to provide for the significant improvement of legal protection of the LGBT population as follows: The Law on Amendments to the Law on anti-discrimination, law on Amendments to the Law on Ombudsperson and Law on Amendments to the Criminal Code that envisage that, as an aggravating circumstance for punishment measurement, the fact that the offense was committed out of hatred because of race, religion, national or ethnic origin, gender, sexual orientation or gender identity of another person will be appraised (in connection with the fulfilled measure 3.11.1).

Finally, respect for human rights and freedoms depend not only on the basic, high-quality legal and institutional framework, but as equally important on the established education, mindset, and culture, a minimum of economic prosperity and overall achievements of society. Equality before the law and equality of all citizens, regardless of their sexual orientation and gender identity needs to be understood in Montenegrin society. Through defining the LGBT policy, the Government confirms the commitment of Montenegro to be based on the principles of liberty, democracy, rule of law and respect for human rights and fundamental freedoms. Such basic social values further affirm the European policy of the country and its commitment to the principles underlying the European Union.

No.	Measure/Activity	Responsible authority	Deadline	Required funds/Source of financing	Indicator of result	Indicator of impact
3.6.3.1	Adopt the Law on Amendments to the Law on Anti-Discrimination to promote equality and combat discrimination, transphobia and homophobia	Ministry of Human and Minority Rights (Blanka Radošević Marović)	March 2014	Related measure 3.6.1.1	The Law on Amendments to the Law on Anti-Discrimination adopted	

	Note: the same measure is envisaged in 3.6.1.1					
3.6.3.2	<p>Strengthen capacity and promote anti-discrimination behaviour through continuous implementation of seminars / workshops and training according to the established plan for implementation of anti-discriminatory legislation.</p> <p>Note: the same measure is envisaged in 3.6.1.2</p>	<p>MHMR (Blanka Radošević Marović) JTC (Maja Milošević) HRA (Jadranka Đurković)</p>	April – December 2013	Related measure 3.6.1.2	Number and type of training realized Total number and structure of participants who received the certificate for provision protection from discrimination	
3.6.3.3	Prepare an analysis of standards for three different models of the Law on Registered Partnership as a prerequisite for defining the political conditions in selecting the model that best suits the Montenegrin conditions through a special project	<p>MHMR (Blanka Radošević Marović) The Council for Protection against Discrimination (Jovan Kojičić)</p>	June 2015	Regular budgetary funds EUR 5,000 (in 2014) TAIEX expert EUR 2,700	The analysis of standards for three different models of the Law on Registered Partnership prepared; Recommendations for	

					the selection of the model that best suits the Montenegrin conditions defined.	
3.6.3.4	Publish material on the judgments of the European Court of Human Rights in relation to LGBT issues and place the material published on the web site of the responsible authority	The Council for Protection against Discrimination (Jovan Kojičić)	June 2013 - December 2013	Funds provided by IRZ Foundation; Total funding for implementation of measures 3.6.3.4 and 3.6.3.5 EUR 28,800	Material on the judgments of the European Court of Human Rights published	
3.6.3.5	Organize a regional symposium of lawyers, attorneys, members of prosecutorial and judicial authorities, to discuss the issue in the context of judgments of the European Court of Human Rights, and make the published material visible.	The Council for Protection against Discrimination (Jovan Kojičić) Ministry of Human and Minority Rights (Blanka Radošević Marović)	June 2013 - December 2013	Funds provided by IRZ Foundation; Total funding for implementation of measures 3.6.3.4 and 3.6.3.5 EUR 28,800	The regional symposium organized; Material on the judgments of the European Court of Human Rights published and placed on the web site of the responsible	

					authority	
3.6.3.6	Provide access to the HELP program of the Council of Europe (www.coe.int/help)	Judicial Training Centre (Maja Milošević)	June 2013 - December 2013	LGBT Project of the Council of Europe (office in Strasbourg)	Access to the HELP program provided	
3.6.3.7	Organize school campaigns on non-violence and non-discrimination on all levels, including social networks – The Council of Europe campaign "The Fight against Hate Speech on the Internet"	Ministry of Education (Mubera Kurpejović) NGO	Ongoing, until March 2014	Regular budgetary funds EUR 2,000	Number of schools that have implemented the campaign on non-violence and non-discrimination, at all levels, in accordance with the goals of the Council of Europe campaign	
3.6.3.8	Prepare and publish an analysis of the situation and recommendations regarding policy documents, curricula and textbooks in the context of the representation of LGBT issues	Ministry of Education (Mubera Kurpejović) NGO	June 2013 – December 2013	Financial assistance of the Council of Europe ; Total funding for implementation of measures 3.6.3.8 and 3.6.3.9 EUR 12,000	The analysis and recommendations prepared and published on the website of responsible	

					authorities.	
3.6.3.9	Promote the principles and implement measures provided for in the Strategy among the staff employed within the education system	Ministry of Education (Mubera Kurpejović) NGO	June 2013 – December 2013	Financial assistance of the Council of Europe (related measure 3.6.3.8)	Number and type of programmes delivered in the education institutions and number of employees included in the programmes	
3.6.3.10	Improve accommodation facilities of the LGBT shelter and support services	MHMR (Blanka Radošević – Marović), Council of Europe NGO	June 2013 – December 2013	Financial assistance of the Council of Europe provided EUR 13,000	Financial support provided	
3.6.3.11	Support the development of lesbian social network	Ministry for Information Society (Radule Novović) NGO	June 2013	Regular budgetary funds for work of 2 programmers in duration of 2 months EUR 3,240	Lesbian social network developed	
3.6.3.12	Training of social and professional workers in the Centres for Social Work and the institutions of social welfare and child care, with the aim of	Ministry of Labour and Social Welfare (Budimirka Đukanović), NGO	September 2013 – December 2014	Additional funds from foreign donations necessary EUR 10,000	Number and type of trainings delivered Number and composition	

	understanding and improving the quality of life for LGBT people in the family and community				of attendees	
3.6.3.13	Sign a Memorandum of Understanding on measures to combat discrimination based on sexual orientation or gender identity and promote tolerance towards LGBT people with local authorities (with 4 or 5 municipalities)	Ministry of Human and Minority Rights (Blanka Radošević Marović), Responsible local government bodies	Continuously, until the planned memoranda of understanding are signed	Regular budget funds EUR 3,880	The Memorandum of Understanding signed with local authorities	
3.6.3.14	Train law enforcement officers in sensitive work with the LGBT community	Police Academy (Milica Pajović/Jelena Tomić) NGO	June 2015	Provided funds from the Embassy of the Kingdom of Netherlands EUR 35,385.00 Project Owner: LGBT Forum Progress Funds provided: EUR 2,000 Regular budget funds	Number and structure of trained police officers covered by the project; a team of trust established between the LGBT community and the police service. Examples of good	

					practice published; an active cooperation between the LGBT community and the police service established.	
3.6.3.15	Conduct an analysis of existing records on hate crimes and discrimination. Check the national structures and procedures for investigating violations of the rights of LGBT people.	Ministry for Human and Minority Rights (Blanka Radošević Marović), The Council for Protection against Discrimination, NGO	June – December 2013 -	Financial help of Council of Europe provided EUR 7,500	Records of the responsible authorities analyzed. The analysis with recommendations and reviews completed and published, and further guidance presented.	
3.6.3.16	Identify and appoint contact persons to work with the LGBT community in the regional police units, taking into account	Police Administration (Nikola Janjušević)	December 2013	No funding required	Contact persons to work with the LGBT community	

	the experience based on implemented training.				in the regional police units appointed	
3.6.3.17	Conduct training of health care workers and medical staff and improve the service to work with the LGBT community in order to understand and improve the quality of life for LGBT people	Ministry of Health (Senka Klikovac) Institute of Public Health Public Health Care Public health (health centres, hospitals, and Clinical Centre of Montenegro) NGO	June 2014 June 2015 June 2016	Regular budgetary funds July - December 2013 – EUR 58,800 As of 2014 onward EUR 117,600 annually Foreign donations and expert assistance needed EUR 5,000 (funds have not yet been provided)	Number and type of trainings implemented. Number and structure of trained health care workers and medical personnel	
3.6.3.18	Institutionalize the relations of health authorities with the LGBT community through the signature of cooperation agreement and the development of joint initiatives.	Ministry of Health (Senka Klikovac) Institute of Public Health Public Health Care Public health (health centres, hospitals, and Clinical Centre of Montenegro) NGO	November 2013	Regular budgetary funds EUR 7,000	Cooperation agreement signed and joint initiatives identified NGO report on the implementation of the objectives defined by the Agreement	

3.6.3.19	Create a database of LGBT experts and activists in order to mobilize them for consultations related to the process of decision-making	Ministry of Health (Senka Klikovac) NGO	December 2015	Foreign donations EUR 3,000 (funds have not yet been provided)	The number of consultations conducted	
3.6.3.20	In cooperation with the LGBT community, prepare and adopt the Rulebook on the admission and treatment of transgender persons in connection with the process of their gender confirmation	Ministry of Health (Senka Klikovac), NGO	May -October 2013	Regular budgetary funds EUR 1,000 Embassy of the United Kingdom EUR 4,000 (funds have not yet been provided)	The Rulebook on the admission and treatment of transgender persons in connection with the process of their gender confirmation adopted	

3.7. Recommendation: Take steps to ensure full transparency of trade unions' representativeness and the right to establish new unions, in line with the relevant national regulations.

CURRENT SITUATION

One of the forms of exercising the freedom of association is the formation of trade unions. Amendments to the Law on Representativeness of Trade Unions, which are planned for adoption in 2013, will promote the transparency of representativeness and the right to form new trade unions. Proposal for the Law on Amendments to the Law on Representativeness of Trade Union, adopted by the Government on 21 June 2012, was submitted to the parliamentary procedure.

Main objectives that will be achieved by adoption of this law will be:

- making it viable for trade unions established within employers to exercise their right to representativeness in a prompt and efficient manner. Introduction of the right to complaint and decision-making by the Committee for Representativeness in the second-instance on the right to representativeness of trade union within employer will result in the possibility of those trade unions to exercise their right to representativeness more faster before the Committee, as

an independent body, composed of representatives of social partners;

- faster decision-making upon the right to representativeness and consequently its exercise. Reduction of the deadline for making a decision upon exercise of the right to representativeness at the branch and national levels from 15 days to 8 days will result in faster exercise of that right by trade unions;
- reduction of unnecessary administrative procedures. Deadlines foreseen for review of the right to representativeness are too short in the existing Law, and therefore were subject to amendments. Deadline for review of representativeness within employer was prolonged from three months to two years, whereas deadline for reviews of representativeness of trade unions at the branch level was prolonged from two to three years and at the national level from two to four years.
- protection of confidentiality of data by deleting the provision of the Law that stipulated possibility of requiring a unique citizen master numbers for employees and members of the trade union during the evidencing procedure, thus avoiding their possible misuse.

Thus, the Law will be harmonized with Article 8 of the Charter of Fundamental Rights of the European Union concerning protection of personal data. The national legislation of Montenegro is harmonised with Article 11 of the European Convention for the Protection of Human Rights and Fundamental Freedoms as well as with Article 5 of the European Social Charter.

Namely, Article 53 of the Constitution of Montenegro (Official Gazette of Montenegro 1/2007) guarantees the freedom of trade union and other forms of association without prior approval for registration by the competent authority. Also, this right is stipulated by Article 155 of the Labour Law (Official Gazette of Montenegro 49/2008, 59/2011 and 66/2012) as well as by Article 1 of the Law on Trade Union Representativeness (Official Gazette of Montenegro 26/2010).

Trade union rights issues and trade union representativeness will be elaborated in details in Chapter 19 - Social policy and employment.

No.	Measure/Activity	Responsible authority	Deadline	Required funds/Source of financing	Indicator of result	Indicator of impact
3.7.1	Prepare the table of concordance for the Law on Trade Union Representativeness with the Charter of Fundamental Rights, with an analysis of impact of new provisions on improved exercise of trade union rights	MLSW (Tijana Prelević)	March 2014	Budget – EUR 7,217 (3 employees, effective work in duration of 9 months, 1/3 working time engagement)	Table of concordance prepared, along with the analysis, and submitted to the EC	
3.7.2	Make accessible to the public the Registry of Trade Union Organizations and Registry of Representative Trade Unions	MLSW (Tijana Prelević)	December 2013	Budget –EUR 21,400€ (2persons, effective engagement in duration of 6 months,	Registries published on the Ministry's web site.	

				one fifth of working time engagement, funds for 2013 EUR1,950 for 2014 EUR 3,890; for 2015 EUR 3,890; for 2016 EUR 3,890; for 2017 EUR 3,890; for 2018 EUR 3,890	Regular update.	
3.7.3	Make accessible to the public the national legislation and international standards governing the right to the formation and registration procedure of the trade unions and establishing the representativeness of the trade unions	MLSW (Tijana Prelević)	December 2013	Budget –EUR 21,400€ (2 persons, effective engagement in duration of 6 months, one fifth of working time engagement, funds for 2013 EUR 1,950 for 2014 EUR3,890; for 2015 EUR 3,890; for 2016 EUR 3,890; for 2017 EUR 3,890; for 2018 EUR 3,890	Legislation and international standards published on the Ministry's web site. Regular update.	

3.8.1 A - Recommendation: Improve the protection and enforcement of rights of the children, including by strengthening the relevant councils, and continue deinstitutionalisation where possible.

CURRENT SITUATION

In a group of human rights and freedoms guaranteed by the Constitution of Montenegro, a special place is held by the rights of the child, in the sense that parents are obliged to care for their children, to educate them and send them to school, that children born out of wedlock have the same rights and obligations as children born in marriage, the children enjoy the rights and freedoms appropriate to their age and maturity, and that a child is guaranteed special protection from psychological, physical, economic, or any other abuse or exploitation, the right to health care and the right to education under equal conditions.

The United Nations Convention on the Rights of the Child, adopted in 1989, was the first binding international instrument which included a number of provisions relevant to the rights of children in conflict with the law. By ratifying the Convention in December 1990, Montenegro has an obligation to support

and to include the provisions of the Convention in all laws, practices, and procedures that affect children.

In national law the rights and interests of the child shall be protected through a series of regulations issued in the criminal field, the field of family relations, social and child protection, education, health care and labour relations.

In addition to the legal framework, the issue of protection of children's rights is addressed through a series of strategic documents adopted by the Government of Montenegro.

UN Committee on the Rights of the Child, on 13 October 2010, adopted a report for Montenegro with a set of recommendations. According to the recommendations, the Law on the Treatment of Juveniles in Criminal Proceedings was adopted and the Law on Social and Child Protection is in the phase of adopting; then the activities were initiated to develop a comprehensive database of child care and a new National Plan of Action for Children (2013-2017). The necessity was recognized to increase the budget for social and child protection, health and education, empowerment of the Council for Children's Rights, strengthening the role of the Deputy Ombudsman for children's rights, the strengthening of social services for working with children and families (especially preventive), the transformation of institutions for child care and social welfare and development of family support services and services that a substitute for the family, and the development of services in the local community. The initiated process of reform of the child care and social welfare system is creating conditions for continuous improvement of children's rights in Montenegro, and meeting the recommendations.

Montenegro actively participates in the Council of Europe campaign "One out of five," which aims to raise public awareness about the issue of sexual violence against children, and one of the founding countries of the Global Alliance Against Child Sexual Abuse Online, which is a joint initiative of the European Union and the United States to fight against sexual abuse of children on the internet, which should help the decision makers to identify and adequately assist victims and prosecute perpetrators of crimes in their own countries.

Law on the Treatment of Juveniles in Criminal Procedure entered into force on 6 January 2012 and its implementation started on 1 September 2012. Aimed at creation of conditions for the beginning of implementation of this Law, the Government adopted the Plan of Implementation. By-laws have been adopted as the part of the implementation plan, as well as the special program of education of judges and prosecutors and employees in the Institution for Enforcement of Criminal Sanctions, and special department for juveniles has been set up in the Institution for Enforcement of Criminal Sanctions. Currently, the administrative services in the Supreme Prosecutor's Office and in higher courts in Podgorica and Bijelo Polje are in process of foundation. In all courts, prosecutor's offices, and the Police Administration, judges, prosecutors and police officers for treatment of minors were appointed. The Law contains specific provisions on the protection of minors as victims of crime.

The most important new provisions in the law are: the introduction of new alternative measures, warning beside educational order. The warning is applied for criminal offences which prescribe the fine or prison sentence up to three years; the application of educational order for criminal offences – prison sentence up to 10 years; set up of administrative services that will provide expert support to the courts and prosecution; new educational measures – special obligations that are similar to educational order; advancement of juvenile treatment during the enforcement of educational measures and juvenile prison and enforcement of institutional measure of sending the juvenile to the institution type of facility and juvenile prison within special organizational unit of the Institute for Enforcement of Criminal Sanctions. Special attention is paid to the use of alternative methods and alternative sanctions, which gives priority to restorative justice for juvenile offenders. Implementation of the Law on Treatment of Juveniles in Criminal Proceedings is accomplished through the IPA 2011 Project "Justice for Children".

As for the criminal protection of children, the working version of the Law on Amendments to the Criminal Code envisages further compliance with international standards in this area, aimed at protection of children.

The Draft Law on compensation of damage provides the cash compensation in the Budget of Montenegro, for the purposes of protection and assistance to the victims of criminal offences of violence committed intentionally.

Montenegro signed the Optional Protocol III on communication procedures (appeal) to the Convention on the Rights of the Child in February 2012, in Geneva. The Optional Protocol will strengthen the Convention on the Rights of the Child and its existing protocols. In this way, after more than twenty years, children are given the opportunity to access to justice at the international level, through the newly adopted appeal. The process of ratifying the Optional Protocol III is underway.

Even though in Montenegro there are 320 children placed in foster care, non-kinship foster care is not enough developed which represents significant obstacle in the process of deinstitutionalization. The Government of Montenegro has recognized this problem and adopted in 2012 the Foster Care Development Strategy 2012-2016, which lays down the foster care system development and increasing the number of foster care services.

Besides that, the new Law on Social and Child Protection define the obligation of all professionals working on child protection to give maximal efforts to assist the placement of children in the family through the support to the family, and if it is not possible or it is not for the best sake of children, through providing foster care. The new Law prescribes the child younger of three years of age to be placed in the institution only if all other choices are exhausted and are being reviewed at least once in six months.

Aimed at deinstitutionalization, the design of Operational Plan for transformation of Children's Home in Bijela is in progress. It is the only one institution of that kind in Montenegro for settling of children without parental care, and the plan is envisaged in order to decrease the number of children in the institution and provide children to go back to families, in alternative forms of protection, i.e. foster care or other service within the local community. The development of inter-sectoral Protocol for prevention of institutionalization of children with the emphasis on children younger than three years is in progress.

In order to provide better record and monitoring of achievement of rights and protection, the electronic data base of child protections was set up, which will provide monitoring of all children being settled in the system of social and child protection, including children without parental care.

The Centre for Youth and Children Ljubovic is the only social and child care institution for placement of children with behavioral disorders. The Centre functions via the following organizational units: entry station; measure of increased supervision with daily stay in an educational institution; reception with diagnostics, measure enforcement (measure of referral to educational institution of non-institutional type for a period of 6 months to 2 years). In line with the Rulebook on closer conditions for provision and use of services, legal norms and minimum standards of services for accommodation of children and youth in the institution and small group community (Official Gazette 43/2014), the Centre employs the needed number of professionals at the basic professional vacancies, as well as the professionals for the posts of educators. The centre aims at preventing risky behavior of the youth via different programmes in the local community as well as in the primary and secondary schools. The Centre actively cooperates with the NGOs that deal with prevention of risky behavior of the youth.

There were no cases of torture or abuse of children inmates in the Centre reported in the CPT Report for 2008 and in NGO Human Rights Action Report in 2011.

The Government adopted the strategic document the National plan of action for children 2013-2017 (NPAD) that defines the general policy toward children for the period 2013 to 2017. The document identifies the basic problems in exercise, protection and promotion of rights of a child in our country as well as provides for the guidelines to address these problems. The NPAD stands as the step forward in the strategy-oriented approach to important children issues in Montenegro that was launched by drafting and implementing the National Plan of Action for Children of Montenegro for the period 2004-2010.

Protection of the rights of the child concerning privacy in the media is regulated in detail by the Law on Media and Law on Electronic Media. The Law on Media defines the obligation of protection of juvenile's integrity as well as the obligation that program content of media that may endanger health, moral, intellectual, emotional and social development of a child have to be clearly and visibly marked and distributed in a way a child will not be able to see.

The Law on Electronic media, in accordance with the AVM Directive, lays down a prohibition of publishing information that reveal identity of minors, who have been involved in cases related to any form of violence, as witnesses, victims or offenders, as well as the prohibition of disclosing details concerning family relationships and private life of children. This prohibition also applies to electronic media (web pages or internet portals which contain electronic versions of press or information from the media). The issue of protection of minors in media is developed in more detail in by laws – the Rulebook on program standards in electronic media as well as Rulebook on commercial audio-visual communications.

Having regard the children with disabilities, the main challenges we are facing are still high percentage of children who are placed in institutions, lack of support services to parents and children in local communities where they live or where children can come back, as well as lack of reliable record about the number of children with disabilities in Montenegro.

In terms of development of alternative services, we are working on the foundation and development of network of daily centres for children with disabilities. So far, these centres have been set up in 6 out of 21 municipalities, and activities are in progress to establish those centres in all municipalities.

Furthermore, we are working on setting up first of that kind small group houses with 6 children at the most for the children with disabilities and without adequate parental care. In addition, the development of specialized foster care system is planned.

In order to provide better record and monitoring of achievement of rights of those children the electronic data base of social protection has been made which will provide the statistical record of all children who are on any basis in the system of social and child care, including children with disabilities.

The Protector of Human Rights and Freedoms of Montenegro (Ombudsman) was established as an autonomous and independent body to take measures for the protection of human rights and freedoms. The Law on the Protector of Human Rights and Freedoms of Montenegro ("Official Gazette of Montenegro" 42/11 and 32/14) regulates the jurisdiction, powers, method of work and actions of the Protector of Human Rights and Freedoms guaranteed by the Constitution, the law, and ratified by international treaties on human rights and generally accepted rules of international law, as well as other issues of importance to his work.

The Rulebook on the internal organization and systematization of professional services of the Protector of Human Rights and Freedoms, it is anticipated that the Protector, within a particular field of specialization The second basic group of activities - the area of children's rights, the rights of youth and social welfare, will cover the protection of human rights and freedoms in the following areas: child rights, youth rights, social protection and related fields. For performing the activities in this area, in addition to Deputy Ombudsman, the Professional Service of the Protector includes three clerical job positions. Two

of the positions are filled and no funding for the third one has been provided yet. It is expected that this job position will be filled in 2014.

No	Measure / Activity	Responsible authority	Deadline	Required funds / Source of financing	Indicator of result	Indicator of impact
3.8.1.1	Amendments to the Criminal Code in the part related to juveniles	Ministry of Justice (Branka Lakočević, Merima Baković), Parliament (Siniša Stanković)	September 2013	MJ budget for 2013 and 2014	Law amending the Criminal code has been adopted in accordance with the EU standards A greater degree of criminal protection of child rights is provided.	
3.8.1.2	Adoption of the new Law on Social and Child Protection that would regulate the mechanisms of professional overview over the work of institutions of social and child welfare as well as inspection surveillance and drafting secondary legislation.	Ministry of Labour and Social Welfare (Goran Mišković), Parliament (Siniša Stanković)	July 2013 September 2015 (by-laws adoption)	Regular funds from the budget for 2013	Law on Social and Child Welfare adopted Secondary legislation adopted	
3.8.1.3	Adopt the Law on Ratification of the Optional Protocol III on communication procedures (appeal) to the Convention on the Rights of the Child	Ministry of Labour and Social Welfare (Goran Mišković), Parliament (Siniša Stanković)	July 2013	Regular funds from the budget for 2013	The Law on Ratification of the Optional Protocol III on communication procedures (appeal) to the Convention on the Rights of the Child adopted, allowing the child	

					the opportunity to access to justice at the international level, through the newly adopted appeals process	
3.8.1.4	Adoption and application of the new National Action Plan for Children (NAP) 2013-2017	MLSW (Svetlana Sovilj), MEd (Mubera Kurpejović), MH(Gorica Savović), UNICEF	June 2014 and continuously once a year	Regular budgetary funds for 2013 EUR 14,460 (working group of 8 members, effective work of 2 months, EUR 12,960, public debate EUR 1,500)	NAP for Children adopted; Planned and provided budgetary funds for the application of NAP provided; Council for the Rights of a Childs monitors, coordinates and stimulates the application of NAP.	Regular monitoring and updating of indicators of impact from the NAP for Children in all areas via the annual report on 2013-2017 NAP measures being taken
3.8.1.5	Adoption of the Strategy of developing social and child protection 2013-2017	MLSW (Svetlana Sovilj), Med (Mubera Kurpejović), MH, MC (Borka Vuković), NGO	December 2013	Regular budgetary funds for 2013 EUR 14,460	Strategy of developing social and child protection adopted EC progress report	

		UNICEF		(working group of 8 members ,effective work of 2 months, EUR 12,960, public debate EUR 1,500)		
3.8.1.6	Adopting a new decision on establishing the Council for Rights of a Child which will expand the competences of the Council. Extension of capacities of the Council to all areas defined under the UN Convention on right of a child and optional protocol, ensure participation of NGO sector and children in the work of the Council.	MRSS (Goran Mišković)	June - December 2014	No funding required	Council for Children's Rights established with the view to monitor, supervise, coordinate and stimulate the NAP implementation. The Council is to hold at least 4 regular sessions per year	
3.8.1.7	Organisation of specialist trainings for judges and prosecutors for juveniles to strengthen the dialogue between the judges in the countries of the region	Judicial Training Centre (Maja Milošević), TAIEX Workshop	from January 2014 and further on, once per year	Regular budgetary funds EUR	Special training programme adopted; Annual report of	

	and exchange experiences with EU countries	2014		6,000 Additional funds from foreign donations annually necessary - EUR 12,000 (EUR 6,000 per seminar)	the Training Centre; Number and type of trainings delivered; Number and composition of attendees	
3.8.1.8	Strengthen the capacities of the Protector of human rights and freedoms of Montenegro in the area of children rights protection. Reference made with measure 3.1.6 (Employment Plan elaborated in detail)	Ombudsman (Zdenka Perović)				
3.8.1.9	Form a "Network of Golden Advisors of the Ombudsman" involved in the activities of the Protector in the promotion and protection of children's rights The network includes all children of secondary school age. Sustainability of the network ensured (regular meetings, prepared comments, and direct contacts with representatives of the Protector).	Ombudsman (Nevenka Stanković) in cooperation with secondary schools	December 2014 and continuously	Ombudsman's budget-allocated funds— 5,500€ for the Network establishment.	The Network of Golden Advisors of the Ombudsman established, made of representatives of secondary school children. Reports on network performance prepared. Annual conference	

	Brochures and other materials published			Budget of Montenegro / section Ombudsman, (additional funds needed for making the network viable through allocation of annual installments of around 15,000 € TAIEX	organized The number of schools being represented in the network;	
3.8.1.10	Implement a campaign to advise	The Protector of	December	Ombuds		

	<p>children and citizens of their rights and powers of the Protector in prevention, promotion and protection of their rights.</p> <p>Distribution of thematic publications on children's rights.</p> <p>Campaigns specifically cover children with disabilities, especially girls, their associations that deal with children's rights, children from socially disadvantaged families and the general public.</p>	Human Rights and Freedoms (Nevenka Stanković/Duška Šljivančanin) in cooperation with bodies, organizations and institutions (including experts on children's rights)	2015 December 2016 and continuously	man's budget (necessarily to increase funds for EUR 5,000)	Number and type of the activities performed	
3.8.1.11	Adopt Strategy of developing social and child protection with an action plan for the reform of the social welfare centres, reorganization of their work process and the application of the new methodology.	MLSW (Svetlana Sovilj) in co-operation with MHMR (Irena Bošković), Ombudsman (Milica Kovačević), NGOs Expert support of UNICEF needed	December 2013 July 2015 (annually reporting on implementation)	Budget EUR 14,460 (working group of 8 members, effective work of 2 months, EUR 12,960, public debate EUR	Strategy and action plan established Annual Report on the Implementation of measures stemming from the Action Plan.	

				1,500)		
3.8.1.12	Adopt and monitor the implementation of new methodology of the employees, determined on the basis of the Strategy	MLSW (Goran Mišković)	March 2015	Budget IPA 2011 EUR 31,000	Adopt the Rulebook on organisation, norms, standards and method of operation of centres for social welfare (IV quarter 2013) Methodology adopted Methodology of case piloted in selected centres for social work Number of centres that apply the new methodology Report on centres' work	Number of complaints Number of complaints to the competent authorities The number of centres that apply new methodology
3.8.1.13	Prepare a plan for the transformation of residential institutions for social and child protection, which will contain: - The number of necessary small home communities and foster homes needed for the relocation of children placed in Children's Home in Bijela; - Number of employees;	MLSW (Svetlana Sovilj)	March 2015	IPA 2011 EUR 29,500	Plan prepared	Residential Institutions Situation Analysis in 2017 - number of children in the residential institutions for social and child protection reduced by 30% (no children aged 0-3 in

	<ul style="list-style-type: none"> - Amount and method of providing funds for the relocation; - Authorities; - Potential sources of funding 					residential institutions by 2017)
3.8.1.14	Conduct the campaign for raising awareness on significance of family for a child, strengths and significance of the institute of foster care	MLSW (Svetlana Sovilj) UNICEF	2013-2017 continuously	Budget IPA 2011 EUR 71,500	Organised public campaign for raising awareness on strengths and significance of the institute of foster care; List of activities taken under the campaign.	
3.8.1.15	Organise special trainings for employees working in institutions for enforcement of criminal sanctions aimed at training them for designing special programmes for treatment of juveniles to whom criminal sanctions have been imposed	Ministry of Justice (Slavica Rabrenović, Miljan Vlaović) Institution for Enforcement of Criminal Sanctions Police Academy (Tanja Tripović/Žana Đurović), Human Resources Administration (Jadranka Đurković) Ministry of Labour and Social Welfare (Svetlana Sovilj)	June 2013 – January 2014 and continuously	Budget IPA 2011 and UNICEF EUR 14,000	Special training programmes adopted; Number of planned trainings; Evaluation reports on organised trainings; Employees trained in accordance with international standards.	
3.8.1.16	Make annual analyses of individual	Ministry of Justice	Continuously	Budget	Analyses made	

	programmes for treatment of juveniles, particularly with regard to education of juveniles and their re-socialisation, and give recommendations grounded in the analyses for improvement of individual programmes for treatment of juveniles	(Slavica Rabrenović, Miljan Vlaović), Ministry of Labour and Social Welfare (Svetlana Sovilj) Institution for Enforcement of Criminal Sanctions Centre for Children and Youth Ljubović		IPA 2011 and UNICEF EUR 14,000	Number of recommendations Report on implementation of recommendations Improved juvenile treatment program in accordance with international standards	
3.8.1.17	Improvement of the work and treatment of juveniles who are in custody and who had been sentenced with criminal sanction according to best practices and relevant international standards.	Ministry of Justice (Slavica Rabrenović, Miljan Vlaović), Institute for Execution of Criminal Sanctions, Police Academy (Tanja Tripović/Žana Đurović), Human Resources Management (Jadranka Đurković), Ministry of Labour and Social Welfare	June 2013 – January 2014	Budget IPA 2011 and UNICEF EUR 14,000	Adopted and implemented special training programs for working with juveniles in the Institute for Execution of Criminal Sanctions; Officers are trained to work with juveniles in accordance with special programs and international standards, Juveniles who reside in custody serving a prison sentence are	100% of children in Institute for Execution of Criminal Sanctions have individual rehabilitation and reintegration program and have access to education 100% employees of the Institute for Execution of Criminal Sanctions who are contacting and working with children are trained according to training programme.

					separated from adults, Juveniles who reside in custody serving a prison sentence are enabled with education and vocational training in accordance with age and interests.	
3.8.1.18	Strengthen human resources in the educational service of the Centre for Children and Youth Ljubović by recruiting two special educationalists	Ministry of Labour and Social Welfare (Svetlana Sovilj) , Centre for Children and Youth Ljubović	June 2013 – January 2014	Necessary increase in funds for EUR 3,240 in 2014 for two new employees	Two special educationalists in the educational service	
3.8.1.19	Continue education of experts working in the Centre for Children and Youth Ljubović	Ministry of Labour and Social Welfare (Svetlana Sovilj)	continuously	Budget IPA 2011 and UNICEF EUR 14,000	Number of trainings delivered Number and composition of attendees	

3.8.1.20	Establish an electronic database on the number of juveniles as perpetrators of criminal offenses, their age, type of offenses and length and type of sanctions imposed within PRIS. Establish special electronic database on corrective measures and juvenile prison.	Ministry of Justice (Slavica Rabrenović, Miljan Vlaović) , Judicial Council (Darko Drašković) SPO (Radmila Ćuković/Nataša Gospić/Ana Lakić)	September 2015	IPA 2011 and UNICEF EUR 13,000	Established and updated electronic database and electronic criminal records database; Established special electronic records on educational measures in prison for juvenile offenders.	
3.8.1.21	Develop a network of daily care centres for children with developmental disorders in cooperation with the NGO	Ministry of Labour and Social Welfare (Svetlana Sovilj) , Local self-governments NGO	January 2014 -2017	Budget IPA 2011 and UNICEF EUR 69,000	Number of municipalities with functional daily care centres	Number of children who use the services of daily care centres.
3.8.1.22	Develop a network of small group communities for children without parental care and for children with developmental disorders	Ministry of Labour and Social Welfare (Irma Kalač) , Local self-governments	2013-2017	Budget IPA 2011 and UNICEF USA Embassy EUR 330,000 EUR	Number of small group communities constructed and functional	Number of children who use the services of small group communities

				44,000		
3.8.1.23	Keep developing inclusive preschool, primary and secondary education for children with developmental disorders in communities in which they live	Ministry of Education (Vesna Vučurović), NGO	continuously	Budget IPA 2011 and UNICEF EUR 28,500	Children with developmental disorders covered by preschool education system. Children with developmental disorders covered by the regular education system.	Number of children with developmental disorders included in the educational system increased in comparison to the previous year
3.8.1.24	Organise further trainings for members of the commissions dealing with orientation of children with special educational needs	Ministry of Education and Sports (Vesna Vučurović)	2013 - 2017	Budget IPA 2011 and UNICEF EUR 4,800	Members of the commissions dealing with orientation of children with special educational needs trained in accordance with the recognised need for capacity strengthening	

3.8. B - Recommendation: Improve the protection and enforcement of rights of persons with disabilities, including by strengthening the relevant councils, and continue deinstitutionalisation where possible.

CURRENT SITUATION

Within the field of protection from discrimination of persons with disabilities, national legal framework has been defined, and relevant international conventions have been ratified. Due to some deficiencies in the existing Law on prevention of discrimination of persons with disabilities, it was decided to draft a new law. One of the reasons for adopting the new law on antidiscrimination of the persons with disability arise from the needs to align the legislative framework with international documents on human rights, in particular with UN Convention on the rights of people with disabilities and Optional Protocol to the Convention. At the same time, the need arises for alignment of certain definitions and terminology as well as for introduction of the provisions that lay down stronger liability of perpetrators of discrimination before the judicial authorities. The new legal framework includes grounds for

discrimination as the form of misdemeanor liability (while some other forms of discrimination based on disability have been ensured criminal law protection), which will raise the scope and degree of protection from discriminatory behavior on higher level.

The recommendation to oblige employers to provide reasonable adjustments of workplace, made in accordance with Article 5 of Directive 2000/78/EC, has been incorporated in the Law on Professional Rehabilitation and Employment of Persons with Disabilities, where Article 15 prescribes general and special employment conditions. According to this Article, adjustment of work activities is considered to be adjustment of work process and work tasks, and adjustment of workplace is considered to be technical and technological equipment of a workplace, instruments of labour, space and equipment, in accordance with capabilities and needs of persons with disabilities. The same Law (Article 36) provides for entitlement of the employer hiring person with disability to subsidies, such as: non-repayable funds for adjustment of the workplace and work conditions needed for the employment of a person with disability; granting of loans under favourable conditions for the purchase of machines, equipment and tools needed for the employment of a person with disability; participation in the financing of personal costs of an assistant (providing support at work) to the person with disability; subsidized wages of persons with disabilities.

In order to monitor the implementation of new legal frameworks and improve the institutional system, an important role has been given to the Council for the Care of Persons with Disabilities, participated by the representatives of the Government and NGOs. The Council is tasked with: protection and promotion of rights of persons with disabilities in the fields of social and health protection, education and upbringing, professional training and employment; initiating the adoption of regulations for the development and improvement of their rights; proposing measures for the improvement of the quality of their life; providing information to the public on their rights, capabilities and needs to eliminate the prejudices and barriers placed before them; ensuring their exercise of other rights important for their status.

The council sitting in its new composition has been established by the Labour and Social Welfare Minister's Decision in November 2013. The Council has 16 permanent members, five of them come from the NGO, but the sessions may be attended by other representatives of the government agencies and NGO depending on the subject matter.

The Strategy for the Integration of Persons with Disabilities is currently implemented (2008-2016). Implementation of the Strategy on annual level is analyzed by a working group comprised of representatives of relevant ministries and non-governmental sector. The major progress has been assessed to be the adoption of the mentioned set of laws and the implementation of a large number of awareness raising campaigns, along with the media coverage of all events, which have contributed to a better general inclusion of persons with disabilities in all the areas of social life.

The Ministry of Labour and Social Welfare regularly updates its webpage with all the information relevant for people with disabilities, as of 2013, the webpage offers the link disabilityinfo.me and inkluzija.me with latest information from the areas relevant for people with disabilities.

No.	Measure / Activity	Responsible authority	Deadline	Required funds / Source of financing	Indicator of result	Indicator of impact
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3.8.2.1	Develop Initial Report on the Implementation of the UN Convention on the Rights of Persons with Disabilities	MLSW (Mirjana Đurić) in cooperation with relevant ministries NGO sector The Protector of Human Rights and Freedoms of Montenegro (Dina Knežević)	December 2013	Regular budgetary funds EUR 7,776	Report prepared, submitted to the UN Committee monitoring the Convention on the Rights of Persons with Disabilities	
3.8.2.2	Develop and adopt a Strategy for the integration of persons with disabilities in Montenegro for the period 2014-2015 and Action Plan with priority measures and activities for protection against discrimination and the empowerment of persons with disabilities in the areas of health, social and child care, education, employment, accessibility, culture, sports and media, as well as areas related to organizations that deal with issues of persons with disabilities.	MLSW (Mirjana Đurić) in cooperation with relevant ministries NGO sector The Protector of Human Rights and Freedoms of Montenegro	March 2014 January 2015 (annual report) January 2016 (annual report)	Regular budgetary funds EUR 4,860	The Action Plan adopted	Annual report on implementation of the Action plan for monitoring of the Strategy for the integration of persons with disabilities in Montenegro.
3.8.2.3	Develop a Strategy for inclusive education for the period 2014-2018	The Ministry of Education (Vesna Vučurović) in	December 2013 and continuously (reporting on	Regular budgetary funds EUR 14,460	The	Report on implementation of measures referred to in

		cooperation with MLSW (Mirjana Đurić), Ministry of Health (Gorica Savović) and NGO sector	Action plan)	(working group of 8 members, effective work of 2 months, EUR 12,960, public debate EUR 1,500)	Strategy and AP adopted	the Action Plan.
3.8.2.4	Amendments to the Law on Prohibition of Discrimination of persons with disabilities in terms of definitions and sanctions so as to comply with the EU and UN standards in terms of a definition of discrimination, and a more clearly defined part that refers to sanctions	The Ministry of Human and Minority Rights (Blanka Radošević Marojević) in cooperation with relevant ministries and NGO sector	June 2015	Regular budgetary funds EUR 4,860	Law on Prohibition of Discrimination amended	Annual report of the Ombudsman including the number of applications filed on the ground of persons with disabilities discrimination, and the number of cases processed and penalties.
3.8.2.5	Amend the Law on Spatial Development and Construction of Structures for the purpose of introducing enhanced obligations of all subjects of control in process of monitoring compliance with the requirements for access and movement of persons with reduced mobility, as well as for faster, easier and cheaper construction of facilities (access ramps, lifts, etc.) since the construction of those will be treated as the construction of	Ministry of Sustainable Development and Tourism (Danilo Gvozdenović), NGOs of persons with disabilities	September 2013	Regular budgetary funds EUR 4,860	The Law on Spatial Development and Construction of Structures amended	

temporary facilities. .						
3.8.2.5.1	Provide access for persons with disabilities to facilities of Center for Social Welfare, Tax Administration and Faculty of Economics	Ministry of Sustainable Development and Tourism (Danilo Gvozdenović),	December 2015	Capital Budget funds for 2015 (EUR 450.000)	Access provided to listed facilities	
3.8.2.5.2	Continue with providing access to the public facilities for persons with disabilities and persons with reduced mobility according to the Action Plan for 2014 of adjusting 13 priority public facilities for access, movement and use for persons with reduced mobility and persons with disabilities	Ministry of Sustainable Development and Tourism (Danilo Gvozdenović),	Countinuously	Depending on remaining capital budget funds for 2015	Number and name of facilities with provided access	

3.8.2.6	Amend the Rulebook on detailed conditions and method of adjusting the facilities for the access and movement of persons with reduced mobility.	Ministry of Sustainable Development and Tourism (Danilo Gvozdenović) NGOs of persons with disabilities Directorate of Inspection Affairs (for reporting on impact indicators) (Sandra Milić)	December 2013 Continuously (reporting)	Regular budgetary funds EUR 2,430	Rulebook amended	Number of completed inspection controls in the process of monitoring compliance with the requirements for access and movement of persons with reduced mobility. Number of building permits issued in accordance with the conditions of access and movement of persons with reduced mobility. Number of sentences in the process of monitoring compliance with the conditions of access and movement of persons with reduced mobility.
3.8.2.7	Include persons with disabilities in measures of active employment policy through professional information and counselling of persons with disabilities, equipment at place of work, subsidies for employment of persons with disabilities etc.	Ministry of Labour and Social Welfare (Ranka Pavićević) Employment Office of Montenegro, NGOs dealing with persons with disabilities	December 2013 and further on a yearly basis	Regular budgetary funds EUR 300,000	Number of implemented measures of active employment policy.	Increased number of employed persons with disabilities.

					<p>The number of beneficiaries of subsidized employment.</p> <p>Number of persons with disabilities who have been provided with a service.</p> <p>Number of persons with disabilities who are included in the measures of active employment policy.</p>	
3.8.2.8	Implementation of the measures and activities of vocational rehabilitation of persons with disabilities, subject to the assessment and opinion of local	Ministry of Labour and Social Welfare (Ranka Pavićević) Employment Office of	December 2013 and continuously once a year (for reporting on Annual	Regular budgetary funds EUR 150,000	Increased number of persons with disabilities	Annual information on implementation of the Strategy on persons with disabilities - a part that

	vocational rehabilitation committees, within inclusion of persons with disabilities into adequate modules of vocational rehabilitation	Montenegro(Sanja Rabrenović) NGOs dealing with persons with disabilities	information)		included in individual measures and activities of vocational rehabilitation.	covers employment.
3.8.2.9	Draft a Proposal for the Rulebook on financing special employment organisations and grant schemes funding Fund grant schemes to encourage employment of persons with disabilities.	Ministry of Labour and Social Welfare (Ranka Ravićević) Employment Office of Montenegro (Sanja Rabrenović) NGOs dealing with persons with disabilities	December 2013 and continuously once a year (for reporting on Annual information)	Regular budgetary funds EUR 55,000	Rulebook drafted The number of grants being approved; The number of disabled persons organisations that have been approved grants	Annual information on implementation of the Strategy on persons with disabilities - a part that covers employment.

3.9. Recommendation: Ensure the effective functioning of the free legal aid system, also through the allocation of sufficient financial means.

CURRENT SITUATION

By adopting the Law on Free Legal Aid, which started to be applied as of 1 January 2012, the conditions were created that a party cannot be limited due to bad financial situation in the exercise and protection of a right. A person who is indigent has the right to free legal aid, and without assessing

indigence, the right to free legal aid is realized by the beneficiaries of social welfare, persons with special needs, children without parental care and victims of the criminal offence of domestic violence or in domestic violence unit and victims of trafficking. This right can be realized in the proceedings before the court, the State Prosecutor's Office, the Constitutional Court and out of court dispute resolution, and for filing a petition to the European Court of Human Rights. Forms of free legal aid that can be approved include legal advice, drafting of letters and representation, and granting some of the form of the free legal aid implies exemption from paying the costs of proceedings for which free legal aid is granted. Basic courts grant free legal aid and in each Basic Court special Offices for free legal aid have been established (15 Offices that have been completely and in technical terms identically equipped) which are responsible for the technical and administrative tasks in the process of granting free legal aid and legal advice. Free legal aid is provided by lawyers included in a list drawn up by the Bar Association. As part of the project to support the establishment and implementation of free legal aid, supported by the United Nations/UNDP, the Government of the Kingdom of Norway and the Kingdom of the Netherlands, support was provided in infrastructure development, promotion of the service and training of free legal aid providers. In the previous period two trainings for a total of 87 participants were organized (advisors in services, presidents of the courts, judges, counsels, representatives of the state administration and NGO sectors).

Also, the procedural law guarantees the so-called right of indigent persons or the right of the poor to be freed from paying the costs of the proceedings, including the costs of paying taxes and advance expenses to present evidence, and actual cost of a lawyer when the court at the request of the party determines that it will be represented by counsel.

The courts are organized so as to ensure that citizens can exercise their right of access to court. In terms of civil procedural law, a party has the right to hire a lawyer, and yet a party may independently file the appropriate legal instrument and easily access any court, and the court is obliged to warn the party, which does not have a qualified attorney and who out of ignorance does not use the rights established by law, of actions that can be taken.

During the application phase of the institute of free legal aid, there have been organised the specialist trainings for the presidents of courts and advisers in the line services as well as for judges to be trained on how to advise the beneficiaries on the free legal aid. In addition, the institute has been communicated via the TV shows, leaflets and booklets available in Social Welfare centres, courts, post offices. The leaflets are available in Albanian language also. It has been done a lot in cooperation with the NGO CEMI on informing the vulnerable population about the free legal aid. The NGO "Civic Alliance" made the research on free legal aid implementation and the research has been published. The budget for courts provides for the allocation of funds to cover the costs of free legal aid provision.

The implementation of the Law on Free Legal Aid so far has shown certain shortcomings that should be addressed in order to ensure the efficient and effective access to justice as follows:

- the need arises for further improvement of the assets criteria that stand as prerequisites for exercise of the right to free legal aid related to assets threshold stipulated by law and their alignment with the Amendments to the Law on social and child care and with securities market climate (the ratio between the nominal and real value of shares and vouchers);
- the law does not define clear criteria under which an attorney at law may refuse to provide free legal aid, but rather, the system relies on the

internal procedures of the Bar Association;
 - the introduction of public bailiffs demands the free legal aid to be provided even in the enforcement procedure upon the enforceable order that is to be conducted by the public bailiffs.
 To address the spotted shortcomings, the Parliament adopted the Law on Amendments to the Law on Free Legal Aid.

No.	Measure / Activity	Responsible authority	Deadline	Required funds/ Source of financing	Indicator of result	Indicator of impact
3.9.1	Prepare annual analysis of approved cases of free legal aid and necessary funds for financing at annual level , and as a special subject of the analysis include the approved cases of legal aid for persons whose financial situation is not evaluated: namely persons with special needs, the beneficiaries of social welfare, children without parental care, victims of the crime of trafficking and domestic violence	Ministry of Justice (Branka Lakočević, Nataša Radonjić) , Supreme Court (Radule Kojović/Sanja Kalezić) , Court Council (Darko Drašković)	October 2013 for the previous year and continuous	Budget, United Nations/ UNDP, the Government of the Kingdom of Norway	Annual analysis conducted	The ratio of the number of free legal aid requests approved and lodged
3.9.2	Provide the necessary financial resources in the budget for free legal aid for the current year	Judicial Council (Darko Drašković) , Ministry of Finance (Milanka Otović/Ana Cerović)	Continuous for each budget year	Budget	Funds provided in budget for free legal aid; Percentage of provided funds in relation to	

					the approved cases	
3.9.3	Raising public awareness of the right to free legal aid and ways of exercising	Ministry of Justice (Branka Lakočević, Nataša Radonjić), Courts	September 2013 and continuously	United Nations/UNDP, Government of the Kingdom of Norway Brochures and campaign – EUR 36,000	Informative leaflet and booklets on the right to free legal aid available to all citizens in the courts, on the website of the Ministry of Justice and the courts. TV Show or spot – advertisement on TV or paper media	The number of activities performed
3.9.4	Carry out training on implementation of the Law on Free Legal Aid, designed for officers in free legal aid, court presidents, judges and lawyers, representatives of the state administration and	Ministry of Justice (Branka Lakočević, Nataša Radonjić), Judicial training centre (Maja Milošević), Human Resources Administration	December 2013 and continuously	United Nations/UNDP, Government of the Kingdom of Norway, OSCE Trainings – EUR 24,000	Number of trainings conducted, Number and structure of participants	The number of cases that were provided with free legal aid. The number of administrative procedures in cases for granting free legal aid.

	NGO sectors (40 participants)	(Jadranka Đurković)				
3.9.5	<p>Improve the infrastructure of offices for free legal aid/equip the remaining 9 offices for free legal aid</p> <p>Develop a separate database for free legal aid within the Judicial Information System (PRIS), which will enable keeping records of the number, type, costs and category of persons to whom free legal aid has been provided</p>	<p>Ministry of Justice (Branka Lakočević, Nataša Radonjić),</p> <p>Supreme Court (Radule Kojović/Sanja Kalezić)</p>	April 2013	<p>United Nations/UNDP, Government of the Kingdom of Norway through the project “Improving the efficiency of the judiciary and access to justice through the application of the Law on Free Legal Aid and improving mediation”</p> <p>9 offices for free legal aid with computers –</p> <p>EUR 40,000</p> <p>Database – EUR 10,000</p>	<p>Number of offices for free legal aid which were rehabilitated and equipped with furniture and IT equipment.</p> <p>Established database for free legal aid within the Judicial Information System (PRIS) functional.</p>	<p>All offices for free legal aid completely and identically technically equipped.</p> <p>Within the Judicial Information System (PRIS) provided database of the number, type, costs and category of persons to whom free legal aid has been provided.</p>

3.10. A-Recommendation: Take concrete measure to prevent discrimination of minorities. Ensure continuous registration of the RAE population, as

well as their equal access to economic and social rights and their adequate representation in public authorities. Particular focus should be given to improve the living conditions of the poorest part of the RAE population.

CURRENT SITUATION

Montenegro is defined by the Constitution as civil, democratic, ecological and social justice state, based on the rule of law. The citizen is a carrier of sovereignty having Montenegrin citizenship. The Constitution of Montenegro lays down legal basis for the promotion, strengthening and advancement of protection of fundamental human rights and freedoms and confirms the obligation of Montenegro to respect international standards in that regard. Almost half of Constitution articles (68 of 158) relate to human rights and freedoms which confirms its importance in normative sense. In addition to the fundamental human rights and freedoms, aimed at protection of national identity, Constitution and laws provide a series of additional rights to the minorities. The Constitution, in the Second Chapter, articles 79 and 80 guarantees the members of minority nations and other minority national communities the rights and freedoms, which may be exercised individually or in community with other people, prohibits the assimilation of members of minority nations and other minority national communities. The State is obliged to protect members of minority nations and other minority national communities from all forms of violent assimilation.

Law on Minority Rights and Freedoms stipulates in more detail the series of minority rights and protection mechanisms. The law relates to the preservation of national identity of minorities, i.e. the protection from assimilation of minorities as well as to provision of adequate participation of minorities in the public life. According to the definition contained in the Law, minority nations and other minority national communities are group of citizens of Montenegro, that is in quantitative terms smaller than majority population, having common ethnic, religious and linguistic characteristics, different from the rest of population, is historically linked to Montenegro and is motivated by the wish to express and preserve the national, ethnic, cultural, language and religious identity. In addition to the Law on Minority Rights and Freedoms, the legal framework governing the rights of minority nations and other minority national communities is composed of the laws and other acts governing the exercise of rights in certain areas such as education, information, culture, use of language and alphabet etc. In certain areas of social life important for the preservation of the identity of minority nations, measures were taken which resulted in the full respect of international standards and achievement of modern multinational democracies. We aspire to attain certain levels, in those areas where the desired goals have not been reached, which will legitimate Montenegro and its commitment to further promotion of traditionally good international, inter-confessional and intercultural relations. One of these areas where a lot of work is ahead of us is the participation of minorities in public authority. In 2011, this Ministry prepared the Information on the representation of minority nations and other minority national communities in public services, public authorities and local self-government bodies in Montenegro. It is the first of the kind, serious and comprehensive research on the implementation of constitutional and legal guarantee of the right to proportional representation in public services, public authorities and local self-government bodies.

When it comes to institutional field, there are three very important institutions established in our social environment, concerning improvement and protection of minority rights and freedoms, and those are Minority Councils, Fund for the protection and exercise of minority rights, Centre for preservation and development of minority culture. At the proposal of the Government of Montenegro, the Parliament of Montenegro passed the decision on the establishment of the Fund for Minorities in 2008. Fund was established so as to support activities important for the preservation and development of national and ethnic specificities of minority nations and other minority national communities and their members in the area of

national, ethnic, cultural, linguistic and religious identity. As of its establishment, the Fund for Minorities is a separate budget unit. Certain problems have occurred in the up-to-date operation of this institution in terms of establishing the control mechanism for spending of funds for the purpose other than intended (monitoring and evaluation of projects financed by the Fund) and that is why it is necessary to consider a way of finding a solution to these problems.

Unlike other minority nations and minority national communities, who are integrated in the modern Montenegrin society, Roma and Egyptians are the most vulnerable and the most marginalised minority national community in Montenegro. Low economic power, low level of education, a very low rate of employment, inadequate housing conditions, social exclusion with backlashes of ethnic stereotypes and prejudices, specific way of living and other characteristic are some of causes of their difficult position in the society. Systematic response of the Government of Montenegro to the problems of Roma and Egyptian population started after the regional conference »Roma in expanded Europe«, and after that Montenegro became part of the project »Decade of Roma Inclusion 2005-2015«. Government of Montenegro adopted the Strategy for the improvement of the status of RAE population in Montenegro 2008-2012. The Strategy represents the set of specific measures and activities in four years period, in legal, political, economic, social, housing and utility, educational, health, cultural, informational and any other sphere. The Strategy defines the implementers, time frame, funds, as well as the monitoring of implementation of the project and obligation to inform the Government yearly about its implementation. Measures and activities undertaken so far aimed at advancement of the status of Roma and Egyptians resulted in very significant and visible but not quite sufficient changes. Even though certain results have been made in the implementation of Action Plan for the Decade of Roma Inclusion in Montenegro and Strategy for Improvement of the status of the RAE population in Montenegro 2008-2012, the expected results in terms of advancement of total status of the Roma and Egyptian community collectively are still lacking. Due to that fact, the Government of Montenegro adopted new strategic document on 5 April 2013 – Strategy for the advancement of the status of Roma and Egyptians in Montenegro 2012-2016, which relies on the European framework for national strategies of Roma integration until 2020, with a view to the four objectives of integration defined.

The education system is focused on the development of democratic values and making for a social setting with no exclusion or other forms of discrimination. In work with the RE children, the focus has been put on their integration, their school and social better achievements, while their schoolmates have been encouraged to foster democratic attitudes from being exposed to diversity. It is of special interest to have the early enrollment in the education processes, basic school education, to monitor the achievements and attendance in urban schools. The support is given to this level of education, but also, the significant measures of affirmative action are taken for other level of education (secondary, tertiary levels of education).

No.	Measure / Activity	Responsible authority	Deadline	Required funds / Source of financing	Indicator of result	Indicator of impact
3.10.1.1	Promotion of principles of civic education in the spirit of tradition,	Ministry of Education (Vesna Vučurović),	December 2014	Regular budget funds of the Ministry	The number of activities and	

	culture and history of minorities in the education process	Burro for Educational Services, Minority Councils		of Education	curricula being implemented in the primary and secondary education	
3.10.1.2	Stimulate and support amateurism of minorities in the area of culture, particularly music and folklore, as well as support to publish periodicals, with a special emphasis to minority literature	Fund for Achievement of Minority Rights (Valerina Dedvukaj) Centre for Preservation and Development of Minority Culture	December 2013, December 2014, December 2015, Fourth quarter of 2016 and 2017	Budget funds of the Ministry of Culture, Fund for Achievement of Minority Rights and Centre for Preservation and Development of Minority Culture	Number of supported programmes Amount of funds	
3.10.1.3	Continuation of creating radio and TV shows on minorities and in minority languages, particularly those important for development of science, culture and informing	Ministry of Culture (Miloš Lalević) Local Radio Broadcasting Service (Irena Jovanović)	December 2013, December 2014, Fourth quarter of 2015, 2016, 2017	Budget funds of the Radio Television of Montenegro and Local Services	Continued creation of radio and TV shows on minorities and in minority languages, particularly those important for development of science, culture and informing	Percentage of radio and TV shows on minorities and in minority languages
3.10.1.4	Write names of public authorities, local self-government units, settlements, squares, streets, institutions, companies, business	Local self-governments (Rajko Golubović), Public authorities	December 2014	Budget funds of local self-governments and public authorities	Names of public authorities, local self-government	Fulfilment of constitutional rights

	and other firms and toponyms in minority languages and alphabets				units, settlements, squares, streets, institutions, companies, business and other firms and toponyms written in minority languages and alphabets	(Article 79, item 8) and guarantees referred to in the Law on minority rights and freedoms (Article 11 item 4).
3.10.1.5	Provide for fully updated Central Human Resources Register	Human Resources Administration (Milena Purtija) Ministry for Human and Minority Rights (Gezmend Cuca i Fikret Ljuljanović) Local self-governments Supreme Public Prosecutor's Office (Radmila Ćuković/Ana Lakić) Judiciary Council	December 2015	Regular Budget funds of the Human Resources Administration	Updated human resources register	Ensured monitoring of the right to proportional representation of minorities in state bodies
3.10.1.6	Conduct periodical surveys on representation of minorities in public administration bodies, local self-government units and public services	Ministry for Human and Minority Rights (Leon Gjokaj) Human Resources Administration (Jadranka Đurković) NGO	June 2013 December 2014 December 2015 Fourth quarter of 2016 Fourth quarter of 2017	Budget funds of the Ministry for Human and Minority Rights and Human Resources Administration EUR 3,240 annually	Number of periodical surveys on representation of minorities in public administration	

				Total EUR 16,200	bodies, local self-government units and public services	
3.10.1.7	Bearing in mind competences of the Minority Council, sign memoranda on cooperation between the councils of minority nations and other minority national communities and the Human Resources Administration and the University	Ministry for Human and Minority Rights (Leon Gjokaj) Councils Human Resources Administration (Jadranka Đurković) University of Montenegro (dr Biljana Đuričin)	May 2014	No funds required	Memorandums signed	
3.10.1.8	Make an analysis of the legislative framework for operation of the Fund for Minority Rights Exercise and Protection	Committee on Human Rights and Freedoms of the Parliament of Montenegro (Siniša Stanković) Ministry for Human and Minority Rights (Gezmend Cuca i Fikret Ljuljanović)	February 2014	Ministry for Human and Minority Rights EUR 1,620	Analysis carried out	The legislative framework amended in line with the analysis.
3.10.1.9	Continuous monitoring of the earmarked spending of financial resources (monitoring and evaluation of the projects financed from the Fund budget)	Committee on Human Rights and Freedoms of the Parliament of Montenegro (Siniša Stanković) Minority Fund	July 2015 Third quarter of 2016	No funds required	Submitting the Annual Work Report of the Fund to the Parliament for discussion.	
3.10.1.10	Strengthen administrative capacities of the Fund for Minority	Minority Fund (Valerina Devdukaj)	March 2015 September 2015	Budget funds of the Minority Fund EUR	Administrative capacities	

	Rights Exercise and Protection	Ministry of Finance (Milanka Otović/Ana Cerović)		12,000 for 2014, EUR 24,000 for 2015, EUR 24,000 for 2016, EUR 24,000 for 2017 Total EUR 84,000	strengthened by employing two employees, one in 2014 and another in 2015	
3.10.1.11	Improve the inclusion of RE children in early and pre-school education	Ministry of Education (Vesna Vučurović) , Ministry for Human and Minority Rights (Sokolj Beganaj i Fikret Ljuljanović) Ministry of Labour and Social Welfare Refugee Care and Support Office NGO	December 2013 December 2014 December 2015 Fourth quarter of 2016	Budged funds of the Ministry of Education Donor funds	Number of children from RAE population included in preschool and kindergarten education and upbringing Annual report of the Ministry of Education	
3.10.1.12	Reduce the level of segregation of RAE pupils	Ministry of Education (Vesna Vučurović) in cooperation with local social services	December 2013 December 2014 December 2015	IPA 2011 EUR 500,000	Number of RAE children enrolled in city schools and the number of included city schools, number of workshops and parents involved	
3.10.1.13	Provide textbooks and school supplies for RAE children	Ministry of Education (Vesna Vučurović) , Ministry for Human and Minority Rights (Sokolj Beganaj i	September 2013 September 2014 September 2015 September 2016 September 2017	Budgetary funds of the Ministry of Education and the Ministry for Human and Minority Rights	Textbooks and school supplies provided for 100% of the target group –	Monitor the decrease of drop-outs

		Katarina Pecović)		EUR 50,000 per year Total EUR 250,000	RAE children Annual report of the Ministry of Education	
3.10.1.14	Ensure adequate number of scholarships for secondary school pupils and students	Ministry of Education (Mubera Kurpejović) Ministry for Human and Minority Rights (Sokolj Beganaj i Katarina Pecović)	September 2013 September 2014 September 2015 September 2016 September 2017	Budget funds of the Ministry for Human and Minority Rights EUR 75,000 for 2013 EUR 80,000 for 2014 EUR 85,000 for 2015 EUR 90,000 for 2016 EUR 95,000 for 2017 Total EUR 425,000	Scholarships provided Number of secondary school pupils and students receiving scholarships	
3.10.1.15	Organise campaigns and use examples of prominent, successful and highly educated members of RAE population, along with accompanying programmes in schools	Ministry for Human and Minority rights (Sokolj Beganaj i Fikret Ljuljanović), Ministry of Education (Vesna Vučurović), Centre for Vocational Education NGO	December 2013 December 2014 December 2015 December 2016	Budget funds of the Ministry of Education EUR 10,000 per year Total EUR 40,000	Number of TV and radio shows about promotion of education of RAE population, Number of presentations of highly educated members of RAE population delivered to school children and their parents	Percentage of RAE population at all educational levels
3.10.1.16	Implement the program of primary education of the adult population;	Ministry of Education (Vesna Vučurović) Centre for vocational education	December 2013 December 2014 December 2015 Fourth quarter	Budget funds of the Ministry of Education EUR 10,000 per year	Number of attendees	Percentage of increase of attendees

			of 2016 and 2017	Total EUR 50,000		at adult education programs
3.10.1.17	<p>Implement informational campaigns on rights and obligations in the employment area;</p> <p>Inform about and stimulate newly registered persons to actively search for employment and be included in Employment Action Plan measures, via interviews and informational and motivational seminars (workshops) in the Montenegrin Employment Agency.</p>	<p>Employment Agency of Montenegro (Sanja Rabrenović)</p> <p>Ministry of Labour and Social Welfare (Ranka Pavićević)</p> <p>NGO</p>	<p>December 2013</p> <p>December 2014</p> <p>December 2015</p> <p>December 2016</p> <p>December 2017</p>	<p>Funds from the Budget of Montenegro intended for active employment policy measures (EUR 2,000 per year)</p> <p>Total EUR 10,000</p>	<p>Number of campaigns implemented</p> <p>Number of announcements in the media</p> <p>Number of newly registered persons (% of women)</p> <p>Number of informational interviews held (% of women)</p> <p>Number of participants in workshops</p> <p>Numbers of employment plans designed</p>	
3.10.1.18	<p>Organize programmes for acquisition of the first qualification for persons with no professional qualifications</p>	<p>Employment Agency of Montenegro (Sanja Rabrenović)</p> <p>Centre for Vocational Education</p>	<p>December 2013</p> <p>December 2014</p> <p>December 2015</p> <p>December 2016</p> <p>December 2017</p>	<p>Funds from the Budget of Montenegro intended for active employment policy measures (EUR 10,000 at the annual level)</p>	<p>Number of implemented programmes;</p> <p>Number of persons covered by programmes (% of women),</p>	<p>Number of members of RAE population with acquired first qualification</p>

				Total EUR 50,000	with age and regional structure	n
3.10.1.19	Organise programmes for education and training for known employer	Employment Agency of Montenegro (Sanja Rabrenović) Montenegrin Employers Federation	December 2013 December 2014 December 2015 December 2016 December 2017	Funds from the Budget of Montenegro intended for active employment policy measures (EUR 5,000 at the annual level) Total EUR 55,000 Project activities	Number of implemented programmes Number of covered persons Number of employed persons	Number of trained members of REA population and increase of employment rate
3.10.1.20	Inclusion of RAE population registered in Employment Agency of Montenegro in the seasonal employment programmes, in line with the demand and their vocational qualifications	Employment Agency of Montenegro (Sanja Rabrenović)	October 2013 December 2014 December 2015 December 2016	Budget funds from the Employment Agency of Montenegro, regular activity of mediation in the labour market financial estimation impossible	Number of seasonally employed persons during the year (% of women) with age and regional structure	
3.10.1.21	Implement a programme for subsidised employment in accordance with the Decree on subsidies for employment of certain categories of unemployed persons	Employment Agency of Montenegro (Sanja Rabrenović)	December 2013 December 2014 December 2015 December 2016	Funds from the Budget of Montenegro (EUR 40,000 at the annual level) Total EUR 160,000	Number of implemented programmes Number of persons covered by subsidised employment	
3.10.1.22	Monitor health condition and	Ministry of Health	December 2013	Budget funds from	Number of	

	health needs of Roma and Egyptians	(Veselinka Marković), Institute for Public Health, Public health care institutions (Clinical Centre of Montenegro, general hospitals, medical centres)	December 2014 September 2015 Fourthquarter 2016	the Ministry of Health, Institute for Public health and Public health care institutions	primary and control examinations, number of preventive examinations, number of referral slips to secondary and tertiary levels	
3.10.1.23	Organise educational and informational workshops, distribute educational material; open calls in the field of healthcare and healthcare needs	Ministry of Health (Veselinka Marković), Institute for Public Health, Public health care institutions (Clinical Centre of Montenegro, general hospitals, medical centres)	December 2013 December 2014 December 2015 December 2016	Budget funds from the Ministry of Health, Institute for Public health and Public health care institutions Donors funds NGO projects	Number of educational and informational workshops Type and number of educational material distributed Number of open calls	
3.10.1.24	Produce informational and educational brochures and distribute them to women, youth and children, informing them on human rights, right to health and health protection, right to reproductive health, right to life without violence, etc. and educating them about health protection, sexuality, objective age	Ministry of Health (Veselinka Marković), Institute for Public Health, Public health care institutions (Clinical Centre of Montenegro, general hospitals, medical centres) NGO	December 2013 December 2014 June 2015	Budget funds from the Ministry of Health, Institute for Public health and Public health care institutions Donors funds NGO projects	Number of RE children aged up to 15 years who have chosen general practitioner – paediatrician; Number of women aged 15-65 years	

	for entering into marriage, safe sex, safe pregnancy, etc.				who have chosen general practitioner – gynaecologist; Number of children who have undergone compulsory vaccination.	
3.10.1.25	Organise informational campaigns in settlements inhabited by Roma and Egyptians about the right to social and children protection and exercise thereof	Ministry of Labour and Social Welfare (Budimirka Đukanović) NGO	December 2013 December 2014 December 2015	Budget funds from the Ministry of Labour and Social Welfare - EUR 3,000 per year, Donor funds NGO projects	Number of workshops and participants at the annual level in each settlement Number of announcements in the electronic media at the annual level	
3.10.1.26	Education of parents children, RAE activists, civil servants in state authorities on the protection from domestic violence and forced marriages of underage among Roma population	Ministry for Human and Minority Rights (Leon Gjokaj) Ministry of Labour and Social Welfare(Budimirka Đukanović) Human Resources Administration, NGO	March 2014 December 2015, Fourth quarter 2016, Fourth quarter 2017	Budget Additional funds needed from donations EUR 10,000 at the annual level	Number and type of training; Number and structure of participants.	Number of reported cases of violence and forced marriages of the underaged, the number of reports lodged

3.10.1.27	Organisation of campaigns in Roma settlements on problem of violence against women and forced marriages of RE girls	Ministry for Human and Minority Rights (Leon Gjokaj) NGO	November 2013, Fourth quarter of 2014, December 2015, Fourth quarter 2016, Fourth quarter 2017	Additional funds needed from donations EUR 5,000 at the annual level	Campaign conducted (the taken activities in the campaign listed)	
3.10.1.28	Organisation of training for young women belonging to national minorities and Roma in order to empower them to be engaged in politics (With reference to 3.6.2.11)	Ministry for Human and Minority Rights (Leon Gjokaj) The Parliament (Siniša Stanković) NGO	Fourth quarter 2014, December 2015, Fourth quarter 2016, Fourthquarter 2017	Budget and donations EUR 4,000 at the annual level	Number and type of trainings delivered Number and structure of participants in trainings	Number of women, members of minority population and RAE population, engaged in politics
3.10.1.29	Produce and broadcast legally defined programme contents in Roma language via public service of the Radio Television of Montenegro	MC (Miloš Lalević)	December 2013 December 2014 December 2015 December 2016	Budget funds of the Radio Television of Montenegro - EUR 45,000 at the annual level Donor funds	Radio and Television of Montenegro – number of broadcasted shows	
3.10.1.30	Precisely define programmes for Roma and Egyptians in annual contracts on compulsory programme contents of public interest by local self-governments having local broadcasting services	Ministry of Culture (Irena Jovanović) Local self-government Local Radio Broadcasting Service	December 2013 December 2014 December 2015 December 2016	Budget funds of local self-government Local Radio Broadcasting Service Donor funds NGO projects	Number of contracts with precisely stated programmes for Roma and Egyptians	

3.10.1.31	Adopt the Law on Social Housing.		Ministry of Sustainable Development and Tourism (Marko Čanović)	December 2013	Budget funds from the Ministry of Sustainable Development and Tourism – EUR 15,000	Law on Social Housing adopted	
	3.10.1.31.1	Adopt Decision on the manner and closer criterias on use of social housing funds	Ministry of Sustainable Development and Tourism (Marko Čanović)	September 2015	Regular budget	Decision adopted.	
3.10.1.32	Establish cooperation with local self-governments in drafting and implementing local action plans for Roma and Egyptians (Berane, Bijelo Polje and Ulcinj).		Ministry for Human and Minority Rights (Leon Gjokaj), Local self-governments	September 2013	Budget funds from the Ministry for Human and Minority Rights, EUR 2,430 OSCE	Cooperation established with local self-governments Number of adopted action plans in municipalities	
3.10.1.33	Ensure respect for legally defined affirmative action measures when employing members of Roma and Egyptian population in public administration bodies, local self-government bodies and public services		Ministry for Human and Minority Rights (Leon Gjokaj), Human Resources Administration (Jadranka Đurković)	December 2013 December 2014 December 2015 December 2016	No funds needed	Number of employments in public administration bodies, local self-government bodies and public services	

3.10.1.34	Build adequate administrative and organisational capacities in the Ministry for Human and Minority Rights for work with RAE population	Ministry for Human and Minority Rights (Sabahudin Delić)	December 2014 December 2015	Budget funds from the Ministry for Human and Minority Rights EUR 12,000 in 2014, EUR 12,000 in 2015, EUR 24,000 in 2016, EUR 24,000 in 2017 Total EUR 84,000	Administrative capacities strengthened by employing two employees, one in 2014 and another in 2015	
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3.10.B - Recommendation: Ensure continuous registration of the displaced persons, as well as their equal access to economic and social rights. Particular focus should be given to improve the living conditions of the displaced persons.

CURRENT SITUATION

After the outbreak of armed conflicts on the territory of former Yugoslavia, Montenegro has provided shelter and for two decades cares for displaced persons (DP) from the former Yugoslav republics and internally displaced persons (IDPs) from Kosovo¹¹. Care for this population is regulated by documents that define this topic. According to data from the month of April 2013, in Montenegro are residing 2689 DS from the former Yugoslav republics and 8233 IDPs from Kosovo*.

Aimed at permanent and sustainable resolving of the issue of displaced persons from ex-Yugoslav republics and the internally displaced from Kosovo*, Montenegro has undertaken the necessary measures, in cooperation with the European Commission and UNHCR, to resolve the status of those persons, in a durable and sustainable manner, through recognising the status of foreigners with permanent residence, in which respect the Law on Amendments to the Law on Foreigners was adopted and has been applicable as of 7 November 2009. This law envisages that displaced and internally displaced persons may be approved permanent residence if they are recorded as displaced or internally displaced persons on 7 November 2009.

These persons, according to the legal provisions, unlike other foreigners in Montenegro, are exercising the right in favourable conditions to permanent residence in Montenegro. Privileged status of those persons is reflected in the fact that they, unlike other foreigners, are free from the obligation to provide proof of provided funds for subsistence, accommodation and health insurance, which is the legal obligation for all other foreigners when applying for permanent residence. Hence, these persons are obliged to provide only six documents: copy of a valid travel document, certificate from the Asylum Office that he/she is in the record of displaced persons, i.e. the certificate of the Refugee Care and Support Office that the person is entered into the records of internally displaced persons; copy of ID of the displaced or internally displaced person; birth certificate; citizenship certificate and proof that criminal procedure is not conducted against that person in Montenegro.

¹¹ This name does not prejudice the status, and it is in accordance with the UN Security Council Resolution 1244 and opinion of the International Court of Justice on the Kosovo's declaration of independence.

In addition, those persons are provided with legal possibility to, in a case of not possessing the valid passport of the state of origin, exercise the right to temporary residence up to three years, which is at the same time the deadline within which, if they obtain a valid passport, they exercise the right to approval of permanent residence.

As foreigners with approved permanent residence these persons enjoy the following rights: right to work and employment; right to education and vocational training; right to recognition of diploma and certificate; right to social assistance, health and pension insurance; right to tax alleviations; the right to access to market of goods and services; freedom of association and membership in organisations which advocate the interests of workers and employers. In this sense, their full integration in Montenegro will be achieved when the relevant laws are aligned with the Law on Foreigners and implemented in entirety. Until gaining the status of a foreigner with a permanent residence in line with the Law on Foreigners, those persons exercise rights as Montenegrin citizens in line with the Decree on the manner of exercising rights for displaced persons from former Yugoslav Republics and IDPs from Kosovo* residing in Montenegro.

Law on Amendments of the Law on Foreigners which is adopted at the end of May 2013 time limit for submission the requests for displaced and internally displaced persons for permanent residence and temporary residence was extended until 31 December 2014.

The legal status is the most important segment of the Strategy, and serves as a basis for exercise of rights of the displaced persons. Aiming at providing the prerequisites for a legal status issue addressing, the Government of Montenegro passed the decision on 28 November 2013 which allow for the deadline for applying for the status of a foreigner to be extended for the fourth time to last until 31 December 2014. In the period 7 November 2009 (the date the Law on amendments to the Law on Foreigners entered into force) – 30 September 2014, internally displaced persons and displaced persons have submitted a total of 12,089 requests for permanent residence and up to three years temporary stay. Out of that number, 10,664 requests have been resolved while 1,425 requests are pending. Refugee Care and Support office continuously implements measures to identify the most vulnerable people in need of assistance in obtaining documents from the country of origin (passport, birth certificate, certificate of citizenship) and administrative fees for the issuance of these documents, and for that reason organizes group visits to Serbia and Kosovo*. So far 15 group visits to Serbia and Kosovo* have been organized, which included 588 internally displaced persons from Podgorica, Berane, Ulcinj and Kotor. New group visits to Kosovo* and Serbia are planned.

Since displacement is a problem of national, social and international importance, the Government of Montenegro at its session in July 2011 adopted the Strategy for Durable Solution to the Issue of Displaced and Internally Displaced Persons, with special emphasis to the Konik site, with the Action plan. The Strategy is adopted for the period from August 2011 until December 2015, and action plans for its implementation will be adopted for one-year period.

Aimed at monitoring the implementation of the Strategy and coordination of the activities taken by public administration bodies, authorities and other competent institutions, the Government of Montenegro set up the Coordination Committee for monitoring the implementation of the Strategy for Durable Solution to the Issue of Displaced and Internally Displaced Persons with special emphasis on the Konik site, in October 2011.

Since the Strategy defined two solutions (local integration and voluntary return) for permanent resolution of IDs and IDPs it is necessary to enable IDs and IDPs, along with solving their legal status and accommodation, with an access to: social welfare, education, healthcare and employment.

Welfare: The Government will continue to ensure that the IDP/DPs and foreigners with permanent residence or temporary residence have full access to the welfare system in accordance with the Montenegrin legislation. The Law on Social and Child Welfare was adopted 28 May 2013 based on which bylaws will be made, that will define exercise of rights (rulebooks).

Education: The Government will continue to ensure that the IDPs and DPs and foreigners with permanent or temporary residence have equal access to state-owned kindergartens for children, elementary and secondary schools and state universities as the citizens of Montenegro. Programs and activities aimed at increasing of the level of social integration and attendance in schools, especially among the children of the IDPs RAE population will be initiated. Programs for vocational trainings will be offered to the illiterate adolescents and adults who need training in order to improve their odds at the labour market.

Healthcare: The Government aims at stimulating involvement of the DPs, IDPs and foreigners with permanent or temporary residence into the national healthcare system, through the informational campaigns whereby the awareness of the DPs and IDPs on rights concerning access to healthcare system would be raised when it comes to the rights regarding access to the healthcare system and through ensuring marking of these persons as a target group in healthcare campaigns.

Employment: The Government aims at stimulating employment and self-employment of the DPs and IDPs and foreigners with permanent or temporary residence. In order to support the economic advancement of the displaced active workforce, the programs of additional educational and acquiring of skills will be initiated pursuant to the Law on Employment and exercise rights from Insurance of Unemployment.

Accommodation: Adequate housing is the key element to integration. From the IPA funds and through the Regional Housing Program, international donations and own sources, the Government will provide for housing for the families considered to be vulnerable under the UNHCR criteria, living below the housing standards (Konik I and II, informal collective centres and temporary settlements). Contribution of Montenegro will be primarily in the sense of allocation of land and provision for primary infrastructure, as well as provision of financial support. Housing will be provided through implementation of project "Identifying durable solutions for (I)DPs and residents of Konik Camp" phase I and Regional housing programme "Sarajevo Process – Belgrade Initiative".

No.	Measure / Activity	Responsible authority	Deadline	Required funds / Source of financing	Indicator of result	Indicator of impact
3.10.2.1	The Law on Amendments to the Law on Foreigners in the area of providing for permanent residence to children born in Montenegro as follows: - To a child the parents of whom, at the moment of his/her birth have been	Ministry of Interior (Dragan Dašić, Abdulah Abdić), in cooperation with UNHCR	April 2015 (the date the Law on Foreigners enters into force) September 2015 (the date by-	Budget funds Financial assessment has been given in chapter MIGRATIONS	Law on Foreigners adopted in Parliament The necessary by-laws passed as provided for in the Law on	Number of children that have been given the status as provided for in the amendments to the

	<p>given the permanent residence;</p> <ul style="list-style-type: none"> - To a child, one parent of whom, at the moment of his/her birth, has Montenegrin citizenship with residence in Montenegro or is a foreigner with permanent residence, upon the consent of the other parent; - To a child, whose one parent, in the moment of a child's birth, has permanent residence, while the other parent is unknown or been passed away. 			laws enter into force)		Foreigners	Law on Foreigners
	3.10.2.1.1	Adoption of the Law on Foreigners	Parliament of Montenegro (Siniša Stanković)	December 2014		Law adopted	
	3.10.2.1.2	Start the implementation of the Law on Foreigners	Ministry of Interior(Dragan Dašić, Abdulah Abdić), in cooperation with UNHCR	April 2015		Implementation of the Law on Foreigners started	
	3.10.2.1.3	By-laws adopted based	Ministry of Interior(Dragan	September 2015		By-laws adopted	

		on the Law on Foreigners defining the requirements for issuing temporary stay permits to victims of trafficking in human beings	Dašić, Abdulah Abdić), in cooperation with IOM				
3.10.2.2	Continue with searching for a solution for providing assistance to the financially most vulnerable displaced and internally displaced persons in obtaining personal documents within the Regional Technical Working Group for Documentation (Sarajevo process)	Ministry of Interior (Dragan Dašić, Abdulah Abdić) Ministry of Labour and Social Welfare Refugee Care and Support Office DEU UNHCR	December 2013 and December 2014	Budget – Ministry of Interior – costs refer to organization of meetings of the Regional Technical Group – regular costs, UNHCR budget EUR 243,356 for 2013	Number of meetings held by of the Regional Technical Working Group Number of persons who have obtained necessary documents Number of persons who applied for obtaining the status.		
3.10.2.3	Continue with entries or subsequently make entries of the persons born in Montenegro into civil registers of birth, through the administrative procedure	Ministry of Interior (Remzija Ademović)	December 2013 December 2014 and in continuity	No funds needed	Number of submitted and solved requests Report on the number of	Number of persons who were subsequently entered	

	conducted by municipal units of the Ministry of Interior				submitted and solved requests	
3.10.2.4	Identify extremely vulnerable families and persons with disabilities that cannot obtain documents and assist them in obtaining documents	Ministry of Labour and Social Welfare (Budimirka Đukanović) Refugee Care and Support Office Ministry of Interior (Dragan Dašić, Abdulah Abdić) UNHCR	December 2013	Budget – Ministry of Labour and Social Welfare – EUR 2,025	Number of extremely vulnerable families and number of persons with disability identified Number of families and number of persons with disability to which assistance is provided in obtaining documents	Number of persons who provided necessary documents
3.10.2.5	Carry out targeted information campaigns for DP/IDP population on conditions to exercise rights in line with the Law on Social and Child Protection and other rights (organize field visits, focus groups...)	Ministry of Labour and Social Welfare (Budimirka Đukanović) NGO Refugee Care and Support Office UNHCR	Second, third, fourth quarter of 2013 Second, third, fourth quarter of 2014.	No funds needed (information campaigns implemented within information campaigns for the Regional housing project – Objective 6)	Number of implemented campaigns Number of organized forums	
3.10.2.6	Amend the Law on Higher Education in order to adjust it	Ministry of Education	October 2014	Budget EUR 33,390 (working group of	The Law on Higher Education	

	to the Law on Foreigners	(Mubera Kurpejović), UNHCR DEU		6 persons, effective work for 3 months – draft of law EUR 14,580; public debate EUR 3,810; work of parliamentary committees EUR 15,000)	provides effective access to higher education for person having the status of foreigner (Aligned with the Directive on education of migrant workers children 77/486/EEC of 25 July 1999)	
3.10.2.7	Amend the Law on overall education in order for persons having the status of foreigners being able to teach, in order to align with article 45.2 of the TFEU.	Ministry of Education (Mubera Kurpejović)	December 2013	Budget EUR 33,390(Working group comprising 6 members, effective work in duration of 3 months – Draft Law 14,580€; Public consultation 3,810€; Parliamentary Committee engagement 15,000€)	Law on education aligned with article 45.2 of the TFEU.	
3.10.2.8	Continuously monitor attendance of classes by children of the displaced and internally displaced persons	Ministry of Education (Vesna Vučurović)	Continuous activity	Budget EUR 810.00 at the annual level (one person effective work one	The number of children from among the DPs and IDPs being	

				month)	enrolled in education system; Number of children attending the classes compared to the previous school year.	
3.10.2.9	Develop and implement a preparatory programme for children aged 5-6 years who are not involved in the pre-school education and train the staff	Ministry of Education (Vesna Vučurović)	December 2013 December 2014 December 2015	Budget EUR 12,150 (2013) (Drafting programs of preparation EUR 4,500; consultative one-day meetings, 60 persons – EUR 650, Staff training EUR 6,000 at the annual level for organization of a two-day seminar for 25 participants) Budget for 2014 and 2015 – EUR 6,650	Developed elementary school preparatory programme for children aged 5 to 6 who are not involved in the pre-school education. Number of trained teachers. Number of children included in the preparatory programme.	
3.10.2.10	Organize educational-informational workshops for the general DP/IDP population on the possibilities to use	Ministry of Health (Ljiljana Vujisić) Institute for	December 2013 December 2014 December 2015 December 2016	Regular budget EUR 1,500 for organizing three workshops at the	Number of education – informational workshops.	Number of beneficiaries of counselling services in the support centre.

	healthcare services and preserve health. Prepare and distribute educational material from the field of healthcare and healthcare needs of the DP/IDP population.	Public Health Public health care institutions NGO		annual level Additional budgetary funds, donor funds, EUR 3,000 at the annual level for preparation of the educational material	Number and type of published educational material.	
3.10.2.11	Produce informational and educational brochures and distribute them to women, youth and children, informing them about the right to health and importance of prevention and preservation of health, education on preservation of reproductive health, optimal time for marriage, protection from unwanted pregnancy and behaviour during pregnancy and the like.	Ministry of Health (Ljiljana Vujisić), Institute for Public Health, Public health care institutions (Clinical Centre of Montenegro, general hospitals, medical centres)	December 2013 December 2014	Additional budgetary funds, donor funds, EUR 3,000, at the annual level for preparation of the educational material	Number of DP/IDP children aged up to 15 years who have chosen general practitioner – paediatrician, doctor for adults, number of women aged 15-65 years who have chosen general practitioner – gynaecologist, as well as number of children who have undergone compulsory vaccination; number of person who chose doctor for	

					adults.	
3.10.2.12	Inform the newly registered DPs and IDPs on job opportunities and requirements Involve IDPs and DPs population in active employment policy programmes	Employment Agency of Montenegro (Sanja Rabrenović)	January 2014 January 2015	Budget Donor funds required for implementation of training programmes as a part of active employment policy	The number of newly registered DPs and IDPs The number of informative interviews conducted Number of IDPs and DPs covered by active employment policy programmes	Increased number of IDPs and DPs members with provided access to economic rights
3.10.2.13	Organise round tables and meetings with employers with a view to raising employers' awareness on the right to work and employment pertaining to displaced and internally displaced persons as well as to persons with the status of foreigner	Ministry of Labour and Social Welfare (Ranka Pavićević) in cooperation with the Employment Agency of Montenegro (Sanja Rabrenović) Refugee Care and Support Office	October 2013 From 2014 at least once a year	Budget Donor's funds required Ca. EUR 10,000	Number of round tables and meetings held Number of employers covered by round tables and meetings	Number of employees involved in active employment policy
3.10.2.14	Organise informational campaigns with a view to	Ministry of Labour and	October 2013 From 2014 at	Budget	Number and type of	Number of persons in the records of the

	raising awareness among displaced and internally displaced persons on rights arising from unemployment	Social Welfare (Ranka Pavićević) Employment Agency of Montenegro (Sanja Rabrenović) Refugee Care and Support Office NGO	least once a year	Donor's funds required EUR 10,000	campaigns carried out	Employment Agency for the purpose of exercising rights arising from unemployment
3.10.2.15	Identify locations for construction of residence buildings in municipalities in Montenegro	Local self-government units (Rajko Golubović) Ministry of Sustainable Development and Tourism (Marko Čanović) Ministry of Labour and Social Welfare	December 2013 December 2014	No funds required	Number of identified locations in municipalities	
3.10.2.16	Implementation of IPA 2011 project "Identifying durable solutions for (I)DPs and residents of Konik Camp" – Activity 1: Urban development and construction of residential	Ministry of Labour and Social Welfare (Budimirka Đukanović), the Capital of Podgorica	Start of construction October 2014	Total project value EUR 3,000,000.00 (For construction of 90 new residential objects; funds provided within IPA 2011	Built 90 new residential objects for internally displaced persons members of RAE	Shutting down Konik Camp 2 Number of children included in primary educational system or who benefit from

	objects; Activity 2: Social integration; Activity 3: Voluntary return; Activity 4: Technical assistance			“Identifying durable solutions for (I)DPs and residents of Konik Camp” EUR 1,700.00 Contribution of budget EUR 500,000 resources provided	population from Konik Camp 1 and 2 and for local vulnerable population	adequately directed education services; Number of internally displaced persons of RAE population included in professional training in order to provide them with better employment opportunities; Number of internally displaced persons of RAE population, with the status issue resolved
3.10.2.17	Provide conditions for construction of housing units for 1.177 families in collective settlements, including irregular settlement and Vrela Ribnička (Regional project of Belgrade Initiative) Sarajevo process through: Construction of 907 housing units; Delivery of construction material for 120 housing units; Construction of 60 prefabricated houses;	Ministry of Labour and Social Welfare (Budimirka Đukanović), (International donors, CEB, Government) Local self-governments	2013, 2014, 2015 and 2016	Total amount of funds required: EUR 27,696,000 Contribution of Montenegro 15%, namely EUR 4,154,000 Donations Ca. EUR 23,542,000	Number of housing units constructed	Number of families with housing issue solved

	Construction of 90 housing units in the Elderly Home in Pljevlja.					
3.10.2.18	Carry out informational campaigns on exercising rights within the Regional Housing Project	Ministry of Labour and Social Welfare (Budimirka Đukanović) , Refugee Care and Support Office UNHCR	Until the end of 2013 and 2014	Donor funds – Informational campaign in Montenegro will be financed by the UNHCR funds in the amount of EUR 15,500 (in 2013) and EUR 15,500 (in 2014)	Beneficiaries of the Regional Housing Project informed on the implementation stages	Number of families that applied for solving of the housing issue

3.11 Recommendation: Ensure adequate prosecution of hate crime.

CURRENT STATE

By the Proposal for the Law on Amendments to the Criminal Code the alignment of standards in this area continued. In the general section of the Criminal Code mandatory aggravating circumstances are introduced for offenses motivated by hatred. Starting from the provisions of Council Framework Decision 2008/913/JHA of 28 December 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law, the Convention on the Elimination of All Forms of Discrimination against Women - CEDAW and recommendations of ODIHR, the goal of the new provisions of Article 42a is to provide stringent punishment, and therefore increased legal protection in relation to certain vulnerable social groups whose members are victims of various crimes which are committed out of hate because of this affiliation. Although it is already provided by Article 42 of the Criminal Code under the general rules on sentencing that the court's sentencing will take into account the motives for the offense, and therefore hatred, that provision is general and it neither refers explicitly to hatred as an aggravating circumstance (on these grounds), nor prescribes it as a mandatory aggravating circumstance as it is done under Article 42a of the Criminal Code.

As for hate crimes, conducting investigation does not depend on the victim filing charges. Deliberate instigation to violence and hate will be punishable through incitement as a type of complicity. The Criminal Code prescribes that a person who deliberately incites the other person to commit a crime will be punished as if committing it by themselves. The criminal sanctions can be applied to both a natural and a legal person. A legal person is responsible for criminal offences prescribed by the Criminal Code by the principle of accountability for a criminal offence of a responsible person in that legal person, who, acting on behalf of a legal person within their competences, committed a criminal offence with the aim of gaining a benefit for that legal person. An accountability of a legal person also exists when acting of that responsible person was in opposition to the business policy and instructions of the legal person.

The Criminal Code prescribes the criminal offence of genocide (426), crime against humanity (427) and war crime against civilians (428).

No.	Measure / Activity	Responsible authority	Deadline	Required funds / Source of financing	Indicator of result	Indicator of impact
3.11.1	Amend the Criminal Code in the part of prescribing: offense of violation of equality (Article 159); supplement in a way that this offence can be committed if due to their sexual orientation or gender identity human rights or freedoms of any person are limited or denied, referring to prescribing of special circumstances for weighing up a sentence for a hate crime	MJ (Branka Lakočević/Nataša Radonjić), Parliament (Siniša Stanković)	September 2013	Budget Funds assessment made in the measure 1.1.5.1, the same stands for 3.4.1 i 3.8.1.1	Law on Amendments to the Criminal Code adopted in line with Data on prosecuted hate crimes	Law on Amendments to the Criminal Code aligned with the provisions of Council Framework Decision 2008/913/JHA of 28 December 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law - provisions of the Convention on the Elimination of All Forms of Discrimination against Women - CEDAW and recommendations of ODIHR EC Report

3.12 Recommendation: Ensure the alignment with the acquis in the area of protection of personal data and allow for assessment through the preparation of the relevant transposition tables; ensure sufficient financial and human resources to the Data Protection Agency.

CURRENT SITUATION

Montenegro amended the Personal Data Protection Law in July 2012. In the process of drafting the proposal for amendments to the Law, representatives of the EU Twinning Project on personal data protection provided special contribution, in terms of ensuring compliance with the Directive. Their conclusion was that these amendments provided for full compliance of the Personal Data Protection Law with the EU Directive 95/46/EC.

By introducing a new provision in Article 27 of the Law, the controller of a personal data filing system that employs 10 staff members who process personal data is required to designate, following the establishment of an automatic personal data filing system, a person responsible for personal data

protection in accordance with Article 20 of the EU Directive 95/46/EC to strengthen the institute of prior checking.

Article 13 of the Law defines special categories of personal data which can only be processed in the following cases: with the explicit consent of the data subject; when the processing of personal data is necessary for the purpose of employment, in accordance with the law regulating labour relations, provided that adequate protection measures have been prescribed; when the processing of personal data is necessary for the discovery, preventive medicine and medical diagnosis or treatment, or for the purpose of managing health services, provided that those data are being processed by a health worker or other person bound by a duty of confidentiality; when the interest of protecting the lives or other vital interests of the data subject or another person so require, provided that the person is incapable of granting personal consent, as well as in other cases prescribed by law; when the processing relates to the data which are manifestly made public by the data subject or if the processing is necessary for the exercise or protection of legal interests of that person before a court of law or other authorities; when the processing of personal data is conducted as part of a legitimate activity of a non-governmental organisation, i.e. association or other non-for-profit organisation with political, philosophical, religious or trade union goals, provided that the data relate only to members of that organizations or persons who maintain constant contact with that organization in relation to the purpose of its activity or unless the data are published without the consent of data subjects.

Special categories of personal data are specially designated and protected in order to prevent unauthorized access to such data.

The method of designating and protecting the data referred to in paragraph 2 of this Article is established by the ministry in charge of public administration affairs.

Article 14 of the Law prescribes that the processing of the personal data that refer to criminal offenses, criminal sanctions or misdemeanour penalties or security measures may only be conducted by, or under the supervision of, the competent authority and provided that measures for the protection of personal data have been ensured in accordance with the law. Before processing personal data for the purposes of direct marketing, the data subject must be given an opportunity to oppose the processing of the data. If the data referred to in Article 13 of this law are used for the purposes of direct marketing, it is necessary to ensure the consent of the data subjects.

The Agency verifies, during the monitoring process, if the aforesaid measures have been implemented in accordance with the Law.

The Personal Data Protection Law provides the Agency with the powers and mechanisms to conduct all kinds of controls of the parties processing personal data. The capacities of the Personal Data Protection Agency are still limited in terms of human resources, mechanisms for investigation and inspection and need to be strengthened through the employment of additional staff for inspection work and their vocational training. Additional funds need to be allocated for this purpose from the budget of Montenegro and, if possible, from the EU funds.

Article 24 of the Law requires the controller of the personal data filing system and the processor of personal data to provide the technical, human resources and organizational means to protect personal data from loss, destruction, unauthorized access, change, publication and abuse. The measures for the protection of personal data referred to in paragraph 1 of this article must correspond, by their nature and character, with the data that are being processed, while taking into account state-of-the-art technology and cost of implementation. In case of electronic processing of personal data, the controller of the personal data filing system is required to ensure that the information system automatically keeps records of all users of personal data, the data being processed, the legal grounds for the use of data, file number, time of login and log off and, if necessary, the date by which the user data are not accessible to the data subject. The controller of a personal data filing system is required to stipulate which employees

have access to which personal data, as well as the categories of the data that can be made available for use and under what circumstances. The controller of a personal data filing system shall allow access to the personal data filing system and keep records of the users of personal data according to its own act.

A register of personal data filing system is being established and will become operational in the first months of 2013. By establishing the Register, the Agency will be in a position to monitor, more effectively, respect for the protection of personal data and take steps to improve that protection. Conditions are being met for the Agency to apply effectively the institute of prior checking. Special attention should be focused on providing additional trainings for the Agency staff on the issue of prior checking.

In addition to the statement that the Personal Data Protection Law is harmonized with the EU Directive 95/46/EC, it should be noted that a number of other laws still need to be harmonized with the EU Directives 45/96, 2002/58, 2006/24 and 2009/136.

The measures set out in the Action Plan are proposed based on an overview of the situation in the area of personal data protection.

Amendments to the Personal Data Protection Law were accompanied by amendments to the Law on Classified Data and adoption of the new Law on Free Access to Information. All three laws have been harmonized. The Law on Free Access to Information gives new powers to the Personal Data Protection Agency, including acting as an authority of second instance, deciding on the orders of first-instance bodies. It provides a test of the harmful effects of disclosure of information. Furthermore, it prescribes the duty of proactive access to information in the possession of the authorities. The aforesaid provisions will enable citizens to access information more easily and, on the other hand, introduce the requirements on the authorities to ensure more transparent work of government bodies.

Parliament of Montenegro adopted the new Law on Free Access to Information in July 2012. The Law is harmonized with the Convention on access to official documents and the Personal Data Protection Law and Law on Information Confidentiality.

The main novelties set out in the new Law on Free Access to Information include: proactive access to information, which promotes the established public interest in publishing information and enables simultaneous access to an indefinite number of persons, manifested by requiring the authorities to publish at their websites documents within their remit, as stipulated by Article 12 paragraph 1 of the Law on Free Access to Information; establishment of a single IT system for access to information for the purpose of monitoring the situation with access to information, which will be administered by the Agency for Personal Data Protection and Access to Information; establishment of a single second-instance authority, as an independent oversight body with special powers that ensure efficiency for the purpose of fulfilling its competences (the Council of the oversight body is required to decide on the merits of appeals); access to public registers and records, which must be made accessible by general principle, is improved by enabling direct access *by verbal request*, as there is no need to test the harmful effects of their disclosure.

Bearing in mind that the Law on Personal Data Protection is considerably aligned with Directive 95/46, in the forthcoming period it is necessary to take new directives into consideration (Directives 45/69, 2002/58, 2006/24, 2009/36 and others) in the field of personal data protection, prepare new analyses of alignment of the Law on Personal Data Protection and in accordance with the results of the analyses define further measures for alignment of relevant national regulations with these directives. In addition, the analysis will cover assessment of alignment of the Law on Personal Data Protection with Article 9 of the Directive 95/46 and determine whether this provision will be subject of amendments to the Law on Media or the Law on Personal Data Protection. In addition, we are of the opinion that provision of Article 43 of the Constitution is not contrary to provisions of Article 6

item b) of the Directive 95/46/EC, as well as that Article 43 should not be amended at this point of time, since it could be amended at the end of the negotiating process if necessary.

No.	Measure / Activity	Responsible authority	Deadline	Required funds / Source of financing	Indicator of result	Indicator of impact
3.12.1	Drafting Analysis on alignment of the Law on Personal Data Protection with Directive 45/96/EU, Directives 45/95, 2002/58, 2006/24, 2009/136 and other relevant directives in this field.	Ministry of Interior (Zora Čizmović) in cooperation with the Agency for Personal Data Protection and Free Access to Information (Bojan Obrenović) and with the engagement of a foreign expert by TAIEX	December 2015	Budget EUR 16,200 (working group of 5 persons, effective work for 4 months, TAIEX EUR 2,700 – one expert for five working days)	Prepared analysis with the proposal of amendments to the Law on Personal Data Protection	
3.12.2	Amendments to the Law on Personal Data Protection based on the result of the analysis	Ministry of Interior (Zora Čizmović) in cooperation with the Agency for Personal Data Protection and Free Access to Information (Bojan	December 2016	Budget EUR 23,260	Adopted amendments of the Law on Personal Data Protection	

		Obrenović) and with the engagement of a foreign expert by TAIEX				
3.12.3	Drafting Analysis on alignment of national laws dealing with mechanisms for personal data protection in various fields of the Law on Personal Data Protection with Directive 45/96/EU, Directives 45/95, 2002/58, 2006/24, 2009/136 and other relevant directives in this field.	Ministry of Interior (Zora Čizmović) in cooperation with the Agency for Personal Data Protection and Free Access to Information (Bojan Obrenović) and with the engagement of a foreign expert by TAIEX	December 2017	Overall funds in amount of 18,900 EUR Regular Budget funds EUR 16,200 EUR TAIEX EUR 2,700	Drafted analysis with proposal for amendments to relevant laws	
3.12.4	Training of public servants, representatives of the media and NGOs on the Law on Personal Data Protection and judgements of the European Court of Human Rights – Article 8 of the European Convention regarding the protection of personal data (intended for officers who apply the Law on Personal Data Protection, representatives of electronic and print media and representatives of the NGO sector)	Agency for Personal Data Protection and Free Access to Information (Bojan Obrenović) Ministry of Interior (Zora Čizmović) Human Resource Administration (Jadranka Đurković) With expert support - TAIEX	June-December 2013 January-December 2014 January-December 2015 January-December 2016	Regular budgetary funds EUR 1,000 yearly; TAIEX EUR 2,700	Number and type of training Number and structure of participants	Number of complaints for personal data protection
3.12.5	Strengthening capacities of the Agency through full recruitment of additional necessary staff	Agency for Personal Data Protection and	2014 - one new employee	Additional	Number of newly	

	according to the Rulebook on Job Descriptions and/or competences of the Agency	Free Access to Information (Bojan Obrenović) Government and Parliament of Montenegro (Siniša Stanković)	2015 – one new employee 2016 – one new employee	budgetary funding required in 2014, 2015 and in 2016. Yearly from 20,160 EUR each.	employed officers by years	
3.12.6	Training of public administration employees tasked with collecting / handling personal data and employees of the Agency for Personal Data Protection and Free Access to Information through thematic training: - previous controls - more efficient sophisticated investigations - inspection controls - monitoring development of international standards in this area	Agency for Personal Data Protection and Free Access to Information (Bojan Obrenović) With expert support - TAIEX	June – December 2013 January – December 2014 January – December 2015 January – December 2016	Regular budgetary funds EUR 1,000 TAIEX 2,700 EUR	Number and types of training Number and composition of participants Report on the Agency's work with recommendations	
3.12.7	Provide better awareness of citizens on the right to protection of personal data through: Public forums and seminars Publications Distribution of manuals for easier understanding and application of the right to protection of personal data	Agency for Personal Data Protection and Free Access to Information (Bojan Obrenović) and Ministry of Interior (Zora Čizmović) NGO	2014 and continuously	Additional budgetary funding required EUR 2,000 EUR	Number of forums and seminars, Number of publications.	

				TAIEX 2,700 EUR		
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IV COOPERATION WITH THE NGO

CURRENT SITUATION

One of the forms of exercising the freedom of association is the formation of trade unions. Amendments to the Law on Representativeness of Trade Unions, which are planned for adoption in 2013, will promote the transparency of representativeness and the right to form new trade unions.

In modern societies, foundation of non-governmental organisations is an important element of exercising the freedom of association. The Parliament of Montenegro adopted the Law on Non-governmental Organisations (Official Gazette of Montenegro 39/11 of 4 August 2011), which has been in effect since 1 January 2012. The need to adopt the new law arose from the ratification of international documents, first and foremost, the European Convention on Human Rights, Montenegro's membership of the Council of Europe and the deficiencies noted in the implementation of previously applicable systemic law which had regulated the status, work and activities of non-governmental organisations. The Law on Non-governmental Organisations is in conformity with international standards and the case law of the European Court, as well as the international documents that regulate the issues that constitute the subject matter of this law. First and foremost, the harmonisation with the Convention on Human Rights of the Council of Europe, which Montenegro has ratified, as well as the Recommendation CM/Rec(2007)14 of the Committee of Ministers to Member States on the legal status of non-governmental organisations in Europe (adopted by the Committee of Ministers on 10 October 2007 at the 1006th meeting of Ministers' Deputies), which regulates the issues of the status, work and independence of NGOs and recommends that the member states be guided in their legislation, policies and practice by the minimum standards set out in this recommendation. The law has also been harmonised with Article 15 of the UN Convention on the Rights of the Child, in a way that the new law enables juveniles (when they come to the age of 14) to be the founders of NGOs with the consent of their legal representative in accordance with the law. In addition to meeting the requirement of compliance with the ratified international documents, the new legislation is essentially focused on promoting good governance in organisations, increasing transparency of work of NGOs and improving the financing of NGOs from public funds.

In addition to the new Law on Non-governmental Organisations, the Government of Montenegro adopted two more, very important, regulations for cooperation of state authorities with NGOs, as well as the increased citizen participation in the decision-making process, namely: the Decree on Terms and Procedures for Cooperation between State Administration and Non-governmental Organisations (Official Gazette of Montenegro 07/12 of 30 January 2012) and the Decree on Terms and Procedures for Conduct of Public Hearing in Law Preparation (Official Gazette of Montenegro 02/12 of 24 February 2012). The Decree on Cooperation of State Authorities and NGOs prescribes the key forms of cooperation between the public and civil sectors (information, consultations, involvement in the activities of working bodies) which are recognised in international documents, in particular the Code of Good Practice on Civil Participation in the Decision-Making Process, which the Council of Europe adopted in 2009. The Decree on the Conduct of Public

Hearing provides the normative requirements for effective conduct of public consultations in the process of drafting laws and other acts and, in doing so, focuses on the strengthening of participatory democracy in the country, the importance of which was confirmed in Chapter 2 of the Lisbon Treaty. In this manner, legal grounds have been established for the work of non-governmental organisations in the country, as well as cooperation between public authorities and the civil society. However, all the pieces of the secondary legislation required for proper implementation of the Law on NGOs, especially in terms of financing, have not been adopted. Since the implementation period of the 2009-2011 Strategy for Cooperation between the Government and NGOs and the Action Plan has expired, the Government has started drafting a new strategic document in order to create a stimulating environment for work and activism of nongovernmental organisations. To this end, the Ministry of Interior has established a working group and the adoption of a new strategy has been scheduled for the fourth quarter in the Government's Programme for this year. Furthermore, there are substantial opportunities for the improvement of other laws which directly or indirectly affect the functioning of the non-governmental sector in the country. Laws and secondary legislation, as well as the internal procedures of relevant state authorities, contain no specific section dedicated to statistics and records in relation to nongovernmental organisations. Another major obstacle to better understanding the needs and functioning of NGOs in Montenegro is also the lack of official statistical data about the employees and volunteers, revenues (donations from domestic and foreign sources, commercial activities, membership fees, etc.) premises, technical equipment... This deficiency has resulted in difficulties in planning and considering the future direction of development of NGOs, as well as the support state authorities and local self-government bodies should provide to non-governmental organisations. In terms of institutional mechanisms for cooperation between the Government and NGOs, there are currently two bodies: the Office for Cooperation and the Council for Cooperation between the Government and NGOs. The Office for Cooperation was established in 2007. The mission of the office is to promote and coordinate the work of public authorities with NGOs based on the principles of partnership, transparency, accountability and exchange of information, to initiate and organize specific trainings for civil servants in relation to cooperation with NGOs, to cooperate with NGOs, coalitions and networks, international organisations and institutions in this area, while promoting the transparency of its work and without prejudice to the independence of NGOs. The Office is investing substantial efforts to strengthen cooperation between the government and the civil society and, in addition to the aforesaid regular activities, it has established the Secretariat of the Council for Cooperation between the Government and NGOs, which regularly performs the professional and administrative tasks for this body. A representative of the Office has been involved in the drafting of almost all regulations concerning NGOs and she coordinated the drafting of the first strategic document in this area. However, the Office is facing substantial problems, which must be resolved in order to ensure its sustainability and efficiency. On the one hand, the Office has "modest" powers which arise from its status as an organisational unit of the General Secretariat, whereas, on the other hand, there are great expectations from local non-governmental organisations and international stakeholders as regards its work, which exceed its powers and capacities. Furthermore, the office still does not have a clear mission and position in the system. A great challenge for the Office is the insufficient number of staff in relation to the tasks and duties of the Office, as well as its institutional dependence (the Office is not a separate authority, but part of the General Secretariat of the Government), which results in a lack of a clear budget for its work and represents difficulties in introducing legislative initiatives. On 15 April 2010, the Government of Montenegro adopted the Decision establishing the Council for Cooperation between the Government of Montenegro and Non-governmental Organisations (Official Gazette of Montenegro 28/10). The Council was established on 25 January 2011, comprising

President and 24 members – representing the state and the non-governmental sector on an equal basis. The President of the Council is a government representative, while the deputy president is a representative of the non-governmental sector in this body. This authority represents an advisory body for the Government, which gives opinion on all the regulations concerning the work and activities of NGOs in the country, defines clear recommendations for promotion of cooperation between the Government and NGOs and encourages dialogue between the two sectors. The Council functions well, considering the circumstances in which this body operates. However, due to the growing importance attached by the Government to cooperation with the civil society, as well as the commitments arising from the association process and the new duties the Council assumes based on certain legal provisions (the Law on NGOs), the fact remains that this body will undertake an increasing number of duties in the future. In this context, the body requires strengthening in terms of human and technical capacities, as well as financial support from the government. It still uses the logistical support of the Office for Cooperation with NGOs, which is both uncertain and insufficient.

There are individuals in state authorities who have been designated as contact persons for cooperation with NGOs. At this moment, 54 contact persons have been designated at the level of state authorities. However, the work and activities of those contact persons are limited and do not produce proper results, because the contact persons change too frequently, which makes the establishment of effective communication with NGOs difficult. Furthermore, the contact persons for cooperation with NGOs do not have a clear job description or, to be more precise, cooperation with NGOs has just been added to their other responsibility, without prescribing in detail the content of the duties of those officers in that regard. This issue is directly associated with the incorporation of these duties (cooperation with NGOs) into the formal job descriptions for specific individuals in the rulebooks on job classification.

Unfortunately, only a small number of authorities have formalized this job description through their general acts – the rulebooks. The existence of contact persons is very important for closer cooperation between state authorities and NGOs, which is why their capacities must be strengthened in the future. In September 2014, after summing the data obtained from the contact persons, the Office for Cooperation with NGOs found that job descriptions for contact persons in charge of cooperation with NGOs were entered into the Rulebooks on Internal Organisation and Job Descriptions of 14 ministries and 12 state administration bodies.

In December 2013, the Government of Montenegro adopted the Strategy for the Development of NGOs 2014 – 2016, thus developing a new, two-year strategic framework for cooperation between the two sectors. The Strategy provides for a set of key measures such as: establishment of the new system for financing NGO projects from public funds, provision of necessary records on the work and activities carried out by NGOs, regular monitoring of cooperation between the state administration bodies and NGOs, as well as creation of favourable environment for development of socially responsible business and philanthropy.

The new Council for the Development of NGOs was established in September 2014. The Council, on a parity basis, consists of representatives of the Government and NGOs. The Council has 23 members in total, and it is headed by the Minister from the Government of Montenegro, whereas the deputy head is NGO representative. The key task of the Council is to monitor the implementation of the Strategy for the Development of NGOs 2014 – 2016, as well as the fulfilment of obligations from this Action Plan in the segment of cooperation with civil society.

OBJECTIVE: IMPROVED LEGISLATIVE AND STRATEGIC FRAMEWORK FOR WORK AND ACTION OF NGO IN THE STATE					
No.	Measure / Activity	Responsible authority	Deadline	Required funds / Source of financing	Indicator of result
1	Endorsement of the Proposal for the Law Amending the Law on NGOs	Ministry of Interior (Dragana Ranitović and Ivan Šikmanović) Ministry of Finance (Marko Vukašević)	September 2015	MNE Budget	The Working Group has been established with representatives of NGOs, and consultations have been held in compliance with the Decree on the Method and Procedure of Establishing Cooperation between the State Administration Bodies and NGOs The stakeholders have been consulted and the public discussion has been conducted in compliance with the Decree on the Method and Procedure of Conducting the Public Discussion. Proposal for the Law Amending the Law on NGOs has been submitted to the Parliament of Montenegro for further procedure.
2	Development and adoption of bylaws in compliance with the Law Amending the Law on NGOs	Ministry of Finance (Marko Vukašević) in cooperation with the Ministry of Interior (Dragana Ranitović and Ivan Šikmanović)	July 2016	MNE Budget	Adopted bylaws, which will regulate in more details criteria, method and procedure of allocation of funds for the projects and programmes of NGOs etc.

3	Elaboration and adoption of the Strategy of development of non-governmental sector in Montenegro		MI(Vesko Vukčević , Ivan Šikmanović), Office for cooperation of the Government and NGO (Danka Latković)	2013	MNE Budget	Strategy of development of non-governmental sector in Montenegro adopted.
	3.1	The Proposal for the Law Amending the Law on Games of Chance has been endorsed for the purpose of harmonisation with the amended Law on NGOs	Ministry of Finance (Marko Vukašević) in cooperation with the Ministry of Interior (Ivan Šikmanović, Dragana Ranitović)	December 2015	Budget of Montenegro	The Working Group has been established with representatives of NGOs, and consultations held in compliance with the Decree on the Method and Procedure of Establishing Cooperation between the State Administration Bodies and NGOs. The stakeholders have been consulted and the public discussion has been conducted in compliance with the Decree on the Method and Procedure of Conducting the Public Discussion. Proposal for the Law has been endorsed and submitted to the Parliament of Montenegro for further procedure
OBJECTIVE: ENHANCED INSTITUTIONAL FRAMEWORK FOR COOPERATION WITH THE CIVIL SOCIETY						
No.	Measure / Activity		Responsible authority	Deadline	Required funds / Source of financing	Indicator of result
4	Establishment of commissions for allocation		Public	2017	Budget of	Members of the Commission signed the

	of funds for NGO programmes and projects in accordance with the Law amending the Law on NGO in public administration bodies	administration bodies		Montenegro	statement on conflict of interest Decisions on establishment of the commissions adopted
5	Strengthening the capacity of members of the commissions for allocation of funds to NGO	Human Resources Administration, NGO, public administration bodies	as of 2017 continuously	MNE Budget, TAIEX, NGO	Number of trainings for members of the Commission on methodology of work of professional evaluators of the project Number of training courses for members of the commissions on the manner of assessing NGO projects and programmes, and the methods of monitoring and evaluating the projects.
6	Analysis of the institutional framework for conducting affairs with regard to development of NGO	MI (Dragana Ranitović, Ivan Šikmanović) General Secretariat (Office for cooperation with NGO - Danka Latković), Office, NGO,	November 2014	Donor funds, NGO,	Analysis drafted and adopted.
7	Increase in number of employees in the Office for cooperation with NGO in line with the prepared analysis	General Secretariat (Office for cooperation with NGO - Danka Latković),	September 2015	MNE Budget	Increased number of employees in line with the recommendations from the analysis.
8	Preparation of needs assessment regarding the training of employees of the Office for Cooperation with NGOs	Office for Cooperation with NGOs (Danka	2014	Budget, expert support - TAIEX	Needs assessment regarding the training of employees of the Office prepared.

		Latković), NGOs, HRA (Jadranka Đurković)			
9	Strengthening of capacities of persons employed in the Office	HRA (Jadranka Đurković), NGOs, international organisations	Continuous ly	MNE Budget, donors, TAIEX	Number of trainings; Better results of employees after trainings; Increased contentment of NGOs with the work of the Office
10	Redesigning of the web site for the Office with comprehensive information for NGOs and its regular update	Office Danka Latković), Ministry for Information Society	May 2015	MNE Budget, Donations	Web site redesigned; Site regularly updated.
11	Organisation of various education programmes for members of the Council, workshops, seminars and exchange of experience with representatives of similar bodies in the region	General Secretariat(Office for cooperation with NGO - Danka Latković), NGOs	Continuous ly	MNE Budget, Donations	Number of meetings of members of the Council with representatives of similar bodies from the countries in the region and the EU; Number of implemented activities oriented towards education of members of the Council.
OBJECTIVE: STRENGTHENING OF ADMINISTRATIVE CAPACITIES FOR COOPERATION WITH CIVIL SOCIETY					
No.	Measure / Activity	Responsible authority	Deadline	Required funds / Source of financing	Indicator of result
12	Creation of a database on NGO projects supported from public funds at the national level	Office for cooperation with NGOs (Danka Latković),	November 2017	MNE Budget Donations	Database created and available on the web site of the Office for Cooperation with NGOs

			NGOs			
13	Creation of a database on representatives of the non-governmental sector included in the work of working groups formed by the state authorities		Office for cooperation with NGOs (Danka Latković), state authorities, NGOs	October 2015	MNE Budget IPA fund for civil society support	Database created and available on the web site of the Office for Cooperation with NGOs
14	Preparation of amendments to the Rulebook on organization and job description of state administration bodies (with a view to defining job descriptions of contact persons for cooperation with NGOs)		State administration bodies, HRA	Continuous ly	MNE Budget	Number of adopted amendments to the Rulebook on organisation and job description of state administration bodies.
15	Preparation of a training programme for contact persons for cooperation of state authorities with NGOs		Office for cooperation with NGOs (Danka Latković), NGOs, HRA (Jadranka Đurković)	2014.	International donors, NGOs	Training programme prepared for contact persons. IMPLEMENTED
	15.1.	Preparation of a training programme for public		October 2015	IPA fund for civil society support	Training programme for public employees as regards cooperation of state administration

		employees as regards cooperation between state administration bodies and NGOs.				bodies with NGOs prepared.
16	Organisation of trainings for contact persons for cooperation of state authorities and NGOs		HRA (Jadranka Đurković), NGO s, Office for Cooperation with NGOs(Danka Latković)	2014 Continuous ly	MNE Budget, international donors, NGOs	Number of trainings for contact persons; Number of participants in the trainings;
	16.1	Organisation of trainings for public employees as regards cooperation between state administration bodies and NGOs.		As of 2015 continuous ly	IPA fund for civil society support	Number of trainings for public employees; Number of public employees participating in the trainings.

ANNEX 1 – PLAN OF DRAFTING AND ADOPTION OF SECONDARY LEGISLATION IN THE AREA OF PREVENTIVE ACTIONS AGAINST CORRUPTION

1. DEVELOPMENT OF BY-LAWS FOR IMPLEMENTATION OF THE LAW ON PREVENTION OF CORRUPTION FROM THE SCOPE OF COMPETENCES OF THE MINISTRY OF JUSTICE, Measure 2.1.1.4.2					
No.	TYPE OF ACTIVITIES	Deadline for development of the proposal of act	Deadline for the work with the Secretariat for Legislation	Deadline for adoption of the act	TAIEX/other types of expert support
1.1	Rulebook on the content, manner of keeping records and disposal of gifts (Article 18, paragraph 4)	June	June - September	September-December	June (3 days) – Expert mission
1.2	Rulebook on the content of report on received sponsorships and donations and the manner of keeping records on sponsorships and donations (Article 22, paragraph 5)				September (3 days) – Expert mission/ Roundtable
1.3	Rulebook on the content and manner of keeping records of register of income and assets of public officials (Article 26, paragraph 4)				
1.4	Rulebook on the content and manner of keeping records of public officials who violated the Law on				

	Prevention of Corruption and other laws governing the responsibilities of the Agency (Article 100, paragraph 1 item 1)				
1.5	Rulebook on the manner of receiving, keeping records and taking actions upon reports of whistleblowers (Article 49, paragraph 3) accompanied by the Form of report on a threat to the public interest referring to the existence of corruption (whistleblower report) (Article 46)	April	June - September	September- December	May – Expert mission
1.6	Rulebook on the content and manner of keeping records of reports of whistleblowers submitted to the Agency (Article 100, paragraph 1, item 2)				September – Study visit
1.7	Rulebook on the content and manner of keeping records of requests for whistleblower protection (Article 100, paragraph 1, item 3)				
1.8	Rulebook on the form and content of the official identity card of the employees in the Agency (Article 97, paragraph 4)	September	June - September	September- December	

2. DEVELOPMENT OF BY-LAWS FOR IMPLEMENTATION OF THE LAW ON LOBBYING FROM THE SCOPE OF COMPETENCES OF <u>THE MINISTRY OF JUSTICE</u> , <u>Measure 2.1.1.5.1</u>						
No.	TYPE OF ACTIVITIES	Deadline for development of the proposal of act	Deadline for the work with the Secretariat for Legislation	Deadline for adoption of the act	TAIEX/other types of expert support	
2.1	Rulebook on the program and manner of taking exams on carrying out lobbying activities				March – Study visit	
2.2	Rulebook on the form and content of the request for authorization for carrying out lobbying activities					
2.3	Rulebook on the form and manner of keeping records of lobbyists					
2.4	Rulebook on the content of legitimacy lobbyists					
2.5	Rulebook on the form and content of reports on the work of lobbyists or legal entities conducting lobbying activity	February-May	May- June	30 June	April – Expert mission	
2.6	Form on the official notes of lobbying contacts	February-May		30 June		

2.7	Form on the manner of keeping records of lobbying contacts				
2.8	Form of misdemeanor warrant for DACI / Agency				
3. DEVELOPMENT OF BY-LAWS FOR IMPLEMENTATION OF THE LAW ON FINANCING OF POLITICAL ENTITIES AND ELECTION CAMPAIGNS FROM THE SCOPE OF COMPETENCES OF <u>THE AGENCY FOR PREVENTION OF CORRUPTION, Measure 2.1.4.2</u>					
No.	TYPE OF ACTIVITIES	Deadline for development of the proposal of act	Deadline for the work with the Secretariat for Legislation	Deadline for adoption of the act	TAIEX/other types of expert support
3.1	Rules on the manner of calculating and reporting of in-kind contributions of political entities and election campaigns (Article 6, paragraph 7)	May-			May – Study visit
3.2	Rules on the manner of performing control of implementation of Articles 24 to 34 of the LFPEEC (Article 35)				
3.3	Form of the origin, amount and structure of funds from public and private sources collected and spent for				

	election campaign (Article 39, paragraph 2)	November		January-February 2016	
3.4	Rules on the manner and procedure for reporting and resolving complaints for suspected violations of the Law, filed during the election campaign (Article 44, paragraph 3)				July – Expert mission
3.5	Rulebook on the manner of performing control and supervision during the election campaign (Article 46, paragraph 8)				October – Trening
3.6	Form and content of reports on the contributions of legal and natural persons for election campaign (Article 42, paragraph 2).				

4. DEVELOPMENT OF BY-LAWS AND OTHER INTERNAL ACTS FOR IMPLEMENTATION OF THE LAW ON PREVENTION OF CORRUPTION FROM THE SOCPE OF COMPETENCES OF THE AGENCY FOR PREVENTION OF CORRUPTION, Measure 2.1.1.4.3

No.	TYPE OF ACTIVITIES	Deadline for development of the proposal of act	Deadline for the work with the Secretariat for Legislation	Deadline for adoption of the act	TAIEX/other types of expert support
4.1	Form of the report on income and assets of public	September-December		January 2016	

	officials – Agency (Article 24)				
4.2	Form of the request for determining the facts on violation of the provisions that are related to the prevention of conflict of interest in exercising public functions, restrictions in the exercise of public functions, gifts, sponsorships and donations and reports on income and assets of public officials - Agency (Article 32)				
4.3	Form of the request for court protection of whistleblowers (obligation indirectly derived from Articles 66 and 68)				
4.4	Form of misdemeanor warrant for the Agency				
4.5	Rules for development and implementation of integrity plans – Agency (Article 71, paragraph 2)	May- September		November-December	July – Study visit
4.6	Statute of the Agency (Article 88, paragraph 1, item 2)	July-September		November-December	June –
4.7	Act on internal organization of the Agency (Article 88, paragraph 1 item 2)				Expert

				Note: to be adopted within 60 days from the day of appointment of the director	mission
4.8	<p>Rules of Procedure of the Agency (Article 30, paragraph 7) which will contain:</p> <ul style="list-style-type: none"> - determining the value and the manner of disposal of gifts - detailed procedure of verification of data on income and property of public officials - detailed procedure of acting of the Agency upon the application of whistleblowers - detailed procedure of acting of the Agency upon the request for whistleblower protection - manner of performing control and supervision during election campaign 				December-Expert mission / Round table
4.9	Rules of Procedure of the Council of the Agency (Article 88, paragraph 1, item 6)				
4.10	Code of Ethics for employees of the Agency (Article 97, paragraph 1)				
4.11	Annual plan of verification of data from the Report on income and property of public officials (Article 30, paragraph 4)				

4.12	Annual workplan of the Agency (Article 88, paragraph 1, item 3)				
5. DRAFTING INTERNAL ACTS OF THE AGENCY FOR PREVENTION OF CORRUPTION WHICH RELATE TO FINANCIAL MANAGEMENT AND CONTROL (THE LAW ON SYSTEM OF INTERNAL FINANCIAL CONTROL IN PUBLIC SECTOR – THE BOOK OF PROCEDURES - FMC)					
No.	TYPE OF ACTIVITIES	Deadline for development of the proposal of act	Deadline for the work with the Secretariat for Legislation	Deadline for adoption of the act	TAIEX/other types of expert support
5.1	<ul style="list-style-type: none"> - Rules for development of internal acts - House rules of the Agency for prevention of corruption - Dress code - Instructions on admission of citizens - Rulebook on preparation of calculation of salaries - Internal rules for establishing of working groups - Internal instructions on the keeping records and payment of incoming invoices - Rulebook on defining the upper limits for the expenditures, costs of fuel, the official phones, representations and other compensation of officers of the Agency for the Prevention of Corruption - Internal instructions on the conditions and manner of approval of official travels within the country and abroad - Internal instructions on performing public 	June -November		January 2016	/

	<p>procurement</p> <ul style="list-style-type: none"> - Internal instructions on the manner of the budgetary planning - Decision on the right to use the official phones - Rulebook on conditions and manner of use of means of transport in the Agency for the Prevention of Corruption - Internal instructions for protection, entry, control and editing the data in the personnel records - Internal training program for interns in the Agency for Prevention of Corruption - Professional instructions on procedures for organizing campaigns and educational activities - Communication strategy of the Agency - Strategy of perspectives of the Agency - Rules for processing and protection of personal data - Records of the personal data kept by the Agency: personnel records, records of earnings, etc. 				
<p>6. DEVELOPMENT OF IT SYSTEM FOR THE WORK OF THE AGENCY FOR PREVENTION OF CORRUPTION WHICH RELATE TO ELECTRONIC REPORTING ON PROPERTY AND INCOMES OF PUBLIC OFFICIALS, REPORTS ON FINANCING OF POLITICAL PARTIES AND ELECTION CAMPAIGNS, WHISTLEBLOWER APPLICATIONS AND CONNECTION WITH DATABASES OF THE RELEVANT INSTITUTIONS, <u>Measure 2.1.1.4.9</u></p>					
	TYPE OF ACTIVITIES	Deadline for implementation of activities		Type of expert support	
6.1	Signing of the contract on cession of the source code and IT systems with the Agency for the Fight against	February			

	Corruption of Serbia		
6.2	Analysis of the IT system and defining of project requirements	March - April	External expert
6.3	Customization (adjustment in line with the Analysis)	August	External expert
6.4	Procurement and installation of the equipment and security infrastructure	July	Norwegian project
6.5	Installation of the application, testing and training of the beneficiaries	September	
6.6	Training of the future personnel of the Agency and production commissioning of the IT system	October	
6.7	Integration of the IT system of the Agency with other institutions via application solution for exchange of data (connection with databases)	December	

**ADOPTION OF IMPLEMENTING ACTS AND FORMS WITH THE PLANNED DEADLINES FOR THEIR ADOPTION IN THE FIELD OF PUBLIC PROCUREMENT,
Measure 2.1.6.2**

No.	Authority	Title	Deadline for adoption	Deadline for implementation
1	Ministry of Finance and Public Procurement Administration	Rulebook on methodology of risk analysis in the exercise of control, with the aim of pro-active acting in the prevention and early detection of corruptive practices and other offences with elements of corruption;	June 2015	June 2015

2	Ministry of Finance and Public Procurement Administration	Rulebook on clear criteria for the procedure and manner of election of members of the Commission for opening and evaluation of bids and their powers and responsibilities	May 2015	May 2015
3	Ministry of Finance and Public Procurement Administration	Content and template of reports on public procurement.	May 2015	May 2015
4	Ministry of Finance and Public Procurement Administration	Rulebook on the methodology of expressing sub-criteria in the corresponding number of points, method of evaluation and comparison of bids	May 2015	May 2015
5	Ministry of Finance and Public Procurement Administration	Rulebook on Manner of Keeping and Content of Records on Violation of Anti-Corruption Rules	May 2015	May 2015
6	Ministry of Finance and Public Procurement Administration	Rulebook of conducting public contract procedure in electronic form	May 2015	May 2015
7	Ministry of Finance and Public Procurement Administration	Rulebook on the records of public procurement procedures	May 2015	May 2015
8	Ministry of Finance and Public Procurement Administration	Regulation on the Forms in Public Procurement Procedure	May 2015	May 2015

LIST OF BY-LAWS IN LINE WITH THE LAW ON AMENDMENTS TO THE LAW ON PREVENTION OF CORRUPTION ("OFFICIAL GAZETTE OF MONTENEGRO", NO. 52/14), Measure 2.1.2.2.1

No.	Authority	Title	Deadline for adoption	Deadline for implementation
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1	Commission for Prevention of Conflict of Interests	Rules of Procedure of the Commission for Prevention of Conflict of Interests	March 2015	March 2015
2	Commission for Prevention of Conflict of Interests	Rules of Procedure before the Commission for Prevention of Conflict of Interests	March 2015	March 2015
3	Commission for Prevention of Conflict of Interests	Form of the Income and Property Report of Public Officials (including Form of the Consent to the Commission for Access to Data on Bank Accounts and Accounts of Other Financial Institutions)	March 2015	March 2015
4	Commission for Prevention of Conflict of Interests	Records of Income and Property Reports of Public Officials	March 2015	March 2015
5	Commission for Prevention of Conflict of Interests	Form of Excerpt from the Records of Gifts	March 2015	March 2015
6	Commission for Prevention of Conflict of Interests	Form of Excerpt from the Public Gifts' Catalogue	March 2015	March 2015