



Government of Montenegro
Ministry of Foreign Affairs and European Integration

**FIFTH MONTHLY REPORT ON REALISATION OF COMMITMENTS FROM THE ACTION PLAN
FOR MONITORING IMPLEMENTATION OF RECOMMENDATIONS GIVEN IN THE
EUROPEAN COMMISSION'S OPINION**

Podgorica, 28 July 2011

At the session held on 18 November 2010, the Government of Montenegro adopted the **Information on the need to prepare an Action Plan for Monitoring Implementation of Recommendations given in the European Commission's Opinion**.

The **Core Coordination Team** was established and it was led by PhD Igor Lukšić, Deputy Prime Minister and Minister of Finance. The task of the Core Coordination Team, composed of the ministers responsible for seven key areas, was to prepare a draft Action Plan for Monitoring the Implementation of Recommendations given in the European Commission's Opinion by 16 December 2010 and to submit it to the Government.

At the session held on **17 December 2010**, the Government adopted the **draft Action Plan**, immediately after the European Council agreed to grant Montenegro the status of a candidate country for membership in the European Union.

At the same time, the **Parliament of Montenegro** submitted the Action Plan for Strengthening the Parliament of Montenegro's Legislative and Oversight Role for the period November 2010 – November 2011. The Action Plan of the Parliament of Montenegro was integrated into the single draft document.

The draft Action Plan was immediately posted on the Government's website, whereas the English version was submitted to the European Commission for suggestions and comments.

In the meantime, the **new Government was appointed on 29 December 2010**. Apart from the changes in the composition of the Government, other personnel and organisational changes were made as well. Prime Minister PhD Igor Lukšić leads the Core Coordination Team, which is composed of: Duško Marković, Deputy Prime Minister and Minister of Justice – coordinator of the Working Group on Justice, Fight Against Corruption and Organised Crime; Milan Ročen, Minister of Foreign Affairs and European Integration – coordinator of the Working Group on Civil Society; Branislav Mićunović, Minister of Culture – coordinator of the Working Group on Media; Ivan Brajović, Minister of Interior – coordinator of the Working Group on Public Administration Reform; Suad Numanović, Minister of Labour and Social Welfare – coordinator of the Working Group on Preparation of a Strategy for Resolving the Konik Camp Issue; and Ferhat Dinoša, Minister of Human and Minority Rights – coordinator of the Working Group on Human Rights.

In accordance with the Conclusions of the Government, the **Ministry of Foreign Affairs and European Integration**, as the coordinator of the public debates programme, organised on 31 January and 1 February 2011, in cooperation with line ministries, a public debate consisting of four round tables: 1) public administration reform; 2) rule of law, fight against corruption and organised crime; 3) media and civil society; and 4) human rights and resolution of problems of refugees and displaced persons in Konik Camps I and II. The public debate completely met its objective, through wide participation of representatives both of the public sector and the civil society. Numerous useful comments and suggestions given during the public debate, both orally and in the written form, were thoroughly considered by line ministries, which worked on further improvement of individual action plans.

The **Ministry of Foreign Affairs and European Integration** coordinated activities on preparation of the **joint consultative meeting with representatives of the European Commission – Directorate General for Enlargement**, held in Podgorica on 8-9 February 2011. The innovated versions of individual action plans were presented at the meeting. These consultations were aimed at precise definition of key priorities and integration of all necessary measures for their implementation. Comments and suggestions given by representatives of the European Commission were **incorporated in the innovated Action Plan**.

On 15 February 2011, the **Commission for Political System, Internal and Foreign Policy** considered the draft Action Plan and **suggested the Government to adopt the final version**.

On 17 February 2011, the Government of Montenegro adopted the Action Plan for Monitoring Implementation of Recommendations given in the European Commission's Opinion. The Action Plan of the Parliament of Montenegro was integrated in the single document.

In accordance with the Government's conclusions of 17 February 2011, the Ministry of Foreign Affairs and European Integration prepared the **First Monthly Report on Realisation of Commitments from the Action Plan for Monitoring Implementation of Recommendations Given in the European Commission's Opinion** and submitted it to the Government for consideration and adoption.

1. ACTION PLAN FOR STRENGTHENING THE PARLIAMENT OF MONTENEGRO'S LEGISLATIVE AND OVERSIGHT ROLE
for the period November 2010 - November 2011

PRIORITY	ACTIVITY	RESPONSIBLE AUTHORITY	DEADLINE	INDICATORS	IMPLEMENTATION
1. Upgrade the Legislative and Oversight Role	1. Passing of The Law on Election of Members of Parliament and Councillors: - Improved legislative framework in line with the recommendations of OSCE and Venice Commission	Parliament of Montenegro	Q IV 2010	Working group formed The Law adopted Compliance with the recommendations of the OSCE - ODIHR and Venice Commission	Multi-party working group formed. 7 meetings of the Working Group held and 11 meetings of sub-groups. Deadline postponed for 31 May The list of recommendations of the OSCE - ODIHR and Venice Commission attached A working version of the text of the law is prepared by the working group and the Collegium has undertaken activities at its regular every day meetings aimed at finalizing the draft law. <i>Since then, 13 meetings of the Collegium of the President of the Parliament have been held for the purpose of discussing this issue.</i> <i>Until 10 May, the Collegium has held 25 meetings (out of that, nine in April and three in May), in which issues that had not been previously agreed have been discussed. In the meeting held on 9 May, an agreement on the text of the Law was reached among the Collegium's members representing ¾ of MPs, and the Law has been forwarded to the Venice Commission for consideration.</i> <i>The deadline has been rescheduled to 31 May.</i> <i>At the eighth sitting of the first ordinary (spring) session in 2011 held on 31 May, the Proposal for the Law amending the Law on Election of Members of Parliament and Councillors did not get the necessary</i>

					two-third majority, after which the deadline for the alignment was prolonged until 31 July 2011 through the adoption of the Proposal for the Constitutional Law amending the Constitutional Law for Enforcement of the Constitution of Montenegro. Consideration of the Draft Law amending the Law on Election of Members of Parliament and Councillors by the Parliament is scheduled for 31 July 2011.
	2. Defining the roles and responsibilities of the Parliament in the following stages of the process of integration into the European Union: - The role of the Parliament precisely defined by the relevant act <i>(previously conduct a comparative research on the experience of former candidate countries that are now EU members, and Croatia, regarding the role of parliaments in the accession negotiations with EU)</i>	Collegium of the President of the Parliament of Montenegro	Spring Session	Research work completed The role of the Parliament defined by the relevant act	Research paper completed in 2010 and submitted to the Collegium members. Research paper provides overview of experience of EU countries from last two enlargement waves during their candidacy status, and Croatia, regarding role of the parliament in negotiations and regarding parliamentary body that had the key role in the process. The paper, prepared based on responses collected through the ECPRD network (European Centre of Parliamentary Research and Documentation) also provides a summary of the experiences, with the prevailing model and exceptions. Parliamentary groups are in a process of defining their positions on the issue, which will be then discussed at the Collegium.

	3. Drafting and adoption of the Law on Parliamentary Oversight in the Field of Security and Defence: - Strengthened oversight role of the Parliament in this particular area - Improved protection of rights and freedom of citizens against potential abuse - Precisely defined responsibilities of all stakeholders	Security and Defence Committee / Parliament of Montenegro	December 2010	The working group for drafting the Law established Draft law prepared The Law adopted	The Law on Parliamentary Oversight in the Field of Security and Defence was adopted unanimously on 22 December 2010 Complete
	4. Introduction of the practice for the Secretary of each Committee to prepare an opinion, in the form of an informative review, for each proposed law: - Improved background information and expert support to the members regarding the proposed enactments - Improved verification of compliance with the EU acquis and conformity tables submitted by the Government - When possible, provided assessment of the possible extent of impact of particular EU measures being transposed through the law and indicating the key groups of citizens and/or economy that might be	Parliament Administration /Secretaries of working bodies	January 2011	Adopted guidelines on the informative review - briefing Organized training on the informative review Number of completed informative reviews Number of staff Obtained feedback from members on this issue	Adopted guidelines on the content of briefing. The Guidelines on the briefing define the procedure of preparation and submission of the briefings prepared by the secretaries of the committees. The Article 4 of the Guidelines stipulates that the informative review is prepared in accordance with the competences of the committees and represents a clear and concise overview of findings on the proposed act pointing out possible open questions and/or dilemmas regarding the proposed act, and, if it is a proposal of a law, findings on the conformity table and fiscal impact form. The briefing includes background information on the proposed act, a brief review on comparative experiences of other countries, if possible, findings on compatibility check of the conformity table submitted by the Government, findings on examination of the fiscal impact form submitted by

	affected - Provided examination of information on the fiscal impact submitted by the Government - Strengthened expert support through the training in the area of research and employment of at least two staff members in the Section for Research			the Government and a list of representatives of civil society that submitted their contributions, along with all the contributions attached. Organized training for the secretaries on the preparation of briefing (in cooperation with the Westminster Foundation for Democracy (WFD) and the UK House of Commons), on 16 and 17 February. Training was attended by 20 employees (committee secretaries, committee staff and research staff), who were able to learn the procedures and tasks of committee secretaries in UK Parliament. As a part of the training, attendees had a task to produce briefing samples for three draft laws. Prepared Terms of Reference for expert assistance lasting over 8 months, divided in several missions, in the fields of legal harmonization and regulatory impact assessment. Specific objectives of the assistance are to strengthen the Parliament capacity to scrutinize proposed legislation and check compatibility with the acquis, as well as monitor the implementation of the legislation, in order to achieve goals referred to in the second column. The procedure for the application experts was carried out. Since none of the applied candidates met the criteria set by the terms of reference, the application procedure will be repeated, with somewhat changed criteria with the aim of providing the necessary technical assistance. Since introducing this practice in February 2011, 15 briefings have been prepared by the Committees' secretaries, out of which secretaries of nine Committees have prepared at least one or maximum

					four briefings. (Note: Secretaries of the Committee on Constitutional Issues and Legislation and of the Commission for Monitoring and Control of the Privatisation Procedure do not prepare briefings due to the specific status of these bodies defined by the Parliament's Rules of Procedure and relevant Decision. Also, the Committee on Security and Defence has prepared no briefing, since it hasn't discussed any draft laws since this practice was introduced). Since introducing this practice in February 2011, 66 briefings have been prepared by the Committees' secretaries, out of which 51 briefings were prepared in March. In line with the Instructions, secretaries of all ten Committees have prepared at least one and maximum 25 briefings (Note: Secretaries of the Committee on Constitutional Issues and Legislation and of the Commission for Monitoring and Control of the Privatisation Procedure do not prepare briefings due to the specific status of these bodies defined by the Parliament's Rules of Procedure and relevant Decision). Since the introduction of this practice in February 2011, 88 briefings have been prepared by the Committees' secretaries, out of which 22 were prepared in May. By the end of June, total of 106 briefings have been prepared, out of which 18 briefings were prepared in June.
	5. Preparation of a time table and schedule for the activities of the Parliament and working bodies: - Provided coordination and	Collegium of the President of the Parliament of	Q I 2011	Adoption of the activity schedule of the Parliament of	The time table of the Parliament was adopted in 2011, and it is available at the website (http://www.skupstina.me/cms/site_data/IVANA/nova%20verzija2.jpg).

	planning of both legislative and oversight activities on the level of the Parliament, working bodies and individual MPs by defining an activity schedule (Parliamentary Calendar) specifying the days of a month scheduled for plenary work, meetings of working bodies and the work of MPs in clubs and with citizens - Provided coordination, organization and planning of both legislative and oversight activities of the working bodies and individual members of working bodies by defining a time table of committee sessions generally specifying the date, time and venue of each meeting - Increased intensity of supervision through the adoption of plans of supervisory activities of the working bodies in order to monitor the implementation of laws and policies	Montenegro / Parliament Administration		Montenegro Adoption of the timetable of meetings of working bodies Adoption of plans of supervisory activities of the working bodies Number of sessions of the Committee with the subject of legislative oversight	Annual plans of supervisory activities adopted by three working bodies – Committee on Human Rights, Committee on Security and Defence and Commission for monitoring and control of the privatisation procedure (plans are attached in Montenegrin language) Committee on the Political System, Judiciary and Administration, at its meeting held on 21 February accepted the initiative of an MP and decided to hold consultative hearing on reforming the judicial system, in the context of the recommendations of the European Commission Opinion. As concluded, the hearing will include discussion on selection of the Supreme Court President, statuses of Judiciary and Prosecutor Councils and selection of state prosecutors, in order to upgrade legislative and institutional framework of judiciary. The Committee decide to invite to the meeting the Minister of Justice, Presidents of Constitutional and Supreme Courts, as well as representatives of relevant international organizations and civil society. Ten working bodies have adopted annual work plans, covering supervisory activities as well. The Committee on Health Care, Labour and Social Welfare will adopt the work plan on its meeting scheduled for 8 April. Six consultative hearings have been held in the working bodies: Committee on Economy, Finance and Budget – 1 (situation in the telecommunication sector, with special emphasis to implementation of the Law on Electronic Communication), Committee

					on International Relations and European Integration – 3 (First Monthly Report on Realisation of Commitments from the Action Plan; 2010 Work Report of MFA; two Quarterly Reports), Committee on Political System, Judiciary and Administration – 1 (reform of the judicial system in Montenegro in the context of recommendations contained in the European Commission's Opinion) and Administrative Committee – 1 (hearing of candidates for president of the Insurance Supervision Agency's Council). In addition to the abovementioned, the Committee on Human Rights and Freedoms has, within its supervisory activities, considered the Information on the Status of LGBT Population in Montenegro, as well as the 2010 Work Report of the Agency for Protection of Personal Data, including the Report on Protection of Personal Data in Montenegro in 2010, whereas the Committee on Health Care, Labour and Social Welfare has held a thematic meeting on the occasion of the World Tuberculosis Day. In March, the Commission for Monitoring and Control of the Privatisation Procedure considered privatisation of Margomarket Company and made conclusions regarding this privatisation procedure. Nine working bodies have adopted 2010 work plans. The Committee on Security and Defence will adopt the work plan on its forthcoming meeting, whereas the Committee on Health Care, Labour and Social Welfare will adopt its work plan on the meeting scheduled for 8 April. 11 working bodies have adopted annual work plans, covering supervisory activities as well. Furthermore, in April, the Committee on Security and Defence

				adopted a special 2011 Plan for exercising supervisory activity. In March, the Committee on Constitutional Issues and Legislation concluded, in the Report on the Committee's commitments in 2011, that dynamics of work of this Committee will depend on the dynamics of submitting draft pieces of legislation and dynamics of holding sessions of the Parliament of Montenegro. Since the beginning of this year, nine hearings have been held in working bodies, out of which two were held in April (The Commission for Monitoring and Control of the Privatisation Procedure held a meeting dedicated to privatisation of the Aluminium Plan in Podgorica, in which a control hearing was held as well. The Committee on International Relations and European Integration has issued an opinion on the candidate for Ambassador of Montenegro to the Republic of Poland. Several Committees has also held thematic meetings and round tables). Since the beginning of the year, there were overall twelve hearings in working bodies, three of which in May (Committee on International Relations and European Integration – two hearings related to the Second Monthly Report on Realisation of Commitments from the Action Plan for Monitoring Implementation of Recommendations Given in the European Commission's Opinion and the Report on Fulfilment of Obligations under the Stabilisation and Association Agreement with Quarterly Reporting Table; Committee on Economy, Finance and Budget – one hearing on the Draft Law on Investment Funds with reference to the effects of implementation of the present Law).

					Three consultative hearings were held in May (Committee on International Relations and European Integration – two hearings related to the Second Monthly Report on Realisation of Commitments from the Action Plan for Monitoring Implementation of Recommendations Given in the European Commission's Opinion and to the Report on Fulfilment of Obligations under the Stabilisation and Association Agreement with Quarterly Reporting Table; Committee on Economy, Finance and Budget – one hearing on the Draft Law on Investment Funds with reference to the effects of implementation of the present Law). Since the beginning of the year, 12 consultative and 3 control hearings have been held, out of which two control hearings and one consultative hearing were held in June: Committee on Human Rights and Freedoms – control hearing of Director of the Institution for Enforcement of Criminal Sanctions on activities of the Institution regarding findings of the European Commission's Analytical Report and recommendations of the Protector of Human Rights and Freedoms of Montenegro contained in the Final Opinion 84/10 of 29 March 2010; Commission for Monitoring and Control of the Privatisation Procedure – control hearing regarding the procedure of privatisation of Arsenal Company from Tivat; Committee on International Relations and European Integration – consultative hearing for giving opinion on the candidate for extraordinary and plenipotentiary ambassador of Montenegro to the Republic of Azerbaijan on non-residence basis, with seat in Ankara, Turkey.

					11 working bodies have adopted 2010 work plans. The Commission for Monitoring and Control of the Privatisation Procedure has held a discussion on activities taken in the previous period, and in that regard adopted conclusions on its future work.
	6. Monitoring and control of implementation of the recommendations from the Opinion of the European Commission on the application for membership of the EU and the Analytical Report: - Provided monitoring and control of implementation of the recommendations of the European Commission through the preparation of a Report on the findings and recommendations from the Opinion of the EC for specific chapters and areas with the proposal of the responsible Committee of the Parliament for each issue - Provided monitoring and control of implementation of the recommendations of the European Commission through holding a meeting with the chair persons of all Committees, to discuss their obligations in terms of	Committee on International Relations and European Integration (CIREI)	Continuous	Report prepared by CIREI A meeting organized with Presidents and Vice-Presidents of all Committees Defined plans for the monitoring of implementation of the EC recommendations and the Government Action Plan Quarterly reporting to the Collegium of the President of the Parliament by CIREI	The report on the findings and recommendations from the EC Opinion and Analytical report was prepared by the Committee on International Relations and European Integration in December 2010 and discussed at the meeting of the Committee on International Relations and European Integration with the Presidents and Vice-Presidents of all committees of the Parliament held on 28 December 2010. The staff of the Committee, based on comments of the meeting participants and further consultations prepared two documents: Proposed activities of the Committee on International Relations and European Integration regarding the Action plan for strengthening of the legislative and oversight role of the Parliament and a Tabular overview of division of competences for each committee of the Parliament. These documents were discussed at the 43rd meeting of the Committee held on 14 February, and adopted with some minor corrections at the next meeting held on 21 February. The two adopted documents have been submitted to the Collegium of the President of the Parliament for further consideration, and to the secretaries of the working bodies of the Parliament. At the end of March and beginning of April, the Parliamentary Committee for International relations

	oversight - Provided monitoring and control of implementation of the recommendations of the European Commission through defining the work plans, including the oversight of implementation of the EC recommendations and the Government Action Plan				and European Integration and the National Council for European Integration (NCEI) considered the Government's First Monthly Report on Realisation of Commitments from the Action Plan for Monitoring Implementation of Recommendations Given in the European Commission's Opinion. The Second Monthly Report on Realisation of Commitments from the Action Plan for Monitoring Implementation of Recommendations Given in the European Commission's Opinion was considered in the joint meeting of the Committee and NCEI held in May. During January and February, annual plans adopted by three working bodies (for human rights, security and defence, and monitoring and control of the privatisation process) Preparation of the plans of other Committees is in progress – Ten working bodies have adopted annual work plans, covering supervisory activities as well. The Committee on Health Care, Labour and Social Welfare will adopt the work plan on its meeting scheduled for 8 April. 11 working bodies have adopted annual work plans, covering supervisory activities as well. Furthermore, in April, the Committee on Security and Defence adopted a special 2011 Plan for exercising supervisory activity. In March, the Committee on Constitutional Issues and Legislation concluded, in the Report on the Committee's commitments in 2011, that dynamics of work of this Committee will depend on the dynamics of submitting draft pieces of legislation and dynamics of holding sessions of the Parliament of Montenegro.

	7. Adoption of the Decisions on amendments to the Rules of Procedure of the Parliament of Montenegro: - Strengthened direct expert support to the MPs through an increased number of staff working in Parliamentary Clubs - Finding solutions regarding the representation of initiatives of the opposition in plenary sessions (<i>A report on potential solutions will be prepared by the Parliament Administration and submitted to the Collegium in Q II of 2011, which may result in further amendments to the Rules of Procedure</i>)	Parliament of Montenegro Collegium of the President of the Parliament of Montenegro	December 2010 Q II 2011	Adopted Decision on amendments to the Rules of Procedure providing an increased number of staff working in the Clubs Number of employees in the Parliamentary Clubs Adopted conclusion of the Collegium in relation to the representation of initiatives of the opposition	Decisions on amendments to the Rules of Procedure of the Parliament of Montenegro adopted on 22 December 2010, which provided an increase in employment in Parliamentary Clubs, for a total of 5 until 1 March. The Collegium will establish a working group, composed of representatives of all parliamentary clubs, to propose options aimed at rights of opposition, which will be discussed at the Collegium meetings, resulting in making a decision by the end of II quarter, as planned. <i>The working group for preparation of amendments to the Rules of Procedure, composed of representatives of all parliamentary clubs, was established by the Collegium's Conclusion adopted on 9 May. Task of the working group will be, <i>inter alia</i>, to define a model for passing proposals submitted by opposition MPs that have not acquired required majority in the regular discussions held within working bodies. Draft amendments to the Rules of Procedure of the Parliament of Montenegro will be submitted to the President of the Parliament of Montenegro not later than on 15 June.</i> <i>Activities of the working group are under way.</i>

	8. Analysis of the requirement for separation of responsibilities of individual committees and establishment of subcommittees - Provided a balanced distribution of responsibilities and scope of work of the working bodies on the basis of detailed analysis that will be prepared by the working group and through the enactment of appropriate legislation	Collegium of the President of the Parliament of Montenegro	Q II 2011	Working group established, tasked to assess the need for separation of responsibilities of individual committees Assessment completed Conclusions adopted by the Collegium	Proposal for establishment of the working group has been submitted to the Collegium. The working group will be composed of representatives of all parliamentary clubs, with the task to analyse the need for separation of individual committees and establishment of sub-committees as well as to propose possible solutions. The Collegium will discuss findings and proposals of the working group and take further steps by the end of II quarter, as planned. Activities of the working group are under way. (In progress)
2. Performance Efficiency	9. Adoption of Annual Plan for the harmonization of legislation, including monitoring of its implementation: - Enabled more efficient distribution of the alignment of legislation through the adoption of Annual Plan for the harmonization of legislation, based on an analysis of the National Programme for Integration (NPI), adopted by the Government, and regular monitoring of implementation of the Annual Work Program of the Government	Collegium of the President of the Parliament of Montenegro / Parliament Administration	Q I 2011	Adopted Annual Plan one week after the NPI adoption by the Government, planned under the Annual Work Program of the Government for the second quarter of 2011	NPI has not been adopted by the Government yet. The Plan for Monitoring Implementation of the Government's Annual Programme has been prepared and submitted to the parliamentary clubs. In progress.

	10. Preparing and reviewing annual reports on the performance of working bodies: - Enabled analysis of the legislative and oversight work of each committee annually - Provided better planning of work for the following year - Improved public understanding of the work of the committees	Working Bodies	Q I 2011	Number of adopted and published reports	Nine working bodies have adopted 2010 work plans. The Committee on Security and Defence will adopt the work plan on its forthcoming meeting, whereas the Committee on Health Care, Labour and Social Welfare will adopt its work plan on the meeting scheduled for 8 April. The Commission for Monitoring and Control of the Privatisation Procedure has held a discussion on activities taken in the previous period, and in that regard adopted conclusions on its future work. 11 working bodies have adopted 2010 work plans. In March, the Commission for Monitoring and Control of the Privatisation Procedure held a discussion on activities taken in the previous period, and in that regard adopted conclusions on its future work.
	11. Adoption of rules on document management procedures in the Parliament Administration - Facilitated office operations due to the new system of document management	Secretary General	December 2010	Rules adopted and applied	Internal Rules on document management procedures adopted by the Parliament and applied since early 2011. New procedures enable more efficient document management system, with less number of book records and precisely defined procedures for electronic mail registration, providing keeping all documents based on their content, instead of plenary sessions during which documents were in procedure, as it was the case before. Thus, new system ensures a good basis for future introduction of electronic legislation tracking system. Complete
	12. Adoption of the Classification Plan: - Provided more efficient tracking of legislation on the basis of classification	Secretary General	December 2010	Classification Plan adopted and applied	Classification Plan adopted and started to be applied in early 2011. According to the Plan, a classification mark is assigned to each act received by the Registry Office. All proposals of laws submitted by the Government in 2011 (74 in total, 9 of which submitted in May; 103 in total, 25 of which submitted in June)

	according to negotiating chapters - Provided better tracking of amendments to laws and their harmonization with the European Union aquis on the basis of classification, which follows the negotiating chapters				were, thus, classified according to the negotiating chapter to which they belong. This will enable more efficient preparation of MPs during the negotiation with the EU, since all legislation connected to each chapter will be in one folder, instead of folders of plenary sessions when laws were adopted, as it was before. Complete
	13. Introduction of abbreviations for parliamentary documents: - Creating the conditions for easier tracking of Parliamentary acts	Collegium of the President of the Parliament of Montenegro / Secretary General	Q I 2011	Decision on abbreviations drafted Working group established Completed identification of abbreviations for the laws passed since October 2007. Decision on abbreviations adopted and is applied	Prepared draft Decision on the abbreviations for parliamentary documents Working group formed to determine the abbreviations for the legislation published in the Official Gazette of Montenegro, since its first edition after the adoption of the new Constitution in 2007 and its work is in progress <i>The working group has finished its work and determined abbreviations for the defined period, and continues with regular preparation of abbreviations.</i>
	14. Introduction of the Record of Parliamentary Acts (RPA) - Creating the conditions for easier tracking of parliamentary acts for each session of the Parliament	Collegium of the President of the Parliament of Montenegro / Secretary General	Q I 2011	Established RPA records Adopted decision on the introduction of RPA as a part of the name of	Established RPA records. According to this system, each parliamentary act, when received by the Registry Office, is assigned with the record number, consisting of ordinal number, starting from every new Parliament Convocation, and the ordinal number of the Parliament convocation.

				acts	Complete
	15. Introduction of Eurovoc Descriptors: - Creating the conditions for the use of descriptors to index documents in accordance with the License	Collegium of the President of the Parliament of Montenegro	Q I 2011	An expert group was formed for the translation of descriptors Translated Eurovoc descriptors	In 2010, an expert group was formed which is currently working on the translation into Montenegrin language The expert group has completed translation of Eurovoc descriptors to Montenegrin. The translated descriptors have been submitted to competent EU Publication Office for the purpose of consistency confirmation. Complete
	16. Adoption of the Rules of Procedure of the Section for analysis, documentation, research and library, with supporting documents - Strengthened work of the organizational unit in charge of parliamentary research through the establishment of appropriate operational procedures	Secretary General	December 2010	Adopted Rules of Procedure of the Section Adopted Rules of Procedure for the procurement and preparation of research work Adopted application form Number of applications for research work and number of completed research papers	Rules of Procedure of the Section for Analysis, Documentation, Research and Library, with supporting documents, have been adopted and their application started. Rules of Procedure for submission of application and preparation of parliamentary research work, including application form, have been adopted. Two research papers on parliamentary autonomy and the role of the Parliament in negotiations have been completed. Three research papers on parliamentary autonomy, role of the Parliament in negotiations and spatial capacities of the Parliament have been completed. Thus far, five research papers have been completed, two of which were completed in June. The Parliament Administration regularly responds to all requests submitted by other members of ECPRD network. In June, it prepared and distributed five responses in the form of brief information, upon the requests of ECPRD members. Complete

	17. Preparation of preliminary design for an information system that would enable IT tracking of the entire legislative process - creating the conditions for finding an optimal IT solution to track the legislative process <i>(it is planned to set up an adequate information system which will provide for IT tracking of the entire legislative process by 2012)</i>	Parliament Administration	Q III 2011	Preliminary design drafted	Preparation in progress, in cooperation with the Ministry for Information Society and Telecommunications. Recording and analysis of individual processes are in progress. In progress
3. Administrative and Financial Capacities	18. Adoption of the Human Resources Strategy in the Parliament of Montenegro for the period from January 2011 until December 2013, including a Training Plan: - Continuous development of human resources through provided strategic approach, which involves a clearly defined vision and mission, principles and values, strategic objectives, indicators and activities in this area	Parliament Administration	January 2011	Adopted Human Resources Strategy Adopted Strategic Plan Number of implemented activities	Adopted Human Resources Strategy Adopted Strategic Plan Training Plan prepared, implementation in progress Information on trainings will be provided continuously in next reports. The Training Plan envisaged organisation of three trainings for all employees in the Parliament by the end of March, in addition to the regular trainings organised by the Human Resources Management Administration. All three trainings have been held as well as one training planned for June. Since the beginning of this year, employees have attended 24 trainings: 4 trainings from the Training Plan, 13 trainings organised by the Human Resources Management Administration and 7 other trainings. The Training Plan envisaged organisation of four trainings for all employees in the Parliament by the end of April, in addition to the regular trainings organised by the Human Resources Management Administration. Three trainings have been held as

					well as one training planned for June, whereas one training has not been held yet. Since the beginning of this year, employees have attended 31 trainings: 4 trainings from the Training Plan, 18 trainings organised by the Human Resources Management Administration and 9 other trainings. The Training Plan envisaged organisation of five trainings for employees of the Parliament until the end of May, in addition to the regular trainings organised by the Human Resources Management Administration. Three trainings have been completed, plus three trainings planned for June. Since the beginning of the year, employees have participated in 42 trainings: 6 from the training plan, 23 organised by the Human Resources Management Administration and 13 other trainings. According to the training plan, it is planned to organise 10 trainings for employees of the Parliament, in addition to regular trainings organised by the Human Resources Management Administration, out of which 9 trainings have been already completed. Since the beginning of the year, employees have participated in 54 trainings out of which: 9 from the training plan, 26 organised by the Human Resources Management Administration and 19 other trainings. Total number of attendants in June was 40 employees, whereas the total number of attendants since the beginning of the year was 159.
	19. Providing intensive training for the staff of parliamentary committees and clubs: - Improved quality of verification of the	Parliament Administration	Continuous	Number of trainings organized Number of participants Number of	Organised training for research staff, during which two employees visited the Slovak parliament for two weeks Implementation of the project "Parliament for Europe" in progress, with the NGO EM in MNE Implementation of the Training Plan is in progress.

	conformance of draft legislation with the EU acquis - Raising the level of knowledge and expertise of employees in the field of EU acquis through training in specific areas, within the framework of TAIEX and other available projects - Raising the level of knowledge and expertise of staff regarding the assessment of impacts and issues of legal harmonization by providing professional support to the staff - Raising the level of knowledge and expertise of employees with a focus on introducing the experiences of EU member states and candidate countries in the harmonization process through the project "Parliament for Europe", with the NGO European Movement in Montenegro - Raising the level of knowledge and expertise of employees through a number of training courses in cooperation with NGOs, Human Resources Administration, as well as			amended tables of compliance during preparations for the meeting of the Committee	Terms of Reference have been prepared with expert assistance. The process of submitting applications by experts has been completed. However, since none of the applied candidates have met criteria defined by the Terms of Reference, the process of submitting applications will be re-organised with slightly modified criteria, with the view to providing required technical assistance. New request for expert assistance to the Parliament of Montenegro was sent by the EU Delegation to Montenegro on 22 June. Deadline for submission of offers is 6 July, after which a team of experts will be selected in line with the required criteria. Of the total of 21 proposed laws, the Administration initiated the correction of tables for 11 proposals, while only some technical changes were necessary for 9 of them. Out of the total of 27 proposed laws, the Administration initiated the correction of tables for 12 proposals, while only some technical changes were necessary for 9 of them. In March, reminders have been prepared for five laws submitted to the Committee, containing review of the level of its harmonisation with the EU legislation, as well as observed irregularities with regard to the accompanying documentation. After making insight into the documentation submitted along with the proposed laws (57 proposed laws in total, out of which 30 in April), 22 essential amendments (out of which 10 in April) and 11 technical amendments (out of which 3 in April) have been made, upon the initiative of the Committee

	through bilateral cooperation with other parliaments				service, with regard to the documentation proving harmonisation of those acts with EU legislation and other international treaties. After making insight into the documentation submitted along with the proposed laws (64 proposed laws in total, out of which 7 in May), 24 essential amendments (out of which 2 in May) and 12 technical amendments (out of which 1 in May) have been made, upon the initiative of the Committee service, with regard to the documentation proving harmonisation of those acts with EU legislation and other international treaties. After making insight into the documentation submitted along with the proposed laws (87 proposed laws in total, out of which 23 in June), 28 essential amendments (out of which 4 in June) and 12 technical amendments have been made, upon the initiative of the Committee service, with regard to the documentation proving harmonisation of those acts with EU legislation and other international treaties. In progress
	20. Filling vacancies in the Parliament Administration, in accordance with the Rulebook on Internal Organization and Job Description of the Parliament Administration - Creating the conditions for achieving full functionality of all organizational units	Parliament Administration / Human Resources Management Bureau	Continuous	Number of staff compared to the Rulebook Number of staff compared to the previous year	90 staff (and 11 trainees) compared to 154 staff, as planned under the Rulebook; 90 staff (and 11 trainees) as of 28 February 2011, compared to 73 staff (and 12 trainees) on 31 December 2010 On 30 April 2011, there were 90 staff (and 20 trainees), compared to 154 staff envisaged by the Rulebook and 73 staff (and 12 trainees) on 31 December 2010. On 31 May 2011, there were 90 employees (and 10 trainees) compared to 154 employees envisaged by the Rulebook and 73 employees (and 12 trainees)

					present on 31 December 2010. The number of employees did not change compared to the previous month. Continuous
	21. Defining a plan of short and long-term planning of office space for the purposes of the Parliament: - Productivity raising through improved spatial conditions for the work of MPs and employees in the Parliament - Productivity raising through the creation of conditions for the admission of new employees	Collegium of the President of the Parliament of Montenegro	Q I 2011	Decisions adopted and tender procedure initiated for office space renting	Adopted decision to rent extra office space Preparation of tender procedure in progress. The tender procedure is being prepared and the tender was planned to be announced in July.
	22. Improving spatial and personnel requirements for the work of MPs, based on earlier needs assessments <i>(as a part of this measure a comparative analysis of standards in other parliaments in relation to space and staffing requirements will be prepared)</i>	Collegium of the President of the Parliament of Montenegro	Q II 2011	Completed analysis Conclusions adopted by the Collegium	Preparation of comparative analysis in progress. This measure involved the comparative overview, containing a short description of the current state related to spatial capacities in the Parliament, table overview with data on the space and spatial arrangement of several national parliaments taken from the ECPRD (European Centre for Parliamentary Research and Documentation) network, as well as those collected through the questionnaire which the Parliament Administration sent to the addresses of several parliaments in the region. (in progresss)
	23. Providing access to the Parliament building for persons with disabilities	Parliament Administration	Q II 2011	Initiated tender procedure Design prepared	Tender procedure under preparation, including NGO participation Invitation to open competition for supply and

	- Creating the conditions for access to the building through consultation with NGOs and the corresponding tender procedure			Project implemented	construction of electric folding platform for persons with disabilities to be installed inside the Parliament was announced on 1 June 2011. As envisaged in the invitation, public opening of bids was held on 28 June. The Commission is now processing the minutes, whereas final decision is expected to be adopted in July. In progress
4. Openness and Transparency	24. Preparation and publication of Annual Report of the Parliament of Montenegro - Continuing the practice of publishing relevant information about the work of the Parliament for the purpose of its disclosure to the citizens and professionals <i>(The Parliament will prepare the report for 2010 independently)</i>	Parliament Administration	February 2011	Prepared Annual Report	2010 Annual Report prepared and available on the web site¹. In addition, 250 copies in Montenegrin and English have been printed (bilingual edition). Continuous.
	25. Signing of Memorandum of Understanding between the Parliament of Montenegro and NGOs: - Defined principles of cooperation between the Parliament of Montenegro and the NGOs interested in cooperation with the	President of the Parliament of Montenegro	Q I 2011	Established Working Group to draft a Memorandum of Understanding Memorandum drafted Memorandum signed	Working Group established, Memorandum drafted Text of the Memorandum agreed. The Memorandum was signed and promoted on 30 March² and a template³ for giving opinion by civil society representatives was published on the Parliament's website.

¹ Link: http://www.skupstina.me/cms/site_data/TVANA/OSTALO/publikacije/Perfomance%20Report%202010%20final%20za%20sajt.pdf

² Link: http://www.skupstina.me/cms/site_data/SKUPSTINA%20CRNE%20GORE/Memorandum-o-saradnji-izmedju-Skupstine-Crne-Gore-i-Mreze-organizacija-civilnog-drustva-za-demokratiju-i-ljudska-prava.pdf

³ Link: http://www.skupstina.me/cms/site_data/SKUPSTINA/Obrazac-za-davanje-misljenja-predstavnika-civilnog-drustva.pdf

	Parliament of Montenegro				
	26. Roundtable discussion of Members of Parliament and representatives of the media: - Promotion of better understanding and cooperation between the Parliament and the media on the basis of exchanging opinions and adopted conclusions	Parliament Administration	Q II 2011	Organized round table discussion Conclusions adopted Number of participants Implementation of conclusions	Preparation in progress, in cooperation with WFD, with whose experts a tentative deadline was agreed in July. The round table is scheduled for 12 July, with participation of experts from Reuters, under the project of cooperation with WFD. In progress
	27. Roundtable discussion on the issues of conflict of interest of Members of the Parliament: - Better understanding of this issue and possible improvement of the legislative framework on the basis of exchanging opinions and adopted conclusions	Parliament Administration	Q II 2011	Round table discussion organized and conclusions adopted Number of participants Implementation of conclusions	Preparation is in progress, in cooperation with SIGMA and DACI. A round table has been postponed, while the new date for it will be subsequently determine. The round table on amendments to the Law on Prevention of Conflict of Interest, with focus on conflict of interests of members of the Parliament, was held on 10 June, and it gathered MPs, representatives of the Government and NGO sector, as well as foreign experts. It was concluded that amendments should be supported, particularly in the part prohibiting the MPs to be members of managing or supervisory boards of companies under majority state ownership, as well as in the part not allowing MPs to be engaged in executive bodies at the

					national and local level. In progress
	28. Improving internal communication within the Parliament Administration - Improved exchange of information and created conditions for an efficient external communication by defining the rules of internal communication and unification of procedures for communicating with stakeholders, design of documents, etc.	Parliament Administration / Human Resources Management Bureau	Q III 2011	Adopted rules on internal communication and the beginning of their implementation Appointment of a person for internal communication	Preparatory activities are in progress, in cooperation with WFD and the UK House of Commons, and a contact person for internal communication has been appointed. In progress
	29. Further improving the transparency of the Parliament and its communication with the public: - Improved procedures for enabling a proactive approach to the activities of the Parliament by establishing a special form available on its web site - Provided conditions for direct transmission of all press conferences from the press position in the Parliament over the Internet - Provided timely notification of the public through the	Parliament Administration / Department for Public Relations	Continuous	Form for the citizens and the public published on the website Provided direct transmission from the press position over the Internet All relevant information available on the web site of the Parliament Number of applications for free access to	Provided direct transmission from the press position over the Internet All relevant information regularly published on the web site of the Parliament From 1 December to 1 March there were 32 requests for FAI, and all were responded to, of which access was granted for 23, and no information was available to the Parliament for 9 requests. In the period 1 December – 31 March, 70 requests for FAI were submitted to the Parliament and they were all responded, out of which access was granted for 39 requests, for 14 requests the Parliament had no information available, whereas for 17 requests it was responded that the requested information have already been published or that the Parliament is not the competent body for it.

	publication of all relevant information on the web site of the Parliament - Provided free access to information through the provision of timely responses to the requests in accordance with the Law on Free Access to Information			information and number of provided responses Since the beginning of the year, 80 requests for FAI (with 190 sub-requests in total) were submitted to the Parliament and they were all responded. Out of that number, access was granted for 41 requests, for 19 requests the Parliament had no information available, whereas for 20 requests it was responded that the requested information have already been published or that the Parliament is not the competent body for it. Since the beginning of the year, 84 requests for FAI (with 195 sub-requests in total) were submitted to the Parliament and they were all responded. Out of that number, access was granted for 43 requests, for 20 requests the Parliament had no information available, whereas for 21 requests it was responded that the requested information have already been published or that the Parliament is not the competent body for it. In June, the Parliament received 15 requests for FAI, with 47 sub-requests in total. Since the beginning of the year, 99 requests for FAI (with 242 sub-requests in total) were submitted to the Parliament and they were all responded. Out of that number, access was granted for 47 requests, for 27 requests the Parliament had no information available, whereas for 25 requests it was responded that the requested information have already been published or that the Parliament is not the competent body for it. Continuous.

	30. Program "Open Parliament" - Further promotion of the transparency of work by launching the monthly newsletter "Open Parliament", in cooperation with the Centre for Democratic Transition - Improving the openness of work towards the younger population and, in this part, an assessment of options for launching the project of "Democratic Workshop" for children in primary schools, in cooperation with ERSTE Foundation and the Austrian Parliament - Weekly news from the EU institutions	Parliament Administration / Department for public relations	Continuous	Regular publication of monthly newsletter "Open Parliament" Regular publication of monthly news Completed preparation of the project "Democratic Workshop" and the decisions adopted	Thus far, two editions of the monthly newsletter "Open Parliament" have been published, while the third edition is under preparation. Thus far, three editions of the monthly newsletter "Open Parliament" have been published, while the fourth edition is under preparation. Thus far, four editions of the monthly newsletter "Open Parliament" have been published, while the fifth edition is being prepared. Thus far, five editions of the monthly newsletter "Open Parliament" have been published, while the sixth edition is being prepared. The first edition of the monthly newsletter "Open Parliament" was issued on 4 February. Weekly news from the EU institutions are published each Friday, starting from February. Preparation of the project "Democratic Workshop" is in progress. Text of the public invitation to non-governmental organisations, for expressing interest in participation in the project to be financed by ERSTE Foundation, has been prepared. It is planned to announce this public invitation at the beginning of July. Continuous.
	31. Reporting on the Action Plan implementation - provided carrying out of activities in accordance with the plan through continuous monitoring of the	Collegium of the President of the Parliament of Montenegro / Parliament	Quarterly	Report on implementation of the Action Plan submitted to the Collegium and	The first quarterly report for December, January and February was submitted on 3 March, including the proposed suggestions of the European Commission. The Collegium adopted the quarterly report on 9 March. Monthly reports on implementation have been regularly submitted to the Government.

	implementation and results achieved	Administration		conclusions adopted	The Collegium of the President of the Parliament adopted the Second Quarterly Report (March-May) on 13 June. Complete – quarterly

2. ACTION PLAN FOR THE PUBLIC ADMINISTRATION REFORM

PRIORITY	ACTIVITY	RESPONSIBLE AUTHORITY	DEADLINE	INDICATOR	STATUS / DEGREE OF IMPLEMENTATION
1. Simplify and shorten the administrative procedures	1. Draft Law amending the Law on General Administrative Procedure: - set shorter deadlines for adoption of decisions and issuance of certificates - normative enhancement of the principles of efficiency and effectiveness in administrative procedure - setting-up of a single point for contact and interaction between citizens and authorities (one-stop shops)	MI	I quarter	Draft Law adopted	Draft Law was adopted by the Government on the session held on 10 March 2011. The amendments provide for qualitative adjustments as regards duration and simplification of the procedure: - deadlines for actions of bodies have been shortened in all phases of first-instance and second-instance procedures as well as in the procedure of decision enforcement; - principle of efficiency and effectiveness of the administrative procedure has been enhanced by shortening the deadlines and introducing a single point for contact and coordination between citizens and state administration bodies. Furthermore, introduction of the institute of affirmative fiction provides for a possibility to stipulate, through a separate law, that in some administrative areas the request will be deemed accepted if the body involved in the procedure, on the basis of a regular request that it is competent to decide upon, does not pass a decision within the prescribed deadline. Draft Law was submitted to the Parliament for consideration and adoption on 25 March 2011. It was also translated into English and submitted to the European Commission. The mentioned draft Law has been considered by the Committee on Political System, Judiciary and Administration. On its session held on 16 May,

					the Committee on Constitutional Issues and Legislation postponed the procedure of giving opinion on this draft Law for the next session. The Committee on Constitutional Issues and Legislation proposed to the Parliament to adopt the draft Law. The Parliament of Montenegro adopted the Law amending the Law on General Administrative Procedure on 22 June 2011.
	2. Training plan for civil servants addressing the implementation of the Law on General Administrative Procedure - identify prospective trainees by institutions - develop the training programme, specific topics and contents - organise practical workshops	HRMA (Lecturers and administrative inspectors and Administrative Court judges)	Continuously	Training plan prepared; participants, programme, topics and contents defined; Number of organised workshops and the number of participants by institutions	The final Training Plan will be prepared after the Government adopts the draft Law amending the Law on General Administrative Procedure. Identification of trainees by institutions has been completed. Competent institutions have jointly prepared Training Plan for implementation of the Law on General Administrative Procedure, with special emphasis put on two trainings per month with 20 participants each. Training Programme has been defined for various categories of state employees acting in accordance with the Law on General Administrative Procedure, including the state employees at the local and national level. Lecturers have been selected, conditions for realisation of trainings provided and Training Plan defined. One training was organised in April and it was attended by 25 employees. One more training will be organised by the end of April. Training Programme is given in the Annex 2.

					In line with the Training Programme for general administrative procedure, a training plan for May-July 2011 has been prepared, envisaging two two-day and two three-day trainings per month, depending on the target group. Two trainings were already held in May: on 16 May in Bar, attended by 40 participants and on 19-20 May in Podgorica, attended by 11 participants, whereas the third training is scheduled for 24-26 May in Podgorica and it is expected to be attended by 20 participants. Minimum two trainings are planned to be held in June. Three workshops were held in June (6 training days in total), with 80 attendants. Two training were held in Podgorica, and one in Bijelo Polje. Two trainings were scheduled for July. However, due to weak participation of civil servants as a result of annual leaves, trainings were postponed for September, when 4 trainings will be organised.
	3. Preparation of Policy Paper for implementation of the Law on General Administrative Procedure with clear recommendations for simplifying administrative procedures in line with the principle of efficiency and effectiveness. - strengthen the principle of	MI	II quarter	Policy Paper prepared	Consultations were held with SIGMA experts and it was agreed that concrete activities on drafting the final document will be arranged during March. Preparation of a policy paper for drafting the new Law on General Administrative Procedure was agreed in mid-December 2010 under the project on the support to improvement of the rule of law and governance – joint initiative of OECD and EU. It was agreed that the working group, with the support of SIGMA, will prepare the policy paper by summer 2011. SIGMA representatives

	economy and reduce the costs of the procedure for parties - integrated portal facilitating access to all public administration information - create assumptions for the application of administrative contract as a new form of settling relations between the parties and the state authorities				that MI has established contacts with are Wolfgang Rusch and Ivan Koprić, professor of the University of Zagreb. After consulting SIGMA experts, establishment of an inter-sectoral working group for drafting Policy Paper is under way. Relevant Montenegrin institutions (Administrative Court, Supreme Court, University of Montenegro) should inform the Ministry on their representatives in the working group. Draft Policy Paper on the new Law on General Administrative Procedure will be prepared by the end of May, and it is expected that the Government will adopt it at the end of the second quarter, after expert consultations with relevant institutions. Before adoption by the Government, the Policy Paper will be translated and submitted to the European Commission. A working group has been established, and it is composed of representatives of Ministry of Interior, Administrative Court, Faculty of Law, Faculty for State and European Studies, and Human Resources Management Administration. The working group will, in cooperation with SIGMA experts, consider draft Policy Paper and prepare a final draft by the end of June. Members of the working group are entrusted to prepare working documents for each of the Policy Paper's segments. It is planned to organise workshops with a SIGMA expert on 16-17 June and 28-29 June, with the view to finalising the documents.

					With the view to finalising the Policy Paper, workshops with SIGMA expert were held on 16-17 June and 28-29 June. Working version of the Policy Paper has been prepared. It is expected that the Government will consider this draft document in its session scheduled for 28 July 2011. The Policy Paper provides a conceptual basis for development of the new Law on General Administrative procedure, which should be completely compliant with the rule of law and good governance principles common to EU member states (principle of legality, principle of fair procedure and principle of proportionality). The document contains clear recommendations aimed at: - simplifying administrative procedures in line with principle of efficiency and effectiveness; - strengthening of administration focused on protection of human rights, through organisation and procedures, and achieving transparent, available and modern administration; - reducing costs of procedures for participants in the procedure; - creating conditions and developing openness towards modern information and communication technologies for provision of administrative services (e-administration); - defining administrative contract as a new legal instrument and additional form of administrative activities that will provide flexibility of administrative activities; - delegating decision-making powers within

					relevant administrative body; - obtaining open, fully transparent and objective administrative procedure that should enable non-governmental organisations as well to participate in the procedure when public interest requires so, etc.
2. Creation of a strategic framework for public administration reform in Montenegro and improvement of the state administration organisational set-up	1. Public Administration Reform Strategy 2011-2016, with an accompanying Action Plan (AURUM), which will define: - improvement of transparency and integrity in the public administration - institutional stability, functionality and flexibility of the public administration system - improvement of business environment together with the improvement of the quality of public services and reduction of administrative burdens - inclusion of Montenegro in the European Administrative Space	MF – GoM's expert team for public administration reform	I quarter	Strategy and Action Plan adopted	Text of the Draft Strategy, and the accompanying Action Plan, has been completed. Opinions of line ministries – responsible authorities have been obtained. The Strategy, along with the framework Action Plan for its implementation, was submitted to the Government's commissions. The Strategy is to be considered by the Government on 24 March 2011. The Public Administration Reform Strategy is adopted together with a framework Action Plan for the period of next five years. The main goals and innovations of the Strategy are as follows: 1. normative arrangement of the public administration system aligned with the Constitution of Montenegro; 2. rationalisation of public administration, increase in efficiency and savings, improvement of coordination, openness and participation of citizens; 3. stabilisation of public finances through improvement of the single policy on salaries in public administration and merit-based rewards, as well as improved planning and strengthening of control over budgetary funds spending; 4. improvement of civil servants system;

					5. measures for strengthening the quality of regulations and strategic documents (assessment of impact of new regulations, implementation of regulatory reforms, laws and strategic documents, and better coordination of public policies); 6. improvement of administrative procedures; 7. improvement of the electronic document management system; 8. inspection system reform; 9. further decentralisation process; 10. local self-government financing; 11. administrative supervision in local self-government; 12. local economic development; 13. public utility services reform; 14. municipal police reform; 15. participation of citizens, transparency and good governance at the local level; 16. strengthening of cooperation among municipalities. On the session held on 31 March 2011, the Government adopted the Public Administration Reform Strategy 2011-2016, along with the Framework Action Plan for its implementation, and adopted the following conclusions: - Authorities responsible for particular activities from the Framework Action Plan are obliged to submit semi-annual reports on implementation of activities to the Council for Regulatory Reform and Business Environment Improvement and to the Coordination Committee for Local Self-Government Reform, through bodies

					performing administrative tasks for the needs of mentioned authorities; - Upon proposal of the Council for Regulatory Reform and Business Environment Improvement and Coordination Committee for Local Self-Government Reform, and in line with periodical analyses on implementation of the Strategy, the Government will, starting from 2012, adopt annual action plans with precise activities, responsible authorities, and resources for their implementation, and it will adjust strategic objectives, if necessary, and revise programme measures and activities defined by the Strategy. - The Ministry of Interior and the Ministry of Finance are obliged to prepare a functional and institutional analysis of the public administration system aimed at optimal organisation of public administration, by the end of the third quarter, and to propose amendments to the Law on State Administration and to the Decree on Organisation and Method of Work of Public Administration to the Government. This functional and institutional analysis will focus on the existing system of organisation of public administration and it should contain recommendations for improvement of the system and better coordination, especially in the context of future steps in the European integration process. The analysis will represent basis for development of a new legal framework for public administration system, its further rationalisation and optimisation of the number of authorities, as

					well as for improvement of the existing coordination mechanisms. Representatives of the Ministry of Finance and the Ministry of Interior have had discussions with UNDP representatives with the view to obtaining expert assistance in preparation of the mentioned analysis. It is expected that the expert assistance will be provided by the end of May, while in the meantime the inter-sectoral working group will be established. It is expected that the working group for preparation of the functional analysis will be established by the end of May. In addition, UNDP has engaged two experts (national and foreign). Members of the working group will regularly consult EU Delegation regarding preparation of this functional analysis. The Ministry of Finance has established a working group (two representatives of the Ministry of Finance, one representative of the Ministry of Interior and one representative of the Prime Minister's Office), which is entrusted with preparing an Institutional Analysis of Public Administration Organisation and drafting a new Decree on Organisation and Method of Work of Public Administration, in accordance with strategic objectives of the Government. Deadline is September 2011. With the view to optimising organisation of public administration, the Ministry of Interior has prepared draft Law amending the Law on State Administration. The proposed amendments will enable rationalisation of the

					existing organisation of state administration in terms of structure of bodies, activities they perform and their mutual relations; it will increase the responsibility system and improve the framework for carrying out long-term reform plans. In addition, proposed amendments are aimed at: 1) harmonising with provisions of the Law on Misdemeanours; 2) harmonising with provisions on data secrecy; 3) introducing new categories of managing positions as well as of method and procedure for appointment to and dismissal from those positions; 4) normatively regulating participation of non-governmental sector and citizens, in general, in the decision-making process in the state administration. On 7 July 2011, the Government adopted the draft Law amending the Law on State Administration. The Parliament adopted the Law amending the Law on State Administration on 26 July.
3. Improve the system of recruitment, remuneration and promotion (merit-based career system) in the public administration, by defining objective criteria	1. Draft Law on Civil Servants and State Employees that will: - improve good quality, politically neutral and professional work of persons working in the state administration - ensure transparency and merit-based appointments and promotions - define professional	MI HRMA MF	II quarter	Draft adopted Law	Inter-sectoral working group was formed by the Minister of Interior's decision of 4 February 2011. The working group has held two working meetings. Members of the working group were assigned with concrete duties, along with defined dynamics – proposals for particular chapters should be submitted by 20 March. The working group will work with SIGMA expert on 28-29 March. The first working version of the draft Law will be prepared by mid-April and will be submitted to the European Commission and SIGMA experts for

	development and legal status of persons working in state bodies - lay down the obligation of adopting integrity plans in the public sector - improve protection of whistleblowers				opinion. Several round tables, with participation of interested NGOs, are planned to be held. Also, working version of the draft Law will be published on the Ministry of Interior's website as well. The present provisions of the Law on Civil Servants and State Employees, regulating employment on the basis of best met conditions and merit-based promotion, are incomplete and do not provide for absolute fulfilment of the defined objectives. Therefore, drafting of the Law is planned with the view to eliminating the observed shortcomings and improving the present provisions. The policy paper has been prepared by two national experts and one SIGMA expert. It contains recommendations for improvement of provisions related to conditions for employment and promotion in state administration. Improvement of the civil servants system, particularly with regard to employment, should be based on the merit system – selection of staff to be employed, monitoring of employees' work, scoring, requisite professional education, promotion and rewarding. This paper, which represents a basis for drafting the new Law on Civil Servants and State Employees, will be submitted to the Government of Montenegro by the end of March 2011, and afterwards to EC and SIGMA experts as well. On 24 March 2011, the Government considered and adopted the Information on activities on reform of the civil servants system and supported the Policy Paper on civil servants and state

					employees. The Policy Paper also contains recommendations for improvement of solutions relating to conditions for recruitment and promotion in the state service. Improvement of the civil servants system, especially with regard to employment, should be grounded in the merit-based system, implying selection of candidates for recruitment, monitoring and evaluation of a servant's work, obligatory professional training, promotion and rewards. In its conclusions, the Government has entrusted the Ministry of Interior to use recommendations from the Policy Paper as starting point for drafting the new Law on Civil Servants and Public Employees. The Policy Paper has been translated into English and submitted to the European Commission (Annex 2). Since its establishment till the end of March, the working group has held four meetings. Proposals for particular chapters have been prepared in those meetings and through regular consultations and electronic exchange of materials. The first working version of the draft Law has been prepared on the basis of concrete proposals of members of the working group in charge of particular areas. In line with the agreed dynamics, the first working version of the draft Law was submitted to Mr. Hans Achim Roll, SIGMA expert, on 25 March 2011, for giving comments and suggestions. In the period 28-30 March 2011, particular solutions from the first working version of the draft Law have been discussed by the working group and SIGMA expert. After three-day joint

					work, it was concluded that the proposed solutions in the first working version represent a good basis for further work of the working group, but that the text has still to be improved, taking into consideration comments and suggestions given by Mr. Roll, as well as recommendations from the Policy Paper and other documents (OECD recommendations, etc.). It has been agreed that the innovated working version of the draft Law will be prepared by 20 April 2011 on the basis of received suggestions and opinions, and subsequently translated and submitted to Mr. Roll and the EC for opinion. According to the plan, the working group and Mr. Roll will continue their joint work on the innovated version of the draft Law in the period 4-6 May 2011. For the purpose of examining the situation in the civil servants system and human resources management, two analyses have been prepared. The first analysis "How to make the state administration attractive to young persons", treating state employees younger than 40 years, was supported by the Government of Norway. The second analysis "To which extent the civil servants and state employees are satisfied with working conditions and work motivation" is being prepared by SIGMA. The poll is conducted in electronic form in Montenegrin and it is completely anonymous. Target groups are managerial levels in ministries, Government's General Secretariat and Human Resources Management Administration, as well as civil

					servants and state employees, trainees and persons engaged under work contracts. Results of the mentioned analyses will represent solid basis for defining new institutes in the draft Law on Civil Servants and State Employees. The second working version of the draft Law was submitted to translation on 21 April 2011, after which it will be forwarded to the European Commission. SIGMA gave comments to the second working version and a workshop was held on 4-5 May dedicated to analysing the given comments. Based on the conclusions from the workshop, the working group has been preparing the third working version. Conference on "Public Administration Reform in the Process of European Integration" was held on 6 May 2011, within cooperation between the Human Resources Management Administration and the Government of the Kingdom of Norway – under DSSR project. Importance of the new institutes in the civil servants system in Montenegro has been particularly underlined at the conference, with special emphasise put on the new Law on Civil Servants and State Employees. The conference was attended by great number of civil servants, who have take active part in it and discussed problems and dilemmas from the practice, thus contributing to future resolution of problems in the area of civil servants system. The third working version of the draft Law has

					been harmonised with recommendations given by SIGMA, and it has been distributed to state administration bodies, local self-government bodies and NGOs for comments by 31 May 2011. The third working version of the draft Law is available on the Ministry of Interior's website. Translation into English is under way, after which it will be submitted to SIGMA and EC. A workshop with SIGMA representatives is scheduled for 1-2 June with the view to fine-tuning of the draft Law. The round table with representatives of public bodies, trade unions, civil sector and academic community was held on 7 June with the aim of presenting the suggested solutions. The suggested solutions were considered in the period 7-13 June, after which the draft Law was submitted to the competent bodies for opinion (on 13 June). The draft Law is planned to be considered in the Government's session scheduled for 7 July. On 7 July 2011, the Government adopted the draft Law amending the Law on Civil Servants and State Employees. The Parliament adopted the Law amending the Law on Civil Servants and State Employees on 22 July 2011.
	2. Organise training on preparation and implementation of integrity plans	HRMA DACI	II quarter	Number of training events organised; Number of participants by state bodies	Realisation of the training on preparation and implementation of integrity plans is going to be initiated subsequent to the adoption of the draft Law on Civil Servants and State Employees. The Human Resources Management

					Administration and the Directorate for Anti-Corruption Initiative organised seminar on "Preparation and Implementation of Integrity Plans" on 21 April 2011. Slovenian experiences in development of the Integrity Plan Model and Guidelines for Integrity Plan Preparation were presented in the seminar. The seminar was attended by 16 civil servants from various state administration bodies. A seminar on integrity plan, jointly organised by the Human Resources Management Administration and the Directorate for Anti-Corruption Initiative, is scheduled for 26 May. Technical preparations for this seminar are under way.
4. Strengthen the control function of the administrative inspection	1. Fill in vacancies in the Division for Inspection Supervision in the Ministry of Interior	MI	I quarter	Number of occupied work posts as compared to the number of envisaged work posts	Two trainings were organised in Podgorica (on 26 May and on 4 June), with 24 attendants from different public bodies. Number of inspectors has been raised by one from internal resources. MF is expected to give consent for public announcement of other vacancies to be filled in. The Ministry of Interior has not yet obtained consent from the Ministry of Finance for filling in vacancies in the Division for Inspection Supervision. An internal competition has been announced for that purpose. Inspection supervision over implementation of the Law on General Administrative Procedure is performed with regard to: achieved efficiency and effectiveness in resolving the administrative matters and proceeding in line with procedural rules, administrative procedure costs, implementation of regulations on office management, and keeping required records. The

					inspection supervision also covers enforcement of laws and other regulations, adoption and enforcement of decisions and other individual acts, taking administrative and other measures and actions, monitoring of their implementation in ministries, other state administration bodies and local self-government bodies. Inspection control over implementation and enforcement of the Law on Civil Servants and State Employees is performed with regard to: employment in state administration, procedure for announcing competition, professional qualifications of employees working in the state administration, central human resources records, etc. The Administrative Inspection will coordinate its activities in order to ensure implementation of new provisions contained in the amended Law in all bodies.
	2. Increase the number of controls carried out <i>ex officio</i> by the Administrative Inspection	MI	II quarter	Inspection control report on along with a proposal for measures	The Administrative Inspection has adopted a plan for increasing the number of controls carried out <i>ex officio</i> within state administration bodies. According to the plan, administrative supervision will be carried out in ten state administration bodies by the end of June 2011. In March, administrative supervision was carried out in three state administration bodies. Until 13 May 2011, administrative supervision has been carried out in 7 bodies. Preparation of the report for May is under way. The Report on the performed controls for the period 1 January – 30 May has been prepared.

					Inspection supervision was carried out in 10 bodies and 7 instructions were issued for implementation of the law, as preventive action.
5. Strengthen the capacities of the Human Resources Management Administration	1. Adoption of a new Rulebook on Internal Organisation and Job Description of the Human Resources Management Administration	HRMA	III quarter	Rulebook on Internal Organisation and Job Description of the Human Resources Management Administration adopted	After the Law on Civil Servants and State Employees is adopted, HRMA is going to adopt a new act on internal organisation and job description. This Law will, inter alia, extend the powers/competences of the Human Resources Management Administration, primarily as regards: - preparation of a professional basis for drafting regulations on employees relations (laws and bylaws); - carrying out public and internal competition for state administration bodies and services in terms of defining the list of candidates for selection; - keeping records on internal labour market; - disciplinary responsibility; - technical support to the Appeal Commission; - identifying required trainings for particular categories of employees and evaluation of trainings. Capacities of HRMA will be strengthened following the adoption of the Law, when provisions regulating operation of this body will be finally defined. It is possible that the draft Rulebook on Internal Organisation and Job Description of HRMA will be prepared as soon as the Government adopts the draft Law. With the view to strengthening HRMA capacities

					and competences within the existing legal solutions, the new Rulebook on Internal Organisation and Job Description of HRMA has been prepared and it was adopted by the Government on 7 April 2011. The new Rulebook envisages 9 new work posts, required for better coordination with state administration bodies and international organisations. After the new Law on Civil Servants and State Employees comes into force, the new Rulebook on Internal Organisation and Job Description of HRMA will be prepared as well. The Human Resources Management Administration has announced competitions for filling in vacancies in line with the Rulebook.
	2. Adoption of HRMA staff training programme: - Central Human Resources Registry management - staff appraisal - selection and testing of candidates for employment	HRMA	Continuously	Programme adopted; Number of trainings organised; Number of trainees per each topic	Training programme for HRMA staff, supported through the Norwegian project, is going to be adopted subsequent to the adoption of the Law on Civil Servants and State Employees. The new Law on Civil Servants and State Employees will define new competences of the Human Resource Administration, as the central body with clear responsibilities, instruments and measures for management and development of human resources. Two trainings for strengthening capacities of HRMA employees are planned to be organised in cooperation with the Norwegian DSSR project. The first training on "Planning and evaluation of activities in the Human Resources Administration" was held on 4 May 2011. The second training is planned for May-June, and technical preparations for it are under way.

					The Human Resource Administration has candidated the project "Support to HRMA in implementation of the Law on Civil Servants and State Employees" for IPA 2011 funds. The project will contribute to strengthening capacities in the Human Resource Management Administration.
6. Ensure equality as regards the exercise of rights and obligations of employees financed from the Budget -improved control of recruitment in all budgetary units - remuneration of employees depending on their performance in line with the funds planned under the Budget	1. Draft Law on Salaries of Employees Financed from the Budget of Montenegro - introduction of a single coefficient value for a fiscal year - control of decisions on fixed and variable part of salary conducted by the Ministry of Finance – all decisions to be signed by the Minister of Finance	MF MI HRMA	II quarter	Draft Law adopted	In direct consultations with the Secretariat for Legislation, adequate solutions for provisions referring to the main goals of adoption of the law are being considered. Namely, the Law on Salaries of Employees Financed from the Budget of Montenegro is conceived as an umbrella law that will, unlike the present solutions, refer not only to civil servants and state employees but to the entire state administration. However, drafting of this Law has been suspended since the disputable provisions could not have been harmonised with the Secretariat for Legislation. Therefore, it is planned to include the basic provisions from the Law on Salaries of Employees Financed from the Budget of Montenegro into the Law on Civil Servants and State Employees and through amendments to the Law on Salaries of Civil Servants and State Employees. The procedure for amending the Law on Salaries of Civil Servants and State Employees will be initiated upon submission of the draft Law on Civil Servants and State Employees, having in mind interaction of these two laws. Since the Government adopted the draft Law on Civil Servants and State Employees on 7 July, preparation of the Law on Salaries of Employees Financed from the Budget of Montenegro will be

					initiated. Consideration and adoption of draft Law by the Government is planned for the third quarter.
7. Reinforcement of independence of the State Audit Institution	1. Draft Law amending the Law on Public Internal Financial Control that governs: - the obligation to submit to the Ministry of Finance an annual report on the financial management and control system and on the internal audit activities - exemption for the State Audit Institution, Parliament of Montenegro, Constitutional Court, judicial bodies and state prosecution offices, Protector of Human Rights and Freedoms, independent regulatory bodies, joint-stock companies and other entities where the state or municipalities hold a majority stake. Full independence of the aforementioned institutions from the executive.	MF	2011	Draft Law adopted	At its session held on 10 February, the Government of Montenegro adopted the draft Law. The draft Law is currently under the parliamentary procedure, and so far it has been considered by two committees: Committee for Constitution Issues and Legislation and Committee for International Relations and European Integration. The Committee for Economy, Finances and Budget will consider the draft Law on 14 March 2011. Thus, procedure of consideration of the draft Law by the Parliament of Montenegro's committees will be completed. The Parliament of Montenegro adopted the Law amending the Law on Public Internal Financial Control on 31 March 2011 and it will be soon published in the Official Gazette. Contents of amendments is harmonised with the activity defined in the second column "exemption for the State Audit Institution, Parliament of Montenegro, Constitutional Court, judicial bodies and state prosecution offices, Protector of Human Rights and Freedoms, independent regulatory bodies, joint-stock companies and other entities where the state or municipalities hold a majority stake. Full independence of the aforementioned institutions from the executive".

	2. Draft Law amending the Law on the State Audit Institution that will: - ensure financial independence of the State Audit Institution in line with the EU requirements	Parliament (Committee on Economy, Finance and Budget), SAI	2011	Draft Law adopted	The Parliament of Montenegro and SAI have formed a working group. It will be supported by international experts. In the process of drafting the Strategic Plan for SAI Development, the working group has prepared an analysis of the existing legislative framework, especially as regards achieving full financial independence of SAI and state auditors' status and rights. The analysis will serve as a basis for the working group to amend the Law on the State Audit Institution. The analysis of the legislative framework has been presented to SIGMA, which carried out an external and independent assessment of SAI operations. SIGMA is now expected to give preliminary opinion on given recommendations for modification of the existing legislative framework. According to the plan of activities, the working group should, by mid-May, prepare text of the amendments to the Law on the State Audit Institution and submit it to the Parliamentary Committee on Economy, Finance and Budget, as authorised proposer, for further procedure. The working group, consisted of the representatives of the Parliament, SAI and the Government, has prepared a new version of draft amendments to the Law on SAI. After SIGMA delivers guidelines for improvement of the legislative framework, the final version of the draft Law amending the Law will be forwarded to the

					competent parliamentary committee. After receiving guidelines from SIGMA, the working group has been finalising the Law amending the Law on the State Audit Institution, which will be submitted to parliamentary procedure by the competent parliamentary committee by the end of July.
	3. Establish an independent Audit Authority to perform audit of IPA funds (Agreement on Amendments to the Agreement on the Establishment of an Audit Authority within Decentralised Management of IPA Funds)	GoM, SAI and Committee on Economy, Finance and Budget	2011	Audit Authority for the audit of IPA funds established	A comparative analysis of best practice has been carried out and submitted to EC, which is going to represent a basis for defining further activities. In accordance with the new recommendations of EC auditors for components I and II, the Ministry of Finance has initiated activities of changing the composition of the working group dealing with the establishment of the independent Audit Authority. In line with the recommendations, representatives of the Ministry of Finance, who do not represent a part of operational structures for IPA programme, have been included in the composition of the working group. Apart from the Ministry of Finance, representatives of the State Audit Institution, Government's General Secretariat and GIZ project will participate in drafting the Law as well. The working group has prepared draft Law and submitted it to the Ministry of Finance. After analysing the text, the Ministry of Finance will submit the draft Law to the Secretariat for Legislation on 26 April for opinion. Simultaneously, the draft Law will be submitted to the European Commission for giving comments. The Ministry of Finance has submitted the draft Law on Audit Authority to the Secretariat for Legislation for opinion. The draft Law has been

					also submitted to the European Commission for comments. The Ministry of Interior has issued a positive opinion on this draft Law. After receiving comments from the Secretariat for Legislation and the European Commission, the Ministry of Finance will forward the draft Law to the Government of Montenegro for adoption. On 6 June, EC has submitted comments on the draft Law on Audit Authority, which had been discussed during the visit of auditors from DG Enlargement to Montenegro from 6 to 8 June. Until receiving comments from the Secretariat for Legislation, the working group for drafting the Law will work on finding modalities for incorporating EC comments into the text of the draft Law. Draft Law on Audit Authority has been modified in line with EC recommendations. The Ministry of Finance harmonises the final text of the draft Law with the Secretariat for Legislation. Consideration and adoption of the draft Law by the Government is planned for the third quarter.

3. ACTION PLAN FOR STRENGTHENING OF THE RULE OF LAW

Strengthening of the rule of law - particularly through de-politicised and merit-based appointments of members of the judicial and prosecutorial councils and of public prosecutors, as well as through reinforcement of the independence, autonomy, efficiency and accountability of judges and prosecutors					
PRIORITY	MEASURE	RESPONSIBLE AUTHORITY	DEADLINE	INDICATOR	STATUS / DEGREE OF IMPLEMENTATION
1. Improvement of legislative and institutional framework	- Assess the need for amending the provisions of the Constitution referring to the judiciary and the state prosecution office in terms of: - election of the President of the Supreme Court - position of the Judicial and Prosecutorial Councils - appointment of public prosecutors	MJ in cooperation with the Judicial and Prosecutorial Council	I quarter	Analysis with recommendations	Assessment of the need for amending provisions of the Constitution referring to the independence of the judiciary was adopted at the Government's session held on 24 February 2011. <u>For more details, please see Annex 3.</u> The Ministry of Justice has been drafting the Proposal to amend the Constitution in the part referring to the judiciary. After adopted by the Government, draft Proposal will be submitted to the Parliament for adoption. Based on the adopted Analysis/Assessment, drafting of Proposal to amend the Constitution referring to independence of the judiciary has been initiated. Draft Proposal has been analysed by EC experts in the period 9-11 May. They concluded that amendments to the Constitution should entail the following: President of the Supreme Court should be appointed by the Parliament, based on the proposal of the Judicial Council, with prior approval of the general session of the Supreme Court; composition of the Judicial Council should involve 6 members from among the judges, two eminent lawyers appointed by the President of Montenegro, as well as Minister of Justice, whereas the President of the Judicial Council should be appointed from among the members of the Judicial Council – judges of the

					Supreme Court. As regards appointment of state prosecutors, they should be appointed and dismissed by the Prosecutorial Council, whereas the Supreme State Prosecutor should be appointed by the Parliament, upon the proposal of the Prosecutorial Council. Furthermore, state prosecutor mandate should be permanent, while the Supreme State Prosecutor and heads of state prosecution offices should be appointed to five-year mandate. Composition of the Prosecutorial Council should be regulated by the Constitution, in a manner that it should be consisted of the Supreme State Prosecutor, five members from among state prosecutors, two eminent legal experts appointed by the Parliament, one representative of the Bar Association and one representative of the Ministry of Justice. President of the Prosecutorial Council should be appointed from among the state prosecutors. After a meeting held with EC experts, draft Proposal to amend the Constitution has been submitted to the European Commission and to the Venice Commission for opinion, in order to conceive the final Proposal to be adopted by the Government and forwarded to the Parliament for adoption. Following the adoption of draft Proposal by the Parliament, the competent Parliamentary body will initiate drafting of amendments to the Constitution. On 2 June, the Government adopted draft Proposal to amend the Constitution of Montenegro, which was subsequently forwarded to the Parliament of Montenegro for further

					procedure. Also, the Proposal to amend the Constitution was submitted both to the European Commission and to the Venice Commission. Representatives of the Venice Commission have discussed the proposed amendments with representatives of Government, Parliament, Judicial Council and Prosecutorial Council in Podgorica, and now the Venice Commission is expected to give its official opinion on the Proposal to amend the Constitution. The Parliament adopted the Proposal to amend the Constitution by two-third majority, as well as additional Proposal in the part referring to the Constitutional Court and functional immunity of the president and members of the State Audit Institution's Senate. The Parliament has established a working group for drafting the act on amending the Constitution. Amendments to the Constitution will cover: composition of the Judicial Council; appointment of the president of the Supreme Court; competences of the Parliament in appointing and dismissing the president of the Supreme Court, Supreme State Prosecutor, state prosecutors and members of the Prosecutorial Council; and competences in appointing and dismissing the president and judges of the Constitutional Court. Furthermore, the Constitution will regulate the composition of the Prosecutorial Council. Amendments will also regulate the composition and appointment of judges and president of the Constitutional Court, as well as decision-making procedure in the panel composed of three judges when the Constitutional Court decides upon

					constitutional appeals, all with the view to more efficient work.
	- Draft Law amending the Law on the Judicial Council: - election of members of the Judicial Council from among the judges - improvement of the procedure for election of judges and revision of the set criteria and sub-criteria for selection of judges being elected for the first time, and their objective evaluation - dismissal of judges and improvement of disciplinary liability of judges - reduction of concentration of powers of the President of the Supreme Court, i.e. of the Judicial Council	MJ	II quarter	Draft Law adopted	Working version of the Law amending the Law on the Judicial Council has been prepared and submitted to the European Commission's experts (partly realised). <u>For more details, please see Annex 3.</u> An expert discussion has been held with representatives of non-governmental organisations. The draft Law is currently under governmental procedure, implying collecting requisite opinions on its harmonisation with the European legislation, fiscal impact assessment, harmonisation with the constitutional system, and legal and technical appropriateness. Draft Law amending the Law on the Judicial Council has been once more analysed by EC experts in the meeting held on 9-11 May. The Ministry of Justice has submitted the draft Law to the Government for adoption, since the experts have once more approved the envisaged amendments referring to appointment of members of the Judicial Council, procedure for recommending candidates for President of the Supreme Court, criteria for judges appointed for the first time, for judges being promoted and for president of courts, procedure for establishing disciplinary responsibility, and contents and manner of keeping records on judges.

					In accordance with the opinion of the Venice Commission received on 17 June, Draft Law amending the Law on the Judicial Council was prepared. It is expected that the Draft Law will be adopted by the Government on the session scheduled for 30 June. On 30 June 2011, the Government adopted the Draft Law amending the Law on the Judicial Council. The Parliament adopted the Law amending the Law on the Judicial Council on 22 July 2011.
	- Draft Law amending the Law on Courts with regard to: - disciplinary offences and disciplinary measures - clearer definition of unprofessional and negligent exercise of judicial office as a reason for dismissal of judges	MJ	II quarter	Draft Law adopted	Working version of the Law amending the Law on Courts has been prepared and submitted to the European Commission's experts (partly realised). <u>For more details, please see Annex 3.</u> An expert discussion has been held with representatives of non-governmental organisations. The draft Law is currently under governmental procedure, implying collecting requisite opinions on its harmonisation with the European legislation, fiscal impact assessment, harmonisation with the constitutional system, and legal and technical appropriateness. Draft Law amending the Law on Courts has been once more analysed by EC experts in the meeting held on 9-11 May. The Ministry of Justice has submitted the draft Law to the Government for adoption, since the experts have once more approved the envisaged amendments referring to conditions for appointment of the President of the Supreme Court, and grounds for disciplinary responsibility of judges.

					In accordance with the opinion of the Venice Commission received on 17 June, Draft Law amending the Law on Courts was prepared. It is expected that the Draft Law will be adopted by the Government on the session scheduled for 30 June. On 30 June 2011, the Government adopted the Draft Law amending the Law on Courts. The Parliament adopted the Law amending the Law on Courts on 22 July 2011.
	- Draft Law amending the Law on State Prosecution Office with regard to: - procedure for appointment of deputy state prosecutors - revision of the set selection criteria, as well as of their objective evaluation in line with the sub-criteria - disciplinary liability and dismissals - reduction of concentration of powers of the Supreme Public Prosecutor.	MJ	II quarter	Draft Law adopted	Working version of the Law amending the Law on State Prosecution Office has been prepared and submitted to the European Commission's experts (partly realised). <u>For more details, please see Annex 3.</u> An expert discussion has been held with representatives of non-governmental organisations. The draft Law is currently under governmental procedure, implying collecting requisite opinions on its harmonisation with the European legislation, fiscal impact assessment, harmonisation with the constitutional system, and legal and technical appropriateness. Draft Law amending the Law on State Prosecution Office has been once more analysed by EC experts in the meeting held on 9-11 May. The Ministry of Justice has submitted the draft Law to the Government for adoption, since the experts have once more approved the envisaged amendments referring to criteria for appointment of state prosecutors and their deputies, composition of the Prosecutorial Council, grounds

					for disciplinary responsibility, and procedure for appointment of the Special Prosecutor and his/her deputies. In accordance with the opinion of the Venice Commission received on 17 June, Draft Law amending the Law on State Prosecution Office was prepared. It is expected that the Draft Law will be adopted by the Government on the session scheduled for 30 June. On 30 June 2011, the Government adopted the Draft Law amending the Law on State Prosecution Office. The Parliament adopted the Law amending the Law on State Prosecution Office on 22 July 2011.
	- Adopt the Rules of Procedure of the Judicial Council in accordance with the amended Law on the Judicial Council in terms of: - more precise definition and regulation (elaboration) of the transparency of operating procedures - forms for evaluation of selection criteria stipulated by law	JC	II quarter	Rules of Procedure of the Judicial Council adopted	Amendments to the Law on the Judicial Council represent a precondition for adoption of the Rules of Procedure of the Judicial Council.
	- Adopt the Court Rules that regulate in more details the following : - keeping of registries, records and statistics	MJ	I quarter	Court Rules adopted	Upon the previously obtained opinion of the Judicial Council, the Court Rules were submitted to the Secretariat for Legislation for opinion and publication. <u>For more details, please see Annex 3.</u>

	- in courts - role of court presidents with regard to untimely action of judges - random allocation of cases.				Upon the previously obtained opinion of the Judicial Council, the Court Rules were submitted to publication. The Court Rules was published in the Official Gazette of Montenegro 26/2011 of 30 may 2011.
	- Adopt the Prosecutorial Council's Rules of Procedure in accordance with the amended Law on State Prosecution Office in terms of: - elaboration of the transparency of operating procedures - forms for evaluation of selection criteria stipulated by law	PC	II quarter	Prosecutorial Council's Rules of Procedure adopted	A working group has been established with the task to draft the Prosecutorial Council's Rules of Procedure, after which it will be submitted to the Prosecutorial Council for opinion, following the adoption of amendments to the Law on State Prosecution Office. Amendments to the Law on the Prosecutorial Council represent a precondition for adoption of the Prosecutorial Council's Rules of Procedure.
	- Establish a central database on: - selection, appraisal, dismissal and disciplinary liability of judges - selection, appraisal, dismissal and disciplinary liability of state prosecutors.	JC PC	II quarter	Central database established in the Judicial and Prosecutorial Councils	The Prosecutorial Council keeps and regularly updates database on selection, assessment of work, dismissal and disciplinary responsibility of state prosecutors and deputy state prosecutors. Establishment of the central database is under way. The central database on disciplinary responsibility of judges has been established. The Law amending the Law on the Judicial Council regulates the contents of records on judges kept by the Judicial Council's Secretariat, whereas the Law amending the Law on the Prosecutorial Council regulates the contents of records on state prosecutors. Within PRIS (Judicial Information System), there

					is an application used for keeping records on dismissal and disciplinary responsibility of judges, managed by the Judicial Council's Secretariat. This database contains information on all disciplinary procedures and dismissals. Since the Judicial Council was established, 12 disciplinary procedures have been launched: - fine imposed 3 - proposal rejected 5 - procedure suspended 4 (Documents have been submitted to the Judicial Council due to the elements for dismissal – two procedures have been suspended since the proposals have been withdrawn, one judge has submitted the request for termination of office, whereas one procedure is under way). Since the Judicial Council was established, 10 procedures for dismissal have been launched: - 4 judges have been dismissed; - 2 procedures have been suspended; - in 4 procedures, judges have submitted the request for termination of office. 18 judges have been suspended from office: - 9 judges have been suspended due to the launched procedure for dismissal (Article 69, paragraph 2 of the Law on the Judicial Council); - 9 judges have been suspended due to conducted investigation (Article 69, paragraph 1, item 2 of the Law on the Judicial Council); - 7 decisions on suspension have been withdrawn due to termination of reasons for suspension.

					23 judges have submitted requests for termination of judicial office: - 3 requests have been submitted on the grounds of fulfilled conditions for old-age pension; - 1 request has been submitted due to appointment to a new office; - 19 requests have been submitted for personal reasons (4 procedures for dismissal are under way); - judicial office has been terminated for one judge, since he was sentenced to an unconditional imprisonment sentence, in accordance with Article 121, paragraph 2 of the Constitution of Montenegro. In total, judicial office was terminated for 24 judges. Establishment of a database on selection, assessment of work, dismissal and disciplinary responsibility of state prosecutors in the Prosecutorial Council is under way.
	- Establish mechanisms to monitor compliance with the Codes of Ethics for judges and state prosecutors	JC PC	II quarter	Mechanisms for monitoring the compliance with the Codes of Ethics established	The Law amending the Law on Judicial Council and the Law amending the Law on State Prosecution Office provide for legal framework for establishment of mechanisms for monitoring compliance with the Codes of Ethics for judges and state prosecutors. Namely, draft Law amending the Law on Judicial Council stipulates that the Conference of Judges appoints the Commission for Code of Ethics of Judges. The Commission monitors implementation of the Code of Ethics of Judges and reports to the Judicial Council thereof at least once a year. This legal solution will establish mechanisms for monitoring

					the compliance with the Code of Ethics of Judges. Draft Law amending the Law on State Prosecution Office stipulates that the Code of Ethics of Prosecutors is passed by the enlarged session of the Supreme State Prosecutor's Office, upon the previously obtained opinion of the session of state prosecution offices. The enlarged session of the Supreme State Prosecutor's Office appoints the Commission for Code of Ethics of Prosecutors, composed of a president and two members selected from among the state prosecutors and deputy state prosecutors, nominated to four-year period. The Code of Ethics of Judges was adopted for the first time at the conference of all judges held on 26 July 2008. Judges are obliged to adhere to the Code. Compliance with the Code of Ethics of Judges is monitored at the regular meetings with presidents of all courts, held on monthly basis – obligation of monitoring the compliance has been defined through adequate conclusions. However, conditions for full control over compliance with the Code will be created only through adoption of the mentioned laws and establishment of the Commission that will monitor compliance with the Code of Ethics of Judges. The Law amending the Law on the Judicial Council, adopted by the Parliament on 22 July 2011 in line with the Venice Commission's opinion, stipulates that the Commission for Monitoring Compliance of the Code of Ethics of Judges shall have a president and two members.

					The president shall be appointed from among the members of the Judicial Council, one member shall be appointed by the enlarged session of the Supreme Court from among the judges and the other member shall be the president of the Association of Judges of Montenegro. Furthermore, the Law amending the Law on State Prosecution Office, adopted by the Parliament on 22 July 2011 in line with the Venice Commission's opinion, provides for that the Commission for Monitoring Compliance of the Code of Ethics of Prosecutors shall have a president and two members. The president shall be appointed from among the state prosecutors and members of the Prosecutorial Council, one member shall be appointed by the enlarged session of the Supreme State Prosecutor's Office from among the state prosecutors, whereas the other member shall be the president of the Association of State Prosecutors of Montenegro. Deadline for appointment of the mentioned Commissions is 60 days as of the date of entry into force of adopted Laws.
2. Law implementation improvement	1. Enhance the initial education programme by means of introducing trainings for judicial skills covering: - forensic psychology - technical skills, and - specific skills required for career advancement	Judicial Training Centre of Montenegro	I quarter	Improved initial education programme adopted	The enhanced initial education programme is being developed by the programme committee. The initial education programme is expected to be adopted by the end of March 2011 and it will be implemented exclusively from the budget of the Supreme Court of Montenegro (partly realised). The Centre organises the initial education programme for professional associates and advisors in judicial bodies (courts and state prosecutors' offices) as well as for bachelors of law with the passed bar exam meeting the

					general conditions for work in state administration bodies, for the purpose of their preparation for performing the judicial functions. On the basis of real needs and vacancies for judges and prosecutors, the Centre's Coordination Committee determines the numbers of attendees of initial education through the Annual Programme. The 2011 Programme envisages 25 attendees. Upon the proposal of the Coordination Committee, the Centre published an announcement for the 2011 Initial Education Programme in two printed media in the second half of November 2011. In addition, the announcement was submitted to all court and state prosecutors' offices in Montenegro. The entrance examination was sat in January 2011 before the Examination Commission of the Centre. Out of the initially applied candidates (32), the examination was sat by 25, whereas 23 of them were selected for the 2011 Initial Education Programme. The Initial Education Programme will cover civil and criminal law, EU law, judicial skills, etc. It will be carried out through two-day modules, whose dynamics will be defined by the Programme Committee. Lecturers will be high representatives of the judiciary, professors and eminent experts in particular areas. The Programme Committee for initial education has prepared and adopted an improved 2011 Initial Education Programme. The improved 2011 Initial Education Programme was prepared by the Centre's Programme Committee in the second half of March 2011. The Programme covers civil law, criminal law, EU law

					and judicial skills. It will be implemented through 20 two-day training modules, i.e. 40 days of training, in accordance with the defined dynamics. The Programme will be financed exclusively from the Budget of the Supreme Court of Montenegro. Under the 2011 Initial Education Programme, seminar on “EU Law – Instruments, Characteristics and Basic Principles” was held in Podgorica on 31 March and 1 April 2011. It was jointly organised by the Supreme Court – Judicial Training Centre and the European Institute of Public Administration (EIPA) from Luxembourg. The 2nd two-day training module for attendants of the Initial Education Programme was held on 7-8 April in the Judicial Training Centre. Topics were: criminal law, with special emphasis put on: general provisions of the Criminal Procedure Code; police powers and actions in pre-trial investigation; deprivation of liberty and detention by the police; criminal charges and actions taken by state prosecutors upon those charges; deferred criminal prosecution. Lecturers were judges of the Appellate Court of Montenegro and Deputy Supreme State Prosecutor of Montenegro. The 3rd two-day training module for attendants of the Initial Education Programme was held on 14-15 April in the Judicial Training Centre. Topics: criminal law, with special emphasis put on: investigation; investigation powers of state prosecutors and judges; recess of investigation; completion of investigation; evidentiary actions (who is authorised to take those actions and in which manner). Lecturers were judges of the Supreme Court of Montenegro.

					The 4th two-day training module for attendants of the Initial Education Programme was held on 20-21 April in the Judicial Training Centre. Topics: criminal law, with special emphasis put on: provisional seizure of objects and property gain; confiscation of property whose legal origin was not proved; bona fide protection of third parties; seizure of property gain; secret surveillance measures; measures for ensuring presence of the accused person and for undisturbed conducting of the criminal procedure. Lecturers were Deputy Supreme State Prosecutor and judges of the Supreme Court of Montenegro. The 5th two-day training module for attendants of the Initial Education Programme was held on 9-10 May in the Judicial Training Centre. Topics: criminal law, with special emphasis put on: indictment and revision of indictment, and plea bargaining. Lecturers were judges of the Supreme Court of Montenegro. The 6th two-day training module for attendants of the Initial Education Programme was held on 30-31 May in the Judicial Training Centre. Topics: criminal law, with special emphasis put on: main hearing, management of main hearing, evidentiary actions in the main hearing, minutes from the main hearing, procedure for imposing sanctions without main hearing, shortened procedure and issuing of judicial warning. Lecturers were judges of the Supreme Court of Montenegro. The 7th two-day training module for attendants of the Initial Education Programme on civil law

					was held on 9-10 June in the Judicial Training Centre. More concrete topics were: complaint – types of complaint and contents of complaint; preliminary revision of complaint and measures for eliminating deficiencies in a complaint; response to complaint; procedural, legal and substantial objections. Lecturers were judges of the Supreme Court of Montenegro. The 8th two-day training module for attendants of the Initial Education Programme was held on 16-17 June in the Judicial Training Centre. More concrete topics from criminal law were: judgments – types of judgments and writing of a judgment – practical exercise. On the second day, lecturers commented the judgments written by attendants pointing out their shortcomings and good features. Lecturers were Radule Kojović and Petar Stojanović, judges of the Supreme Court of Montenegro. The 9th two-day training module for attendants of the Initial Education Programme was held on 30 June - 1 July in the Judicial Training Centre. Topics that were discussed referred to criminal law, or more precisely to: legal remedies; appeal against decision; appeal against judgment passed by the first instance court; appeal against judgment passed by the second instance court; repeated procedure and request for protection of legality. Lecturers were Radule Kojović and Petar Stojanović, judges of the Supreme Court of Montenegro. The 10th two-day training module for attendants of the Initial Education Programme was held on 11-12 July in the Judicial Training Centre. Topics that were discussed referred to

					civil law, or more precisely to: preparatory hearing; main hearing; evidences and evidence taking; passing of a judgment; types of judgment. Lecturers were Julka Badnjar and Vesna Begović, judges of the Supreme Court of Montenegro.
	2. Adopt an annual programme for continuous education of judges and prosecutors in the following areas: - codes of ethics - personal and institutional integrity - liability of judges and prosecutors - protection of the right to a fair trial, including the European Court of Human Rights case law - knowledge of international conventions and laws in the area of international legal assistance - EU legal system: instruments, characteristics, fundamental principles (basic principles, defining the EU law as a specific legal entity, structure of the EU legal system - legal instruments); - organisation, functioning, remedies and procedures before European courts	Judicial Training Centre of Montenegro	I quarter	Annual programme adopted	The Annual Training Programme has been adopted, and it will be, depending on the area, implemented in cooperation with the Supreme Court of Montenegro, Supreme State Prosecutor's Office, Ministry of Justice of Montenegro, United Nations Development Programme (UNDP) in Montenegro, OSCE Mission to Montenegro, Embassy of the United States to Montenegro, EIPA Institute from Luxembourg, German Foundation for International Legal Cooperation (IRZ), non-governmental organisations, etc. The Annual Programme envisages organisation of events providing the opportunity for professional training of judges and prosecutors in Montenegro. Trainings will be continuously organised during the entire year, and it will averagely include 100 training days. They will be attended by judges and prosecutors working on different portfolios. Regarding the special EU Law programme, the first training will be carried out in cooperation with EIPA Institute from Luxembourg and the Supreme Court of Montenegro at the end of March 2011. Other trainings will be organised in cooperation with the Supreme Court of Montenegro. Detailed EU Law training programme will be prepared in cooperation with EIPA Institute from Luxembourg. Under the annual programme for continuous training, the following activities have been carried

	(structure, organisation and functioning of the European Court of Justice; procedure for giving preliminary instructions) - role of the national judge in enforcing the EU law in a number of selected areas (national judges and European Arrest Warrant; preliminary ruling procedure);				out during March 2011: - The Judicial Training Centre, in cooperation with and with the financial assistance of the German Foundation for International Legal Cooperation (IRZ), organised seminar on “Abuse of procedural powers in civil procedures” in Podgorica on 18 March 2011. Purpose of the seminar was to exchange experiences, knowledge and skills among judges dealing with civil cases, with the view to improving conditions for enforcement of procedures with no delay, and preventing abuse of procedural powers. Concrete subjects covered at the seminar were: deadlines for taking contentious actions and abuse of procedural powers; legal standards of the European Court of Human Rights in terms of protection of the right to trial within a reasonable time, in the context of implementation of Montenegrin laws and case law of Montenegrin courts. - The Judicial Training Centre, in cooperation with the United Nations Development Programme (UNDP) in Montenegro, OSCE Mission to Montenegro, U.S. Embassy in Montenegro and the Human Resources Management Administration of Montenegro, organised seminar on “Personal and Institutional Integrity and Code of Ethics of Prosecutors” in Bečići, on 28 March 2011. Purpose of the seminar was to improve knowledge of holders of judicial office (i.e. judges and prosecutors) in the areas of personal and institutional integrity and ethics. At the seminar, special emphasis was put on the following subjects: Corruption

					– corruptive criminal offences – ethics, what’s the difference?; Problems of nepotism and favouritism – cousins, colleagues and neighbours do not have to be our friends; Prevention of corruption – Directorate for Anti-Corruption Initiative; Code of Ethics of Prosecutors and integrity issues; Various forms of corruption – group exercise. - Under the project of technical assistance of Luxembourg to Montenegro, the Judicial Training Centre, in cooperation with EIPA, organised seminar on “EU Law – Instruments, Characteristics and Basic Principles” in Podgorica on 31 March and 1 April 2011. This seminar represents continuance of cooperation between the Judicial Training Centre and EIPA (European Institute of Public Administration) and it was aimed at training judges and prosecutors in EU law, case law, structure and instruments of the EU legal system. Special emphasis was put on the following subjects: Defining EU as a specific legal entity: objectives, basic values and legal nature; Structure of EU legal system; Review of legal instruments (I): primary legislation, secondary legislation, case law and other instruments; Structure of EU legal system; Review of legal instruments (II); Review of legal instruments in the area of judicial cooperation and fight against crime; Workshop: Analysis of EU legal instruments; Basic principles of EU law

					(fundamental rights, proportionality, non-discrimination, etc.); Basic characteristics of EU law (precedence, direct effect, indirect effect, responsibility of a state); Practical implications for a national judge; Workshop: Analysis of the European Court of Justice's rulings; Stabilisation and Association Agreement between EC and Montenegro: contents and review of provisions on harmonisation of legislation, implementation of legislation and its application in courts. Lecturers were foreign experts: Juan Diego Ramírez-Cárdenas Díaz, Senior Lecturer at the European Centre for Judges and Lawyers, European Institute of Public Administration (EIPA); Ludovic Bernardeau, Associated Senior Lecturer, Faculty of Law, University of Nancy; Nadja Long, Lecturer at the European Centre for Judges and Lawyers, EIPA's Antenna in Luxembourg. The seminar was attended by 36 participants (not including lecturers and organisers), out of which 15 judges (1 from the Supreme Court of Montenegro, 4 from the Appellate Court of Montenegro, 1 from the Basic Court in Podgorica, 1 from the High Court in Bijelo Polje, 1 from the Commercial Court in Bijelo Polje, 2 from the Basic Court in Kolašin, 1 from the Basic Court in Kotor, 1 from the Basic Court in Herceg Novi, 2 from the Basic Court in Bar, 1 from the Basic Court in Ulcinj) and 21 attendants of the Initial Education Programme.

					- The seminar on “Current Issues in the Labour Law” was held on 4 April 2011 in the Judicial Training Centre, in cooperation with and financial assistance of the IRZ (German Foundation for International Legal Cooperation). The seminar was organised with the view to exchanging experiences of judges working on criminal portfolios, eliminating some dilemmas, more efficient implementation of the Labour Law, and harmonisation of case law. One more purpose of the seminar was to get acquainted with the practice in implementation of German legislation and examples of legal positions of the European Court in this area. Concrete topics were: legislative framework and peaceful settlement of labour disputes; current issues in the labour law; case law in the labour law area in Germany. The seminar was attended by 23 participants (not including lecturers and organisers), out of which 20 judges and 2 advisors coming from the following courts: 3 judges from the Supreme Court of Montenegro; 5 judges from the High Court in Podgorica; 1 judge from the High Court in Bijelo Polje; 1 judge and 2 advisors from the Commercial Court in Podgorica; 3 judges from the Basic Court in Podgorica; 2 judges from the Basic Court in Nikšić; 1 judge from the Basic Court in Bar; 1 judge from the Basic Court in Bijelo Polje; 1 judge from the Basic Court in Kolašin; 1 judge from the Basic Court in Pljevlja; 1 judge from the Basic Court in Berane and 1 judge from the Basic Court in Kotor.

					- Under the Twinning project “ Implementation of the Criminal Procedure Code” between Montenegro and France, seminar on “Special investigative techniques (including financial analysis and use of measures of secret surveillance) in main hearing” was organised for judges and prosecutors from Montenegro’s southern region on 4-5 April 2011 in Bar. The seminar was organised in cooperation with the French International Cooperation Agency, Ministry of Justice of Montenegro, International Management Group (IMG) and the Judicial Training Centre of Montenegro. More concrete topics: Investigative techniques and expertise ordered by court - probative value, probative limitations of certain actions, public and private institutions, conflict of interest, different categories; Investigations, expertise (medical findings, analysis of DNA samples, tests to alcohol and drugs, psychiatric examination); Investigations, expertise (building materials, transportation, natural disasters, telephony); Investigative techniques in economic and financial matters. - International conference on “National and European Judge/Prosecutor – Role of Centres for Vocational Education” was held on 7-8 April 2011 in Zagreb (Republic of Croatia), in organisation of the Judicial Academy of Croatia. On behalf of the Judicial Training Centre, the conference was attended by its Executive Director and an advisor. The main topic of the conference was role and

					exchange of experiences between centres for vocational education of judges and prosecutors, with special emphasis on the importance of learning on EU law and international cooperation instruments. Discussions were also focused on the importance of learning foreign languages; possibilities for introduction of e-learning and its advantages/shortcomings; methods for financing educations in the area of EU law; engagement of lecturers in the area of EU law; training of trainers; and other similar issues in the area of training. The conference was attended by representatives of centres for vocational education of judges and prosecutors from Spain, France and Bulgaria, as well as by representatives of the German Foundation for International Legal Cooperation (IRZ) and the Academy of European Law (ERA). Signing of the agreement represents a step forward in development of regional dialogue and cooperation. With the view to improving dialogue and cooperation in various aspects of common interest in the area of vocational education in judiciary, the multilateral Agreement on Cooperation was signed between centres for vocational education of judges and prosecutors of Croatia, Montenegro, Bosnia and Herzegovina, Republic of Srpska, Slovenia, Macedonia, Kosovo, Poland, Hungary, Slovakia and Czech Republic, upon the initiative of the Judicial

					Academy. - Under the Twinning project “Implementation of the Criminal Procedure Code” between Montenegro and France, seminar on “Role of prosecutors and judges in pre-trial investigation and investigation (with special emphasis on EU member states’ experiences)” was organised for judges and prosecutors from Montenegro’s southern region on 11-12 April 2011 in Bar. The seminar was organised in cooperation with the Agency for International Legal Cooperation of France, Ministry of Justice of Montenegro, International Management Group (IMG) and the Judicial Training Centre of Montenegro. More concrete topics: Role of prosecutors and judges in pre-trial investigation and investigation pursuant to the new Criminal Procedure Code; Role of judges in pre-trial investigation and investigation pursuant to the new Criminal Procedure Code; Organisation of 24-hour phone lines in the state prosecution offices and police; record keeping – French experience; Methodology of communication between police, state prosecution offices and judiciary, report on progress made in investigation, orders issued by state prosecutors and role of a judge; Pre-trial investigation and investigation – police competences; Use of technical equipment when conducting official duties; Arrival of state prosecutor at the crime scene and crime scene reconstruction. - On 20 April 2011 in Podgorica, the Supreme

					Court and the Judicial Training Centre organised seminar entitled: “European Convention on Human Rights with special emphasis on Article 6 (Right to Fair Trial) and Article 10 (Freedom of Expression)”. The seminar was aimed at improving knowledge in this area and getting familiar with the current practice of the European Court of Human Rights as regards Articles 6 and 10 and consequently national courts as well. Lecturers were relevant national experts in this area - Zoran Pažin, Representative of Montenegro before the European Court of Human Rights, and Siniša Bjeković, Centre for Human Rights at the Faculty of Law in Podgorica. Seminar was attended by 22 participants (not including lecturers and organisers) from the following courts: 7 judges from the Supreme Court, 5 judges from the High Court in Podgorica, 1 judge of the Appellate Court, president and 5 judges of the Basic Court in Podgorica and 3 judges of the Basic Court in Niksic. Participants were presented the certificates. - In cooperation with the OSCE Mission to Montenegro and the US Embassy in Montenegro, the Centre organised seminar on “Findings and opinions of court experts” on 28-29 April in Budva/Bečići. The seminar was aimed at showing prosecutors and judges: in which way they could resolve dilemmas that might occur when determining the expertise, to which extents the facts should be determined through expertise, expertise methods for more accurate

					determination of expert's profile and more purposeful evaluation of a finding and opinion as specific evidence. Concrete topics: Judicial and medical treatment of gunshot wounds; Determining characteristics of gunshot wounds: shooting wound, shooting-through wound and lightly wounded; Resolving of dilemmas – murder or suicide; Characteristic cases from the practice of a judicial and medical expert related to criminal offences committed with firearms; Relation between medicine, ballistics and criminal chemistry, resolution of criminal offences committed with firearms; Determining shooting range on clothing and other objects; Criminal and chemical treatment of characteristics of entrance/exit wounds; Application of modern methods during criminal and chemical expertise of wounds made by firearms; Processing of characteristic cases related to wounds made by firearms: Račak (Kosovo, 1999) and Topčider (Serbia, 2004); DNA analysis in forensic practice; Biological samples; Interpretation of results of DNA analysis; Practical examples. - On 5-6 May 2011, OSCE Mission to Montenegro, Ministry for Human and Minority Rights, NGO CEDEM and Judicial Training Centre organised seminar/workshop on "General Legal Regime for Protection against Discrimination" in Bečići/Budva. The seminar was aimed at strengthening capacities of all state institutions involved in implementation of the Law on Protection against Discrimination, including the

					Protector of Human Rights and Freedoms, judiciary, public and state authorities and civil sector. Concrete topics were: equality, tolerance and prohibition of discrimination; legal definition of discrimination; forms of discriminatory treatment; typical cases of discrimination in particular areas of social life and cases of discrimination against particular categories of persons; mechanisms for legal protection against discrimination. - On 5-7 May 2011, the Judicial Training Centre, in cooperation with OSCE Mission to Montenegro and US Embassy, organised seminar on “Training of Trainers – Vocational Education on Implementation of the New CPC” in Bečići/Budva. The seminar was aimed at transferring the acquired knowledge to other holders of judicial office. Concrete topics and presentations were: implementation of the new Criminal Procedure Code – challenges in the practice; giving accomplice roles to actors – police academy (previously trained); police, prosecutors and judges (investigations, prosecution panel, preparatory hearing, main hearing); allocation of cases – pilot case used: Marijana Gović, accused for criminal offence of attempted murder (Article 90, paragraph 1, in relation to Article 33 of the Criminal Code); workshop – simulation of a criminal offence, actions of police and state prosecutors – reporting to police station, crime scene investigation, reporting to state prosecutor; decision of state prosecutor upon a criminal charge; investigation, evidentiary

					hearing and evidentiary actions; interrogation of defendants and witnesses; exercise for detention and remand prison; evidentiary actions, evidentiary hearing, formulation of indictment, submission of indictment to investigative judge, formal control, submission of indictment for response, submission of documents to the court in which hearing is held; from accusation to trial (Articles 341-366 of CPC); consensual form –bargaining – passing judgment on the basis of agreement between the parties; demonstration of plea bargaining; decisions made by the prosecution panel; workshop on tasks of the prosecution panel – making decision upon indictment, possible decision on remand prison, prior trials and illegal evidence; statement of guilt (special conditions if the defendant admits that he/she committed the crime); withdrawal of indictment and possible modifications of indictment, verification or non-verification of indictment; preparation of documents for hearing and submission to trial; from preparatory hearing through main hearing to first-instance decision; workshop on denial of guilt – cross-interrogation. - On 9 May 2011, the Supreme Court of Montenegro – Judicial Training Centre organised seminar/workshop for judges and prosecutors on “EU Law – Sources of European Legislation” in Podgorica. The seminar was aimed at acquiring and improving knowledge of judges and prosecutors on EU law. The most concretely treated subject was “sources of European

					legislation". The seminar was attended by 16 participants, out of which: 5 deputy prosecutors (1 from the High State Prosecutor's Office in Podgorica, 2 from the Basic State Prosecutor's Office in Podgorica and 1 from the Basic State Prosecutor's Office in Kotor), 1 associate from the Basic State Prosecutor's Office in Nikšić and 11 judges (1 from the Supreme Court of Montenegro, 3 from the Basic Court in Podgorica, 2 from the Basic Court in Nikšić, 1 from the Basic Court in Kotor, 1 from the Basic Court in Herceg Novi, 2 from the Basic Court in Bar and 1 from the Basic Court in Ulcinj). In the areas covered by the annual programme for continuous education, the following activities were taken in May 2011: - Under the Plan for training civil servants, holders of judicial office and employees from other independent bodies in the area of providing protection against discrimination, the first workshop on "General legal regime for prohibition of discrimination" was held in Budva/Bečići on 5-6 May. The workshop was organised in cooperation with the Ministry for Human and Minority Rights, OSCE Mission to Montenegro, CEDEM and Judicial Training Centre. This was the first general workshop, which will be followed by three thematic workshops, for same participants who will be given certificates at the end of training. These workshops are organised with the view to

					strengthening capacities of all state institutions involved in implementation of the Law on Prohibition of Discrimination. The first training was focused on intolerance towards marginal groups in general. Concrete topics addressed at the workshop were: equality, tolerance and prohibition of discrimination; legal definition of discrimination (5 constitutive elements defining discrimination); forms of discriminatory behaviour (direct and indirect discrimination, victimisation, mobbing, hate speech, severe forms of discrimination i.e. cross forms and multiple forms); typical cases of discrimination in particular segments of social life and cases of discrimination against particular categories of persons; mechanism of legal protection against discrimination. Lecturers at the workshop were: Saša Gajin, regional expert for discrimination issues and Siniša Bjeković, local expert from the Centre for Human Rights, Faculty of Law, Podgorica. The workshop was attended by 29 participants, out of whom 9 representatives of the judiciary: 4 judges (from Basic Courts in Podgorica, Bar, Kolašin and Bijelo Polje) and 5 representatives of state prosecution (2 Deputy Basic State Prosecutors from Cetinje and Bijelo Polje, 1 associate from the Basic State Prosecutor's Office in Bar and two trainees from the Basic State Prosecutor's Office in Podgorica). Apart from representatives of the judiciary, the workshop

					was also attended by representatives of Ministry of Health, Police Administration, Ministry of Sustainable Development and Tourism, Ministry of Education and Sports, Ombudsman's Office, Misdemeanour Panel of Montenegro, NGO Juventas and LGBT Forum "Progres". - Representatives of the Judicial Training Centre (executive director and one advisor) participated in the regional workshop on trainings in the judiciary entitled "Regional cooperation in criminal justice: Strengthening capacities in the fight against cyber crime", which was organised under the joint project of the European Union and the Council of Europe and held in Ohrid (Macedonia) on 11-12 May. The workshop was also attended by holders of judicial office and representatives of judicial training institutions from Croatia, Federation of Bosnia and Herzegovina, Republic of Srpska, Serbia, Kosovo, Albania, Turkey and Macedonia. Results of this regional workshop are as follows: - agreement was achieved as regards structure of basic and advanced training modules that will be developed through this project (Training Manual); - working group was established (with members from each delegation) and it will be responsible for finalising training modules in order to adjust them to each participating country; - agreement was achieved as regards establishment of a regional pilot centre for

					training in the judiciary on cyber crime and electronic data, which be situated in Zagreb; - tentative schedule of pilot trainings was prepared and recommendations/measures given by each delegation on the required steps at the national level. - Under the Twinning project “Implementation of the Criminal Procedure Code” between Montenegro and France, seminar on “Role of prosecutors and judges in pre-trial investigation and investigation (with special emphasis on EU member states’ experiences)” was organised for judges and prosecutors from the northern region of Montenegro on 12-13 May in Bijelo Polje. The seminar was organised in cooperation with the Agency for International Legal Cooperation of France, Ministry of Justice of Montenegro, International Management Group (IMG) and the Judicial Training Centre of Montenegro. More concrete topics were: Role of prosecutors and judges in pre-trial investigation and investigation pursuant to the new Criminal Procedure Code; Role of judges in pre-trial investigation and investigation pursuant to the new Criminal Procedure Code; Organisation of 24-hour phone lines in the state prosecution offices and police; record keeping – French experience; Methodology of communication between police, state prosecution offices and

					judiciary, report on progress made in investigation; orders issued by state prosecutors and role of a judge; Pre-trial investigation and investigation – police competences; Use of technical equipment when conducting official duties; Arrival of state prosecutor at the crime scene and crime scene reconstruction. The seminar was attended by 11 representatives of judicial authorities. - Under the Twinning project “Implementation of the Criminal Procedure Code” between Montenegro and France, and in cooperation between the Agency for International Legal Cooperation of France and the Ministry of Justice of Montenegro, study visit to French judicial authorities was organised in the period 15-21 May. It was focused on role of state prosecution offices in investigating criminal offences, relations between prosecution offices and police, role of investigative judges in the investigation stage, role of barristers in the pre-trial procedure, and training policy conducted by the French National School for the Judiciary in Bordeaux and Paris in the process of implementing reforms in the criminal procedure. Two representatives of courts participated in this study visit. - In cooperation with CEDEM (Centre for Democracy and Human Rights), AIRE Centre from London, OSCE Mission to Montenegro and IMG, and with support of German Foundation Konrad Adenauer (Rule

					of Law Programme for South East Europe), the Judicial Training Centre organised seminar on “Exercise of human rights before the judicial institutions in Montenegro: Access to justice” (effective remedy – right to constitutional appeal – international standards and regional experience) in Budva/Bečići on 16-17 May. Lecturers were national, regional and international experts. Concrete subjects discussed were: - constitutional appeal in Montenegro – normative framework; - what makes a legal remedy effective within the meaning of Articles 13 and 35 of the European Convention on Human Rights; - regional overview of effective legal remedies, with special emphasis put on duration of proceedings – case study: Constitutional Court of the Republic of Serbia; - role of the Constitutional Court of Montenegro ; - aspects of regional access to constitutional appeal – experience of Slovenia; - latest case law, and unresolved cases against Montenegro conducted on the grounds of violation of Articles 6 and 13 of the European Convention on Human Rights; - effective legal remedies in Montenegro – modifications required for their adjustment to international standards.

					The seminar was attended by 27 participants: 5 representatives of courts (judges from the Supreme Court of Montenegro, High Court in Bijelo Polje, High Court in Podgorica, Basic Court in Podgorica and Basic Court in Rožaje) and representatives of the Constitutional Court of Montenegro (6), Ministry of Justice (2), Bar Association (5), civil society organisations (6), Ombudsman (1) and Parliamentary Committee for Constitutional Issues and Legislation (1). - In cooperation with OSCE Mission to Montenegro, the Judicial Training Centre organised round table on “Detention and its alternatives” on 19 May in Podgorica. It was aimed at stimulating discussion on reasons for imposing detention referred to in the Criminal Procedure Code, on alternatives to detention with guarantees and on harmonisation of case law in this area. Concrete subjects discussed were: - presentation of OSCE thematic report “Frequency and Justifiability of Detention”; - detention: problems, costs and possible solutions; - rulings, rationales and practice in imposing detention: implementation of Title VIII of the new CPC: how to ensure that detention is only an exemption; - challenges in the previous phase of proceedings, alternative measures and alternative sanctions. The round table was attended by 10

					representatives of courts. - The first meeting of the Steering Committee of Twinning project "Implementation of the Criminal Procedure Code" between Montenegro and France was held in the Judicial Training Centre on 25 May. Mr. Dominique Duran, Resident Twinning Advisor, and Mrs. Catherine Brou, Agency for International Legal Cooperation of France (Acojuris) presented the report on implemented and planned activities, accompanied by the financial report. - Under the Twinning project "Implementation of the Criminal Procedure Code" between Montenegro and France, seminar on "Training on drawing up petitions and rulings in accordance with requirements of CPC" was organised for judges and prosecutors from the central region of Montenegro on 25-26 May in Podgorica. The seminar was jointly organised by the Agency for International Legal Cooperation of France, Ministry of Justice of Montenegro, International Management Group (IMG) and Judicial training Centre of Montenegro. Lecturers were national and French experts. Concrete subjects addressed at the seminar were: role of investigative judge in the pre-trial investigation (French judge for detention and release); requests of a state prosecutors; putting under judicial control; complaint against ruling; temporary seizure of objects, proceeds and property; treatment of suspicious objects; seizure of vehicles,

					narcotics (samples taking) and money, and their depositing to a state authority in charge of managing seized property (French experiences); destruction of weapons, narcotics and entry of seized money into the state budget; request for return of seized objects; alternative dispute settlement; methods of alternative dispute settlement: plea bargaining, postponement of criminal prosecution, rejection of criminal charges on the grounds of fairness and sanctioning without main hearing; comparison of Article 272 of the Montenegrin Criminal Procedure Code with relevant article of the French Code. The seminar was attended by 6 representatives of courts. - The Supreme Court of Montenegro – Judicial Training Centre organised seminar on “European Convention on Human Rights, with special emphasis on Article 6 (Right to free trial) and Article 10 (Freedom of expression)” for judges from the northern region of Montenegro in Kolašin on 26 May. The seminar was aimed at improving knowledge in this area and getting acquainted with Articles 6 and 10 and practice of domestic courts. Lecturers were relevant domestic experts in this area. The seminar was attended by 18 participants: 7 judges from the Basic Court in Bijelo Polje; president and one associate from the Basic Court in Žabljak; 4 judges from the Basic Court in Pljevlja; president and 2 judges from the Basic Court in Berane; president and one

					judge from the Basic Court in Plav. Participants were presented with certificates on participation. - The Supreme Court of Montenegro – Judicial Training Centre organised seminar on “EU law – Sources of European legislation” for judges and prosecutors from the northern region of Montenegro in Kolašin on 27 May. The seminar was aimed at transferring and improving knowledge of judges and prosecutors about EU law. More concrete subject was sources of European legislation. Lecturer was Zoran Žižić, national expert for European law. Seminar was attended by 14 participants out of whom: 9 representatives of prosecution offices (1 Deputy Basic State Prosecutor from Rožaje, 2 Deputy Basic State Prosecutors from Berane, 1 Deputy High State Prosecutor from Bijelo Polje, 1 Deputy Basic State Prosecutor from Bijelo Polje, and Basic State Prosecutor from Pljevlja and his 3 Deputies) and 5 representatives of courts (2 associates from the High Court in Bijelo Polje and 3 judges from the Basic Court in Berane). - Under the Twinning project “Implementation of the Criminal Procedure Code” between Montenegro and France, seminar on “Training on special investigative techniques (including financial analysis and use and secret surveillance measures) and main hearing” was organised for judges and prosecutors from the central region of

					Montenegro on 30-31 May in Podgorica. The seminar was organised in cooperation with the Agency for International Legal Cooperation of France, Ministry of Justice of Montenegro, International Management Group (IMG) and the Judicial Training Centre of Montenegro. More concrete topics addressed in the seminar were: judicial aspect of secret surveillance measures; reasons for imposing secret surveillance measures; types, implementation and duration of secret surveillance measures; investigative techniques and forensic examination upon the court's order – evidentiary value, evidentiary restrictions for particular actions, public and private institutions, conflict of interest, different categories; investigations, forensic examinations (medical findings, analysis of DNA samples, testing to alcohol and drugs, psychiatric examination); investigations, forensic examinations (construction material, transport, natural disasters, telephony); investigative techniques in economic and financial matters; ordering forensic examination by a prosecutor – requirements of the new CPC. The seminar was attended by 9 representatives of courts. - Under the Training Programme for Judges and Prosecutors, the Judicial Training Centre, in cooperation with the UNDP Office in Montenegro and the Human Resources Management Administration, organised

					seminar on the fight against corruption entitled “Values, relations between genders, and corruption” in Kolašin on 2-3 June. The seminar was organised for judges and prosecutors from the northern region of Montenegro and its general objective was to improve their knowledge about personal and institutional capacity from the sociological, cultural, political and anthropological point of view. More concrete subjects addressed in the seminar were: relations between genders and gender equality; anachronism in male-female relations with special emphasis put on misogyny; corruption and institutions; weaknesses in corruption investigations; traditional patterns and corruption; ethic crisis – road to corruption; integrity and responsibility; corruption and political parties. The seminar was attended by 7 representatives of courts. - Under the Twinning project “Implementation of the Criminal Procedure Code” between Montenegro and France, conference on “International legal assistance in criminal matters within the European Union” was held in Podgorica on 8 June. The conference was jointly organised by the Agency for International Legal Cooperation of France, Ministry of Justice of Montenegro, International Management Group (IMG) and the Judicial Training Centre of Montenegro. Concrete topics of the conference were: joint investigation teams; European Arrest Warrant – balance and perspectives; European Arrest

					Warrant – case studies; linguistic community and presentation of international legal assistance in criminal matters; IberRed network; future cooperation under international legal assistance in criminal matters within the European Union; EUROJUST – case studies. Conference was attended by 10 representatives of courts. - The Supreme Court of Montenegro – Judicial Training Centre organised, in cooperation with CEDEM (Centre for Democracy and Human Rights), UNDP Office in Montenegro and AIRE Centre from London, seminar on “Right to fair trial and role of media in accordance with the European Convention on Human Rights and the Criminal Procedure Code of Montenegro” in Budva/Bečići on 8-9 June. The seminar was aimed at enhancing efficiency in criminal procedures and improving exercise of human rights before judicial institutions in Montenegro, with special emphasis put on the right to fair trial and freedom of expression – relations between the judiciary and media. More concrete subjects addressed in the seminar were: new Criminal Procedure Code of Montenegro – key amendments and challenges; pre-trial detention and investigation pursuant to the European Convention on Human Rights – role of courts and prosecution offices; right to fair trial under the European Convention on Human Rights – role of judges in ensuring harmonisation of

					procedural presumptions with international standards, role of prosecutors and barristers in the criminal procedure; reporting on criminal procedures: freedom of expression, right to fair trial and right to respect for private and family life in accordance with the European Convention on Human Rights; role of journalists pursuant to the legislation currently in force in Montenegro; changes to be made with the view to implementing the new Criminal Procedure Code – role of courts, prosecution offices and defence; measures to be taken prior to amending the criminal laws. The seminar was attended by 10 representatives of courts. - The eight coordination meeting of donors was held in Podgorica on 9 June, in organisation of the Ministry of Justice of Montenegro and UNDP Office in Montenegro. The meeting was aimed at presenting international assistance programmes to Montenegrin stakeholders, in order to avoid overlapping of programmes and provide better coordination of activities. - The Supreme Court of Montenegro – Judicial Training Centre organised the second seminar for judges and prosecutors from the northern region of Montenegro with the topic “EU law – Basis of European legislation” on 13 June in Kolašin. The seminar was aimed at improving the knowledge of judges and prosecutors of the EU law. More concrete subjects addressed at the seminar were: area

					of justice, freedom and security; cultural, historic and religious heritage of Europe (united in diversity); principle of shared competences; principle of supremacy; principle of subsidiarity; principle of proportionality; Lisbon Treaty (Treaty on European Union and the Treaty on the Functioning of the European Union); free movement of persons (including workers), goods, services and capital. Lecturer was Zoran Žižić, national expert for EU law. The seminar was attended by 14 representatives of prosecution offices: Basic State Prosecutor, Deputy Basic State Prosecutor and 2 advisors from Rožaje, 2 Deputy Prosecutors and 2 advisors from the Basic State Prosecutor's Office in Berane, 1 Deputy Prosecutor and 1 advisor from the High State Prosecutor's Office in Bijelo Polje, 1 advisor from the Basic State Prosecutor's Office in Bijelo Polje, and Basic State Prosecutor, 1 Deputy Basic State Prosecutors and 1 advisor from Pljevlja. - Under the training programme for civil servants, judges, prosecutors and employees of other independent bodies dealing with protection against discrimination, the workshop "Prohibition of discrimination of LGBT population" was held in Budva on 22-23 June. The workshop was jointly organised by the Ministry for Human and Minority Rights, OSCE Mission to Montenegro, Centre for Democracy and Human Rights (CEDEM) and Judicial Training Centre. It was the second workshop with the same attendants,

					which will accompanied by tow more thematic trainings/workshops. Attendants will be presented with certificates at the end of training. Objective of these workshops is to strengthen capacities of all state institutions in charge of implementing the Law on Prohibition of Discrimination. The second training/workshop was focused on prohibition of discrimination of LGBT population. More concrete subjects addressed in the second workshop were: case law of the European Court of Human Rights – discrimination of LGBT population; prohibition of discrimination of LGBT population in Croatia; case law of the European Court of Human Rights – all forms of discrimination; detailed study on 3 cases involving LGBT population before the European Court of Human Rights. Lecturers were: Sanja Juras, coordinator of the Lesbian Group “Kontra” and Goran Miletić, Western Balkans Programme Director, Civil Rights Defenders. The workshop was attended by 29 participants out of whom: 9 representatives of courts (4 judges from Basic Courts in Podgorica, Bar, Kolašin and Bijelo Polje) and 5 representatives of prosecution offices (2 Deputy Basic State Prosecutors from Cetinje and Bijelo Polje, 1 advisor from the Basic State Prosecutor’s Office in Bar and 2 trainees from the Basic State Prosecutor’s Office in Podgorica). The workshop was also

					attended by representatives of: Ministry of Health, Police Administration, Ministry of Sustainable Development and Tourism, Ministry of Education and Sports, Ombudsman's Office, Misdemeanour Council of Montenegro, OKC "Juventas" and LGBT Forum "Progres". - The Supreme Court of Montenegro – Judicial Training Centre organised the second seminar for judges and prosecutors from the central and southern region of Montenegro with the topic "EU law – Basis of European legislation" on 28 June. More concrete subjects addressed at the seminar were: area of justice, freedom and security; cultural, historic and religious heritage of Europe (united in diversity); principle of shared competences; principle of supremacy; principle of subsidiarity; principle of proportionality; Lisbon Treaty (Treaty on European Union and the Treaty on the Functioning of the European Union); free movement of persons (including workers), goods, services and capital. Lecturer was Zoran Žižić, national expert for EU law. The seminar was attended by 13 participants, out of whom 6 representatives of prosecution offices (Deputy High State Prosecutor from Podgorica; Deputy Basic State Prosecutor from Bar; 2 advisors from the Basic State Prosecutor's Office in Nikšić; 2 trainees from Basic State Prosecutor's Office in Podgorica) and 7 representatives of courts (3 judges from the Basic Court in Podgorica; 3 judges from

					the Basic Court in Nikšić and 1 advisor from the Basic Court in Ulcinj). - Under the Twinning project “Implementation of the Criminal Procedure Code” between Montenegro and France, seminar on “Measures contained in the Criminal Procedure Code that can lead to violation of human rights” was held in Podgorica on 30 June – 1 July. The seminar was jointly organised by the Agency for International Legal Cooperation of France, Ministry of Justice of Montenegro, International Management Group (IMG) and the Judicial Training Centre of Montenegro. Lecturers were French and national experts: Frank Lager, judge and associate in the French National School for the Judiciary in Paris (International Cooperation Section), Sian Lewis Anthony, professor of public international law, Radule Kojović, judge of the Supreme Court of Montenegro and Petar Stojanović, judge of the Supreme Court of Montenegro. More concrete subjects addressed at the seminar were: limitations on human rights and freedoms during investigation; police detention (conditions and course of detention); search; seizure of objects and property gain; notification of a prosecutor by the police; limitation on rights upon the order of the investigative judge – judge for freedoms and detention in France (detention, interception of telephone conversations, search of premises, control by the court);

					limitations with regard to respect for human dignity and physical identity (medical examinations); unlawful limitations to human rights and freedoms; police violence; General Inspectorate of the National Police (IGPN) of France; General Police Service (IGS) of France; criminal and disciplinary sanctions; subsequent judicial control of legality of procedure; role of barristers. The seminar was attended by 29 participants out of whom: 10 representatives of prosecution offices (2 Deputy High State Prosecutors from Podgorica; 2 Deputy Basic State Prosecutors from Nikšić; 1 Deputy Basic State Prosecutor from Cetinje; 3 Deputy Basic State Prosecutors and 2 advisors from Podgorica); 10 representatives of court (4 judges, 3 associates and 2 trainees from the Basic Court in Podgorica; 1 associate from the Basic Court in Danilovgrad); 4 representatives of the Police Administration and 5 barristers from the Bar Association of Montenegro. - In cooperation with OSCE Mission to Montenegro, the Judicial Training Centre organised round table on “Right to fair trial, with special emphasis put on duration of proceedings” on 4 July. The round table was organised under the OSCE Mission’s project “Monitoring of judiciary”, aimed at contributing to the overall process of judicial reforms in Montenegro. The project resulted in two thematic reports on the right to trial within a reasonable time in civil and criminal

					matters. The mentioned thematic reports emphasise the issue of too long proceedings, particularly in civil cases, as well as insufficiently developed awareness of citizens on mechanisms for effective appeal in the context of the right to trial within a reasonable period, as provided for by the 2007 Law. The round table was aimed at stimulating discussion on issues related to duration of proceedings, right to trial within a reasonable time in civil and criminal matters, current mechanisms for acceleration of proceedings, control requests, case law of the European Court of Human Rights and good practice in this area. Lecturers were national and foreign experts: Miloš Bošković, Leader of OSCE project "Monitoring of judiciary", Maja Laković, Deputy Protector of Human Rights and Freedoms of Montenegro, Dušanka Radović, judge of the Supreme Court of Montenegro, Dr. François Paychère, judge of the Supreme Civil and Criminal Court in Geneva and Chairman of the Council of Europe's Working Group for Quality of Justice, Zoran Pažin, Representative of Montenegro before the European Court of Human Rights, and Nikola Martinović, barrister, Bar Association of Montenegro. The round table was attended by 29 participants, out of whom: 8 representatives of prosecution offices (2 Deputy High State Prosecutors from Podgorica; 2 advisors from the Basic State Prosecutor's Office in

					Podgorica; Basic State Prosecutors and 1 advisor from Nikšić; 2 Deputy Basic State Prosecutors from Cetinje), 9 representatives of courts (1 judge of the Supreme Court of Montenegro; 2 judges of the High Court in Podgorica; president and 2 judges of the Basic Court in Podgorica; 1 judge of the Basic Court in Bar; 1 judge of the Basic Court in Kotor and 1 judge of the Basic Court in Nikšić) and 3 barristers from the Bar Association of Montenegro. There were also 9 representatives of following institutions/NGOs/organisations: NGO Akcija za ljudska prava (Action for Human Rights); Centre for Human Rights of the Law Faculty in Podgorica; Ministry of Justice; NGO Juventas; Centre for Democracy and Human Rights (CEDEM); Centre for Monitoring (CEMI), US Embassy to Montenegro; Embassy of Netherlands to Montenegro. - Meeting of Juan Diego Ramirez-Cardenas Diaz, representative of the European Institute of Public Administration (EIPA) with President of the Supreme Court, Director of the Judicial Training Centre and representatives of coordination and programme committees of the Judicial Training Centre was held on 19 July. Further vocational training of judges and prosecutors in Montenegro in the EU law was discussed in the meeting. For more detailed information on education and professional training of judges and prosecutors, please see Annex 3.

	3. Training on alternative dispute settlement, referral of cases to mediation and successful conducting of alternative dispute procedures	MJ, Mediation Centre	Continuously	Trainings organised	Training was organised for judges working in civil proceedings sections in basic courts in Ulcinj, Bar, Kotor, Herceg Novi, Cetinje and Podgorica. Training was organised for judges working in the Criminal Proceedings Section of the Basic Court in Bar, and it was focused on the application of corrective orders and on mediation between victims and offenders as a part of the aforementioned corrective orders. Trainings have been organised with the support of UNDP and they are carried out continuously. Info-points have been set up in the mentioned courts with the aim of providing information and promotional material on the institute of mediation. Training has been organized for judges in litigation department in basic courts Nikšić, Plav, Rožaje, Berane, Kolašin and Bijelo Polje. In basic courts and basic prosecution offices in Bijelo Polje, Nikšić and Podgorica, training has been organised for judges and prosecutors working in criminal departments regarding the application of corrective orders and mediation between victims and perpetrators as a form of the mentioned corrective orders. Advanced training has been organised for mediators in civil and criminal proceedings with the view to improving their skills. This training was organised with the support of OSCE.
	4. Reinforcement of the impartiality of judges: - consistent application of random allocation of	SC	Continuously	Cases are randomly allocated; Records	System of electronic random allocation of cases has become operational in the Administrative Court, the Supreme Court, High Court and Commercial Court in Bijelo Polje, and partly in the

	cases by means of a computer application within the judicial information system - monitoring of implementation of the institute of removal of a judge and keeping of special records on such cases			established	Basic Court in Pljevlja due to lack of relevant data of the High Court on cases from previous years returned for trial. Entry of cases will be updated soon in the Basic Court in Herceg Novi and the Basic Court in Kotor, thus enabling implementation of random allocation. The same applies to the Basic Court in Bar, due to problems with the entry of data by the High Court in the procedure upon the regular legal remedy and due to lack of data on cases from previous years which are continued or returned for a review of the decision. In the Appellate Court, the mistake occurred in keeping records of judges to whom the cases are allocated, but the mistake was eliminated so the system will be functional soon. The Basic Court in Bijelo Polje encounters difficulties regarding the network in non-litigious witting office, while the first- instance criminal and civil cases are duly electronically coded. Support has been provided in order to enter the remaining number of cases into the electronic database. In general, civil servants and employees are trained for work. Additional motivation is generated by the fact that courts own the application as well as that the requests for amendments are treated immediately or within 24 hours maximum. Absolute diligence will be achieved by engaging presidents of courts and the Secretariat of the Judicial Council – IT Section. It should be noted that electronic random allocation of cases cannot be performed in courts

					with small number of judges (four). In accordance with the Court Rules, allocation and distribution of portfolios to judges are performed at the beginning of year. In small courts, there is a judge exclusively in charge of civil proceedings, judge in charge of criminal proceedings, investigating judge and judge in charge of non-litigious proceedings. Therefore, random electronic allocation of cases cannot be performed in small courts, due to the narrow portfolio specialisation of judges. Concrete cases are allocated to judges in line with the principle of “random allocation of cases”, which is regulated by the Court Rules adopted by the Ministry of Justice, upon prior opinion given by the Judicial Council. Furthermore, scope of work of courts’ departments, panels and judges is defined by the annual work plan, which is passed by a court’s president at the beginning of a year, in line with the Court Rules.
	5. Improvement of IT assisted reporting on the work of courts	SC JC	Continuously	IT supported analysis of activity reports	Supreme Court, High Court in Podgorica, High Court in Bijelo Polje, Appellate Court and Administrative Court regularly publish court rulings on their websites. In addition, the Supreme Court publishes translations of rulings of the European Court of Human Rights, which are characteristic for domestic case law. Development of a portal of all basic courts in Montenegro is under way and it is expected to become operational on 1 August 2011.
	6. Adopt the draft Law on Enforcement and Security to remove shortcomings in the existing enforcement	MJ	I quarter	Draft Law adopted	The draft Law on Enforcement and Security has been prepared. The draft is under the Government procedure. It is expected that the draft Law will be adopted by the Government at

	system and its inefficiency: resolution of backlogs, shorter proceedings and disputes over collection of claims, etc.; reinforce the competences of the future enforcement service and apply the Council of Europe recommendations for this area				the session scheduled for 17 March (partly realised). Draft Law on Enforcement and Security was adopted by the Government of Montenegro on 17 March 2011 and submitted to the Parliament of Montenegro for adoption. The most important innovations contained in the draft Law are as follows: - Competence for enforcement as regards movable property, immovable property, etc. is transferred to public enforcement officers, whereas some forms of enforcement are still under the competence of courts. - The proposal for enforcement, submitted to the public enforcement officer, does not specify the means or subject of enforcement. The only legal remedy available is complaint (appeal has been abolished), upon which the court should make a decision within 15 days. Complaint against the decision on enforcement, based on credible documents, specifies exclusive reasons for complaint, in order to avoid misuse in the practice and postponement of the procedure. Until the public enforcement officers start to work, cases under their competence will be processed by courts, whereas the Central Bank will be competent for enforcement from the account of judgement debtor until the organisation for forced collection. Draft Law on Enforcement and Security is currently in the parliamentary procedure. It is expected that the Parliament will consider the Law on Enforcement and Security in the session

					scheduled for 5 July 2011. The Parliament adopted the Law on Enforcement and Security.
3. Strengthening the efficiency of judicial authorities	1. Selection of notaries following open competition	MJ	I quarter	Notaries selected	Open competition has been announced and candidates applied. Notaries will be appointed by the end of March. The competition for appointment of notaries has been announced, on the basis of the Law on Notaries, for 55 vacancies for notaries in all basic courts in Montenegro. 43 candidates meeting the legally defined conditions applied, out of which 34 notaries have been appointed. The leading principle in appointment was the result of notary exam. The selected notaries will take the oath on 23 March 2011. The Ministry of Justice's Commission will determine whether spatial and technical conditions have been met, in order to make it possible for notaries to start their work. There were no candidates for notary positions in five municipalities. Therefore, the Ministry of Justice will continue to organise notary exams in order to provide lacking notary capacities in the municipalities with no applied candidates or with insufficient number of applied candidates. At the celebration held on 29 April, 34 notaries took oath of office. The Notary Association has been established. In its session held on 30 June 2011, the Government of Montenegro gave its consent for the Notary Tariff published in the Official Gazette of Montenegro. Notaries started to work on 25 July 2011.

	17. Analysis of alternative dispute settlement methods: - compliance of the Mediation Law with international standards - application of mediation - operation of the Mediation Centre	MJ	II quarter	Analysis adopted	Working version of the Analysis has been prepared (partly realised). The Analysis has been prepared and it contains review of national legislation governing alternative dispute settlement methods, comparative experiences, results of practical application of alternative dispute settlement methods and proposal for further development of alternative dispute settlement methods. Survey among all mediators, president of courts and judges on mediation has been conducted based on questionnaire pertaining to previous experiences with application of alternative methods of dispute settlement. The results of survey are being processed and will be incorporated into analysis that is to be delivered to the Government for adoption. On 23 June, the Government considered and adopted the Analysis of alternative methods of dispute settlement. The Analysis contains an overview of legislative framework for alternative dispute settlement methods, overview of contemporary solutions and international standards of the Council of Europe and EU and existing institutional framework. In accordance with the adopted Analysis, the Government entrusted the Ministry of Justice with the obligation to prepare draft Law amending the Law on Mediation. Furthermore, the Government obliged the Mediation Centre to develop a database on mediation procedures, to organise further training of employees and to promote the concept of mediation.

	18. Adopt annual programmes in all courts for dealing with backlogs based on the measures set in the Supreme Court's framework programme, in accordance with the measures from Judiciary Reform Strategy and the accompanying Action Plan: - define a precise methodology with regard to the reporting on the results of resolution of backlogs	SC and all courts	I quarter	Framework programme and annual programmes adopted	Annual programme for dealing with backlogs has been adopted (realised). Programmes for dealing with backlogs were defined on the basis of precise statistics on 31 December 2010: number of backlogs by courts, year of backlogs, and number/percentage of reduction of backlogs. There are no backlogs from 2009 and previous years in the Supreme Court, Appellate Court, Administrative Court and two High Courts. Furthermore, there are no backlogs from 2010 in two High Courts and in the Appellate Court. 14 backlog cases from 2010 will be resolved in the Supreme Court by the end of March. 420 backlog cases falling under the competence of the Administrative Court will be resolved by the end of April. At the end of 2010, there were 12,463 unresolved complex cases (criminal, civil, non-litigious) from 2009 and previous years in all courts in Montenegro – 69.40% reduction of backlogs (Annex 2 provides detailed tabular review).
	4. Prepare an analysis of implementation of the Law on Protection of the Right to Trial within Reasonable Time, with appropriate recommendations	MJ Judiciary and NGO sector	III quarter	Analysis adopted	NGO "Action for Human Rights" has prepared an analysis on implementation of the Law on Protection of the Right to Trial within Reasonable Time. Public discussion on this Analysis, with participation of representatives of the judiciary and Bar Association, was held on 30 March 2011 in Podgorica, and it was organised in cooperation with the Ministry of Justice.

4. ACTION PLAN FOR THE FIGHT AGAINST CORRUPTION

PRIORITY	MEASURE	RESPONSIBLE AUTHORITY	DEADLINE	INDICATOR	STATUS / DEGREE OF IMPLEMENTATION
1. Improvement of anti-corruption and institutional legal framework	1. Draft Law amending the Criminal Code implementing the recommendation of GRECO's Third Evaluation Round	MJ	I quarter	Draft Law approved	Draft Law amending the Criminal Code has been prepared and submitted to the competent state authorities for opinion (partly realised). For more details, please see Annex 3. In its session held on 24 March 2011, the Government adopted the Draft Law amending the Criminal Code implementing the recommendations of GRECO's Third Evaluation Round. Draft Law has been submitted to the Parliament for consideration and adoption. The Parliament has adopted the Law amending the Criminal Code.
	2. Draft Law on Civil Servants and State Employees: - The obligation of adopting integrity plans in the public sector stipulated - the institute of protection of whistleblowers introduced	MI in cooperation with DACI	II quarter	Draft Law approved	Inter-sectoral working group was formed by the Minister of Interior's decision of 4 February 2011. The working group held two working meetings. Members of the working group were assigned with concrete duties, along with defined dynamics. Within the project "Strengthening the Strategic Operational Capacity of DACI", implemented in cooperation with UNDP, DACI is going to provide professional support for preparation of the Draft Law. Selection of experts is in progress. DACI has provided a foreign expert who is participating in the drafting of the Law in the part relating to the protection of whistleblowers. In its session held on 24 March 2011, the Government considered and adopted the Information on activities on reform of civil servants

					system and supported the Policy Paper on civil servants and employees. The Policy Paper also contains recommendations for improvement of solutions relating to conditions for employment and promotion in the state service. Pursuant to the defined dynamics, the first working version of the Draft Law was submitted on 25 March 2011 to the SIGMA expert, Hans-Achim Roll, for comments and suggestions. It has been agreed the innovated working version of the Draft Law to be prepared by 20 April 2011 on the basis of received suggestions and opinions, and to be subsequently translated and submitted to Hans-Achim Roll and the EC for opinion. The next joint activities of the working group and Hans-Achim Roll on the innovated working version of the Draft Law are planned to be carried out in the period from 4 May 2011 to 6 May 2011. This Law will provide for the obligation of adoption of integrity plans on the basis of integrity evaluation and guidelines for developing integrity plans by the authority competent for anti-corruption related activities. Moreover, it will be defined that the Government will be the one to determine the contents, manner of preparation and other issues that are important for determining and implementing integrity plans. SIGMA submitted comments on the second working version, which were analysed at a workshop held on 4-5 May. On the basis of conclusions reached at the workshop, the Working

					Group is preparing the third working version, which will be submitted to the EC and SIGMA by 25 May. The third working version of the draft Law has been harmonised with recommendations given by SIGMA, and it has been distributed to state administration bodies, local self-government bodies and NGOs for comments by 31 May 2011. The third working version of the draft Law is also available on the Ministry of Interior's website. Translation into English is under way, after which it will be submitted to SIGMA and EC. A workshop with SIGMA representatives is scheduled for 1-2 June with the view to fine-tuning of the draft Law. After the workshop, i.e. on 13 June, the Draft Law was submitted to the competent authorities for opinion. The Draft Law will be considered by the Government on 7 July. On 7 July 2011, the Government adopted the Draft Law on Civil Servants and State Employees. The Parliament adopted the Law on Civil Servants and State Employees on 22 July 2011.
	3. Proposal for amendments to the Labour Law - protection of whistleblowers in the private sector established	MLSW	I quarter	Draft Law approved	The Draft Law amending the Labour Law regulates the institute of protection of whistleblowers. The Draft Law has been submitted to the competent state administration bodies for opinion (partly realised). The Government of Montenegro adopted the Draft Law Amending the Labour Law on 31 March 2011. In accordance with the Conclusion of the Government, the Working Group has the task to,

					within social dialogue, continue with the harmonisation of provisions relating to the conclusion of contracts of employment for an indefinite term and simplification of the employee dismissal procedure, so that it could, by the Government's amendments, influence the defined Draft. This Working Group is still working on the harmonisation of these provisions. After being harmonised, the Draft is going to be submitted to the Parliament of Montenegro for consideration and adoption. Pursuant to the Conclusion of the Government, the Draft Law of 31 March has been withdrawn. In its session held on 23 June, the Government adopted the final text of the Draft Law amending the Labour Law, which was subsequently submitted to the Parliament for consideration and adoption. It is expected that the Parliament will consider and adopt the Law amending the Labour Law in September.
	4. Draft Law amending the Law on Prevention of Conflict of Interests: - extension of powers of the Commission for Prevention of Conflicts of Interests and strengthening of its supervisory role, particularly with regard to checking the information provided by public officials	MI CPCI	II quarter	Draft Law amending the Law on Prevention of Conflict of Interests approved	On the basis of MI's guidelines, and upon CPCI's proposal, establishment of an inter-sectoral working group is under way and it is expected to initiate its work on 10 March. Within the project "Strengthening the Strategic Operational Capacity of DACI", implemented in cooperation with UNDP, DACI is going to provide professional support to preparation of the Draft Law. Selection of expert is in progress. DACI has provided a foreign expert who is participating in the drafting of this Law. Inter-sectoral working group was formed by the Minister of Interior's decision No. 786/1 of 18 March 2011 and is composed of the

	- stricter penal policy - prohibition for directly elected persons to be members of managing and supervisory boards - extend the coverage by the definition of public officials - more precise regulation of the procedure for dismissal of a public official - change the deadline for disclosure of income and assets - value of gifts etc, in line with the EC and CoE recommendations				representatives of MI, Ministry of Finance, Misdemeanour Council and of the Commission for Prevention of Conflict of Interest. DACI has submitted to the working group comments and GRECO recommendations related to the area of prevention of conflict of interest, from the Report that was adopted in December 2010. The working group held five meetings and prepared the Draft Law amending the Law on Prevention of Conflict of Interest. The Draft Law, along with the supporting documentation, was submitted to the Ministry of Justice, Ministry of Finance, Ministry of Foreign Affairs and European Integration and to the Secretariat for Legislation. The Draft Law, inter alia, provides for: increase in the number of public officials and precise definition of functions; restrictions related to the exercise of two or more public functions - incompatibility of functions; extension of the deadline for submitting the Report following appointment to a public function; submission of annual report for the previous year by the end of March of the current year; some precise definitions related to penalty provisions; issue of dismissal of public officials; strengthening of the Commission's independence and its powers; control of the reported assets; precise definitions related to gifts; more strict sanctions for other violations than for the existing ones; etc. DACI has, through the UNDP, provided expert assistance for preparation of this Draft Law and experts will visit Montenegro on 26 and 27 April

					2011, following which the text will be translated and submitted to the EC for comments. The Draft Law amending the Law on Prevention of Conflict of Interests was on 11 May 2011 submitted to the Secretariat for Legislation for giving opinion. Moreover, the Draft Law was translated into English and submitted to the EC for comments. The Draft Law has been approved by the Secretariat for Legislation and submitted to Ministry of Justice, Ministry of Finance and Ministry of Foreign Affairs and European Integration for opinion. Text of the Draft Law will be available on the Ministry of Interior's website. The Draft Law on Prevention of Conflict of Interest will be also considered in the TAIEX workshop on "Improvement of Legislative and Institutional Framework for Fight against Corruption in Montenegro", which will be held on 28 May in the Regional School of Public Administration in Danilovgrad, in joint organisation of the Government of Montenegro and EC/DEU. The Draft Law was considered during the workshop held in Danilovgrad, while the Ministry of Interior organised a round table discussion on "Amendments to the Law on Prevention of Conflict of Interests" on 2 June. All non-governmental organisations and state authorities were invited to take part in the round table. A certain number of participants submitted concrete suggestions in written form, which were considered by the

					Ministry during additional work on the text of the Law. A round table discussion on the Draft Law amending the Law on Prevention of Conflict of Interests took place in the Parliament of Montenegro on 10 June, in which MPs from all parties, representatives NGOs and foreign experts participated. The participants supported the solutions contained in the Draft Law. Furthermore, comments on the Draft Law have been given by an EU expert in the area of conflict of interests, engaged under the project "Strengthening the strategic operational capacity of DACI", implemented by the UNDP. Comments and suggestions of the aforementioned expert were taken into consideration by the Ministry when finalising the Draft Law. The Government adopted the Draft Law amending the Law on Prevention of Conflict of Interest on 23 June. Following consultations with the European Commission, amendments to the Draft Law have been submitted to the Parliament, and it is expected that the Parliament will adopt the Law by 29 July 2011.
	5. Draft Law on Political Parties Financing – amend the Law to reflect GRECO recommendations	MF SEC DACI	III quarter	Draft Law approved	CDT organised the round table in which line ministries took part. It was agreed that the Government will invite CDT, CEMI and MANS, in the next few days, to appoint their representatives for the working group in charge of drafting the Law. Working version of the draft Law should be completed in the following two months.

					Also, within the project “Strengthening the Strategic Operational Capacity of DACI”, implemented in cooperation with UNDP, DACI is going to provide professional support to preparation of the Draft Law. Selection of expert is in progress. The selected expert participated in the work of the Commission for drafting of the Law on Financing of Political Parties (5 May) and subsequently, i.e. on 11 May, submitted comments and recommendations related to the proposed amendments. The Commission was formed by the Minister of Interior’s decision No. 01-3598/1 of 5 April 2011 and is composed of three representatives of the non-governmental sector (MANS, CEMI, CDT), two representatives of the Ministry of Finance, one representative from the Ministry of Justice, one from the State Election Commission and one from the Directorate for Anti-Corruption Initiative. In total, the Commission has nine members. The first meeting of the Commission for drafting of the Law on Financing of Political Parties was held on 15 April 2011 in which the dynamics and the manner of this body’s work were agreed. Moreover, it was agreed the Commission to adopt the first working version of the Law on Financing of Political Parties by 15 May 2011 in line with the GRECO recommendations. Moreover, members of the Commission for drafting of the Law on Financing of Political Parties held a meeting with the Council of Europe’s expert, Mr. Quentin Reed. It has been planned the Draft Law to be prepared by the Commission not later than 10 June, following

					which it will be submitted to the Government for adoption. The Draft Law on Prevention of Conflict of Interest will be also considered in the TAIEX workshop on “Improvement of legislative and institutional framework for fight against corruption in Montenegro”, which will be held on 28 May in the Regional School of Public Administration in Danilovgrad, in joint organisation of the Government of Montenegro and EC/DEU. With expert support provided by Q. Reed (who visited Podgorica again on 20-22 June), the Commission for drafting of the Law on Financing of Political Parties completed the alignment of the Draft Law. The key novelties are as follows: - The chapter concerning prohibitions (financial assistance from foreign states, from anonymous givers, as well as from private companies that participate in public tenders) has been innovated; - New penal provisions have been defined (so far, the penal provisions have been descriptive, while the new proposal implies them to be expressed in nominal terms in accordance with the Law on Misdemeanours); - Deadlines for submission of reports have been changed (instead of 45 days, the deadline for submitting reports is now 30 days after the day of election) - Change in the allocation of budget funds (budget funds for financing costs of election campaign from are allocated in calendar year

					in which regular elections are held amounting now to 0.25% (instead of the previously defined 0.15%) of current budget for a year in which budget is adopted) - Monitoring (instead of the Ministry of Finance, the monitoring is going to be carried out by the State Election Commission. The Government will form a working group to draft the Law on Authorisations and Obligations of the State Election Commission) - Misdemeanour procedure (for a misdemeanour committed by a political party, a misdemeanour procedure can be instituted within a period of two years from the day when the misdemeanour was committed - instead of the previously defined period, i.e. one year). The new Law on Political Parties Financing is planned to be considered and adopted by the Government on 7 July 2011. It is envisaged that the Law will enter into force on 1 January 2012. On 7 July, the Government adopted the Draft Law on Political Parties Financing. Draft Law has been submitted to the Parliament for consideration and adoption. Bylaws are planned to be adopted within 90 days as of the date of entry into force of the Law. In its conclusion, the Government entrusted the working group responsible for drafting this Law to prepare the new Law on State Electoral Commission as well. The Commission will be competent for monitoring the implementation of the Law on Political Parties Financing. Both Laws should enter into force on 1 January 2012.

					Following consultations with the European Commission, amendments to the Draft Law have been submitted to the Parliament, and it is expected that the Parliament will adopt the Law by 29 July 2011.
	6. Deliver training on preparation and implementation of integrity plans	HRMA DACI	II quarter	Number of trainings organised; Number of attendants from the state authorities	The two administrations have agreed to organise and carry out trainings: the first training is planned to take place at the beginning of April, and the second one at the end of May 2011. Expert support is going to be provided by the Slovenian Commission for the Prevention of Conflicts of Interests, on the basis of the Memorandum of Cooperation with DACI (partly realised). Seminar on the topic of "Preparation and Implementation of Integrity Plans" was organised on 21 April 2011 by the Human Resources Management Administration and the Directorate for Anti-Corruption Initiative. Slovenia's experiences in the preparation of the Integrity Plan Model were presented in the seminar, as well as the Guidelines for Developing Integrity Plans (16 participants). The next seminar is planned to be held on 26 May. As planned, seminar on "Preparation and implementation of integrity plans" was held on 26 May. Lecturers were representatives of the Directorate for Anti-Corruption Initiative and of the Slovenian Commission for Prevention of Corruption. The basic integrity principles and Slovenia's experiences in preparation of the Integrity Plan Model and of the Guidelines for Developing Integrity Plans were presented to the participants (20 of them).

	7. Needs assessment for establishing a single anti-corruption authority at national level, which would encompass: - review of powers of anti-corruption bodies - analysis of the supervisory capacity - recommendations for integration of anti-corruption bodies	MI MJ MF	II quarter	Analysis with recommendations adopted	Draft Decision establishing a working group to be composed of the representatives of competent institutions has been prepared. For the purpose of carrying out the assessment, DACI has made a review of comparative legal solutions on establishment of anti-corruption authorities in the region, along with proposals. The needs assessment for establishing a single anti-corruption authority at national level will encompass: - review of powers of anti-corruption bodies - analysis of the supervisory capacity - recommendations for integration of anti-corruption bodies The authorities competent for implementation of this activity are the Ministry of Justice, Ministry of Interior and the Ministry of Finance, while the II quarter of 2011 is the deadline for adoption of the needs assessment. SIGMA expert mission visited Montenegro in March and had talks with the representatives of the competent authorities with the aim of examining the possibilities and the model of reform of the anti-corruption institutional framework in Montenegro. In April 2011, SIGMA will provide support to preparation of the Feasibility Study on establishment of anti-corruption authorities – each further step should be coordinated with the Commission. Under auspices of the Regional Cooperation Council and the Regional Anti-Corruption Initiative for South Eastern Europe, DACI will organise a

					meeting of heads of national institutions and agencies for the fight against corruption and organised crime of the countries that are members of the South-East Europe Cooperation Process (SEECP). The meeting is organised within the Montenegrin SEECP chairmanship and will be held on 9 and 10 May 2011. The aim of the meeting is to gather high representatives of specialised anti-corruption bodies from South Eastern Europe countries and to serve as a platform for consideration of the current state of play and challenges in preventing and suppressing corruption in the region. One of the panels will be dedicated to discussion on the institutional anti-corruption framework in South Eastern Europe: experiences and good practice. Information from the conference and conclusions from individual panels will be submitted to competent ministries and published on the DACI's website (www.antikorupcija.me). TAIEX workshop on "Improvement of the legislative and institutional framework for fight against corruption in Montenegro" will be held on 28 May 2011 in the Regional School of Public Administration (ReSPA) in Danilovgrad, in joint organisation of the Government of Montenegro and EU Delegation to Montenegro, with expert assistance provided by SIGMA. According to the workshop's agenda, a set of anti-corruption laws will be discussed: Law on Public Procurement, Draft Law amending the Criminal

					Code (incorporating GRECO recommendations from the Third Evaluation Round), Draft Law amending the Law on Prevention of Conflict of Interest and Draft Law on Political Parties Financing. Furthermore, the Feasibility Study on single anti-corruption institution, prepared by SIGMA on the basis of results of its expert mission to Montenegro on 17-18 March 2011, will be discussed as well. The workshop will be attended by representatives of state administration bodies, non-governmental organisations, international organisations, and EC and SIGMA experts. Analytical document of a group of SIGMA experts "Improvement of the institutional framework for prevention of corruption in Montenegro" was discussed in the Twinning workshop that took place on 28 May 2011 in the Regional School of Public Administration (ReSPA). The document was assessed as comprehensive and contains numerous recommendations that should be taken into account while improving the anti-corruption institutional framework in Montenegro. On 16 June, the Government considered the "Assessment of the anti-corruption institutional framework in Montenegro", along with the SIGMA's analytical document. The Government adopted the following conclusions: 1. When preparing regulations in the area of conflict of interests, public procurement and financing of political parties, the competent

					ministries are entrusted with taking into account the recommendations set out in the SIGMA's analytical document. 2. DACI is entrusted with preparing information on activities implemented when it comes to improvement of the existing facilities and the need for further strengthening of the Directorate in administrative, technical and professional terms. 3. When defining and reviewing the AP (2013-2014), the National Commission for Monitoring the Implementation of the Anti-Corruption and Organised Crime Strategy and Action Plan is entrusted with taking into account the recommendations set out in the SIGMA's analytical document.
	8. Adopt the Training Programme for judges and prosecutors in the area of fight against corruption (as a part of the JTC's Annual Programme): - Programme 1 – Personal and institutional integrity - Programme 2 – Corruptive criminal offences - Programme 3 – Investigation of crimes involving elements of corruption and related issues, with a focus on modern financial	Judicial Training Centre	I, II and III quarter	Programme adopted Programme implemented in cooperation with the UNDP, OSCE, US Embassy and HRMA.	Training programme for judges and prosecutors on the fight against corruption is integrated into the Centre's 2011 Training Programme. It will be implemented in cooperation with UNDP Office in Montenegro, OSCE Mission to Montenegro, Embassy of the United States and HRMA. Dynamics of special programmes implementation has been defined. The first seminar that will be dedicated to Programmes 1 (Personal and Institutional Integrity) and 2 (Criminal Offences with Elements of Corruption) will be carried out at the end of March 2011, while the Programme 3 (Investigation of Criminal Offences with Elements of Corruption and Related Issues, with special emphasis on contemporary financial investigation) will be carried out in May 2011. In 2009 and 2010, training programme included 150 judges (out of this number, 10% participated

	investigation				in various seminars), 35 professional associates from courts, 13 trainees from courts, 97 state prosecutors (out of this number, 10% participated in various seminars), 18 professional associates from state prosecutors' offices, 8 trainees from state prosecutors' offices and 99 state employees. During 2011, the programme will cover all state prosecutors, as well as judges working on criminal portfolios and judges that had not previously attended this training programme. IPA Twinning Project "Support the implementation of the new Criminal Procedure Code" is financed by the European Union. Partner in this Twinning project is France. Implementation period is 15 months. Total funds allocated for financing activities under this project amount to € 788,715.06. Components of this Twinning contract are as follows: 1. Strengthening the capacity of the Special Prosecutor's Office for fighting organised crime, corruption, terrorism and war crime; 2. Providing training (including training of trainers) for judges, prosecutors and Police Administration employees on the CPC implementation; 3. Support to the Commission for monitoring the implementation of the CPC; 4. Awareness raising and promoting new institutes of the CPC among the lawyers specialising in criminal law. Under this Twinning project, the following educations were held thus far: - on 17-18 February 2011, in Podgorica – Workshop "Transfer of pre-trial phase

					experiences from investigative judges to state prosecutors". Lecturers were French and Montenegrin experts, and the workshop was attended by judges, state prosecutors and representatives of the Police Administration; - on 7-8 March 2011, in Bijelo Polje – Workshop "Transfer of pre-trial phase experiences from investigative judges to state prosecutors". Lecturers were French and Montenegrin experts, and the workshop was attended by judges, state prosecutors and representatives of the Police Administration and the Bar Association; - on 10-11 March 2011, in Bar – Workshop "Transfer of pre-trial phase experiences from investigative judges to state prosecutors". Lecturers were French and Montenegrin experts, and the workshop was attended by judges, state prosecutors and representatives of the Police Administration and the Bar Association. - on 4-5 April, in Bar – Seminar on "Special investigative techniques (including financial analysis and use of measures of secret surveillance) in main hearing". Lecturers were French and Montenegrin experts, and the workshop was attended by judges, state prosecutors and representatives of the Police Administration and the Bar Association. - on 11-12 April – Seminar on "Role of prosecutors and judges in pre-trial investigation and investigation (with a special emphasis on the EU member states' experiences)". Lecturers were French and Montenegrin experts, and the workshop was

					attended by judges, state prosecutors and representatives of the Police Administration and the Bar Association. Education programmes were attended by 36 participants from state prosecutors' offices, 16 from courts, 14 from the Police Administration and 3 from the Bar Association. Two experts from France and two experts from Montenegro were present at each of the three educations. So far, the education programmes, implemented under the Twinning programme, have been attended by 181 participants, out of which: 91 from state prosecutors' offices (13 state prosecutors, 59 deputy state prosecutors, 13 advisors and 6 trainees), 48 from courts (31 judges, 15 advisors and 2 trainees), 34 from the Police Administration and 9 from the Bar Association. Two experts from France and two experts from Montenegro were present at each of the six trainings. Trainings carried out until 31 May 2011 under the Training Programme for judges and prosecutors on the fight against corruption (in the light of the Criminal Procedure Code) were attended by 44 participants: 12 from state prosecutors' offices (3 state prosecutors, 7 deputy state prosecutors, 2 advisors), 22 representatives of the judiciary (10 judges, 12 advisors), 8 state administration representatives and 2 representatives of the Bar Association. - Under the Training Programme for Judges and Prosecutors, the Judicial Training Centre, in cooperation with the UNDP Office in

					Montenegro and the Human Resources Management Administration, organised seminar on the fight against corruption entitled "Values, relations between genders, and corruption" on 2-3 June. Objective of the seminar was to improve the knowledge of judges and prosecutors about personal and institutional capacity from the sociological, cultural, political and anthropological point of view. Lecturers at the seminar were: Ratko Božović, Full Professor of Theory of Culture, Faculty of Political Sciences in Podgorica; Čedomir Čupić, Full Professor of Sociology and Political Anthropology, Faculty of Political Sciences and Faculty of Economics in Belgrade and member of the Management Board of the Anti-Corruption Agency of Serbia; and Zoran Stojiljković, Associate Professor of Political Sociology, Faculty of Political Sciences in Belgrade and Faculty of Political Sciences in Podgorica, and member of the Management Board of the Anti-Corruption Agency of Serbia; Nada Drobnjak, President of the Committee on Gender Equality in the Parliament of Montenegro. More concrete subjects addressed in the seminar were: relations between genders and gender equality; anachronism in male-female relations with special emphasis put on misogyny; corruption and institutions; weaknesses in corruption investigations; traditional patterns and corruption; ethic crisis – road to corruption; integrity and responsibility; corruption and political parties. The seminar was attended by 13 representatives, out of whom: 3

					representatives of prosecution offices (Deputy Basic State Prosecutor from Cetinje and 2 Deputy Basic State Prosecutors from Podgorica), 7 representatives of courts (2 advisors from the High Court in Bijelo Polje, 1 trainee from the Basic Court in Bijelo Polje, 2 judges from the Basic Court in Plav, and 2 trainees from the Basic Court in Kolašin), and 3 representatives of state administration (Ministry of Defence, Public Property Administration and Ministry of Finance). - In cooperation with UNDP in Montenegro, OSCE Mission to Montenegro, US Embassy in Podgorica and Human Resources Management Authority, the Judicial Training Centre organised seminar on "Investigation of criminal offences of corruption and related issues, with special emphasis put on financial investigations and seizure of property gain – experiences of the Republic of Serbia" on 22-24 June. This was the Training Programme no. 3, which represents a part of the Training Programme for Judges and Prosecutors in the fight against corruption in the light of the new CPC. The seminar was aimed at improving the knowledge of judges and prosecutors in investigation of criminal offences of corruption, in particular in financial investigations and seizure of property gain and proceeds from crime. Lecturers were national and regional experts: Veselin Vučković, Deputy Supreme State Prosecutor of Montenegro; Dimitrije Popić, Deputy Prosecutor for Organised Crime of the

					Republic of Serbia; Dragan Milošević, judge of the High Court in Belgrade; Đuro Čepić, barrister from Belgrade; Miroslav Bašović, judge of the High Court in Podgorica; and Dragana Đorđević, Deputy Director of the Directorate for Management of Seized Assets of the Republic of Serbia. More concrete subjects addressed at the seminar were: financial investigations and seizure of property – temporary and permanent, regulated by the new CPC; financial investigations and seizure of property – legislative framework and state of play in Serbia from the standpoint of prosecutors; financial investigations and seizure of property – legislative framework and state of play in Serbia from the standpoint of judges; financial investigations and seizure of property – legislative framework and state of play in Serbia from the standpoint of advocates; investigation of criminal offences of corruption, with special emphasis put on financial investigation and seizure of property – experiences of investigative judge; seizure and management of seized property – advantages and disadvantages of the Law on seizure of Proceeds from Crime; case studies; work in groups, discussion over concrete cases; presentation of results achieved by groups(I, II and III group). The seminar was attended by 19 participants, out of whom: 9 representatives of prosecution offices (Basic State Prosecutor from Kotor; Basic State Prosecutor and Deputy

					Prosecutor from Ulcinj; Basic State Prosecutor and Deputy Prosecutor from Herceg Novi; 1 advisor from the Supreme State Prosecutor's Office; 1 advisor and 2 trainees from the Basic State Prosecutor's Office in Podgorica), 7 representatives of courts (2 judges of the Basic Court in Podgorica; president of the Basic Court in Nikšić; 2 associates from the High Court in Bijelo Polje; president of the Appellate Court; 1 judge from the Basic Court in Kotor) and 3 representatives of the Police Administration. Under the Training Programme for Judges and Prosecutors on the fight against corruption (in the light of new CPC), in the period 1 January – 1 August 2011, trainings were attended by 55 participants, out of whom: 22 representatives of prosecution offices (16 state prosecutors and deputy prosecutors, 4 advisors and 2 trainees), 33 representatives of courts (15 judges, 13 associates and 5 trainees), 10 representatives of state administration and 5 representatives of the Bar Association.
2. Implementation of the Anti Corruption and Organised Crime Strategy and the accompanying Action Plan	1. Monitoring of the Action Plan (2010 -2012) for Implementation of the Anti Corruption and Organised Crime Strategy: - adopt Professional Guidance on procedures for organisation and functioning of the Secretariat to the National Commission, regulating	DACI	I quarter	Report on implementation of measures contained in the AP adopted	On 1 March 2011, the DACI's team (Secretariat of the National Commission) prepared a Draft First Report on implementation of measures contained in the AP for the fight against corruption and organised crime (2010-2012), which is going to be considered at the next session of the National Commission (during March). The Draft Report, along with recommendations, is going to be submitted to the Government for adoption. Activities have been initiated on enhancing and amending the text of the Professional Guidance on procedures for organisation and functioning of

	detailed procedures for planning, organising, processing and analysing reports for the National Commission - set up an appropriate IT system and install the necessary software, which will improve the reporting process required under the Action Plan - provide administrative, technical and analytical support to the National Commission through efficient functioning as the Secretariat to the National Commission for monitoring the implementation of the Anti Corruption and Organised Crime Action Plan				the Secretariat to the National Commission. Software application has been developed, while the testing and training will be carried out in the course of March. The Secretariat of the National Commission has been established and has assumed the functions defined by the Strategy and AP. In line with the AP for Implementation of the Anti Corruption and Organised Crime Strategy, a five-member team has been established in DACI which carries out the activities of the Secretariat to the National Commission. The Secretariat's activities includes collection of reports from reporting entities (over 70), qualitative and quantitative processing and integration thereof into semi-annual reports, contents of which will be considered in the sessions of the National Commission for implementation of the Anti Corruption and Organised Crime Strategy (NC). During January and February, supported by an international expert, UNDP representative, the team worked on preparation of the First Report on Implementation of the Strategy and the AP. Before being submitted to the NC, evaluation of fulfilment of measures contained in the draft report has been agreed with the representatives of the NGO sector. The First Report on Implementation of Measures from the AP was unanimously adopted by the National Commission on 4 April 2011 and by the Government in its session held on 14 April (the Report is provided in Annex 4).

					DACI has prepared and adopted the enhanced Professional Guidance on procedures for organisation and functioning of the Secretariat of the National Commission. Software application for improvement of the reporting process required under the Action Plan has been developed and is to be used by all the reporting entities. Moreover, when the modules AP and reporting of corruption are concerned, trainings on the use of the software have been organised for DACI and other users. Activities on innovation of the Action Plan are being carried out so as to align it with the AP for Monitoring of Recommendations Given in the European Commission's opinion. To this end, an expert team has been established for assisting the Secretariat and is, besides the representatives of relevant state authorities, composed of representatives of two NGOs – MANS and CEMI. The innovated version of the Action Plan for 2011-2012 will be completed in the course of May. The Secretariat of the National Commission, with the support provided by a team of experts, had drafted the Innovated Action Plan, which was on 26 May distributed to competent authorities - reporting entities under the AP for giving comments. Draft Innovated Action Plan was considered and adopted by the National Commission in the 6th session held on 4 July, and subsequently it was adopted by the Government on 21 July 2011. Furthermore, in accordance with the obligation of semi-annual reporting on implementation of measures defined by the Action Plan for

					Implementation of the Anti Corruption and Organised Crime Strategy (2010 -2012), submitting of reports for the period January-June 2011 by competent bodies is under way with a view to preparing the Second Report on Implementation of Measures from the Action Plan. Deadline for submission of individual reports to the Secretariat of the National Commission is 18 July. Draft Second Report should be finished by the end of July.
	2. Risk analysis in particularly sensitive areas – Chapter II - "Areas of Particular Risk" - of the 2010 -2012 Action Plan for the Implementation of the Anti Corruption and Organised Crime Strategy 2010-2014	DACI	II quarter	Risk analysis adopted	Methodological documents for preparing the analysis have been collected and expert support considered; a request for reporting on measures in these areas (privatisation, public procurement, urbanism, education, health care, local self-government) has been submitted to the competent entities (sectors). The aim is to get familiar with the process and to appoint contact persons that would take part in the preparation of the risk analysis (partly realised). DACI has initiated activities on preparing the Risk Analysis in particularly sensitive areas – Chapter II - "Areas of Particular Risk" - of the 2010 -2012 Action Plan for the Implementation of the Anti Corruption and Organised Crime Strategy 2010-2014. For the purpose of preparing this Analysis, DACI has provided participation of UNDP experts from the Bratislava Regional Centre who will provide expert assistance in the preparation of this document. The expert visited Montenegro in the period 16-19 March 2011. The Analysis is envisaged to be adopted at the end of June Three national experts have been selected for

					preparation of the Risk Analysis. The selected national consultants will be responsible for carrying out the risk analysis in the area of health care and education, local self-government and urbanism, as well as in the area of public procurement and privatisation. Their work will be coordinated by DACI and by selected international experts. DACI's representatives held an initial meeting with the selected experts on 13 May. A team of experts (one international and three national) have analysed the findings and recommendations of relevant researches, studies and analyses, and have added data obtained through conversations with representatives of state bodies and institutions (25 May -3 June) to the documentation platform. The first drafts of the documents by areas were discussed at the workshops held on 14-15 June. According to the work plan, the Risk Analysis is going to be finalised by 20 June and subsequently submitted to the Government for consideration and adoption. Workshops held on 14-15 June were attended by representatives of state authorities and non-governmental sector. Suggestions given in the workshops, as well as those given in the written form, have been taken into account when finalising the draft document. Draft document has been translated into English and it was submitted to EU Delegation for opinion on 27 June. In line with comments provided by DEU on 7 July, draft Risk Analysis has been prepared, and it was considered and adopted by the Government on 21 July 2011. The Anti Corruption and Organised Crime

					Strategy 2010-2014 defines privatisation process, public procurement, urbanism, local self-government, education and health care system as particularly risky areas. Therefore, analysis has been carried out in those areas, with two main objectives: - improvement of efficiency of anti-corruption policies in the areas of particular risk, through adoption of recommendations for enhancement and implementation of the framework for assessing effects of anti-corruption measures on the actual situation; - development of a methodological framework for analysing the risk of corruption, for the purpose of introducing the practice of conducting such analyses prior to adoption of strategic anti-corruption policies as well as planning evaluation of effects of taken measures, all with the view of getting better perception of the state of play and defining precise and more efficient anti-corruption policies. Key recommendations: - The document should serve as methodological basis for future risk analysis that will be carried out prior to defining anti-corruption policies in all relevant areas; - Precise mechanisms should be introduced for implementation and monitoring of results of new regulations, with a view to assessing effects of those regulations in prevention of corruption; - In the shortest possible period, integrity plans should be adopted and mechanisms created for implementation and monitoring of results

					achieved by the anti-corruption mechanisms. - Method of reporting of the Tripartite Commission should be revised, in order to obtain reports that will give insight into: number of detected corruption cases, number of received complaints, number of judgments, etc., all structured by areas. The Secretariat of the National Commission, with the support provided by a team of experts, had drafted the innovated Action Plan, which was on 26 May distributed to competent authorities - reporting entities under the AP for giving comments. The National Commission will consider the Draft AP on 4 July 2011. Draft Innovated Action Plan was considered and adopted by the National Commission on the 6th session held on 4 July, and subsequently it was also adopted by the Government on 21 July 2011. Progress made in terms of target measures in particularly sensitive areas Urbanism: Administrative and human resources capacities of inspection services have been developed. The Ministry of Sustainable Development and Tourism has set up a phone line for reporting cases of illegal construction and prepared the form for reporting illegal construction, which has been, together with the reporting procedure, put on the Ministry's website. In order to further improve business environment and to eliminate the detected barriers to business development, the Government has adopted draft amendments to a set of laws that will provide additional simplification of the administrative

					procedure for obtaining necessary licences on the basis of the 'one stop shop' principle. Draft amendments to the following laws have been adopted: Law on Spatial Planning and Construction, Law on Electronic Communications, Law on Protection and Rescue, Law on Waters, Law on Agricultural Land, Law on Geological Researches and Law on Employment and Work of Foreigners. The envisaged amendments will make Montenegro's economic environment more attractive for development of entrepreneurship initiative and for attracting foreign investments. Education: The innovated Rulebook on the criteria, manner, conditions and amount of fees for the exercise of the right to accommodation and food in a student hostel, student loan, scholarship and compensation for public transport expenses, has been adopted, while the Ranking List on the awarded pupil and student scholarships, on loans and admittance to student hostels, has been published on the website. The Higher Education Council has, through the Centre for Studies and Quality Assurance, established an organisational structure (committees for management of the quality assurance system at the University and networks of commissions-offices in faculties) with the aim of assuring quality in all higher education institutions. Moreover, there are teams dealing with quality assurance in all private higher education institutions. Health Care: IT support in the healthcare system has been implemented in all institutions at the level of primary health care and in 7 general

					hospitals (IT system has been introduced in 26 out of 32 public health institutions). The National Integrity Assessment of the Health Care System has been completed. The results were presented in March 2011. Local Self-Government: The ethical standards in the local self-government have been applied through adoption of codes of ethics and establishment of ethics commissions. Free access to information has been provided. Trainings for representatives of local self-government units have been organised, project management teams have been formed, and there is a high percentage of approved projects.
3. Establishment of a sound mechanism for monitoring the results in the area of investigation, prosecution and enforceable judgements, at all levels	1. Establish a system for mandatory submission of statistical data on corruption reports: - adopt the forms for submission to DACI of data on corruption reports by all bodies that have open lines for reporting corruption, as well as on further actions upon these reports - provide analytical processing of data on corruption reporting by all bodies that have open lines for reporting corruption, as well as on further actions upon these reports - number of cases,	DACI in cooperation with: AGC, CA, TA, PPD, PA, Office for Reporting Corruption in Judiciary (Judicial Council), MH, MES, SC, SSPO	I quarter	DACI Report (quarterly) adopted	DACI has adopted the Form for submission of data on corruption (number of reports). The form has been submitted to all bodies that the corruption can be reported to. Within the annual Work Report, DACI has submitted the Report on Corruption Reports for 2010 to the Ministry of Finance, covering data on corruption reports submitted by: Ministry of Health, Judicial Council (Office for Reporting Corruption in the Judiciary), Police Administration, Customs Administration, Tax Administration, Administration for Games of Chance and Public Procurement Directorate. The Police Administration has submitted eleven (11) filled in Forms for reporting corruption, for the period 1 January -15 March 2011, to the Directorate for Anti-Corruption Initiative. The Ministry of Education and Sport informed DACI that in the period from 1 January 2011 to 31 March 2011 there was no case of corruption reported through open phone lines for reporting

	structure of perpetrators and criminal offences, which are the result of proactive investigations through operative and investigative activities carried out by the Police Administration and the State Prosecution Office				corruption in the education sector. This phone line has been granted to the Education Inspectorate, which has the task of proceeding upon reports and submitting reports. DACI has prepared a quarterly report with analytical processing of data on corruption reporting for the first 3 months of 2011 and submitted it to the Ministry of Finance. The report includes information on all corruption reports submitted to all bodies in which corruption could be reported (realised). Preparation of the II quarterly report with analytical processing of data on corruption reporting for the period April-June 2011 is in progress. DACI has prepared the II Quarterly report with analytical processing of data on corruption reporting (April-June) and submitted it to the Ministry of Finance. The Report was adopted by the Government on 30 June 2011. The Special Prosecutor has launched an investigation against 5 persons for the criminal offence of bribe giving and bribe taking. Two indicting proposals have been filed against two persons for the criminal offence of bribe giving, out of which one case resulted in the judgment of conviction. The Special Prosecutor has launched one investigation against 4 persons for the criminal offence of organised crime (partly realised). In the period 1 January – 31 May 2011, through the customs open phone line, there were 16 calls recorded, 10 out of which concerning

					suspicion about actions with elements of corruption. On the basis of these 10 reports, examination of allegations was carried out with the purpose of verifying whether they are well-founded or not and further measures and actions were taken: - due to a well-founded suspicion about existence of elements of corruption in the actions/activities carried out by customs officers, and on the basis of two reports, the case has been submitted to the Basic State Prosecutor for further procedure. - complaints against customs officers' work have not been proved during the control procedure, i.e. circumstances and evidence that would point to existence of responsibility of customs officers have not been determined by measures and actions undertaken on the basis of three reports, - on the basis of 1 report, a proposal for initiating a disciplinary proceeding against one customs officer has been given due to a well-founded suspicion that he/she has committed a serious violation of work obligation referred to in Article 59, paragraph 1, item 1, of the Law on Civil Servants and State Employees (Official Gazette of the Republic of Montenegro 50/08) - failure to perform official duties or negligent, careless or untimely performance of official duties. - Due to a well-founded suspicion about existence of elements of corruption in the actions/activities carried out by other state authorities, and on the basis of two reports,

					the case has been submitted to the Basic State Prosecutor for further procedure. - Verification of information on the basis of two reports is ongoing. All persons that have reported such cases have been informed about the results and measures taken against responsible customs officials. Pursuant to measure 201 of the Action Plan for Implementation of the Anti Corruption and Organised Crime Strategy for the period 2010 – 2012, the Customs Administration provides the Directorate for Anti-Corruption Initiative with statistical data on corruption reporting. In the period 1 January – 31 March 2011, the Supreme State Prosecutor's Office - Section for Suppression of Organised Crime, Corruption, Terrorism and War Crimes, conducted an investigation against 7 persons for the criminal offence of passive bribery, referred to in Article 423 of the Criminal Code, and active bribery, referred to in Article 424 of the Criminal Code. Two bills of indictment were filed against two persons for the criminal offence of passive bribery, referred to in Article 423 of the Criminal Code, out of which one case resulted in a judgement of conviction. The Prosecution Office launched one investigation against 4 persons for the criminal offence of organised crime. In the period 1 January – 31 March 2011, three indictments were raised: - against 11 persons for the criminal offence of

					abuse of authority in economy referred to in Article 276 of the Criminal Code, - against 12 persons for the criminal offence abuse of official status referred to in Article 416 of the Criminal Code, - against five persons for the criminal offence of passive bribery, referred to in Article 423 of the Criminal Code, and active bribery, referred to in Article 424 of the Criminal Code. In the period 1 April 2011 – 31 May 2011, the Prosecution Office rejected two criminal charges against 4 persons, out of which one charge was filed against one person for the criminal offence of active bribery, referred to in Article 424 of the Criminal Code, and one against 3 persons for the criminal offence of passive bribery, referred to in Article 423 of the Criminal Code. One person was convicted for the criminal offence of active bribery, referred to in Article 424 of the Criminal Code. The Prosecution Office has received three judgements against 17 persons: - one judgement against 12 persons for the criminal offence of abuse of authority in economy referred to in Article 276 of the Criminal Code, where 2 persons were convicted to imprisonment and 10 were acquitted; - one judgement of conviction to imprisonment against 4 persons for the criminal offence of passive bribery, referred to in Article 423 of the Criminal Code; - one judgement of conviction to imprisonment for the criminal offence of active bribery,

					referred to in Article 424 of the Criminal Code. The Prosecution Office has received two judgements of second instance courts against two persons, by which the prosecutors' appeals were rejected and the first instance judgements confirmed: - one judgement against one person for the criminal offence of abuse of official status, referred to in Article 416 of the Criminal Code, - one judgement against one person for the criminal offence of unconscientious performance of office, referred to in Article 417 of the Criminal Code.
	2. Adopt the methodology for analytical data processing	SC SPPO PA	I quarter	Methodology adopted	Development of the methodology for analytical data processing is under way (partly realised). The Secretariat of the Judicial Council processes the statistics for the annual report following the guidelines on judicial statistics (GOJUST) defined by the European Commission for the Efficiency of Justice (CEPEJ). Report will be published on the Judicial Council's web site, printed and presented to the public at the press conference by the end of May. Objectives of the mentioned guidelines are: higher transparency, responsibility, availability of collected and processed judicial statistics, compatibility of key judicial indicators in spite of significant differences among countries (with regard to court organisation, economic situation, demography etc.).
	3. Based on the methodology adopted, prepare an analytical report with the processed data on investigation,	SC SPPO PA	I quarter	Analytical report adopted	New methodology has been defined for analytical reports for specialised departments in charge of cases of organised crime, corruption, war crimes and terrorism, which is comprehensively elaborated in the report of the Tripartite

	charging and judgements in the area of corruption, with a special emphasis put on the profile of perpetrators and the area in which the offences are committed				Commission. The report will be discussed at the session of the National Commission for Implementation of the Anti-Corruption and Organised Crime Strategy scheduled for 4 April 2011. In the specialised departments for fight against organised crime and corruption in two High Courts, hearings has been completed in three cases of organised crime against 54 persons whereas 10 persons have been convicted in one case. As regards criminal offences of corruption, hearings have been completed in three cases against 25 persons, whereas 8 persons have been convicted in three cases. Three investigations have been completed against 14 persons for criminal offences of corruption For more details, please see Annex 4. In 2010, courts in Montenegro received 131,200 cases (all types of complex cases). Number of solved cases in 2010 totalled 132,434 or 100.94% more compared to the total number of processed cases in 2010 (171,966). Inflow of cases in 2010 was significantly higher compared to 2009 – 13,052 cases or 11.05% more. Number of solved cases was higher compared to 2009 for 6,648 cases or 5.29%. For more details, please see Annex 4. Overview of resolving of court backlogs from 2010 and previous years on 30 June 2011 is given in Annex 4.

5. ACTION PLAN FOR THE FIGHT AGAINST ORGANISED CRIME

PRIORITY	MEASURE	RESPONSIBLE AUTHORITY	DEADLINE	INDICATOR	STATUS/DEGREE OF IMPLEMENTATION
1. Strengthening of capacities for law implementation and coordination	1. Continued implementation of the Criminal Procedure Code (CPC) Implementation Plan: - provision of funds for salaries and other income for state prosecutors and their deputies - provide appropriate offices and adequate equipment for the needs of Supreme State Prosecution - reconstruct and equip three courtrooms - election of missing number of state prosecutors' deputies and staff - reporting on the Implementation Plan	SSPO, PC, GoM, Parliament	I – III quarter	Budgetary funds for salaries of state prosecutors and their deputies, as well as € 1,450,000 for capital expenditures for state prosecution provided. Budgetary funds amounting to € 300,000 for reconstruction and equipping of courtrooms provided Courtroom reconstructed Required number of deputies and staff appointed.	In its session held on 18 February 2011, the Commission for monitoring the implementation of the Criminal Procedure Code adopted the Fourth Report on Realisation of the Criminal Procedure Code Implementation Plan. Budgetary funds amounting to € 1,450,000 were allocated for capital expenditures of state prosecution offices. The following activities are ongoing: - procedure for obtaining consent for purchase of the building for the Basic State Prosecutor's Office in Pljevlja. The consent for purchase of the building for the Basic State Prosecutor's Office in Pljevlja has been obtained. Since no bid has been made, public tender for the purchase of a building in Pljevlja has been annulled. In cooperation with the Directorate for Property, activities on inviting tenders for the lease of business premises to serve the needs of the the Basic State Prosecutor's Office in Pljevlja; - elaboration of project documentation for construction of the building for the Basic State Prosecutor's Office in Kotor; - tender for selection of the best bidder for upgrading the building for the needs of the Basic State Prosecutor's Office in Berane. Contractor has been selected. Works are underway; - tender for selection of the best bidder for reconstruction of premises ceded to Basic

					State Prosecutor's Offices in Ulcinj, Bar, Kolašin and Nikšić. Selection of eight new deputies is under way (partly realised). Out of the total number of 35 persons planned to hold the office of a deputy state prosecutor, 26 deputy state prosecutors have been selected and appointed. The Government of Montenegro has given consent to the State Prosecution Office's rulebooks on internal organisation and job description for 80 new civil servants and state employees in order to provide administrative support when it comes to implementation of the new Criminal Procedure Code. Under Twinning project "Support the implementation of the new Criminal Procedure Code", activities are under way as regards tender for purchase of technical equipment for state prosecutors' offices and courts to the amount of € 200,000 (€ 100,000 for state prosecutors' offices and € 100,000 for courts). Lirex BG is the company involved in implementation of the contract no. 257-958 "Supply of equipment for implementation of the new CPC of Montenegro". Preparations for delivery of the equipment to Montenegro, to the beneficiary address, are under way. The European Union has previously engaged an expert for public procurements who provided assistance to court and state prosecutor's office in preparing detailed specifications of technical equipment required for public procurement procedure.

					In April 2011, Lirex BG company delivered a €150,000 worth equipment for the needs of the State Prosecution Office. Since the beginning of implementation of the new Criminal Procedure Code, i.e. since the introduction of "Prosecutorial Investigation", criminal procedures have been instituted against a total of 22 persons for corruption offences in the Section for Suppression of Organised Crime, Corruption, Terrorism and War Crimes. Out of that number, after the investigation, which lasted a month, was completed, charges were brought against five persons for the criminal offence of bribe giving and bribe taking (defendants were doctors-specialists in the public and private sector, a lawyer, a judge, a police officer). During the preliminary investigation, without an investigation being conducted, three persons were accused for the criminal offence of bribe giving and bribe taking. Investigation is being conducted against two persons (surveyor in the Real Estate Administration). Investigation is in progress against 12 persons for the criminal offence of abuse of office, abuse of authority in economy, tax evasion (municipal president, municipal vice-president, member of the Parliament of Montenegro and other persons owners of private enterprises, were accused). Financial investigation in two cases against several persons, for a possible extended confiscation of property, is being conducted In the Section, within the Joint Investigation Team. Pursuant to Article 520 of the Criminal Procedure

					Code, the Prosecutor's Office asked the relevant banking organisations to temporarily suspend payment of funds to physical persons to the amount of € 595,624.81 and USD 55,054.67 and to legal persons to the amount of € 280,778.74. Implementation of the new Criminal Procedure Code during the previous six-month period proves the prosecutorial investigation to be more efficient, faster and better than the court investigation and shows that prosecutors are able to provide a leading role in the preliminary investigation and investigation, since they directly manage and direct the work of police and other state bodies in taking certain investigative actions. As regards criminal offence of corruption, special investigative techniques are applied, particularly measures of secret surveillance: secret surveillance and technical recording of telephone conversations i.e. other communication carried out through devices for distance technical communication, as well as private conversations held in private or public premises or at open, secret supervision and technical recording of persons and objects, as well as supervision over the transportation and delivery of objects of criminal offence. On 26 May 2011, the Government will consider the Fifth Report on Implementation of the Action Plan for CPC Implementation. On 26 May 2011, the Government adopted the Fifth Report on Implementation of the Action Plan for CPC Implementation.
	2. Approve the Draft Law on Internal Affairs: - internal affairs should be	MI	II quarter	Draft Law approved	Establishment of the working group consisting of representatives of the Ministry of Interior and the Police Administration is under way.

	regulated in a comprehensive manner, complying with the principles of efficiency and rationality - improve interdepartmental coordination - aligned with CPC and international agreements				The first working version of the Draft Law is expected to be prepared by the end of April. Work on preparation of the first working version of text of the Draft Law is in progress and it is expected to be completed by the end of May and consequently submitted to EC, as agreed on the Sub-committee on Justice, Freedom and Security. Before being adopted by the Government, the Draft Law will be submitted to the EC. The first working version of the Draft Law has been prepared and submitted to the heads of organisational units within the Ministry of Interior for opinion. Suggestions have been submitted to the members of the Working Group. A consolidated version of the text of the Law is being prepared and will be subsequently submitted to the EC for opinion. Draft Law on Internal Affairs is currently under Governmental procedure.
	3. Approve the Draft Law on DNA Register: - collection of biological samples for DNA analysis in criminal procedure; packaging of biological samples - storage, processing and storage of samples and obtained results of DNA analysis	MI	II quarter	Draft Law approved	The Ministry of Interior has prepared the working version of the draft Law. The Ministry of Justice and the Secretariat for Legislation submitted the substantial remarks thereof. It was agreed to establish a working group which will be composed of representatives of the Ministry of Interior, Ministry of Justice, Ministry of Health, Secretariat for Legislation and Forensic Centre. Inter-sectoral working group for the drafting of the Draft Law on DNA Register was formed by the Minister of Interior's decision No. 051/11-5682/1 of 25 March 2011 and is composed of the representatives of the Ministry of Interior,

					Supreme State Prosecutor's Office, Supreme Court, Ministry of Health, Ministry of Justice and of the Police Administration. The working group held three meetings and prepared the Draft Law. Working group of the Secretariat of the Police Cooperation Council (PCC) held several meetings on 11-15 April in Slovenia, which were attended by a representative of the MI of Montenegro, as well by an expert from Wiesbaden. The Montenegrin version of the text of the Law on DNA Register was the only topic discussed in the meeting. The text of the Law is being innovated in line with recommendations from this meeting, following which it will be, i.e. at the beginning of May, submitted to the Secretariat for Legislation. The Secretariat for Legislation's opinion on this Law is expected to be provided by 15 May 2011. Since the Opinion was requested only on 17 May, due to subsequent harmonisation with the Supreme Court and state prosecution office, it is expected that the Secretariat for Legislation will give its opinion by 27 May. The Secretariat for Legislation, Ministry of Justice, Ministry of Finance, Ministry of Foreign Affairs and European Integration and the Personal Data Protection Agency have, within the scope of their competences, given consent for submission of the Draft Law to the Government of Montenegro. On 9 June, the Government adopted the Draft Law on DNA Register.

					The Draft Law on DNA Register has been submitted to the Parliament for consideration and adoption. The Draft Law on DNA Register was considered by the Committee on International Relations and European Integration on 4 July 2011, as well as by the Committee on Political System, Judiciary and Administration on 7 July 2011. The Parliament adopted the Law on DNA Register on 22 July 2011.
	4. Adopt Special Training Programme: - witness protection and secret surveillance measures - forfeiture of proceeds of crime - financial investigations - plea agreements - training on sharing experiences in pre-trial procedure from investigative judges to state prosecutors - international legal assistance in criminal matters focusing on bilateral agreements on extradition	Judicial Training Centre	I, II, III quarter	Programme adopted; Report on number and structure of trainings	- Under the Twinning Project "Support the implementation of the new Criminal Procedure Code", the workshop entitled "Transfer of pre-trial phase experiences from investigative judges to state prosecutors" was held on 17-18 February 2011 in Podgorica. The workshop was attended by 23 participants (not including lecturers and organisers): High State Prosecutor's Office Podgorica (7 deputies); Basic State Prosecutor's Office Podgorica (2 deputies, 1 advisor and 5 trainees); Basic State Prosecutor's Office Cetinje (1 deputy and 1 advisor); Basic State Prosecutor's Office Nikšić (1 deputy and 1 advisor); Basic Court Podgorica (1 judge); Basic Court Nikšić (1 judge and 2 advisors) and Basic Court Cetinje (1 advisor). - Under the Twinning project "Implementation of the Criminal Procedure Code" between Montenegro and France, a seminar was organised for judges and prosecutors from Montenegro's southern region on 4-5 April in Bar on the topic of "Special investigative techniques (including financial analysis and use of measures of secret

					surveillance) in main hearing”. The seminar was organised in cooperation with the French International Cooperation Agency, Ministry of Justice of Montenegro, International Management Group (IMG) and the Judicial Training Centre of Montenegro. More concrete topics: Investigative techniques and expertise ordered by court - probative value, probative limitations of certain actions, public and private institutions, conflict of interest, different categories; Investigations, expertise (medical findings, analysis of DNA samples, tests to alcohol and drugs, psychiatric examination); Investigations, expertise (building materials, transportation, natural disasters, telephony); Investigative techniques in economic and financial matters. Lecturers in the seminar were Chantal Berger, state prosecutor, Basic Court in Senlis, and Louis di Guardia, former state prosecutor at the Court of Cassation, as well as national expert, Milenko Magdelinic, Basic State Prosecutor in the Bar. The seminar was attended by 28 participants (lecturers and organisers not included), out of which: 13 from the Prosecutorial Organisation (3 deputies, advisors and a trainee in the Basic State Prosecutor’s Office in Bar); 2 deputies from the Basic State Prosecutor’s Office in Ulcinj; Basic State Prosecutor – Kotor and 2 deputies; Basic State Prosecutor – Herceg Novi and a deputy), 7 representatives of the judiciary (president and a judge from the Basic Court in Bar; 2 judges from the Basic Court in Herceg Novi; a judge from the Basic Court in Ulcinj; a judge from

					the Basic Court in Kotor), 8 representatives of the Police Administration and the Bar Association. - Under the Twinning project “Implementation of the Criminal Procedure Code” between Montenegro and France, a seminar was organised for judges and prosecutors from Montenegro’s southern region on 11-12 April in Bar on the topic of “Role of prosecutors and judges in pre-trial investigation and investigation (with a special emphasis on the EU member states’ experiences)”. The seminar was organised in cooperation with the French International Cooperation Agency, Ministry of Justice of Montenegro, International Management Group (IMG) and the Judicial Training Centre of Montenegro. More concrete topics: Role of prosecutors and judges in pre-trial investigation and investigation pursuant to the new Criminal Procedure Code; Role of judges in pre-trial investigation and investigation pursuant to the new Criminal Procedure Code; Organisation of 24 hour phone lines in the state prosecution and police; record keeping – French experience; Methodology of communication between police, state prosecution and judiciary, report on progress made in investigation, orders by the state prosecution and role of a judge; Pre-trial investigation and investigation –police’s competence; Use of technical equipment when conducting official duties; Arrival of state prosecutor at the crime scene, crime scene reconstruction.

					Lecturers were two French experts: Jean-Christophe Muller, state prosecutor at the High Court in Pau, and Antoine Leroy, state prosecutor in Carcassonne, as well as national expert, Vesna Jovicevic, High State Prosecutor. The seminar was attended by 22 participants (lecturers and organisers not included), out of which: 9 from Prosecutorial Organisation (Basic State Prosecutor-Bar, a deputy and an advisor; Basic State Prosecutor-Kotor; 2 deputies from the Basic State Prosecutor-Ulcinj; Basic State Prosecutor-Herceg Novi and a deputy; Deputy of the High State Prosecutor-Bijelo Polje), 4 representatives of the judiciary (a judge and an advisor from the Basic Court in Ulcinj; a judge from the Basic Court in Bar; a judge from the Basic Court in Kotor), 2 representatives of the Police Administration and the Bar Association. - In cooperation with the OSCE Mission to Montenegro and the U.S. Embassy in Montenegro, the Centre organised a seminar on 28-29 April in Budva/Becici on the topic of “Findings and opinions of court experts: criminal and medical treatment of gunshot wounds and forensic analysis of DNA samples”. The seminar was aimed at showing prosecutors and judges: in which way they could resolve dilemmas that might occur when determining the expertise, to which extents the facts should be determined through expertise, expertise methods for more accurate determination of expert's profile and

					more purposeful evaluation of a finding and opinion as specific evidence. Concrete topics: Judicial and medical treatment of gunshot wounds; Determining characteristics of gunshot wounds: shooting wound, shooting-through wound and lightly wounded; Resolving of dilemmas – murder or suicide; Characteristic cases from the practice of a judicial and medical expert related to criminal offences committed with firearms; Relation between medicine, ballistics and criminal chemistry, resolution of criminal offences committed with firearms; Determining shooting range on clothing and other objects; Criminal and chemical treatment of characteristics of entrance/exit wounds; Application of modern methods during criminal and chemical expertise of wounds made by firearms; Processing of characteristic cases related to wounds made by firearms: Racak (Kosovo, 1999) and Topcider (Serbia, 2004); DNA analysis in forensic practice; Biological samples; Interpretation of results of DNA analysis; Practical examples. Lecturers at the seminar were: Prof. Dr Dragana Cukic, Doc. Dr Aleksandar Ivanovic and Mr Sc Sandra Kovacevic. The seminar was attended by twenty-two (22) participants, out of which: 5 presidents of courts (Basic Court in Podgorica, Basic Court in Niksic, Basic Court in Rozaje, Basic Court in Berane and Basic Court in Plav), 6 judges (High Court in Podgorica, Basic Court in Podgorica, Basic Court in Niksic, Basic Court in Rozaje, and Basic Court in Kotor), 4 state prosecutors

					(Basic State Prosecutor's Office in Ulcinj, Basic State Prosecutor's Office in Niksic, Basic State Prosecutor's Office in Kolasin and Basic State Prosecutor's Office in Kotor), 4 deputy state prosecutors (High State Prosecutor's Office in Bijelo Polje, High State Prosecutor's Office in Podgorica, Basic State Prosecutor's Office in Podgorica and Basic State Prosecutor's Office in Bijelo Polje) and 3 representatives of the Bar Association (barristers from Podgorica). In cooperation with the OSCE Mission to Montenegro and the U.S Embassy in Podgorica, the Judicial Training Centre organised a seminar on 7 May in Budva/Becici on the topic of "Train the Trainers: Vocational Training on Implementation of the Criminal Procedure Code". The lecturers were high representatives of the Croatian judicial system and trainers from the Judicial Academy of the Republic of Croatia. The aim of the training was to get the selected representatives of the judiciary, prosecution office, police and lawyers acquainted with the concept of workshops (simulation of a criminal procedure through all phases of the procedure) that were organised for holders of judicial office in Croatia, so that the same concept could be applied in the implementation of trainings for the holders of judicial office in Montenegro. Concrete topics and presentations: - Implementation of the new Criminal

					Procedure Code - challenges in practice; - Determining the role of participants; - Defining the file: the base for the exercise – criminal file – defendant Marijana Gović for the criminal offence of attempted murder, referred to in Article 90, paragraph 1, in conjunction with Article 33 of the Criminal Law; - Workshop – simulation of a criminal offence, practicing of police and state prosecutors – reporting at the police station, crime scene investigation, dissemination of information to the State Prosecutor; - State attorney's decisions on criminal charges; investigations, evidentiary hearing, evidence gathering procedures; - Presentation of the first interrogation of accused persons, witnesses, exercise for detention and investigative detention, evidence gathering procedures, evidentiary hearing, indictment drafting, submission of indictment to a judge of the investigation, formal control, submission of indictment for a reply, submission of files to a court where hearing is held; - From indictment to committal for trial (Article 341 and Article 366 of the CPC); - Consensual form – bargaining - making judgments on the basis of agreement between the parties; - Presentation of a bargaining method; - Judgement of the Accusatory Council; - Workshop – task of the Accusatory Council; - Deciding on the confirmation of the

					indictment; - Possible decision on investigative detention; - Possible pre-trial and decision on evidence not in line with the law; pleading (especially if he/she admits); withdrawal of indictment and possible amendments to the indictment, confirmation or non-confirmation of indictment; - Creating files for hearing and referral to a trial; - From the preparatory hearing through hearing to first instance ruling; - Workshop – Discussion – denial of guilt – cross-examination. The training was attended by 17 participants, out of which: 3 judges from the Supreme Court of Montenegro; 6 representatives from the Prosecutorial Organisation (High State Prosecutor in Podgorica, High State Prosecutor in Bijelo Polje, Basic state Prosecutor in Podgorica, Kotor, Bijelo Polje and Deputy of the Basic State Prosecutor in Niksic), 4 representatives of the Police Administration and 3 lawyers. - Under the EU Twinning project “Implementation of the Criminal Procedure Code” between Montenegro and France, a seminar was organised for judges and prosecutors from Montenegro’s northern region on 12-13 May in Bijelo Polje on the topic of “Role of prosecutors and judges in pre-trial investigation and investigation (with a special emphasis on the EU

					member states' experiences)". The seminar was organised in cooperation with the French International Cooperation Agency, Ministry of Justice of Montenegro, International Management Group (IMG) and the Judicial Training Centre of Montenegro. Concrete topics: Role of prosecutors and judges in pre-trial investigation and investigation pursuant to the new Criminal Procedure Code; Role of judges in pre-trial investigation and investigation pursuant to the new Criminal Procedure Code; Organisation of 24 hour phone lines in the state prosecution and police; record keeping – French experience; Methodology of communication between police, state prosecution and judiciary, report on progress made in investigation, orders by the state prosecution and role of a judge; Pre-trial investigation and investigation – police's competence; Use of technical equipment when conducting official duties; Arrival of state prosecutor at the crime scene, crime scene reconstruction. Lecturers were deputy prosecutors from Grenoble, Montpellier and Evry as well the Deputy of the Supreme State Prosecutor of Montenegro and a judge from the Supreme Court of Montenegro. The seminar was attended by 38 participants out of which: 23 from the Prosecutorial Organisation (High State Prosecutor – Bijelo Polje and 4 deputies; Basic State Prosecutor-Rozaje and 1 deputy; 4 deputies and 1 advisor of the Basic State Prosecutor-Berane;

					6 deputies of the Basic State Prosecutor-Bijelo Polje; Basic State Prosecutor-Plav and 1 deputy; Basic State Prosecutor-Pljevlja and 3 deputies), 11 representatives of the judiciary (a judge from the High Court in Bijelo Polje; 2 judges from the Basic Court in Bijelo Polje; president and a judge of the Basic Court in Plav; president and 2 judges of the Basic Court in Berane; president and an advisor of the Basic Court in Zabljak; advisor from the Basic Court in Rozaje) and 4 representatives of the Police Administration. - Under the Twinning project "Implementation of the Criminal Procedure Code" between Montenegro and France, and in cooperation between the Agency for International Legal Cooperation of France and the Ministry of Justice of Montenegro, study visit to French judicial authorities was organised in the period 15-21 May. It was focused on role of state prosecution offices in investigating criminal offences, relations between prosecution offices and police, role of investigative judges in the investigation stage, role of barristers in the pre-trial procedure, and training policy conducted by the French National School for the Judiciary in Bordeaux and Paris in the process of implementing reforms in the criminal procedure. Fifteen (15) persons participated in the study visit, out of which: 11 from the Prosecutorial Organisation (Deputy Supreme Prosecutor of Montenegro, High State Prosecutors from

					Podgorica and Bijelo Polje, Basic State Prosecutors from Podgorica, Pljevlja, Bijelo Polje, Cetinje, Ulcinj, Kotor, Niksic and Herceg Novi), 2 representatives of the judiciary (a judge from the High Court in Podgorica and president of the Basic Court in Bar), 1 representative from the Police Administration and director of the Judicial Training Centre. Pursuant to the programme of the study visit, the participants visited the French National School for the Judiciary in Bordeaux (ENM) in which initial training is conducted (lasting for 2 and a half years), as well as to the Basic Court and Appellate Court in Bordeaux. The French National School for the Judiciary in Paris, in which continuous training is conducted, was also visited, as well as the Court of Cassation (Prosecution Office within Court of Cassation) and to the Appellate Court (Prosecution Office within the Appellate Court), Basic Court (Prosecution Office) in Senlis (similar to the courts in Montenegro in terms of size). - In cooperation with OSCE Mission to Montenegro, the Judicial Training Centre organised round table on “Detention and its alternatives” on 19 May in Podgorica. Concrete subjects discussed were: presentation of OSCE thematic report “Frequency and Justifiability of Detention”; detention: problems, costs and possible solutions; rulings, rationales and practice in imposing detention: implementation of Title

					VIII of the new CPC: how to ensure that detention is only an exemption; challenges in the previous phase of proceedings, alternative measures and alternative sanctions. The round table was attended by 23 representatives of the judiciary, out of whom: 7 representatives of state prosecution offices (Deputy High State Prosecutor from Podgorica, Basic State Prosecutor from Bar, Deputy High State Prosecutor from Bijelo Polje, Deputy Prosecutor and advisor from the Basic State Prosecutor's Office in Cetinje, and 2 Deputy Basic State Prosecutors from Nikšić); 10 representatives of courts (1 judge from the High Court in Podgorica, 2 judges from the Appellate Court, President and 1 judge from the Basic Court in Podgorica, presidents of Basic Courts in Bijelo Polje and Žabljak, 1 judge from the Basic Court in Pljevlja, 1 judge from the Basic Court in Nikšić and 1 judge from the Basic Court in Ulcinj), and 6 representatives of the Bar Association of Montenegro. - Under the Twinning project "Implementation of the Criminal Procedure Code" between Montenegro and France, seminar on "Training on drawing up petitions and rulings in accordance with requirements of new CPC" was organised for judges and prosecutors from the central region of Montenegro on 25-26 May in Podgorica. The seminar was jointly organised by the Agency for International Legal Cooperation of France, Ministry of Justice of Montenegro,

					International Management Group (IMG) and Judicial training Centre of Montenegro. Lecturers were French and national experts. Concrete subjects addressed at the seminar were: role of investigative judge in the pre-trial investigation (French judge for detention and release); requests of a state prosecutors; putting under judicial control; complaint against ruling; temporary seizure of objects, proceeds and property; treatment of suspicious objects; seizure of vehicles, narcotics (samples taking) and money, and their depositing to a state authority in charge of managing seized property (French experiences); destruction of weapons, narcotics and entry of seized money into the state budget; request for return of seized objects; alternative dispute settlement; methods of alternative dispute settlement: plea bargaining, postponement of criminal prosecution, rejection of criminal charges on the grounds of fairness and sanctioning without main hearing; comparison of Article 272 of the Montenegrin Criminal Procedure Code with relevant article of the French Code. The seminar was attended by 15 participants, out of whom: 6 representatives of state prosecution offices (Deputy High State Prosecutor from Podgorica, Deputy Prosecutor and one advisor from the Basic State Prosecutor's Office in Nikšić, 2 Deputy Basic State Prosecutors from Podgorica and Basic State Prosecutor from Cetinje); 6 representatives of courts (1 judge from the

					High Court in Podgorica, 2 judges from the Basic Court in Podgorica, 2 judges from the Basic Court in Nikšić, and 1 associate from the Basic Court in Danilovgrad) and 3 officers from the Police Administration. - Under the Twinning project “Implementation of the Criminal Procedure Code” between Montenegro and France, seminar on “Training on special investigative techniques (including financial analysis and use and secret surveillance measures) and main hearing” was held on 30-31 May in Podgorica. The seminar was organised in cooperation with the Agency for International Legal Cooperation of France, Ministry of Justice of Montenegro, International Management Group (IMG) and the Judicial Training Centre of Montenegro. Lecturers were French and national experts. More concrete topics addressed in the seminar were: judicial aspect of secret surveillance measures; reasons for imposing secret surveillance measures; types, implementation and duration of secret surveillance measures; investigative techniques and forensic examination upon the court's order – evidentiary value, evidentiary restrictions for particular actions, public and private institutions, conflict of interest, different categories; investigations, forensic examinations (medical findings, analysis of DNA samples, testing to alcohol and drugs, psychiatric examination); investigations, forensic examinations

					(construction material, transport, natural disasters, telephony); investigative techniques in economic and financial matters; ordering forensic examination by a prosecutor – requirements of the new CPC. The seminar was attended by 25 participants, out of whom: 10 representatives of state prosecution offices (6 Deputy High State Prosecutors from Podgorica, Basic State Prosecutor from Cetinje, 2 Deputy Basic State Prosecutors from Nikšić, and 1 Deputy Basic State Prosecutor from Podgorica); 9 representatives of courts (1 judge from the High Court in Podgorica, 5 judges from the Basic Court in Podgorica, 1 judge from the Basic Court in Nikšić, 1 judge from the Basic Court in Cetinje and 1 associate from the Basic Court in Danilovgrad), 3 officers from the Police Administration and 3 representatives of the Bar Association of Montenegro. Multi-Beneficiary IPA project WINPRO (Witness Protection in the Fight against Serious Crime and Terrorism) envisages strengthening cooperation with the view to providing support to the fight against organised crime and terrorism at the regional and European level, by stimulating witnesses and accomplices to testify in criminal proceedings as well as to provide relevant proofs in return of protection against intimidation, coercion, corruption or physical injuries. With the view to achieving efficient and sustainable Witness Protection Programme through participation of Western Balkan countries,

					joint infrastructure will be proposed, based on accepted and proved procedures for witness protection currently applied in other European Community countries. The ultimate objective “increased security and safety of witnesses and accomplices invited to testify in criminal proceedings” will be achieved through training in three comprehensive areas: planning/preparation, witness protection management project and implementation (of the project). All trainings will be adjusted to regulations of the European Court of Human Rights and will ensure balanced geographical approach. The Charter of Human Rights and Freedoms will represent a basis for all types of activities that will be carried out under the witness protection programme, as well as the guiding principle for conducting operations from the mentioned programme. Training of trainers, envisaged by the WINPRO project, is planned to be held in the Police Academy on 3-14 April 2011. This training is aimed at educating and specialising high-qualified experts who would in their national police transfer the knowledge as well as at providing guidelines for witness protection system development at the level of EU member states.

2. Strengthening of fight against organised crime based on threat assessment and pro-active investigations; efficient processing of criminal intelligence data	1. Adopt the Rulebook amending the Rulebook on internal organisation and job descriptions of the Police Administration: - establish a centralised organisational unit for international police cooperation, managing all key elements of international cooperation (INTERPOL, EUROPOL, SIRENE, SECI and other international police organisations, liaison officers) - establish Undercover Investigation Unit - establish a centralised organisational unit for narcotics - increase number of officers in anti corruption and organised crime, as well as financial investigations	PA	II quarter	Rulebook adopted	The Rulebook amending the Rulebook on Internal Organisation and Job Descriptions of the Police Administration is in its final stage of preparation. In the first half of March 2011, it will be submitted to the Ministry of Interior for further procedure (partly realised). On 16 March 2011, the Police Administration submitted the Rulebook amending the Rulebook on Internal Organisation and Job Descriptions of the Police Administration to the Ministry of Interior for further procedure, thus creating preconditions for implementation of planned measures. Drafting of the Rulebook amending the Rulebook on Internal Organisation and Job Descriptions of the Police Administration is currently under Governmental procedure.
	2. Efficient functioning of International Law Enforcement Cooperation Unit (ILECU)	PA	Continuously	Necessary equipment or number of staff provided; Number of cases in international operative police cooperation	As regards draft amendments to the organisation and job description, currently 55% is realised (concerning the employees in NCB Interpol). In January 2011, 2,849 communication contacts have been established concerning 2,309 cases. The most intensive communication has been achieved with other Interpol bureaus (2040), liaison officers (9), Europol (3) and the SECI Centre (7). This activity has been continuously realised.

					In March 2011, 2,812 communication contacts have been established concerning 2,094 cases. The most intensive communication was achieved with other Interpol bureaus (1868), liaison officers (23), Europol (5) and the SECI Centre (13). This activity has been continuously realised. In April 2011, 2,846 communication contacts have been established concerning 1,909 cases. The most intensive communication was achieved with other Interpol bureaus (1,892), liaison officers (23), Europol (6) and the SECI Centre (6). This activity has been continuously realised. In May 2011, 3,422 communication contacts have been established concerning 2,133 cases. The most intensive communication was achieved with other Interpol bureaus (2,487), liaison officers (10), Europol (14) and the SECI Centre (8). This activity has been continuously realised. In June 2011, 2,400 communication contacts have been established concerning 1,802 cases. The most intensive communication was achieved with other Interpol bureaus (1,480), liaison officers (10), Europol (3) and the SECI Centre (18). This activity has been continuously realised. In line with the obligations under the Agreement on cooperation between law enforcement institutions at the national level – ILECU's project, the project for the networking of the Police Administration and other institutions (signatory to the Agreement – Customs Administration, Tax Administration, Administration for Prevention of Money Laundering and Terrorism Financing, state prosecution offices, courts, etc.) has been

					candidated to IOM for establishment of a safe communication network for the exchange of data. IOM has purchased and delivered equipment for protection of data that will be exchanged via that link. Equipment is to be installed. The link is envisaged to be established, and the equipment to be put into operation, by the end of the II quarter of 2011.
	3. Elaboration of strategic analysis which will contain threat assessment of serious and organised crime with special emphasis on the link between money laundering and drug trafficking (crime map)	PA	III quarter	Analysis adopted 2011-2012 Activity Plan adopted	The Action Plan under the Twinning Project, implemented together with the Austrian Police, provides for the serious and organised crime threat assessment to be completed in the second quarter, when the strategic analysis will be adopted. Under the Twinning Project, implemented together with the Austrian Police, activities on making the serious and organised crime threat assessment have been initiated. The Police Administration, in cooperation with other security structures, based on the collected operational data, has prepared the Map of Organised Crime in Montenegro. The Map was presented to the representatives of the European Commission during the second round of consultations on the AP, held on 6-7 April 2011. Under the IPA 2010 Twinning Light Project "Intelligence-Led Policing", implemented in cooperation with the Austrian Criminal Intelligence Service, the training for strategic analysis has been continued, which will by the end of 2011 result in the drafting of another document – organised crime threat assessment, thus the activities on the development of this set of documents, in line with the EU-OCTA standards,

					will be completed. Training of analysts and creation of conditions for establishing a database are in progress. Training of analysts has been completed and database on organised crime cases has been established. During June 2011, preparation of the strategic document "Organised Crime Threat Assessment (OCTA)" has been continued. Activity A7: 4/4 training module for preparation of threat assessments 2011-2012 was completed in the period 27 June – 1 July 2011. In cooperation with partners from Austria (IPA 2010) and with the assistance of experts from Great Britain and Croatia through the Organised Crime Training Network (OCTN), questionnaires for collection of data on organised criminal groups have been prepared and distributed. Furthermore, SLEIPNIR matrix for ranking organised criminal groups has been adopted. A special database has been developed and it served as a basic source of data for analysis carried out during preparation of the Threat Assessment. The confidential version of OCTA contains a chapter with data on the most important organised criminal groups and their members – the so-called "Organised Crime Map". Preparation of the Threat Assessment will be continued by the end of July 2011.
	4. Implementation of the second phase of the	PA	II quarter	Project report	In the period 30 January – 2 March 2011, the following activities have been realised under the phase II of the project "Intelligence Led Policing":

	"Intelligence Led Policing" Project through: - development of software modules for Criminal Intelligence System (CrlS): - procurement of equipment and hardware - delivery of training programme with own trainers - participation to regional and international seminars and conferences - continue to improve conditions for criminal investigation and criminal intelligence tasks in regional units.				- A1: Assessment of legislative and administrative ILP framework. Two experts provided recommendations in this area; - A2: Study visit of five civil servants to the Austrian Criminal Intelligence Service with the aim of sharing experience regarding the ILP model development; - A3: Conference for the Police Administration's management level, attended by 48 representatives of the Police Administration and 6 experts from Austria. Achieved results, future development plan of the Police Administration as well as Austrian best practices were presented. - The Police Academy carried out one training for crime intelligence affairs with own trainers. 17 employees from the Police Administration's regional units and field offices were trained (partly realised). Trained employees from regional units and field offices have acquired practical knowledge on functioning of ILP model, achieved results and future development plans, new operational and internal procedures of the crime intelligence process, as well as on use of INFOSTREAM software, methodology and templates used in practice. These trainings are aimed at improving the ILP model transparency for operational officers and managers in the field, since they should be main generators of working process reform at the regional and local level. The basic training provides preparation and selection of police officers for advanced trainings in the areas of analytics (Anakapa and i2 software) and tactical management that will be carried out under the

					project of cooperation with experts from Austria. <u>Software application</u>: one software module (INFOSTREAM) for document flow is used in practice as of 2009 and it has been constantly improved. Plan for development of other software modules implies: - elaboration of ideas in cooperation with Austrian experts under Twinning project (March-April); - preparation of specifications and call for tender for selection of software development company (April-May); - selection, development, implementation and testing of software requires at least six months (part of process depends on the duration of tender procedure), and consequently it is expected that this activity will be completed and software fully applied in practice by the end of 2011. In the period 30 January – 13 May 2011, the following activities were realised under the phase II of the project "Intelligence-Led Policing": - A1: Assessment of legislative and administrative ILP framework. Two experts provided recommendations in this area; - A2: Study visit of five civil servants to the Austrian Criminal Intelligence Service with the aim of sharing experience regarding the ILP model development; - A3: Conference for the Police Administration's management level, attended by 48 representatives of the Police Administration and 6 experts from Austria. Achieved results, future development plan of the Police

					Administration as well as Austrian best practices were presented. - A4: Training for strategic analysis for 12 analysts of the Police Administration, conducted by 2 experts from Austria. - A9: Assessment of necessary equipment in the area of information technology and safety of premises. During this activity, 3 experts from Austria and 2 employees of the Police Administration have visited the premises of the Police Administration in the headquarters and regional units. - A6a: Study visit of six employees of the Police Administration (one from the central level and five from the regional level) to the Austrian Criminal Intelligence Service with the aim of sharing experience regarding the ILP model development; - A8: First module, out of three envisaged, of the Training for the management level on the management by the new model and on development of the Activity Plan (Control Strategies) of the Police Administration for 2011-2012. - A7: Two modules, out of four envisaged, of the Training on threat assessment preparation for 2011-2012. - A5: First and second part of the training on the topic of implementation of ILP in regional units. - 3 programmes of training with own trainers on the basics of criminal intelligence work have been implemented at the Police Academy as a preparation for advanced trainings that will be implemented by Austrian experts through the Twinning Programme.

					Sixty (60) employees of the Police Administration from regional units and field offices have been so far trained in such a way. The following activities have been carried out under the phase II of the project "Intelligence-Led Policing": - A6b: Study visit of six employees of the Police Administration (four from the central level and two from the regional level) to the Austrian Criminal Intelligence Service with the aim of sharing experience regarding the ILP model development; - A8: Two modules, out of envisaged three, of the training for the management level on the management by the new model and on development of the Activity Plan (Control Strategies) of the Police Administration for 2011-2012; - A7: Three modules, out of envisaged four, of the training on threat assessment preparation for 2011-2012; - A5: Six modules, out of envisaged eight, of the training (three-week training) on the topic of implementation of ILP in regional units; - Four (4) programmes of training with own trainers on the basics of criminal intelligence work have been implemented at the Police Academy as a preparation for advanced trainings that will be implemented by through the Twinning Programme (Austrian experts) Seventy-five (75) employees of the Police Administration from regional units and field offices have been so far trained in such a way. In the period 24 May – 27 May 2011 and 30

					May – 2 June 2011, four (4) short trainings were organised on the topic of “Criminal Intelligence and DESK Function”, with emphasis on the 4X4 system, for 59 attendants - contact police officers from regional units and field offices, hence the planned activity related to the training of all contact police officers from the General Police Affairs Sector. Under the phase II of the project “Intelligence-Led Policing”, the following activities were carried out in June and July 2011: - 6-10 June: A6b: Study visit of six employees of the Police Administration (four from the central level and two from the regional level) to the Austrian Criminal Intelligence Service with the aim of sharing experience regarding the ILP model development; A5: third module of training on implementation of ILP in regional units; A8: second module of training for the management level on the management by the new ILP model. - 27 June - 1 July: A7: fourth module, out of the envisaged four, of training on threat assessment preparation for 2011-2012. - 4-8 July: GIS2: second part of the training on spatial crime intelligence analysis. This training has been subsequently included in IPA 2010, and it is financed from ILECU's project funds. - Three short trainings on “Criminal Intelligence and DESK Function”, with emphasis on the

					4X4 system, were organised by the Police Academy's own trainers. Trainings have been organised for 40 attendants – liaison officers of the Border Police. Under IPA 2010 Twinning project, the following activities will be completed by 31 July 2011: - 18-22 July: A8: last module of training on management and preparation of plans according to ILP model; - 27 July: ILP conference for the Police Administrations' management level. Results achieved in the project, report "Organised Crime Threat Assessment" and Plan of activities (Road Map) for further implementation of ILP in Montenegro will be presented in the conference.
5. Set the conditions for linking all border crossing points (BCPs) with the Interpol database for the check of persons, vehicles and documents BCPs - Introduction of Interpol FIND system	PA	II quarter	All BCPs linked with the Interpol database; FIND system introduced	All borer crossing points (28) have been linked into single Police Administration information system. Interpol service MIND is implemented in all border crossing points, providing for direct search of Interpol databases. Preconditions for transferring from MIND to FIND have been established (all border crossing points linked into single network). The realisation of the project with the Interpol General Secretariat is planned for the second quarter – partly realised.	
6. Establishment of the Undercover Investigation Unit - building capacities in Police Administration with regards to implementation of secret surveillance measures in		II quarter	Unit established	Not realised – Preparatory activities are ongoing and will be completed after adoption of the Rulebook amending the Rulebook on Internal Organisation and Job Descriptions of the Police Administration. Three training modules for undercover	

	organised crime cases	PA			investigators, organised by TAIEX, have been provided for 12 employees. The modules lasted for three weeks, and addressed the following topics: "Conduct of undercover investigators in court"; "Cooperation, social background and work with associates when hiring undercover investigators"; "Training of managers in the area of undercover operations, observation and intervention - operational cooperation". In cooperation with ICITAP and with the help of the U.S. Federal Investigative Service, a two-week advanced training was organised for 10 employees who will be engaged in undercover investigations. On 16 March 2011, the Police Administration submitted to the MI for further procedure the Rulebook amending the Rulebook on Internal Organisation and Job Descriptions of the Police Administration, by adoption of which the Undercover Investigation Unit will be established.
	7. Provision of spatial and technical capacities for the Undercover Investigation Unit and acquisition of special equipment	PA	Continuously	Premises and equipment provided	Activities on the supply of the necessary equipment are ongoing (partly realised). Spatial capacities have been provided. Activities on the supply of technical and other equipment are ongoing (the procedure for inviting tenders has been initiated). Tenders for the supply of computer equipment and office furniture for the Undercover Investigation Unit were announced in April. With the view to providing required spatial and technical capacities for operation of the Undercover Investigation Unit, the Police Administration has leased adequate premises and

					initiated the procedure of equipping those premises. Preparation of the following documents has been initiated: - Rulebook on financial transactions with resources for special operational needs of the Undercover Investigation Unit. This Rulebook will regulate in details the transactions with resources for special operational costs of members of the Undercover Investigation Unit during undercover operations, with the view to exercising financial discipline and supervision over spending of resources; - Instructions on the method and procedure for selection, training, providing cover engagement and method of work of undercover investigators. It will contribute to higher efficiency and legitimacy of secret surveillance measures.
	8. Adoption of Instructions for Border Police	PA	I quarter II quarter	Instructions adopted; Number of analyses	Instructions for risk analysis have been adopted. Training programme has been prepared in compliance with the Instructions – implementation of the risk analysis model in the Border Police. The programme envisages training to be carried out in three phases: 1. Training of employees at the central level – training for heads of Division for Operational Work, Division for State Border Surveillance, Division for Control of State Border Crossing, Division for Foreigners and Suppression of Illegal Migrations, as well as training for the first class senior police commissioners for operational work. 2. Training of employees at the regional level –

				performed	training for heads of Border Police field offices and police commissioners for operational work. 3. Training of employees at the local level – training of heads of Border Police outposts, senior police commissioners for surveillance and border checks as well as for heads of security sectors. The Financial Plan for implementation of the risk analysis model in the Border Police has been adopted.
	Risk Analysis				
	9. Development of the Anti Money Laundering and Terrorism Financing (AMLTF) Administration IT system in terms of: - the manner of data reception, analysis and processing - implementation of new analytical tools which will provide quality searches and connection of subjects of internal and external data bases - better and more comprehensive analysis of cases.	AMLTF Administration	III quarter	Improved and innovated information system and analytical tool set for I2 bases; Mentioned improvements will enable keeping of more comprehensive statistics	Activities in the project “Electronic Statistics” are in the final stage.
3. Strengthening of cooperation with regional and EU partners	1. Strengthening regional cooperation in investigation of organised crime, drug trafficking and other serious crimes	SSPO PA	Continuously	Number of consultative meetings held, number of performed joint	Analysis of impacts of implementation of international agreements and treaties has been completed. In cooperation with neighbouring and EU countries, cases have been formed in the Department for Suppression of Organised Crime, Corruption, Terrorism and War Crimes in the

				investigations – results, statistical report on cooperation; number of cases and the results of cooperation with countries in the region	Supreme State Prosecutor's Office. Four consultative meetings have been held. Three investigation cases resulting from the cooperation with the countries from the region are now being processed. In the second half of 2010 and during the first two months of 2011, seven international proactive investigations have been carried out in the area of general and economic organised crime: 1. International police operation "Pink Panther" with a view to collecting evidence against members of international criminal group active in the territory of the EU and Japan. In the reporting period, cooperation has been established with Swiss Police for the purpose of prosecuting a member of the mentioned group – Montenegrin national – for the criminal offence of robbery committed in Switzerland in the previous period. Information has been regularly exchanged at the operational level, through Interpol, with the aim of possible detection of other criminal offences; 2. In cooperation with the Special Prosecutor, international investigation "BESA" is under way – operation organised by Interpol General Secretariat in Lyon, in cooperation with competent police services of South Eastern Europe countries, members of SEPCA organization, as well as with police services of other countries that have partnership relations with SEPCA Organisation. Investigation has been partly completed by processing one criminal charge against 5 persons due to well-founded suspicion that they had committed 5

					criminal offences. On 6 May 2011, the information was submitted to the Special Prosecutor to take actions falling within its jurisdiction and to pass decision; 3. Activities on suppression of trafficking in human beings, illegal migration of Turkish nationals towards the EU countries, have been organised by SECI Centre in cooperation with representatives of competent police and prosecution organisations from Turkey, Macedonia, Serbia, Bosnia and Croatia, Slovenia and Austria; 4. Smuggling of excise goods, oil and oil derivatives export between Kosovo and Montenegro – until now the investigation resulted in processing of one criminal charge against one person for one committed criminal offence; 5. Realised cooperation with EUROPOL and INTERPOL regarding forgery and abuse of credit cards and cards for non-cash payment inflicting damage to citizens of the EU countries. 27 criminal charges have been processed against 15 persons from Ukraine, Serbia and Montenegro; 6. Operation “Kenon” in cooperation with Serbian and Slovenian polices is ongoing, against organised criminal group acting at the international level and involved in criminal offence of money laundering over a long period of time. Legal deadline for use of secret surveillance measures expires on 4 July 2011, and after the technical processing, the report on use of these measures will be submitted to the Special Prosecutor to take actions falling within its jurisdiction, whereas other

					information, along with the proposal for measures related to collecting material evident at the international level in the concerned case, are currently under the decision/making procedure in the office of the Deputy Special Prosecutor competent for this case;. 7. Operation "Viktorija" in cooperation with polices of Bosnia and Herzegovina, Serbia and Kosovo is ongoing, against international organised criminal group acting in the territory of the mentioned countries over a long period of time and preparing for committing the criminal offence of arms smuggling. Information on the case "Viktorija" was submitted to Deputy Special Prosecutor on 27 April 2011, and opinion of the prosecutor on this information is pending. Furthermore, additional information for this case have been subsequently submitted, along with the collected evidence at the national and regional level through cooperation with police services of Bosnia and Herzegovina and Kosovo, after the secret surveillance measures were completed on 6 May 2011. The mentioned evidence is currently under the decision-making procedure in the office of the competent prosecutor. International investigation "Brazil", related to smuggling of raw coffee, is underway, and so far it has resulted in two criminal charges against 2 legal persons and three natural persons from the Municipality of Rožaje for the criminal offences of abuse of office in commercial activities, tax evasion and forgery of documents. By committing

					the mentioned criminal offences, these persons have acquired unlawful property gain to the minimum amount of € 230,000 and avoided paying taxes, thus inflicting damage to the Budget of Montenegro to the minimum of € 35,000. Activities regarding the aforementioned international investigations have been continuously realised. Total number of 10 operational meetings has been held in country and abroad concerning investigations of criminal offences of organised crime. During April, the Police Administration continued its activities on conducting regional investigations (four) in the area of general and economic organised crime. The investigations related to: suppression of smuggling of excise goods; export of petroleum and petroleum products; suppression of criminal offences of money counterfeiting and money laundering conducted in organised way; suppression of international arms smuggling. In May and at the beginning of June, the Police Administration continued carrying out five proactive international investigations in the area of general and economic organised crime. The investigations relate to: smuggling of excise goods; oil and oil derivatives export; suppression of organised criminal offences of money counterfeiting and money laundering, suppression of international arms smuggling. One operational meeting concerning investigations related to organised crime was held

					in the country and one abroad. In the area of fight against drugs, participation has been realised in six international investigations with regional and EU police services and relevant international organisation (primarily with DEA): 1. Police action "Drina", which was realised during seven months in cooperation with the Investigation and Protection Agency of Bosnia and Herzegovina, resulted in cutting of smuggling channel Albania –Montenegro – Bosnia and Herzegovina. Criminal charges were filed against international criminal group of four persons who are nationals of the mentioned countries and 225 kg of narcotic drug "skunk" were seized in the territory of Montenegro. Criminal charges against seven persons were filed against 7 persons and 270 kg of narcotic drugs "skunk" were seized in the territory of Bosnia and Herzegovina. 2. International action "Loptice" , initiated by the Interpol Rome, was realised with a view to finding and depriving of freedom of several persons with international wanted person notices, among whom three Montenegrin nationals. One person was deprived of freedom against whom criminal charges were filed to the Special Prosecutor for Organised Crime on grounds of reasonable suspicion that he has committed criminal offence of unauthorised production, possession and distribution of narcotic drugs – criminal offence "criminal association"; 3. In cooperation with Croatia and DEA,

					international investigation is continuously conducted. In this context, several meetings have been held with representatives of DEA, Ministry of Interior of Croatia as well as other police services; 4. In cooperation with Serbia, joint investigation was conducted. In this respect, several meetings have been held with representatives of Ministry of Interior of Serbia; 5. Cooperation with Kosovo Police has been intensified through organisation of several operational meetings aimed at investigation of heroin smuggling across Montenegro, Serbia and Kosovo; 6. International investigation, in cooperation with Croatia and Bosnia and Herzegovina is aimed at international criminal group involved in smuggling of drugs in the territory of the mentioned countries. Regarding fight against drugs smuggling, apart from the meetings held in respect of mentioned investigations, another seven consultative meetings, of international significance, have been held. As regards the area of the fight against drugs, several international police operations were carried out in the first quarter of 2011. Three international investigations with police services of the countries in the region, EU and relevant international organisations - SOCA and DEA, are currently being conducted. - In January 2011, employees of the Drugs Division, in cooperation with the British Serious Organised Crime Agency - SOCA,

					conducted a joint controlled delivery operation, by following two “cocaine consignments” sent from Honduras to Montenegro via the London Heathrow Airport, which represents one the loops for overseas consignments. - In cooperation with the Special State Prosecutor, a case was opened at the end of January 2011, which is implemented in cooperation with the Ministry of Interior of the Republic of Croatia and the Police Service of Bosnia and Herzegovina. For the purpose of the investigation, several meetings, aimed at exchanging operational data and information, were held. - An international investigation was conducted in the reporting period in cooperation with the Special State Prosecutor, during which operational information and data were intensively exchanged with SOCA and DEA. Several meetings were held with employees of these agencies. - In March 2011, i.e. on 28 March 2011, employees of the Criminal Investigation Police - Drugs and Smuggling Division, in cooperation with the authorities and police services of the Federal Republic of Germany and with employees of the Customs Administration of Montenegro, conducted an international police operation, under the operating name: “Konte”. Criminal charges were brought to the Supreme State Prosecutor against five persons for the criminal offences - criminal association and illicit production, possession and circulation of narcotics in an organised manner. In this

					action, 300 kg of cocaine has been confiscated and seized. Moreover, cooperation with the Kosovo Police has been continued through several operational meetings concerning the investigation of heroin smuggling through the territory of Montenegro, Republic of Serbia and Kosovo. - Several consultative meetings and trainings of international importance, in terms of the fight against “drug smuggling”, were held: - Current state of play in Montenegro was discussed in the meeting held with Thanasis Apostoluo, representative of the International Drug Policy Consortium for South Eastern Europe discussed the current situation in Montenegro. The meeting was also attended by the representatives of the NGO “Juventas”. - A meeting was held with the liaison officer of Australia. - Participation in the international training “Undercover Investigator”, organised by DEA. - Participation in the operational meeting of the SECI Centre and CARICCA in Bucharest on the topic of “Fight against Drug Smuggling”. - Participation in the Controlled Delivery international exercise – “Spring” In April, and in cooperation with the Special State Prosecutor, the Police Administration continued to carry out two regional investigations in the area of suppression of international smuggling of narcotic drugs. The following investigations are ongoing:

					- Case investigated with the Ministry of the Interior of the Republic of Croatia and with Bosnia and Herzegovina's police service. - Cooperation with Kosovo Police aimed at suppressing smuggling of heroin across Montenegro, Serbia and Kosovo. Cooperation with regional police services is being developed through organisation of working meetings in which information are being exchanged and joint concrete operational actions planned. In May and at the beginning of June, the Police Administration continued to carry out two regional investigations in the area of suppression of international smuggling of narcotic drugs together with police services of the countries in the region, EU and relevant international organisations - SOCA and DEA, and in cooperation with the Special State Prosecutor. Two international investigations were carried out: - International police operation, under the operating name "Tanker", was carried out in cooperation with the National Security Agency of Montenegro and the DEA Agency. One person was arrested on the territory of Montenegro and six in Spain, while 70 kilograms of cocaine were seized. - Police operation, under the operating name "Sprint", which has been since January 2011 carried out in cooperation with the Special State Prosecutor and international partners: Ministry of the Interior of the Republic of Croatia and with Bosnia and Herzegovina's

					police service SIPA. An organised criminal group was disclosed, which had been for a long time engaged in the smuggling of the narcotic drug “skunk”. Thirteen (13) persons were arrested - 6 on the territory of Montenegro, 5 in Bosnia and Herzegovina and 2 in Croatia. During the investigation, about 30 kilograms of “skunk” were seized. Criminal charges were brought to the Supreme State Prosecutor against 6 persons for 12 criminal offences: creation of criminal group or association – organiser (Article 401a, paragraph 1); -2 offences; creation of criminal group or association – member (Article 401a, paragraph 2) - 4 offences; unauthorised production and circulation of narcotic drugs – 6 offences. Investigation within the “Makondo” case has been continued with an intensive exchange of operational information and data with the SOCA and DEA agencies. Hitherto cooperation with the Swedish police has resulted in the arrestment of four persons and seizure of 25 kg of cocaine. Division for Fight against Drugs and Smuggling realized international police action under the name Makondo in June. The case was led in the period of five and a half months in close cooperation with British Serious and Organised Crime Agency (SOCA). Criminal group considered to have organized smuggling of cocaine through postal packages from Latin America to Montenegro was revealed. In this case, one person identified as a recipient was deprived of liberty in January 2011, as well as two persons considered to be

					organizers in June. In this action, 262 grams of narcotic drugs cocaine was seized in total. In the area of fight against drugs, two international investigations are currently conducted with the police services of the countries from the region, EU countries and relevant international organizations. Case “Green mile” is conducted against organized criminal group dealing with international smuggling of skunk and heroin. For now, secret surveillance measures initiated on 15 June 2011 cover five persons. Case is realized in cooperation with Deputy Special State Prosecutor, international partners, police services of Nordic countries. Case “Trio” is oriented at international criminal group which deals with smuggling of skunk in organized manner. Secret surveillance measures initiated on 15 June 2011 cover nine persons and the case is realized in cooperation with police services of Croatia, Bosnia and Herzegovina and SECI Centre. Apart from the meetings held in county and abroad regarding the mentioned investigations, 12 consultative meetings of international importance from the aspect of fight against drug smuggling, were held in May. Besides the meetings held in the country and abroad, 12 consultative meetings of international importance were held in May held on the occasion of these investigations, in May, held 12 consultation meetings of international importance

					from in terms of the fight against smuggling of drugs. In January 2011, through NCB Interpol, intensive communication / data exchange was carried out with a view to suppressing international crime: <table><tr><th>IP</th><th>Received</th><th>Sent</th><th>Total</th></tr><tr><td>Belgrade</td><td>132</td><td>125</td><td>257</td></tr><tr><td>Ljubljana</td><td>16</td><td>11</td><td>27</td></tr><tr><td>Sarajevo</td><td>44</td><td>37</td><td>81</td></tr><tr><td>Skopje</td><td>20</td><td>11</td><td>31</td></tr><tr><td>Sofia</td><td>22</td><td>18</td><td>40</td></tr><tr><td>Tirana</td><td>15</td><td>18</td><td>33</td></tr><tr><td>UNMIK</td><td>25</td><td>17</td><td>42</td></tr><tr><td>Zagreb</td><td>31</td><td>15</td><td>46</td></tr><tr><td>TOTAL</td><td>305</td><td>252</td><td>557</td></tr></table> Out of total number of 2040 communication contacts with all Interpol bureaus, 557 contacts upon cases or 27% was realised with Interpol bureaus in the region. The most extensive communication was realised upon international wanted person notices (213 communication contacts), smuggling of narcotics (3 communication contacts), organised crime (14 communication contacts), commercial crime (31 communication contacts) and motor vehicles (194 communication contacts). These activities are continuously realised. In February and March 2011, through NCB Interpol, intensive communication/data exchange was carried out with the countries in the region aimed at suppressing international crime:	IP	Received	Sent	Total	Belgrade	132	125	257	Ljubljana	16	11	27	Sarajevo	44	37	81	Skopje	20	11	31	Sofia	22	18	40	Tirana	15	18	33	UNMIK	25	17	42	Zagreb	31	15	46	TOTAL	305	252	557
IP	Received	Sent	Total																																										
Belgrade	132	125	257																																										
Ljubljana	16	11	27																																										
Sarajevo	44	37	81																																										
Skopje	20	11	31																																										
Sofia	22	18	40																																										
Tirana	15	18	33																																										
UNMIK	25	17	42																																										
Zagreb	31	15	46																																										
TOTAL	305	252	557																																										

					<table><tr><th>IP</th><th>Received</th><th>Sent</th><th>Total</th></tr><tr><td>Belgrade</td><td>331</td><td>226</td><td>557</td></tr><tr><td>Ljubljana</td><td>38</td><td>30</td><td>68</td></tr><tr><td>Sarajevo</td><td>107</td><td>98</td><td>205</td></tr><tr><td>Skopje</td><td>12</td><td>10</td><td>22</td></tr><tr><td>Sofia</td><td>53</td><td>24</td><td>77</td></tr><tr><td>Tirana</td><td>78</td><td>26</td><td>104</td></tr><tr><td>UNMIK</td><td>40</td><td>31</td><td>71</td></tr><tr><td>Zagreb</td><td>66</td><td>41</td><td>107</td></tr><tr><td>TOTAL</td><td>725</td><td>486</td><td>1211</td></tr></table> Out of total number of 2040 communication contacts with all Interpol bureaus, 1211 contacts upon cases or 33% was realised with Interpol bureaus in the region. The most extensive communication was realised upon international wanted person notices (452 communication contacts), smuggling of narcotics (6 communication contacts), organised crime (33 communication contacts), commercial crime (125 communication contacts), general crime (101 communication contacts) and motor vehicles (308 communication contacts). These activities are continuously realised. In April 2011, through NCB Interpol, intensive communication/data exchange was carried out with the countries in the region aimed at suppressing international crime: <table><tr><th>IP</th><th>Received</th><th>Sent</th><th>Total</th></tr><tr><td>Belgrade</td><td>115</td><td>109</td><td>224</td></tr><tr><td>Ljubljana</td><td>29</td><td>14</td><td>43</td></tr></table>	IP	Received	Sent	Total	Belgrade	331	226	557	Ljubljana	38	30	68	Sarajevo	107	98	205	Skopje	12	10	22	Sofia	53	24	77	Tirana	78	26	104	UNMIK	40	31	71	Zagreb	66	41	107	TOTAL	725	486	1211	IP	Received	Sent	Total	Belgrade	115	109	224	Ljubljana	29	14	43
IP	Received	Sent	Total																																																						
Belgrade	331	226	557																																																						
Ljubljana	38	30	68																																																						
Sarajevo	107	98	205																																																						
Skopje	12	10	22																																																						
Sofia	53	24	77																																																						
Tirana	78	26	104																																																						
UNMIK	40	31	71																																																						
Zagreb	66	41	107																																																						
TOTAL	725	486	1211																																																						
IP	Received	Sent	Total																																																						
Belgrade	115	109	224																																																						
Ljubljana	29	14	43																																																						

					<table><tr><td>Sarajevo</td><td>39</td><td>32</td><td>71</td></tr><tr><td>Skopje</td><td>23</td><td>4</td><td>27</td></tr><tr><td>Sofia</td><td>19</td><td>12</td><td>31</td></tr><tr><td>Tirana</td><td>40</td><td>8</td><td>48</td></tr><tr><td>UNMIK</td><td>10</td><td>16</td><td>26</td></tr><tr><td>Zagreb</td><td>16</td><td>15</td><td>31</td></tr><tr><td>TOTAL</td><td>291</td><td>210</td><td>501</td></tr></table>	Sarajevo	39	32	71	Skopje	23	4	27	Sofia	19	12	31	Tirana	40	8	48	UNMIK	10	16	26	Zagreb	16	15	31	TOTAL	291	210	501				
Sarajevo	39	32	71																																		
Skopje	23	4	27																																		
Sofia	19	12	31																																		
Tirana	40	8	48																																		
UNMIK	10	16	26																																		
Zagreb	16	15	31																																		
TOTAL	291	210	501																																		
					Out of total number of 1,892 communication contacts with all Interpol bureaus, 501 contacts upon cases or 26.47% was realised with Interpol bureaus in the region. The most extensive communication was realised upon international wanted person notices (171 communication contacts), smuggling of narcotics (11 communication contacts), organised crime (16 communication contacts), commercial crime (44 communication contacts), general crime (55 communication contacts) and motor vehicles (156 communication contacts). These activities are continuously realised. In May 2011, through NCB Interpol, intensive communication/data exchange was carried out with the countries in the region aimed at suppressing international crime:																																
					<table><tr><td>IP</td><td>Receiv ed</td><td>Sent</td><td>Total</td></tr><tr><td>Belgrade</td><td>82</td><td>90</td><td>172</td></tr><tr><td>Ljubljana</td><td>9</td><td>17</td><td>26</td></tr><tr><td>Sarajevo</td><td>70</td><td>57</td><td>127</td></tr><tr><td>Skopje</td><td>10</td><td>3</td><td>13</td></tr><tr><td>Sofia</td><td>11</td><td>15</td><td>26</td></tr><tr><td>Tirana</td><td>650</td><td>19</td><td>669</td></tr><tr><td>UNMIK</td><td>6</td><td>13</td><td>19</td></tr></table>	IP	Receiv ed	Sent	Total	Belgrade	82	90	172	Ljubljana	9	17	26	Sarajevo	70	57	127	Skopje	10	3	13	Sofia	11	15	26	Tirana	650	19	669	UNMIK	6	13	19
IP	Receiv ed	Sent	Total																																		
Belgrade	82	90	172																																		
Ljubljana	9	17	26																																		
Sarajevo	70	57	127																																		
Skopje	10	3	13																																		
Sofia	11	15	26																																		
Tirana	650	19	669																																		
UNMIK	6	13	19																																		

					<table><tr><td>Zagreb</td><td>15</td><td>12</td><td>27</td></tr><tr><td>TOTAL</td><td>853</td><td>226</td><td>1079</td></tr></table> Out of total number of 2,487 communication contacts with all Interpol bureaus, 1079 contacts upon cases or 43% was realised with Interpol bureaus in the region. The most extensive communication was realised upon international wanted person notices (791 communication contacts), identity determination (50 communication contacts), general organised crime communication contacts) and motor vehicles (131 communication contacts). These activities are continuously realised. In June 2011, through NCB Interpol, intensive communication/exchange of information was realised with the countries of the region, with a view to suppressing international crime: <table><tr><td>IP</td><td>Received</td><td>Sent</td><td>Total</td></tr><tr><td>Belgrade</td><td>131</td><td>92</td><td>223</td></tr><tr><td>Ljubljana</td><td>27</td><td>23</td><td>50</td></tr><tr><td>Sarajevo</td><td>43</td><td>63</td><td>106</td></tr><tr><td>Skopje</td><td>8</td><td>5</td><td>13</td></tr><tr><td>Sofia</td><td>10</td><td>19</td><td>29</td></tr><tr><td>Tirana</td><td>22</td><td>8</td><td>30</td></tr><tr><td>UNMIK</td><td>12</td><td>8</td><td>20</td></tr><tr><td>Zagreb</td><td>47</td><td>14</td><td>61</td></tr><tr><td>TOTAL</td><td>300</td><td>232</td><td>532</td></tr></table> Out of 1480 communication contacts with all Interpol bureaus, 532 or 35.9% have been realised with Interpol bureaus in the region.	Zagreb	15	12	27	TOTAL	853	226	1079	IP	Received	Sent	Total	Belgrade	131	92	223	Ljubljana	27	23	50	Sarajevo	43	63	106	Skopje	8	5	13	Sofia	10	19	29	Tirana	22	8	30	UNMIK	12	8	20	Zagreb	47	14	61	TOTAL	300	232	532
Zagreb	15	12	27																																																		
TOTAL	853	226	1079																																																		
IP	Received	Sent	Total																																																		
Belgrade	131	92	223																																																		
Ljubljana	27	23	50																																																		
Sarajevo	43	63	106																																																		
Skopje	8	5	13																																																		
Sofia	10	19	29																																																		
Tirana	22	8	30																																																		
UNMIK	12	8	20																																																		
Zagreb	47	14	61																																																		
TOTAL	300	232	532																																																		

					Most extensive communication has been realised on international wanted person notices (200 contacts), smuggling of narcotics (6 contacts), organised crime (11 contacts), commercial crime (53 contacts) and motor vehicles (186 contacts). These activities are continuously realised.
2. Signing of bilateral agreements	AMLTF	III quarter	Number of signed agreements	Signing of the Agreement with British Virgin Islands was agreed to take place between 14 and 17 March 2011. Bilateral agreements with Aruba and Estonia were signed on 14 March 2011. Agreements are planned to be signed with Japan, Hungary, and Great Britain. Agreements with British Virgin Islands, Armenia and Great Britain were signed on 12 June 2011.	
3. Strengthening of cooperation with border polices of neighbouring countries: - implementation of signed cooperation agreements between border police of Montenegro and Albania - implementation of: Protocol on Joint Patrols along the state border between Montenegro and Albania; Protocol on Joint Patrols along state border between Montenegro and Bosnia and Herzegovina and Protocol on Interim Regime at Prevlaka; Technical	PA	Continuous ly	Number of meetings held with neighbouring border polices; Number of joint activities (patrols, actions etc) – results of cooperation; Alignment of border checks procedures	In the period 17 February - 2 March 2011, the following meetings were held: - at local level: 2 with Serbia, 3 with Albania and 3 with Bosnia and Herzegovina; - at regional level: 1 meeting with representatives of Albanian border police addressing the subject of implementation of the Protocol and the Agreement on Readmission. - at national level: one meeting with representatives of Albania on the subject of implementation of the Agreement between the Government of Montenegro and the Council of Ministers of Albania on return and admission of persons the entry and the stay of whom is illegal. Number of joint activities:	

	Agreement on temporary operational cross-border cooperation procedures between Ministry of Interior of Montenegro and KFOR in Kosovo; Protocol on activities of joint border control at the joint BCP Sukobin- Murićani (Montenegro- Albania) and the Agreement on border control in railway transport between Montenegro and Serbia				- total number of 5 patrols with the Border Police of Albania; - total number of 18 patrols with the Border Police of Bosnia and Herzegovina - total number of 6 patrols with the Border Police of Serbia. These activities are continuously realised. In the period 17 February – 1 April 2011, the following meetings were held: - at local level: 4 with Serbia, 4 with Albania, 5 with Bosnia and Herzegovina; 1 with the representatives of the Kosovo Security Forces; - at regional level: 2 meetings with representatives of the Albanian Border Police, 3 with representatives of the Border Police of Bosnia and Herzegovina and 1 with representatives of the Serbian Border Police; - at national level – 3 meetings: a meeting with representatives of Albania on the topic of implementation of the Agreement between the Government of Montenegro and the Council of Ministers of Albania on return and admission of persons the entry and the stay of whom is illegal; a meeting with representatives of the Albanian Border Police on the topic of establishment of a joint information exchange centre; a meeting with representatives of Serbia on the topic of defining of border crossings between Montenegro and Serbia. Number of joint activities: - 7 patrols with the Border Police of Albania; - 27 patrols with the Border Police of Bosnia and Herzegovina;

					- 10 patrols with the Border Police of Serbia. These activities are continuously realised. In the period 1 April – 1 May 2011, the following meetings were held: - at local level: 3 with Serbia, 4 with Albania and 4 with Bosnia and Herzegovina; - at regional level: 1 meeting with representatives of the Serbian Border Police and 1 meeting with representatives of Kosovo police. Number of joint activities: - 15 patrols with the Border Police of Albania; - 24 patrols with the Border Police of Bosnia and Herzegovina; - 16 patrols with the Border Police of Serbia; - 1 synchronised patrol with the International Security Forces in Kosovo; - 2 patrols with the Republic of Croatia's police in Prevlaka (Operation "Zona"). These activities are continuously realised. In the period 1 May – 1 June 2011, the following meetings were held: - at local level: 4 with Serbia, 1 with Bosnia and Herzegovina; 1 with the representatives of the Kosovo Security Forces; - at regional level: 2 meetings with representatives of the Albanian Border Police, 1 with representatives of the Border Police of Bosnia and Herzegovina and 1 with representatives of the Kosovo Security Forces; Number of joint activities:

					- 19 patrols with the Border Police of Albania; - 25 patrols with the Border Police of Bosnia and Herzegovina; - 16 patrols with the Border Police of Serbia; - 3 patrols with the Republic of Croatia's police in Prevlaka (Operation "Zona"). Results of joint activities: - As a result of joint activities between the Border Police of Bosnia and Herzegovina and the Niksic field office of the Border Police, a stolen motor vehicle with Bosnian registration number plate has been found. - On the basis of exchange of information on cross-border crime, the Border Police of the Republic of Serbia has prevented two illegal crossings of the state border on the territory of Montenegro and seized around 2,000.00 kg of green coffee and all-terrain vehicle. These activities are carried out continuously.
	4. Plan for cooperation with prosecution authorities of neighbouring countries for further improvement of cooperation in anti corruption and trans-boundary organised crime	SSPO – International Cooperation Section of the Department Organised Crime, Corruption, Terrorism and War Crimes	II, III, IV quarter	Cooperation Plan adopted; Cooperation reports	The cooperation plan has been adopted and the initiative has been prepared for signing the Cooperation Agreement between the Supreme State Prosecution Office of Montenegro and Prosecution Offices of Hungary and Romania (partly realised). The Cooperation Agreement between the Supreme State Prosecution Office of Montenegro and Prosecution Offices of Hungary and Romania will be signed in Podgorica in September and October 2001 respectively.
4. Development of solid mechanism for	1. Adopt methodology for analytical data processing	SC/SPPO /PA	I quarter	Methodology adopted	The methodology has been adopted and applied in preparing the Tripartite Commission's report.

monitoring the results in this area	2. Preparation of analytical report with processed data on investigation, charges and judgements in the area of organised crime with special emphasis on structure of perpetrators and area in which offences are committed	SC/SPPO /PA	I quarter	Analytical report prepared with proposal of further measures	The analytical report with processed data on investigation, charges and judgements in the area of corruption and organised crime, with special emphasis on structure of perpetrators and area in which offences are committed, has been prepared in a form of the Tripartite Commission's report. The report will be discussed at the session of the National Commission for Implementation of the Anti-Corruption and Organised Crime Strategy scheduled for 4 April 2011. The report was considered and adopted at the session of the National Commission for Implementation of the Anti-Corruption and Organised Crime Strategy, held on 4 April. Presidents of courts, including two High Courts, are obliged to monitor proceedings upon cases in this area on monthly basis and to report to the Secretariat of the Judicial Council and to the President of the Supreme Court on all operations taken upon cases.

6. ACTION PLAN FOR MEDIA

PRIORITY	MEASURE	RESPONSIBLE AUTHORITY	DEADLINE	INDICATOR	STATUS/DEGREE OF IMPLEMENTATION
1. Improvement of media freedoms, particularly through alignment of legislation with the case law of the European Court of Human Rights with regards to defamation and strengthening of cooperation with CSOs	1. Draft Law amending the Criminal Code - decriminalisation of defamation	MJ	I quarter	Draft Law approved	Draft Law amending the Criminal Code has been prepared. The draft stipulates deletion of criminal offences of defamation and insult. In its session held on 14 March 2011, the Government adopted the Draft Law amending the Criminal Code, which, inter alia, provides for amendments to the criminal offence referred to in Article 195 (insult) and in article 196 (defamation). The Draft Law provides for deleting of the criminal offence of defamation and of insult. The Draft Law has been submitted to the Parliament for consideration and adoption. The Parliament has adopted the Law Amending the Criminal Code.
	2. Acceptance of the European Court of Human Rights case law in awarding non-pecuniary compensation for damages to honour and reputation imposed on media	General Session of the Supreme Court	II quarter	ECHR case law accepted	Two meetings of representatives of the Supreme Court of Montenegro and State Representative before the Court in Strasbourg have been held. The meetings addressed the acceptance of European Court of Human Rights case law. Judgments of the European Court of Justice are continuously collected. Also, the Division for following the case law of the European Court of Human Rights was formed in the Supreme Court and it is composed of three experienced judges of the Supreme Court. On 29 March 2011, the General Session of the Supreme Court adopted the following Legal Position in Principle:

					"If the court finds that the basis for journalist and media responsibility exist, it defines the amount of fair fine for harm inflicted to personality rights (reputation, honour etc.) taking into account all circumstances of the concrete case especially: significance of harmed value and subsequent consequences, duration of mental distress, purpose of non pecuniary fine and alignment of this fine with the case law of the European Court for Human Rights and taking into account not to impose amount of fine which would discourage journalists and the media in performance of their role in keeping democratic values of the society." For more details, please see Annex 6. The Legal Position in Principle of General Session of the Supreme Court of 29 March 2011 defines the mandatory approach of national courts in determining the amount of fair indemnity for non-pecuniary damages as one of the measures of civil-legal responsibility of journalists and the media for the breaching of personality rights, while deleting of defamation as a criminal offence is in progress, thus eliminating a fine as a criminal-legal sanction. Such approach in determining the amount of indemnity for non-pecuniary damages is based on the generally accepted substantial law standards. Determination-limitation of the amount of mandatory indemnity for damages only in the part relating to the civil responsibility of journalists and the media would bring about discrimination in the equal treatment while providing court protection in all other segments within the same form of civil-legal responsibility.

					Monitoring of implementation of the Legal Position in Principle of the General Session of the Supreme Court regarding acting and deciding upon the cases prosecuted in all Montenegrin courts is ongoing. Legal Position in Principle of the General Session of the Supreme Court of 29 March 2011 has been implemented in judgment of this court Rev. br. 594/11 of 25 May 2011, adopted upon filed revision of plaintiff against final and enforceable judgment in case of Basic Court in Podgorica, designation P. br. 3003/09 – For more details please see Annex 6.
	3. Define modalities for granting state aid to media	MC MF	II quarter	Adoption of state aid programme for electronic media – scheme-based; Adoption of state aid programme for press distributors against which printed media were unable to settle their claims	At the session held on 29 January 2011, the State Aid Control Commission adopted the decision on alignment of the request of the Ministry of Economy with the Law on Control of State Aid (Official Gazette 74/09), based on the Restructuring Plan for Bega Press. At the session held on 23 February, the State Aid Control Commission adopted decision on alignment of the request of the Ministry of Culture with the Law on Control of State Aid (Official Gazette 74/09), based on Aid Programme for emitters/electronic media. Line ministries (Ministry of Economy and Ministry of Culture) addressed the State Aid Control Commission with the proposal to award aid to the mentioned subjects. Within the scope of its competence, the Commission assessed the abovementioned requests and issued positive decisions which were, along with other documentation, submitted by the line ministries to the Government for adoption of the final decision

					on approving state aid to the mentioned subjects. On 3 March 2011, the Government of Montenegro adopted the Information on award of state aid to emitters/electronic media, based on which, in accordance with the decisions of the State Aid Control Commission, the debt of commercial emitters to Agency for Electronic Communications and Postal Services (AECPS) and Broadcasting Centre (BC) will be assumed to the amount of € 4,447,639.61. Programme will be realised in the period 2011-2013. Payment dynamics: - In 2011, € 2,148,174.81 (48% of total amount allocated), of which € 492,727.99 to AECPS and € 1,655,446.82 to BC. - In 2012, € 1,512,197.48 (34% of total amount allocated), of which € 257,990.54 to AECPS and € 1,254,206.94 to BC. - In 2013, € 787,267.34 (18% of total amount allocated), of which € 257,990.54 to AECPS and € 529,276.80 to BC. After the Ministry of Culture submits the amount of repayment of funds per each broadcaster at the annual level, the Ministry of finance will make a payment on the grounds of assumed broadcaster's debt. On 15 April, the Ministry of finance made a payment for 2011 to the Agency for Electronic Communications and Postal Services and to the Broadcast Centre on the grounds of assumed broadcaster's debt. The amount of € 880,802.32 was allocated to Bega Press for enforcement of representation contracts with publishers: Pobjeda AD, Daily

					Press, Jumedia Mont and Monitor. Representation contracts were the basis for realisation of Bega Press restructuring plan and involve the following amounts: - POBJEDA AD – Daily newspaper “Pobjeda” - € 267,598.94 - JUMEDIA MONT LLC- Daily newspaper “Dan” - € 332,686.82 - DAILY PRESS LLC – Daily newspaper “Vijesti”- € 255,756.31 - MONITOR LLC- weekly magazine “Monitor” - € 24,760.25 Based on representation contracts, Bega Press – under bankruptcy, at the same time receives funds from publishers on grounds of ISOPOA software usage license in total amount of € 132,120.33. The Ministry of Finance has paid subsidy funds, allocated to Bega Press company in bankruptcy and to publishers. The Ministry of Finance has paid subsidy funds, allocated to Bega Press company in bankruptcy and to publishers, to the aforementioned amounts. Payment for Pobjeda was made on 23 March and on 21 March 2011 for other publishers.
	4. Report on investigations and violence against journalists – processed cases; status of pending cases; proposal for measures: - processed cases - status of pending cases compared to processed cases	SC SSPO	II quarter	Report adopted	Supreme Court required from all courts in Montenegro to deliver statistics on cases of violence against journalists (with a view to preparing the Report on investigation and violence against journalists). SSPO is also involved in ongoing information collection. Information has been collected from the courts in relation to acts of violence against journalists.

	- number and nature of final judgments: acquittals, convictions (types/amount of fine) - measures undertaken for efficient closure of pending cases - number of closed backlogs cases				According to the information provided, there are such cases only with the Basic Court in Podgorica: Criminal Case No. 09/314 - under investigation Criminal Case 119/10 – under investigative actions Criminal Case 11/125 – under procedure Report on criminal cases prosecuted in Montenegrin courts pertaining to criminal offences with the elements of violence against journalists is provided in Annex 6. Information on the state of play in the aforementioned cases has been included in the Report (Annex 6). According to information collected so far, there were 9 cases processed in the courts of first instance in 2010, 4 cases in the courts of second instance, while there was no case in the Supreme Court related to indemnity for damages for violation of personal rights via the media. Further collection of information is in progress. All courts have been asked to provide data on civil cases related to indemnity for violation of personality rights via the media. The process of collecting information is in progress. Regarding the preparation of more detailed Information on state of play in civil proceedings prosecuted in all Montenegrin courts and decided upon in 2010 and 2011, data to be presented in one of the following reports are still being collected. Overview of status of cases of compensation for damages to honour, reputation or personality

					rights imposed through media, processed in courts in 2010 and 2011 is provided in Annex 6.
	5. Establish Journalist Self-Regulatory Body by media and media associations	Media and media associations (according to the need of AEM and MC)	II quarter	Journalist self-regulatory body established;	A public debate was held on the topic of “Freedom of Expression and Freedom of Accusation” and was organised by the Association of Independent Electronic Media of Montenegro. Self-regulation of the media and measures for reunification of the Journalist Self-Regulatory Body were discussed in the public debate. Representatives of media organisations and media associations, representatives of the Agency for Electronic Media and representatives of the Ministry of Culture participated in the debate. Association of Independent Electronic Media of Montenegro organised the public debate entitled: “Freedom of Expression and Accusation”. Themes discussed encompassed self-regulation of media and measures for reunification of Journalist Self-Regulatory Body. The debate was attended by the representatives of media and media associations, Agency for Electronic Media and the Ministry of Culture. President of Montenegro, EU Delegation to Montenegro and OSCE Mission to Montenegro organised a Conference on self-regulation of the media that was held on 25 May 2011. The aim of the Conference was to point out the importance of self-regulation of the media and the need for establishing Journalist Self-Regulatory Body as soon as possible. The Conference was attended by representatives of electronic and print media in Montenegro, as well as by representatives of

					professional media organisations.
	- Set up a transparent and independent financing model for Journalist Self-Regulatory Body	Representatives of Journalist Self-Regulatory Body; MC; MF	II quarter	Model defined	Expert team was formed with the task to define independent and transparent model of financing of Journalist Self-Regulatory Body. Apart from representatives of the Ministry of Culture and the Ministry of Finance, representatives of media professional organisations and OSCE experts will also take part in the team's work. Working group, composed of representatives of the Ministry of Culture, Ministry of Finance and of representatives of media professional organisations (Association of Independent Electronic Media, Media Institute), has defined a proposal for a model of transparent and independent financing of the Journalist Self-Regulatory Body, which is currently under procedure. This is a three-year model of sustainable financing of the Journalist Self-Regulatory Body aimed at creating basic technical and technological conditions for its functioning and would be developed pursuant to the following dynamics: First year - 100% of the amount claimed by the Management Board and the Council of the Journalist Self-Regulatory Body. Second year - 75% of the amount claimed by the Management Board and the Council of the Journalist Self-Regulatory Body. Third year - 50% of the amount claimed by the Management Board and the Council of the

					Journalist Self-Regulatory Body.)
	Improving the transparency of RTCG operation in accordance with the Law on Broadcasting Services in Montenegro (Official Gazette 79/08)	RTCG	II quarter	Adopted and published documents on the RTCG website: Activities Report of the Petition Commissions; Certified Audit Report of RTCG operation for the previous year; RTCG Activity Report for the previous year with emphasis on application of programme standards and meeting the commitments set by law; RTCG financial statements for the previous year	Report of authorised auditor and Report on financial operations for 2010 will be published on web site by the end of June 2011, in line with the Law on Public Broadcasting Services. Commission's recommendations on remarks are published after the Council adopts decisions, upon the Commission's proposal. All decisions and recommendations as well as normative acts adopted by the RTCG Council are published on RTCG web site. Sessions of the Council are open to media. The following has been adopted and published on web site: 1. 2010 Report on realization of programme orientation of Radio of Montenegro and Television of Montenegro 2. 2010 Report of authorized auditor on financial operations 3. Decision of the Council upon complaint of viewers. Also, 2010 Report on financial operations of RTCG has been published on web site. At the annual level, the amount of 1.20% of the current budget is allocated to realisation of basic activity of RTCG. These funds are directly transferred to RTCG in accordance with the Instructions for transferring the funds from general budget revenues for financing the RTCG basic activity (Official Gazette of Montenegro 3/09). This financing model of RTCG financing complies with

					the European standards of independence of public services – funds are defined through stipulated mechanism and are directly transferred to RTCG not providing the possibility for executive bodies to implicate the amount and realisation dynamics. This financing model was also recommended by the OSCE High Representative for Free Media in 2008. Commenting the Law on Public Service RTCG, official statement of ARTICLE 19 states that “the financing through defined budget per cent is the practice broadly accepted in Europe and the world.”
	6. Training programmes for judges and prosecutors on the freedom of expression and application of ECHR case law related to the amount of non-pecuniary compensation for damages to honour and reputation imposed on media: - Independent judiciary, freedom of the media and respect of human rights - Freedom of expression according to the ECHR case law – relation of media and judiciary	Judicial Training Centre	II quarter	Training programmes organised; Number of participating judges and prosecutors	Training “Independent and Impartial Judiciary” for presidents of courts and judges is planned for 30 March 2011. Also, training “Judiciary and Relations with the Media” for the same target group is planned for April 2011. The trainings will be implemented in cooperation with the Supreme Court of Montenegro. - On 30 March 2011, the Supreme Court of Montenegro – Judicial Training Centre, organised a seminar/ workshop in Podgorica for presidents and judges of the Montenegrin courts on the topic of: “Independent and Impartial Judiciary and Relations between the Judiciary and the Media”. The seminar was aimed at transferring experience gained at the UNIDEM Campus Seminar “The Independence of Judges and Prosecutors: Perspectives and Challenges”, which was held on 28 February - 3 March 2011 in Trieste and organised by the Venice Commission, and which was attended by the President of the

					Supreme Court of Montenegro, Vesna Medenica. Participants of the UNIDEM Campus seminars had the obligation of transferring the gained knowledge to national judges of their countries and therefore, according to the assumed obligation, the President of the Supreme Court made a presentation on the following topics: "Independent and Impartial Judiciary" and "Relations between the Judiciary and the Media". Guarantees of independence provided for under the Magna Carta of Judges, which was adopted by the Consultative Council of European Judges/CCJE in 2010 and which contains 23 fundamental principles, were, inter alia, discussed within the first topic. Internal and external independence of judges, improved transparency in the work of courts and strengthening of the Code of Judicial Ethics were also discussed. The participants considered and discussed a case study, i.e. decision of the European Court of Human Rights on an independent and impartial court. As regards relations between the judiciary and the media, the President of the Supreme Court presented the recommendations of the Venice Commission. She also spoke about the need of spokespersons to be presented in all courts, as well as about the necessity of educating those journalists who are reporting about court proceedings so that the principle of presumption of innocence could be respected. All the aforementioned topics were interactively discussed. The seminar was attended by 35 participants, out of which there were 31 representatives of the judiciary:

					president and 2 advisors of the Supreme Court of Montenegro; 2 judges of the High Court in Podgorica; 2 judges of the Appellate Court, president of the Administrative Court; president and a judge of the Commercial Court in Podgorica; president of the Commercial Court in Bijelo Polje; president and a judge of the Basic Court in Podgorica; president and a judge of the High Court in Bijelo Polje; president and a judge of the Basic Court in Berane;; president and a judge of the Basic Court in Plav; president and a judge of the Basic Court in Danilovgrad, presidents of the basic courts from the following cities: Bijelo Polje, Zabljak, Kolasin, Niksic, Cetinje, Herceg Novi, Bar, Ulcinj; a representative of the Ministry of Foreign Affairs and European Integration; director and 2 advisors of the Judicial Training Centre. - Three seminars/workshops have been planned to be held on the topic of the European Convention on Human Rights, with special emphasis on Article 6 and Article 10 of the ECHR. The abovementioned seminars/workshops will be organised with the support of the Supreme Court of Montenegro and by regions (northern, central and the southern region), thus giving the opportunity to judges from all parts of Montenegro to improve their knowledge about the ECHR and to discuss the aforementioned provisions of the ECHR. Certificates of participation will be distributed to all participants. - The first out of the three aforementioned

					seminars/workshops was organised for the judges of the central region of Montenegro on 20 April 2011 in Podgorica. The topics discussed in the seminar/workshop were: General Overview of the European Convention on Human Rights; Article 6: Right to a Fair Trial and Article 10: Freedom of Expression. The lecturers were eminent experts in relevant fields - Zoran Pazin, the representative of Montenegro before the European Court of Human Rights, and Sinisa Bjekovic, Centre for Human Rights at the Faculty of Law in Podgorica. The emphasis was put on practical approach to the topics, with a special attention given to decisions and cases that were discussed before the European Court of Human Rights, as well as to the European principles and standards, especially when it comes to defamation and decriminalisation of defamation. The seminar/workshop was attended by 22 judges: 7 judges of the Supreme Court of Montenegro; 1 judge of the Appellate Court of Montenegro; 5 judges of the High Court in Podgorica; 6 judges of the Basic Court in Podgorica and 3 judges of the Basic Court in Niksic. The seminar/workshop was attended by the President of the Supreme Court of Montenegro. The next two trainings will be organised for judges of the northern and southern region of Montenegro. - On 20 April 2011 in Podgorica, the Supreme Court and Judicial Training Centre organised

					seminar entitled: “European Convention on Human Rights with special emphasis on Article 6 (Right to Fair Trial) and Article 10 (Freedom of Expression)”. The seminar aimed at improving knowledge in this area and familiarisation with the current practice of the European Court of Human Rights pertaining to Articles 6 and 10 and consequently to national courts. Lecturers were relevant national experts in this area - Zoran Pazin, the representative of Montenegro before the European Court of Human Rights, and Sinisa Bjekovic, Centre for Human Rights at the Faculty of Law in Podgorica. Seminar was attended by 22 participants (not including lecturers and organisers) from the following courts: 7 judges from the Supreme Court, 5 judges from the High Court in Podgorica, 1 judge of the Appellate Court, president and 5 judges of the Basic Court in Podgorica and 3 judges of the Basic Court in Niksic. Participants were presented the certificate. - Another two seminars are planned to be organised in the following period on the same subject, with the same lecturers for judges and prosecutors from northern and southern region of Montenegro. The first will be held on 26 May 2011 in Kolasin. Moreover, in April 2011, in accordance with the established monthly practice, the Judicial Training Centre, in cooperation with AIRE Centre from London, distributed the bulletin “Human Rights in Europe” to all courts and prosecution offices in Montenegro, as well as

					to all judges of the Constitutional Court. - On 16-17 May, the Judicial Training Centre, in cooperation with the Centre for Democracy and Human Rights (CEDEM), AIRE Centre from London, OSCE Mission to Montenegro, IMG, supported by the German Konrad Adenauer Foundation - Rule of Law Programme South East Europe, based in Bucharest, organised a seminar on the topic of “Exercise of Human Rights Before Institutions of the Judicial System in Montenegro - Access to Justice: Effective Legal Remedy - Right to a Constitutional Complaint - International Standards and Regional Experiences”. Lecturers at the seminars were local, regional and international experts. - The Supreme Court of Montenegro - the Judicial Training Centre organised a seminar for judges from the northern region of Montenegro on the topic of “European Convention on Human Rights with special emphasis on Article 6 (Right to Fair Trial) and Article 10 (Freedom of Expression)”. The seminar was held in Kolasin on 26 May and was aimed at improving knowledge in this area and familiarisation with the current practice of the European Court of Human Rights pertaining to Articles 6 and 10 and consequently to national courts. - Moreover, in April 2011, in accordance with the established monthly practice, the Judicial Training Centre, in cooperation with AIRE Centre from London, distributed the bulletin

					“Human Rights in Europe” to all courts and prosecution offices in Montenegro, as well as to all judges of the Constitutional Court. - On 8-9 June, Judicial Training Centre in cooperation with Centre for Democracy and Human Rights (CEDEM), UN Capacity Development Programme (UNDP) Montenegro and AIRE Centre (Advice on Individual Rights in Europe) from London, organized seminar: “Right to fair Trial and Role of Media according to the European Convention on Human Rights and Montenegrin Criminal Procedure Code”. Seminar aimed at improving efficiency in criminal proceedings conduct and improving practice of realizing human rights before judicial institutions in Montenegro with special emphasis on right to fair trial and freedom of expression – relation between judiciary and media. Lecturers were domestic and foreign experts: Branka Lakočević, Assistant to the Minister of Justice; Nuala Mole, Executive Director of AIRE Centre from London; Vladan Mićunović, chief editor of TV Vijesti; Vladan Đuranović, barrister from Podgorica. Concrete Themes: New Criminal Procedure Code – key amendments and challenges; Pre-trial detention and investigation under European Convention on Human Rights – role of judge in ensuring alignment of procedural preconditions with European Convention on Human Rights; Discussion on role of journalists under current legislative in Montenegro; Discussion on changes that are necessary to implement in order to implement

					new Criminal Procedure Code – role of judiciary, prosecution office and defence; measures that have to be taken in expectation of criminal legislation. Seminar was attended by 30 persons (not including lecturers and organizers): 10 representatives of judiciary (spokesperson of the Supreme Court, spokesperson, advisor and judge of the Basic Court in Podgorica; judge of Basic Court in Bar; advisor in Appellate Court; 2 advisors of High Court in Bijelo Polje and advisor of High Court in Podgorica), Deputy State Prosecutor, representatives of NGOs and media representatives. - In cooperation with OSCE Mission to Montenegro, the Judicial Training Centre organised round table on “Right to fair trial, with special emphasis put on duration of proceedings” on 4 July 2011. The round table was organised under the OSCE Mission’s project “Monitoring of judiciary”, aimed at contributing to the overall process of judicial reforms in Montenegro. The project resulted in two thematic reports on the right to trial within a reasonable time in civil and criminal matters. The mentioned thematic reports emphasize the issue of too long proceedings, particularly in civil cases, as well as insufficiently developed awareness of citizens on mechanisms for effective appeal in the context of the right to trial within a reasonable period.

					The round table was aimed at stimulating discussion on issues related to duration of proceedings, right to trial within a reasonable time in civil and criminal matters, current mechanisms for acceleration of proceedings, control requests, case law of the European Court of Human Rights and good practice in this area. Concrete themes: Presentation of thematic reports: “Right to Trial in Reasonable Time in Criminal Matters” and “Right to Trial in Reasonable Time in Civil Matters”; Right to Fair Trial- role of Ombudsman- statistics and complaints relating to duration of proceedings; Law on Protection of Right to Trial in Reasonable Time in Court Practice – more concrete on control request i.e. request for acceleration of the procedure and complaints for just satisfaction ; Court Practice of the European Court of Human Rights; realization of rights to fair trial in Montenegro; examples of cases on right to fair trial in reasonable time – experience of barristers. Lecturers were national and foreign experts: Miloš Bošković, Leader of OSCE project “Monitoring of judiciary”, Maja Laković, Deputy Protector of Human Rights and Freedoms of Montenegro, Dušanka Radović, judge of the Supreme Court of Montenegro, Dr. François Paychère, judge of the Supreme Civil and Criminal Court in Geneva and Chairman of the Council of Europe’s Working Group for Quality of Justice, Zoran Pažin, Representative of Montenegro before the European Court of Human Rights, and Nikola Martinović, barrister, Bar Association of Montenegro.

					The round table was attended by 29 participants, out of whom: 8 representatives of prosecution offices (2 Deputy High State Prosecutors from Podgorica; 2 advisors from the Basic State Prosecutor's Office in Podgorica; Basic State Prosecutors and 1 advisor from Nikšić; 2 Deputy Basic State Prosecutors from Cetinje), 9 representatives of courts (1 judge of the Supreme Court of Montenegro; 2 judges of the High Court in Podgorica; president and 2 judges of the Basic Court in Podgorica; 1 judge of the Basic Court in Bar; 1 judge of the Basic Court in Kotor and 1 judge of the Basic Court in Nikšić) and 3 barristers from the Bar Association of Montenegro. There were also 9 representatives of following institutions/NGOs/organisations: NGO Action for Human Rights; Centre for Human Rights of the Law Faculty in Podgorica; Ministry of Justice; NGO Juventas; Centre for Democracy and Human Rights (CEDEM); Also, in line with monthly practice, Centre has distributed, in cooperation with AIRE Centre from London, to all courts and prosecution offices in Montenegro the monthly legal bulletin "Human Rights in Europe" encompassing overviews of the latest judgments of the European Court for Human rights with brief comments. Attention has mostly been paid to judgments relating to issues relevant in countries of Central and Eastern Europe as well as to special problems in Western Balkans

					countries. The purpose of this bulletin is to help lawyers to monitor and to apply case law of the European Court for Human Rights in national proceedings.

7. ACTION PLAN FOR CIVIL SOCIETY

PRIORITY	ACTIVITY	RESPONSIBLE AUTHORITY	DEADLINE	INDICATOR	STATUS / DEGREE OF IMPLEMENTATION
1. Improvement of cooperation between the Government and NGOs	1. Establish the Council for Cooperation between the Government and Non-Governmental Organisations ⁴	Office for Cooperation with NGOs	Completed	Constitutive meeting of the Council held; Rules of Procedure adopted; Managing structures appointed (NGO representative as the Council Deputy Chair)	Constitutive meeting of the Council was held on 25 January 2011. Report on procedure of proposing NGO candidates for members of the Council for Cooperation between the Government and Non-Governmental Organisations and the work of the Commission for Definition of the List of Candidates as well as the Second Report on procedure of proposing NGO candidates for members of the Council for Cooperation between the Government and Non-Governmental Organisations in repeated public invitation are hereby enclosed in Annex 7. The second session is scheduled for April / May. The discussion will include consolidated 2010 Report of state authorities on cooperation with NGOs and draft new Law on NGO, which is being prepared. Rules of Procedure were adopted at the constitutive meeting of the Council held on 25 January 2011. The Council's managing structures were appointed - NGO representative is appointed as the Council Deputy Chair. The second session of the Council was held on 6 April 2011. The following matters were addressed: Draft Law on NGOs, the First monthly report on realisation of commitments from the AP for

⁴ Competences of the Council are regulated by the Decision establishing the National Council for Cooperation between the Government and Non-Governmental Organisations (Official Gazette of Montenegro 28/10)

					monitoring the realisation of recommendations given in the EC Opinion in the area of civil society, Report on cooperation between state authorities and NGOs in 2010 and in the first quarter of 2011. The third session of the Council is planned to be held in early May. Due to absence and heavy schedule of a number of members, third session of the Council is postponed to the second half of May. Analysis of model of NGO financing and working version of the draft Law on NGO has been planned for the Agenda. The third session of the Council for Cooperation of the Government of Montenegro and NGOs was held on 6 June. Topics were the following: Proposal for the Law on Non-Governmental Organisations, with the Report from the public debate; Analysis of the model of financing of NGOs from public funds; and the Third Monthly Report on the Realisation of Obligations from the Action Plan for Monitoring of the implementation of recommendations from the EC Opinion for the area of civil society. The Council marked the Proposal for the Law on NGOs as very good, clear and aligned with international standards. Members of the Council have dedicated most of the time to the issue of the financing of NGOs and gave advantage to the centralised model of financing. Furthermore, the Analysis of the model of financing was marked as a high quality, well drafted and comprehensive document.

					The Council expressed its satisfaction with the accomplished level of the realisation of activities from the Action Plan for Monitoring of the implementation of recommendations from the EC Opinion. The Council also noted that many activities are currently in the realisation phase and that efforts should be made to complete those activities as soon as possible, and before 31 July. It was decided that the Council should hold one more session during June so that they could consider the Draft Decree on the Criteria for Determining Beneficiaries and the Manner of Distribution of Proceeds from the Games of Chance. Fourth session of the Council was held on 4 July 2011. Only item of the agenda was the Draft Decree on the Criteria for Determining Beneficiaries and the Manner of Distribution of Proceeds from the Games of Chance. The Council supported the draft Decree and recommended to call for competition for distribution of funds for 2011.
2. Improvement of cooperation between the Ombudsman and non-governmental organisations in monitoring the respect of fundamental rights and freedoms	1. Introduce the practice of Ombudsman's regular consultations with NGOs: - State of play as regards human rights in particular areas, with special emphasis on vulnerable groups (LGBT, persons with disabilities, RAE)	Ombudsman in cooperation with relevant NGOs	II quarter Continuously	New practice introduced; Number of meetings held with NGOs and results achieved; Number of NGO initiatives and their results	Preparatory phase – identification of active NGOs in the area of protection of particular vulnerable groups With a view to improving cooperation between Montenegrin Ombudsman and NGOs several meetings were held in March with the following NGOs: Youth Initiative for Human Rights (YIHR), "Juventas", "Alex Mar", Researcher of Breach of Human Rights Mr Saša Zeković, President of the Balkans Association of Egyptians from Macedonia – Ohrid Prof. Dr. Zemon Rubin.

					Ombudsman institution participates in several projects organised in cooperation with NGOs: - Project "National Convention on European Integration of Montenegro" within working group III: Government and civil society. Holders of the project, financed by the Government of Slovakia, assisted by the Government of Montenegro are European Movement in Montenegro and Slovak Foreign Policy Association for. - Project of the Action for Human Rights "Monitoring of respect of human rights in closed institutions in MNE" - Project CEMI-OSCE "Building the institution of Protector of Human Rights and Freedoms" (realised) - YIHR and CoE Project "Democratic Leadership School" - Seminars "School for Human Rights" of the Centre for Civil Education. - Conference "Realisation and protection of Disabled Persons" organised by the Young with Handicap. Ombudsman institution is on the list of 5 institutions and individuals who, according to the opinion of the coalition Together for LGBT Rights, make greatest contribution to realisation of their rights. Ombudsman is in direct communication with all relevant NGOs engaged in protection of human rights. Meeting with the representatives of the Association of Parents of Developmentally Challenged Children "Our Initiative" has been held.

	2. Launch joint initiatives by Ombudsman and NGOs - Situation and conditions in specialised institutions, centres and other similar establishments	Ombudsman in cooperation with relevant NGOs	II quarter Continuously	Number of recommendations produced by Ombudsman upon NGO initiatives, with reports on their status/results	Preparatory phase – collection of data, identification of areas and definition of mechanisms for joint initiatives In cooperation with representatives of NGO Youth Initiative for Human Rights, joint visit to Camp Konik has been organised as well as the meeting with persons accommodated in the Camp and their representatives. It was agreed upon the activities related to realisation of vulnerable categories' rights especially the rights of Roma, Egyptians and Ashkali. Recognised priority issue involves the implementation of activities, in cooperation with competent state authorities, related to obtaining the documentation necessary for acquirement of personal documents for displaced persons who are not in possession of such. Joint meeting with the representatives of 14 NGOs involved in protection of human rights was held in Institution for Enforcement of Criminal Sanctions Spuž. The special attention was paid to prevention of torture and protection of rights of persons deprived of liberty – detained and convicted. In meetings with the representatives of the mentioned NGOs, the future activities of Ombudsman and NGOs in the area of antidiscrimination and protection of rights of persons belonging to the most vulnerable groups: Roma, Ashkali, Egyptians, disabled persons and LGBT population have been agreed upon. NGOs will, inter alia, immediately submit their findings on discrimination to the Ombudsman for processing whereas the Ombudsman will provide feedback on course and the result of processed cases.

					Signing of the Agreement on cooperation between Ombudsman and Institution for Enforcement of Criminal Sanctions was agreed upon (early June). In cooperation with OSCE, post boxes have been designed for the Protector which will be installed on 10 spots in prisons and investigative prisons in Spuž and Bijelo Polje. By the end of II quarter, the Institution will prepare the special report on conditions in police detention premises.
	3. Organise campaigns for raising the awareness of the importance and the role of Ombudsman: - New competences of Ombudsman as the national mechanism for prevention of torture (in line with OPCAT) and institutional mechanism for protection against all forms of discrimination	Ombudsman in cooperation with relevant NGOs	II quarter Continuously	Campaign launched; Number of presentations held and evaluation of results achieved; Ombudsman's website regularly updated	Preparatory phase – implementation of the new Law on Protector of Human Rights and Freedoms of Montenegro following its adoption - Training for the employed in the Ombudsman Institution was held on 5-6 April with a view to acquiring knowledge, training and improvement of professional capacities of the Institution for successful realisation of the new competence – prevention of torture. Training was organised by the OSCE Mission in Podgorica and the Ombudsman Institution. OSCE Mission financed the project. - OSCE Mission to MNE will organise and financially support the training to be held on 20 April in Podgorica for the employed in the Ombudsman Institution addressing the subject Application of the Law on Prohibition of Discrimination. Training will be held by the EU experts in this area. As a follow up to this training, on 26 April also in Podgorica the round table will be organised entitled "Protection against Discrimination". The round table will be attended by the representatives of Ombudsman, judiciary, Ministry of human and

					Minority Rights, inspectorates and NGOs. - It is planned for training of employees in the Ombudsman Institution regarding the implementation of mediation in acting on appeals for discrimination. This training will also be organised and financially supported by OSCE Mission to Montenegro. - Activities of Ombudsman on Gender Equality Project are ongoing and these will be financed by UNIFEM- UN entity. Training (in cooperation with OSCE) will cover the employed in judiciary, police, inspectorates and other institutions which have contact with cases of discrimination. Until the end of II quarter, three workshops will be organised i.e. thematic trainings and the follow up to the education will take place in III and IV quarter namely: per one three-day workshop for the same attendants who will thus round up their knowledge on antidiscrimination and implementation of the Law on Prohibition of Discrimination.
3. Improvement of normative, legal and institutional frameworks for operation of NGOs	1. Prepare Draft Law on NGOs ensuring harmonisation with European standards in this area: - conditions under which an NGO can be established; - regulate the work of so-called "informal associations"; - method of keeping records (membership, projects, financial reporting, etc.); - conditions for	MI in cooperation with the Office for Cooperation with NGOs, Council for Cooperation between the Government and NGOs, and NGO representatives	II quarter	Consultations with NGO representatives and other stakeholders organised; Draft Law approved	- MI appointed the working group for preparation of the Draft Law (two members from NGO sector). The working group held its first meeting and the work plan was defined. - Announcement and invitation to interested parties to submit their proposals and suggestions was published on the Government's website. - The first workshop for preparation of the Draft Law, with participation of experts from the European Centre for Not-for-Profit Law from Budapest, was held on 2-4 March 2011. - Draft Law on Non-Governmental Organisations has been prepared and on 1 April it was

	- deregistration of an NGO; - participation of NGOs in law- and policy-making; - financing of NGOs from public funds / co-financing; - conducting commercial activities and other issues				submitted for public discussion which will last until 14 April. Under the discussion three round tables will be organised (Budva, Podgorica and Bijelo Polje). MI will prepare the report on the public discussion. Public discussion was completed on 14 April. Three round tables have been held: Bijelo Polje on 5 April; Budva on 9 April and Podgorica 13 April. The working group analyzes the submitted proposals and suggestions for the draft law. Draft Law will be submitted to the Council for Cooperation with NGO until 10 May this year. The draft was submitted to the Council for Cooperation with NGOs on 13 May 2011. The Council will consider draft Law at the session to be held by the end of May. Draft law will be submitted to competent authorities for opinion by the end of May. On 16 June, the Government established the Proposal for the Law on NGOs. The Government has also considered and adopted the Analysis of the model of financing of NGOs from public finds. On 22 July 2011, the Parliament adopted new Law on NGOs.
	2. Regularly update NGO register and develop its electronic form	MI	II quarter Continuously	Register regularly updated and its electronic form developed; NGO Register posted on the	So far, 3500 NGOs have been entered into electronic register. It is planned for entry of data to be fully completed by the end of June this year upon which the electronic register is to be published on MI web site. All data have been entered into electronic register. Update is ongoing.

				website	Rulebook on content and manner of keeping NGO register defines the content and manner of keeping NGO register. The Register of non-governmental associations and the register of non-governmental foundations i.e. registration forms contain the following fields: 1.) ordinal number of the entry, 2) date of entry, 3) act of establishment, 4) Statute, 5) name, 6) seat, 7) personal name and the address of the person authorised for representation and advocacy. An up-to-date electronic register of NGOs has been established. Updated electronic Register of non-governmental organisations has been established.
	3. Adopt a new Rulebook on the contents and method of keeping the NGO register	MI	III quarter Continuously	The Rulebook adopted and published on the Mol's website	After the Law on Non-Governmental Organisations is adopted
	4. Complete the procedure for designating contact persons in state administration bodies responsible for cooperation with NGOs	Office for Cooperation with NGOs in cooperation with state administration bodies	I quarter	Contact persons for cooperation with NGOs appointed	50 contact persons for cooperation with NGOs were appointed in 48 bodies (list provided in Annex 7). All ministries have appointed their contact persons. Changes of contact points for the cooperation with NGOs were made in five bodies (Ministry of Transport and Maritime Affairs, Administration for Prevention of Money Laundering and Terrorism Financing, International Cooperation Office, Directorate for Development of Small and Medium Sized Enterprises, Tax Administration). The contact person was also appointed in the Administration for Games of Chance, as well as in the Ministry of Defence, so that the number of

					bodies has grown to 49 and the number of persons to 51. The Office for Cooperation with NGOs and the TACSO Project Office in Montenegro organised a seminar in Bečići 27 - 29 May for the servants competent for the cooperation with NGOs in public administration bodies, on the topic: "Participation of NGOs in Process of Making of Public Policies". The seminar was attended by 27 state servants who were introduced with solutions from national and international regulations, with the focus on the Code of Good Practice of the Council of Europe on civil participation in the processes of public policy making, as well as the phase of public policy and the role of NGOs and contact persons for the cooperation with NGOs in that process.
	5. Significantly improve the process of NGO consultations participation in law- and policy-making: - Adopt an act regulating the criteria and procedure for selection of NGO representatives to relevant bodies and working groups established by the Government / ministries for drafting legislation; - Adopt an act regulating the criteria and procedure for NGO participation policy-making	State administration bodies, in cooperation with the Office for Cooperation with NGOs	II quarter	Act setting the criteria and procedure for selection of NGO representatives to relevant bodies and working groups established by the Government / ministries for drafting legislation adopted; Act adopted regulating the	- Eight bodies informed the Office that they had adopted the Instructions on the criteria and procedure for selection of NGO representatives to relevant bodies and working groups. So far, 11 state authorities adopted Instructions on criteria and the procedure of electing NGO representatives in working groups and bodies. - Invitation to NGOs to propose their candidates for members in the Council for Waters was published (Ministry of Agriculture). - Ministry of Labour and Social Welfare published 6 public invitations to NGOs for proposing candidates for: Council for Rights of a Child (3); Council for Care of Disabled Persons (5); Working Group for preparation of draft Strategy for protection against domestic violence (1); Working Group for drafting Law amending the Law on Peaceful Labour

				criteria and procedure for NGO participation in policy-making	Disputes (1) and Working Group for drafting the Law on Mobbing (1). - Eight ministries adopted Instructions on criteria and procedure of electing an NGO representative in relevant bodies and working groups formed by the ministries: Ministry of Interior, Ministry of Justice, Ministry of Education and Sports, Ministry of Foreign affairs and European integration, Ministry of Agriculture and Rural development, Ministry of Human and Minority Rights and the Ministry of Labour and Social Welfare. - Also, Forest Administration and Directorate for Development of Small and Medium Sized Enterprises adopted the instructions on criteria and procedure of electing an NGO representative in relevant bodies and working groups which they form. - Ministry of Sustainable Development and Tourism adopted Instructions on criteria and procedure of electing NGO representatives into working groups and bodies. - Ministry of Labour and Social Welfare launched public invitation to NGOs for proposing: - 1 representative for working group for drafting the Law on Amendments to the Law on Professional rehabilitation and Employment of Disabled Persons (25 March 2011) - 1 representative for working group for drafting 2012-2015 National Strategy for Employment and Human Resources

					Development and the Action Plan for its implementation (28 April 2011). - Ministry of Education and Sports launched public invitation (9 April 2011) to NGOs to propose 1 representative for the working group for drafting 2011-2017 Strategy of elementary education and the Action Plan for its implementation. - Ministry of Human and Minority Rights launched public invitation (19 April 2011) for proposing 1 candidate for member of working group for drafting the 2012-2016 Strategy for improvement of RAE population in Montenegro - Ministry of Sustainable Development launched public invitation (30 April 2011) for proposing 1 candidate for member of working group for drafting the Law on Amendments to the Law on Nature Protection. - Ministry of Information Society and Telecommunications adopted in May the Instruction on the Criteria and Procedure for the Election of NGO Representatives. - Ministry of Human and Minority Rights published (on 10 June) the public call for the proposal of candidates for a member of the Commission for monitoring of the Implementation of the Strategy for the Improvement of the Position of RAE Population 2008-2012. - Ministry of Finance and MONSTAT adopted the Instructions for criteria and procedure of selecting NGO representatives into working

					and other bodies formed by these authorities; - Ministry of Sustainable Development called for 4 public invitations to non-governmental organisations for proposing candidates for: 1. Working group for drafting the Law amending the Law on Strategic Environmental Assessment (29 June 2011) 2. Working group for drafting the Rulebook on limit value, manner of determining the indicators of noise in environment, acoustic zones and methods for assessing harmful noise effects (26 June 2011) 3. Working group for drafting of the Strategy for protection against ionizing radiation, radiation security and radioactive waste management, Action Plan (29 June 2011) 4. Working group for drafting the draft Rulebook on more detailed content and manner of elaborating the Information on air quality (5 July 2011) - Ministry of Labour issued public invitation to NGOs to propose two candidates for members in the Council for the Rights of the Child in Montenegro. Draft Law amending the Law on State Administration, adopted by the Government on 7 July 2011, defines legal basis for adoption of secondary legislation which will be bounding for all authorities and will govern in a single manner the participation of NGOs in the procedure of adopting the public policies acts as well as the election of NGO representatives into working and other bodies of state administration. At the proposal of CRNVO (Centre for

					Development of Non-Governmental Organisations), Ministry of Interior and Government Office for Cooperation with NGOs will cooperate in realisation of IPA project on participation of NGO representatives in the process of public policies acts. Under this project, working group for preparation of public policies acts and procedure of election of NGOs in working and other Government bodies and state authorities was formed at the end of June. Apart from representatives of NGOs, representatives of Ministry of Interior and the Office also participate in the working group. Draft acts prepared by the working group will be delivered to the Government for consideration and adoption.
	6. Improve reporting on cooperation between the Government and NGOs	Office for Cooperation with NGOs, and Council for Cooperation between the Government and NGOs	II quarter	Semi-annual report on results (number of cooperation agreements signed between ministries and NGOs; participation of NGOs in law- and policy-making and other relevant issues); Annual activity reports of ministries, including	President of the Council for Cooperation with NGOs addressed a letter to ministers and heads of state administration bodies, regarding the submission of detailed data on cooperation with NGOs. In accordance with the Decision establishing the Council for Cooperation between the Government and NGOs, bodies are obliged to report on this cooperation. Report will be available to public. At the session held on 6 April 2011 the Council entrusted certain state authorities and members of the Council who announced certain amendments to the Report on cooperation of state authorities with non-governmental organisations in 2010 and the first quarter of 2011 with submitting the contributions not later than 19 April so the Report could be finalised by 29 April. The Report will be delivered to the Government for consideration as well as to the European Commission. Final Report on cooperation between state

				activities implemented in cooperation with NGOs	authorities and NGOs for 2010 and the first quarter of 2011 with tabular overview of NGO projects financing by ministries and other state authorities in 2010. The report should be delivered to the Government by the end of May. On 2 June, the Government considered and adopted the Report, with the recommendations related to further improvement of cooperation and quality reporting.
	7. Improve the cooperation between local self-governments and non-governmental organisations	MI, Association of Municipalities of Montenegro, Council for Cooperation between the Government and NGOs	II quarter	Conclusions adopted by the Government, suggesting the Association of Municipalities and NGOs to start drafting a Decision establishing the Council for Cooperation between Local Self-Governments and NGOs; Cooperation agreements signed between municipal assemblies and NGOs;	A meeting of representatives of the competent bodies and OSCE was held. Consultations were established with the view to defining a model of the Decision establishing the Council. It was agreed for establishment of 5 working groups, which are to prepare model acts relating to: the Council; citizens' participation in performance of public services; financing; cooperation. All municipalities are represented through Union of Municipalities and additionally through their representatives in the mentioned working groups. Coalition NGO "Through Cooperation Towards Objectives" is also involved as well as the OSCE Mission to MNE. The meeting between the representatives of the Ministry of Interior, Union of Municipalities of MNE, NGO Coalition "Through Cooperation Towards Objectives" and OSCE was held on 1 April 2011. The following was achieved in the meeting: - deadline for preparation of model proposal was defined (31 April) - representatives in working groups appointed. At the request of NGO sector, it was agreed for realisation of the commitment for all models in III

				Decision on criteria, method and procedure for allocation of funds to NGOs at the local level adopted	quarter (due to their adoption by the local assemblies and to the defined procedures of public discussions and animation of citizens). The following drafts have been adopted: - Decision on the Council for Cooperation between Local Self- Government and NGOs. - Decision on manner and procedure of participation of local population in performance of public affairs. The mentioned acts will be considered and adopted until the late June by bodies of Union of Municipalities, by its Assembly and the Steering Committee and subsequently submitted to the municipal assemblies for adoption. At the Commission for Development of Local Self-Government of the Community of Municipalities of Montenegro, in cooperation with the Ministry of Interior and NGOs, they adopted the Proposal for the Decision on the Council for Cooperation of the Local Self-Government with NGOs and the Proposal for the Decision for the Manner and Procedure of the Participation of Local Population in Public Affairs, which will be submitted to local self-government units for consideration and adoption. Drafting of the model of the Rules of Procedure for the work of municipal assemblies is in progress. Draft Decision on the Council for Cooperation of Local Self-Government with NGOs and draft Decision on manner and procedure of participation of local staff in public affairs have been submitted to local self-government units for consideration and adoption.

					Model Rulebook on work of municipal assemblies has been submitted for opinion to local self-government units. All mentioned commitments should be realised by the end of III quarter.
4. Increased transparency and financing of NGOs from public funds	1. Conduct a comprehensive analysis of financing NGOs out of public funds, including co-financing mechanisms for NGO projects in priority areas for the state, supported by EU financial assistance	Office for Cooperation with NGOs, MI, MF, MFAEI, Council for Cooperation between the Government and NGOs	II quarter (beginning)	Analysis adopted (as an obligatory input for drafting the new Law on NGOs and amending other relevant legislation); Analysis, along with appropriate recommendations, submitted to the Parliament of Montenegro and local self-government units	The working group preparing the draft Law on Non – Governmental Organisations prepares the analysis as well. Analysis on financing of NGOs from public funds was prepared in draft form and it should be finalised by 29 April. Analysis on financing of NGOs from public funds will be delivered to the Council for Cooperation with NGOs at the same time as draft Law on NGO that is on 10 May 2011 and subsequently to the Government for adoption. The working group will complete the Analysis of NGO financing from public funds by 20 May (final consolidation of text is expected) and submit it to the Council so the Analysis and the draft Law on NGOs could be considered at the same session. On 16 June, the Government adopted the model Analysis of financing the non-governmental organisations from public funds.
	2. Adopt the Decree amending the Decree on criteria for selection of beneficiaries and method of allocation of a part of revenues from games of chance:	MF, Commission for Allocation of Funds from Games of Chance, Council for Cooperation between the Government and	I quarter	Decree adopted	Draft Decision was prepared. Consultations between representatives of the Government and NGOs are under way, with the view to defining a mutually acceptable model of the Decree. The Decree is planned to be adopted by 31 March, depending on alignment with NGO representatives.

	– define the conditions for allocation of funds; – modify the procedures of operation of the Commission; – define required templates and system of scoring and monitoring of approved projects	NGOs			The initial draft of the Decree has been defined. Decision on appointing the members of the Commission for allocation of part of revenue from games of chance (Official Gazette of Montenegro 12/11) was adopted. The first meeting of the Commission was held. Draft decree prepared by the representatives of the Ministry of Finance was discussed in the meeting. Other members of the Commission from governmental bodies and non-governmental organisations presented their proposals and comments to the delivered draft Decree. In line with the agreement reached in the first meeting, members of the Commission delivered comments to the Draft Decree. Bearing in mind that the comments did not cover the complete manner of scoring, monitoring and evaluation of projects which was one of requests of the Ministry of Finance, in the second meeting the Ministry defined 21 April as the deadline for delivery of the abovementioned comments. The intention of the Ministry of Finance was to significantly increase the percentage of funds allocated to the most vulnerable groups in line with the EC recommendation. Two meetings of the Commission for Allocation of Part of Revenue from Games of Chance have been held. Final draft Decree will be submitted to the Ministry of Interior and Secretariat for Legislation for opinion. Consultations of the representatives of the Ministry of Finance with the representatives of the Secretariat for Legislation related to defining the final text of the new Decree are in progress. The

					Draft Decree envisages the change of share percentages for programmes and project in certain areas in the distribution of total funds, according to the EC recommendations, in the following manner: 1) social protection and humanitarian activities, up to 12%; 2) meeting the needs of persons with disabilities, up to 40%; 3) development of sports, up to 12%; 4) culture and technical culture, up to 12%; 5) extra-institutional education of children and youth, up to 12%; i 6) contribution in the fight against drugs and all forms of addiction, up to 12%. Furthermore, the draft of the Decree contains more rigid criteria for the application in the Competition, more clearly defined manner of scoring, and the selection of projects and programmes that would be supported, the manner of monitoring and evaluation of projects and programmes. It is also envisaged that the financing of projects and programmes worth more than 10,000 euro should be published in several tranches, and it clearly defines the conditions which the organisations have to fulfil before the payment of the next tranche of the granted funds. Council for Cooperation of the Government of Montenegro and NGOs will have another meeting in June in order to consider the Draft Decree on the Criteria for Establishing Beneficiaries and the Manner of Distribution of Proceeds from Games of Chance. At the session held on 4 July 2011, Council for

					Cooperation of the Government of Montenegro and NGOs considered and supported the Draft Decree on the Criteria for Determining Beneficiaries and the Manner of Distribution of Proceeds from the Games of Chance and proposed the soonest issuance of competition for allocation of funds for 2011. On 7 July 2011, the Government adopted the Draft Decree on the Criteria for Determining Beneficiaries and the Manner of Distribution of Proceeds from the Games of Chance. Issuance of competition for allocation of funds for 2011 is expected soon. It is planned for the whole procedure which precedes the issuance of competition to be completed by the end of August this year (publication of the Decree in the Official Gazette, preparation of documentation for issuance of competition). After the Government adopts the Decree, competition will be launched for allocation of part of revenues from games of chance in the shortest possible period (early June).
	3. Appoint members to the new Commission for Allocation of Funds from Games of Chance	MF	I quarter	Decision on appointment of Commission members adopted (published in the Official Gazette)	On 3 February, the Government adopted the Decision on appointment of the Commission for Allocation of Funds from Games of Chance. This Decision was published in the Official Gazette of Montenegro.

	4. Monitor implementation of the new Decree on criteria for selection of beneficiaries and method of allocation of a part of revenues from games of chance	MF, Commission for Allocation of Funds from Games of Chance	Continuously	Data on allocation of funds published on the Commission's website and in one newspaper; Approved projects published on the Commission's website	
	5. Monitor spending of public funds approved for financing NGO projects	MF, Competent state administration bodies; SAI	II quarter	Approved projects published on the Commission's website; Data on projects published on websites of competent institutions	Funds spending will be monitored continuously until the projects to which the funds were approved are closed (having in mind that implementation of the projects will not be finished within the second quarter, but it will last longer). Ministry of Finance delivered to the members of newly formed Commission for Allocation of Funds from Games of Chance draft Decree amending the Decree on criteria for identification of users and manner of allocating part of revenues from games of chance. Proposed amendments will be discussed in the first Commission's meeting which will be held on 23 March 2011. Solution from the current decree: Beneficiaries of the funds awarded under this Decree shall submit their programme and financial reports on the programme's realisation within 30 days following that of the expiry of the agreed timeframe for realisation of the programme. Commission announces public invitation in at least one

					newspaper distributed in Montenegro as well as on its Internet site. Beneficiaries which were identified, in the control process, to have been using funds for purpose other than specified, are oblige to repay awarded funds to the Budget of Montenegro within the time-frame and manner defined by the decision issued by the Minister of Finance. Programmes and projects of organisations for which the Commission establishes that they have been using funds for purpose other than specified shall not be considered in the following four years. Draft Decree on Amendments to the Decree on the Criteria for Determining Beneficiaries and the Manner of Distribution of Proceeds from the Games of Chance, in the part of provisions related to monitoring, envisages the following: - an external evaluator or more evaluators who must have a legal entity status (outsourcing) can be hired through a tender for the needs of project evaluation and monitoring (including the spending of funds) . - a commission or the external evaluator are obliged to provide at least once a monitoring visit to the programme/project organisation (visit to an event organised under the approved programme/project and/or a meeting with the organisation representatives or project beneficiaries – for the purpose of evaluation of the quality of the realised activities) namely for the programmes/projects financed with the amount higher than 30,000 euro. - The Commission has a right to conduct a control of both the programme and the

					financed with the amount of less than 30,000 euro. - Based on the evaluation of the supported programmes/projects, the Commission creates a data base for the input of the summary evaluation data of all approved programmes/projects. The Register is available to all public institutions, including the local self-government which allocate funds to the NGOs. Organisations which were granted funds on the Competition in the amount larger than 30,000 euro are obliged to announce (site of the organisation, written and electronic media, radio, television or other forms of informing) the activity defined by the programme/project related to the realisation of the mentioned funds.

8. ACTION PLAN FOR HUMAN RIGHTS

PRIORITY	MEASURE/ACTIVITY	RESPONSIBLE AUTHORITY	DEADLINE	INDICATOR	STATUS / DEGREE OF IMPLEMENTATION
1. Improvement of legal and institutional framework for protection of human rights and freedoms	1. Draft Law on Protector of Human Rights and Freedoms introducing two new institutes: - Protector is defined as national mechanism for prevention of torture and other forms of inhuman treatment and punishment; - Protector is defined as the institutional mechanism for prevention of and protection against discrimination	MHMR Ombudsman	I quarter	Law on Protector of Human Rights and Freedoms approved and submitted to the Parliament	Draft Law on Protector of Human Rights and Freedoms was considered by the Commission for Political System, Internal and Foreign Policy on 14 March 2011. Draft Law is planned to be adopted by the Government on 17 March 2011. Draft Law on Protector of Human Rights and Freedoms was adopted by the Government on 17 March 2011. Draft Law is now in the parliamentary procedure. It was discussed in the committee for Human Rights and Freedoms (6 April) and in the Committee for Constitutional Matters and Legislation (11 April). Draft Law is incorporated in the agenda of the parliamentary sitting which has initiated on 5 July 2011.
	2. Building capacities of the institution of Protector of Human Rights and Freedoms which will be provided through: - increased budget allocations for the Protector's Office minimum 30% compared to the 2010 Budget - Increased number of staff – appointing another deputy and five staff members	MF Ombudsman	II quarter	Increased budget allocations to Ombudsman in the 2011 Budget Law; Deputy Protector appointed and another five members of staff employed	In the 2011 Budget Law of Montenegro (Official Gazette of Montenegro 78/11), funds for operations of the Protector were increased by € 111,842.65 or 30% (budget for this year totals 485,945.97). Special report of the Protector of Human Rights and Freedoms on realisation of rights to recovery of property rights and compensation (March 2011) and the Special Report on situation regarding human rights of mentally ill persons accommodated in institutions (March 2011) are provided in Annex 8. With a view to preparing the Report on cases of discrimination in Montenegro for the period between January and June 2011, courts and other competent state authorities provided data on cases

					of discrimination. Deputy Protector has not been appointed yet and new employees have not been engaged. One civil servant has been transferred from another state authority through internal competition whereas one civil servant left so the number of employed stays the same.
2. Raising awareness on significance of prevention, reporting and sanctioning of all forms of discrimination	1. Adoption of secondary legislation implementing the Law on Prohibition of Discrimination: - define contents and manner of keeping records on all cases of reported discrimination and lodged appeals related to discrimination	MHMR	I quarter	Rulebook on contents and manner of keeping registers on all discrimination cases adopted	Drafting of the Rulebook on contents and manner of keeping registers on all discrimination cases is underway. The Rulebook is planned to be adopted by the end of the first quarter. These bylaws have been adopted and will be published in the Official Gazette. Rulebook was published in the Official Gazette of Montenegro 23/11 of 6 May 2011. Rulebook on contents and manner of keeping records on cases of reported discrimination define in more details the contents and manner of keeping records in cases related to discrimination in courts, inspectorates and misdemeanour authorities. The following data are entered into records: - submitter of the appeal i.e. report - discrimination basis - gender and age of discriminated person - date of the submission of the appeal i.e. report - date of issuance of final and enforceable judgement - declared review - time of decision making - number of received cases - number of refused appeals i.e. reports - number of accepted appeals i.e. reports. The record is electronically led database which

					enables the immediate access of the Protector to the data. The data are systematised and are led in form of a register.
	2. Opinion polls regarding the most vulnerable groups	MHMR in cooperation with the Ombudsman, UN agencies, OSCE, NGOs	II quarter	Survey carried out	Consultations with OSCE and UN agencies have been carried out. Plan of further activities is to be defined. After the consultations (OSCE, CEDEM), specialised agency will be engaged to conduct this research. Research is conducted by CEDEM the team of which is led by Prof. Dr Miloš Bešić. The results of the research will be known and presented by the end of May. Research of citizens' attitude towards the most vulnerable groups has been carried out. The research was presented at the media conference on 13 June 2011. All media received CD with the results. The research showed that three groups, at the level of general assessment, suffer the highest level of discrimination- Roma, persons with disabilities and persons belonging to LGBT population. CEDEM research is provided in Annex 8.
	3. Campaign promoting anti discrimination legislative solutions and policy: - organisation of public debates for prevention and fight against negative social attitudes and behaviour based on gender, sexual	MHMR	Continuously	Number of thematic public debates - results/change in perception and relation towards	In cooperation with OSCE, plan and visual identity of the company as well as the campaign material are being prepared. Material which will make the visual identity of the campaign is being prepared (videos, jingles, newspaper ads, billboards). The campaign will cover very broad media-plan considering that it is planned for videos' broadcasting on all TV stations in Montenegro (in accordance with the broadcasting

	orientation, age, race, national affiliation, religion, disability with special emphasis on the most vulnerable groups - media campaign (printed and electronic media)-jingles, video spots, key messages etc. - printing of brochures and leaflets - billboards			vulnerable groups; Number and contents of realised activities; Brochures and leaflets broadly distributed; Number of billboards, their location and duration	plan and the rating of TV station). Part of the campaign relating to newspaper ads will cover three daily newspapers in Montenegro. Billboards will be installed it the most attractive crossroads in Montenegro. It is planned for translation and publication of the Law on Prohibition of Discrimination into Albanian language. Also, part of media campaign (brochures, billboards) will be prepared in Albanian language for municipalities Ulcinj, Plav and Tuzi. Campaign material has been prepared in both Montenegrin and Albanian language. Campaign will commence in early May. Visual identity of the campaign has been prepared and it contains three basic promotional messages, namely: - NO ONE HAS TO BE AT THE MARGIN (discrimination of persons with disabilities) - PUT ASIDE (discrimination based on gender) - NOT EVERYTHING IS BLACK AND WHITE (discrimination based on sexual orientation). The campaign commenced on 27 May by publication of the add in all three daily papers and it will last until the end of June. The adds are published in half of page in colour (individually for all three forms of discrimination) and are published on days having the large press run for certain daily papers (Pobjeda on Fridays, Vijesti on Saturdays and Dan on Mondays). Billboard and city light network cover the entire territory of Montenegro spatially the most frequent roads and locations. There is total of 64 billboards

					and city lights installed. Videos are broadcasted on all TV stations covering the territory of the entire Montenegro (RTCG, TV IN, TV Vijesti, TV Elmag and TV MBC). Broadcasting of videos commenced on 15 June and will last until 15 July. Under the implementation plan for the Law on Prohibition of Discrimination, part of the media campaign has been realised (advertisements in daily papers: POBJEDA, VIJESTI, DAN as well as on billboards in the entire territory of Montenegro). Second part of the campaign will be realised through printing of fliers with anti-discriminatory messages and their enclosure to the whole circulation of daily papers in Montenegro (204.000 copies will be printed) in the following terms: POBJEDA – 21, 22, 23 July, VIJESTI- 25, 26 and 27 July, DAN- 27, 28 and 29 July.
	4. Adoption of training programme for representatives of state authorities directly involved in prevention, protection and sanctioning of discrimination with special emphasis to vulnerable groups (Roma, LGBT, persons with disabilities...)	MHMR HRMA Police Academy Judicial Training Centre	II quarter	Training programme and plan of its realisation adopted	Training programmes are in their final stage of preparation and they are to be adopted by MHMR, HRMA, OSCE and NGOs. Thematic trainings and workshops are to be organised by the end of II quarter. Training will be realised in cooperation with OSCE and it will encompass the employed in judiciary, police, inspectorates and other institutions having contact with the cases of discrimination. Until the end of II quarter, three workshops will be organised i.e. thematic trainings and the follow up to the education will take place in III and IV quarter namely: per one three-day workshop for the same attendants who will thus round up their knowledge on antidiscrimination and implementation of the Law on Prohibition of Discrimination. On 5-6 May, the first workshop was held in Bečići,

					within the Education Programme for state servants, judges, prosecutors and other bodies dealing with protection against discrimination. The first workshop was entitled "General Legal Regime for Protection against Discrimination". It covered the concept and forms of discrimination, typical discrimination forms in certain segments of social life and mechanisms of legal protection against discrimination. All participants in the first workshop are obliged to attend the subsequent workshops planned under this Programme in order to gain more comprehensive and complete knowledge on providing protection to discriminated persons. After this general workshop, Education Plan envisages another three which will focus on main discrimination forms in society (sexual orientation, disabled persons, gender equality etc.) The next workshop is scheduled for 23 June.
	5. Strengthening of coalition "For LGBT Rights" through joint activities and financial assistance	MHMR	Continuously	Active participation of state institutions in coalition "For LGBT Rights" and financial support provided	Parliamentary Committee for Human Rights and Freedoms required the information on position of LGBT population from the Minister of Human and Minority Rights. The information was delivered on 1 March 2011. Apart from the Committee's members and Minister Dinoša, the meeting of the Committee was attended by the Protector of Human Rights and Freedoms and representatives of NGOs. Parliamentary Committee will adopt conclusions on Information and positions presented in the meeting. At the initiative of NGO "Progress" meeting was held between the representatives of this NGO and the Government (Deputy Prime Minister Duško Marković, Director of the Police Directorate Veselin Veljović and Assistant Minister for Human and Minority Rights Blanka Radošević-Marović).

					Representatives of the Government confirmed willingness of the Government to provide institutional support to organisation of Pride Parade scheduled for 31 May. The Government will delegate two representatives to the Organisation committee of this event. On 12 May 2011, the Government of Montenegro adopted the Proposal for appointing the Government representatives in Organisational Committee of Pride Parade. Members are: - Blanka Radošević Marović, Assistant Minister for Human and Minority Rights; - Sabahudin Delić, Assistant Minister for Human and Minority Rights - Darko Knežević, head in Police Administration In this regard it was noted: "Stemming from the fact that human rights are universal and indivisible as well as from its strategic willingness to continuously undertake all necessary measures for providing the conditions for realisation of human rights of LGBT population, in the spirit of social acceptance and promotion of tolerance towards persons of different sexual orientation, the Government of Montenegro supports this manifestation and entrusts competent state authorities with providing, in cooperation with the organiser, all necessary conditions for its unhindered and safe run. " Also, the Government invited citizens to express social maturity and confirm the devotion to European values and standards during the manifestation through tolerance and respect for the right to difference. Police Administration and NGO LGBT Forum Progress signed on 23 June the Agreement on

					Understanding and Cooperation which, inter alia, envisages the development of close communication and cooperation with the Police Administration regarding the organisation of different public assemblies of LGBT persons and ensuring the safety of locations and premises in which their social life activities will take place National conference on position of LGBT population in Montenegro was organised by NGO Juventas. The conference was held under the project "Montenegro- a bright spot on gay map" which is financially supported by the EU through EU Delegation to MNE, European Region of the International Lesbian, Gay, Bisexual, Transgender and Intersex Association (ILGA) and British Embassy in Podgorica. Conclusions of the Conference are enclosed in Annex 8. Ministry for Human and Minority Rights participated in preparation of the Action Plan for fight against Homophobia 2011 – 2015, which is a resulted of work of Coalition and activists in protection of LGBT rights. Information on position of line ministries regarding the commitments defined under the AP was submitted to NGO Juventas. This NGO is assessed positive position of line ministries as a very significant step in cooperation at suppression of homophobia in Montenegrin society. Significant part of activities and commitments from the AP is under the competence of the Ministry of Hyman and Minority Rights which have mostly already been included in the Government AP for monitoring implementation of commitments from the EC Opinion. With a view to further affirmation of anti-

					discriminatory policy in Montenegro, the Government will adopt on 28 July Decision on formation of the Council for protection against discrimination. Basic tasks of the Council are: monitoring and coordination of competent bodies' activities in implementation of mechanisms for protection against all forms of discrimination, analysis of measures that competent authorities apply in provision of protection against discrimination and promotion of prohibition of discrimination as one of basic principles of human rights principles.
	6. Organisation of regional conference "Protection of LGBT rights"	MHMR	III quarter	Regional conference held and recommendations adopted	
3. Improvement of minority rights and freedoms	1. Analysis of representation of minorities in public services, state authorities and local self-government authorities including the records on number of persons declared and undeclared regarding the national affiliation	MHMR HRMA	II quarter	Adopted analysis on representation of minorities in public services, state authorities and local self-government authorities and measures adopted for implementation of constitutional guarantee on reciprocal representation	Preparation of analysis on representation of minorities in public services, state authorities and local self-government authorities is underway. Processing of data is underway. Special measures cannot be created without the analysis of obtained data. When the analysis is performed, special measures will be proposed (according to state authorities, local self-government authorities and public services). The Ministry for Human and Minority Rights, in cooperation with Human Resources Administration, has prepared the Questionnaire for submitting data and the guide for its completion. Address-book of all state authorities, local self-government bodies and judicial institutions has been prepared. The questionnaire was distributed to 143 addresses. With a view to quality and precise data processing,

				of minorities	special computer programme has been developed. Data from all questionnaires (13.900) were entered to this programme. Information/Analysis is in its final stage of preparation. On 7 July 2011, the Government of Montenegro adopted the Information on representation of minorities and other minority national communities in public services, state and local self-government authorities with proposal for measures. Information provided in Annex 8.
2. Adoption of Rules and Instructions for election of members of minority councils or other minority communities: - conditions for electors - summoning of Assembly of Electors - election of the Council's members	MHMR Minority Councils and minority communities	II quarter	Adopted Rules and instructions	The working group in charge of preparing the Rules will be founded by the end of March. All minority councils will be delivered the invitation for participation in the working group. Preparation of Rules and Instructions for electing members to the council of minority people or other national minority community is underway. All councils have been delivered the invitation to participate in the working group that prepares the Rules. So far, three councils have responded. All six constituted minority councils have submitted the names of their representatives in the Working Group for preparing rules and guidelines for appointment of the Council's members. The Ministry has prepared the initial text of Rules which will be the starting point for the working group.	
3. Implementation of the Strategy for Improvement of the Position of RAE: - develop programme activities for improving school achievement (inclusion in city schools,	MHMR MES	III quarter and continuous ly	Number of persons covered according to education and service levels and	Subsidized education will be provided by the beginning of school 2011/2012 year. The number of beneficiaries will de defined at the beginning of 2011/2012 school-year. Benefits include free textbooks for pupils of the first grade of elementary school, monthly scholarships to secondary school and university students (€70 and €150	

	remedial teaching, assistance to pupils) towards social inclusion of RAE; - provide subsidized education; - printing of brochure on rights of the child in Romani language and familiarisation of the Roma children with their rights; - preparation of the new Strategy for improvement of the position of RAE population in Montenegro given that the current one covers the period 2008-2012			programmes; Provided free textbooks, school supplies and financial resources for monthly scholarships to secondary schools and university students; Translated and printed brochure on rights of the child in Romani language, number of workshops and children covered Draft Strategy for improvement of the position of RAE in Montenegro adopted	respectively). Special support has been provided to elementary school Božidar Vuković Podgoričanin in vicinity of which Camp Konik is situated. Additional teaching classes is regularly performed, namely: I grade- 38 pupils; II grade- 24 pupils; III grade – 22 pupils; IV grade – 28 pupils; V grade – 27 pupils; VI grade – 12 pupils; VII grade – 9 pupils. Starting from 2008/09 school year, MES has been realising, in cooperation with Red Cross Montenegro, the activities of desegregated education of Roma population from Camp Konik. MES provides the transport for these children to city schools (in average 1.300,00 euro is allocated per month). On 15 April 2011, the Ministry launched the Competition for allocation of funds for projects in 2011 complying with the Strategy for improvement of position of RAE population in Montenegro 2008-2012. The competition was open until 6 May 2011. The Commission for monitoring of the Strategy's implementation will issue the decision on selection of projects. The Commission for Monitoring the Implementation of the 2008-2012 Strategy for Improving the Status of Roma Population in Montenegro issued the Decision on selection of projects and allocated part of funds for implementation of projects in accordance with the Strategy, based on implemented public competition, in the total amount of €230.260,50. The following projects have been supported: - Roma Council in Montenegro- project Personal Documents- Inclusion Precondition

					(€90.000,00); - Foundation for Roma Scholarships – project 2011 Scholarship Programme including the scholarship for all secondary school students in the amount of €70 and university students in the amount of €150 as well as acquisition of textbooks and scholarship payment (total €80.933,00); - Ministry of Education and Science – project Provision of Free Textbooks and Learning Aids for Children Belonging to RAE Population in I, II, III gGade of Elementary Schools in School year 2011/2012 (€33.387,50) - NGO Preporod – project Better Educated, Healthier, Safer (€4.500,00) - NGO 4 Life – project Raising Awareness in Children and the Young belonging to RAE Population on Harmful Effect of Psychoactive Substances to Physical and Psychological Health of Human (€6.000,00) - NGO Bjelogorac – Ulcinj- I Would Like to Continue Where I Have Stopped (€6.440,00) - NGO Susreti – Nikšić- project Assistance to Persons Belonging to RAE Population for Equipping the Apartments (€5.000,00) - Judo Club Roma- Our Fighters-to Live with Us not Aside of Us (€4.000,00) The remaining part of funds for implementation of projects in 2011 in line with the Strategy will be allocated upon the publication of public competition. On the occasion of celebrating of 8 April International Roma Day, the Minister Ferhat Dinoša opened Roma Radio, financed by the Government of Montenegro.

					Brochure on rights of the child was translated and printed. Workshops on rights of the child will be held by the end of the second quarter. Distribution of brochures and workshops are planned to take place in April and May 2011. Workshops on rights of a child were held on 6-13 May 2011: - Elementary School Božidar Vuković Podgorica - Elementary School Mileva Lajević Lalatović Nikšić - NGO Roma and Egyptians Ulcinj - Elementary School Ilija Kisić Herceg Novi - Elementary School Radomir Mitrović Berane . Around 500 copies of the Children Right Albums were distributed and over 800 pupils were informed on rights of a child in these workshops. Apart from pupils belonging to RAE population, workshops were attended by children not belonging to this population, pupils from 2 and 5 grade of elementary schools. Working languages at the workshops were Montenegrin, Albanian, and Roma. Apart from this, representatives of the Ministry of Human and Minority Rights, Roma Council, NGO and Red Cross discussed problems regarding the education of Roma children with directors of schools and teaching staff as well as the possible assistance and joint activities. Draft Strategy for improvement of the position of RAE population in Montenegro 2012-2016 will be prepared by the end of third quarter. New Strategy will also take into account the recommendations

					that will be provided in workshop on Roma inclusion. The workshop is to be held in Podgorica on 28 April. The Ministry launched public invitation to NGOs regarding the proposal of candidate for the member of the working group for preparing proposal for the Strategy. After the expiry of term for proposal submission, the Ministry selected and publicly informed candidates on election (9 May 2011) in accordance with the Instructions on criteria and procedure of electing NGO representatives to the working group. Considering that state authorities and Roma Council delegated their representatives, conditions are created for forming the working group which will prepare proposal for the Strategy. Working group has been formed and the dynamics and work plan has been agreed upon. On 28 April 2011 in Podgorica, EU delegation and the Ministry of Human and Minority Rights organised the workshop entitled Social Inclusion of Roma. The workshop was attended by representatives of EC, Government of MNE, international organisations and NGOs. Basic themes of the workshop were: personal documentation, education, training and employment, social and health protection and housing. Participants agreed on priority challenges and measures that Montenegro needs to undertake in order to achieve better inclusion of domicile and displaced persons – belonging to RAE population as well as on necessary support of international organisations, especially EU.

4. Social inclusion of persons with disabilities and children with developmental difficulties	1. Adoption of the Draft Law on Prohibition of Discrimination of Persons with Disabilities prohibiting discrimination in all areas of public and social life	MLSW	II quarter	Draft Law approved	On 10 February 2011, the Government of Montenegro adopted the Draft Law on Prohibition of Discrimination of Persons with Disabilities. Draft Law has been published in daily paper "Pobjeda" and on the official site of the Ministry of Labour and Social Welfare. Public discussion was held in Kotor (4 March), in Bijelo Polje (9 March) and Podgorica (10 March). All interested parties could have delivered their suggestions to the Ministry of Labour and Social Welfare, via mail or post. Draft Law is underway and it is expected to be submitted to the Government for adoption by the end of II quarter. Proposal for the Law on Prohibition of Discrimination was submitted to the Government for adoption (15 May). The proposal defines the forms of direct and indirect discrimination. Also, prohibition of discriminating disabled persons is stipulated in proceedings, usage of facilities and public areas, provision of public services, public transport, healthcare, education, employment, labour, social and child protection, marital and family relations, election right, NGOs. Provisions of the Law on Prohibition of Discrimination also apply to prohibition of discriminating disabled people as well as the provisions of other laws governing this issue. Law on Prohibition of Discrimination (2011) define the procedure of protection against discrimination, burden of proof, court protection and serious form of discrimination. Draft Law on Prohibition of Discrimination of

					Persons with Disabilities is in the parliamentary procedure. On 22 July 2011 the Parliament adopted the new Law on Prohibition of Discrimination of Disabled Persons.
	2. Improvement of employment of persons with disabilities: - professional rehabilitation - employment subsidies - public campaign with a view to increasing the employment of persons with disabilities	MLSW EO	III quarter Continuously	Number of persons covered by professional rehabilitation programmes and number of employed persons with disabilities; Number of held campaigns, public panels, round tables and NGOs that participated.	In 2010, professional rehabilitation programmes covered 110 persons registered in the Employment Office in Podgorica, Bar and Nikšić. Also, training programme for work on professional rehabilitation cover 12 persons with university degree registered in the EO (social workers, psychologist, defectologists, physiotherapists and technologists) as well as 8 persons employed in the EO which will work as advisors for professional rehabilitation. In 2010, in public works, employment relationship for definite period was established by 76 disabled persons: 69 in public work "Sunny Workshop" and 7 persons in public work "Our ID Card". In 2010, in public works, employment relationship for indefinite period was established by 15 disabled persons: 9 on grounds of awarding income subsidy, 2 on grounds of co-financing the equipment for their working places and 4 on grounds of awarding loans for self-employment under favourable conditions. In period January-May 2011, 2 requests were approved on grounds of income subsidy. Since March 2011, 1 request of an employer was approved for subsidy of disabled persons' earnings. In 2010, Employment Office organised the first disabled persons' employment fair thus enabling the direct communication between employer and unemployed disabled persons. In 2010, several

					round tables were organised with the representatives of the Association of the Blind of MNE, Association of the Young Disabled Persons of MNE, Association of Paraplegics of MNE, Organisation of Deaf and Partially Deaf Persons on MNE, Association of Parents of Children with Special Needs that signed the Memorandum on Cooperation. Memorandum defines the basic principles and areas of cooperation with a view to increasing employment of disabled persons. Round tables entitled "Position of Disabled Persons", "Discrimination of Disabled Persons" and "Education and Employment of Disabled Persons" were also held. In February 2011, 2 round tables entitled "Say NO to Discrimination" and "Employment of Disabled Persons" were held. They were organised by the Association of Paraplegics of MNE. <u>Position of Marijana Mugoša in the Municipality:</u> Marijana Mugoša, employed in Municipal Assembly Service in the Capital Podgorica will be on maternity leave until 19 January 2012. After the expiry of the leave, Marijana will continue to work in the above-mentioned service accompanied by her guide dog because the new Assembly building will provide more adequate working conditions. Furthermore, Marijana Mugoša realised all rights arising from the employment relationship even before initiation of her maternity leave, during the absence from work. Information on implementation of the Action Plan for implementation of the 2010 Strategy for Integration of Disabled Persons in Montenegro is enclosed in

					Annex 8. Steering committee of the Employment Office adopted the Decision on publishing public announcement for realisation of the following programmes: - Programme of professional rehabilitation of persons with disabilities and other difficult to employ persons for 2011 and - Programme for development of functional and working skills of difficult to employ persons for 2011 After the procedure has been conducted, programme implementers have been selected. On 1 June 2011, both programmes covered per 20 persons with disabilities registered as unemployed. The Ministry of Labour and Social Welfare, Employment Office, Ministry of Finance, NGO representatives and social partners. The working group had its first meeting and discussed the solutions proposed by the MLSW. Amendments to the Law aim at: - aligning the regulations on state aid in part relating to the amount of subsidies awarded to the employer; - changing the definition of employer, introducing state authorities, local self- government bodies, public institutions, judicial bodies, funds, agencies and other organisations financed under the Budget of MNE and of local self- government into the mandatory employment and special contribution paying regime. - Extending timeframe for exclusion from mandatory employment of disabled persons from 12 to 24 months for newly established

					employer; - Association of persons with disability that are exempted from obligation to pay contributions as employer. Draft Law amending the Law on Professional Rehabilitation and Employment of Disabled Persons was adopted by the Government on 23 June 2011 and it was delivered to the Parliament for adoption. Proposed amendments to the Law extend the concept of an employer to state authorities, public institutions, judicial authorities, funds, agencies and other organisations financed under the MNE Budget. The amendments also promote employment of disabled persons and their involvement in the market, in line with their remaining working capacities. Measures and activities have been more precisely defined, in line with standards proposed in this area. New institute has been introduced- social involvement of disabled persons. In part of quota system, changes envisage that employers employ up to 10 persons are not under the obligation to pay special contribution for employment of disabled person. Newly established legal persons are exempted from the obligation to employ disabled persons in the first 24 months. Another novelty is that association of disabled persons, in the capacity of employers, are exempted from the obligation to pay special contribution but have the right to earnings subsidy for employment of disabled persons. Purpose of Professional Rehabilitation Fund's resources has been extended through introduction of grant schemes i.e. grant

					programmes awarded on public invitation and serve for financing programme of professional rehabilitation and employment of disabled persons. The amount of subsidies for employment of disabled persons has been harmonised with regulations governing state aid. On 22 July, Parliament of Montenegro adopted the Law on Professional Rehabilitation and Employment of Disabled Persons.
	3. Opening of day-care centres for children with developmental difficulties	MLSW and local self-governments	II quarter	Day-care centres for children with developmental difficulties opened in Herceg Novi, Plav and Mojkovac and number of children covered	Opening of day-care centres for children with developmental difficulties in Herceg Novi is planned for 9 March 2011, whereas in Plav and Mojkovac by the end of the second quarter. Day-care centre for children with developmental difficulties in Herceg Novi was opened on 9 March 2011. Opening of day-care centre in Plav is planned to take place by the end of II quarter as well as the completion of planning documentation for day-care centre in Mojkovac and initiation of works. In cooperation with UNICEF, equipping of day-care centre in Plav is ongoing after which the opening is planned.
	4. Establishment of inclusive education system for children with developmental difficulties	MES	Continuously	Number of children included according to educational level; Number and types of technical support and service for the children with	Activities on implementation of the project "Support to overall process of social inclusion", improved under IPA 2010 Component I, are underway. Realisation of the project was initiated at the end of February. So far, the project's Steering Committee has been formed and realisation of activities was initiated in accordance with the timeframe. - Sub-objectives of Component I: Inclusive education refers to the process of transformation of special institutions into resources centres. Project will establish

				developmental difficulties	standards and methodology of external testing of knowledge for children with developmental difficulties. It is necessary that the Examination Centre fully complies with the educational needs of children with developmental difficulties and to create for every child creates the individual achievement test. This project aims to increase total number of children belonging to RAE population in education system. In accordance with this, until now Terms of Reference have been prepared, needs of special institutions in terms of didactics, sensor rooms have been assessed and sample text of Statute of PE Resource Centre has been prepared with which each individual institution will harmonise their existing Statutes with. Terms of Reference IPA 2010 for Component I <u>Inclusive Education</u> contains: list of acronyms, basic information, objectives of the contract and expected results, presumptions and risks, scope of work, logistics and time, requests and conditions, manner of reporting, monitoring and evaluation, general commitments, communication guidelines. EU Delegation to Montenegro will publish competition for the contract which means the public invitation will be launched in mid April and the initiation of the contract's realisation is expected to be initiated at the end of May this year. In part of its competences, MES was involved in the Project. IPA 2010 Terms of Reference has been prepared, for Component 1 Inclusive Education based on which EU Delegation in Montenegro

					launched the competition for the Contract. Public invitation was launched in mid-April and it is expected that the contract will start to be realised at the end of May. The Commission, formed of representatives of DEU and MES, analysed and considered applications to the add and made a selection. Selected offers/producers are obliged to deliver detailed description of activities in the following period. On the other hand, MES currently prepares tender for equipping resource centres in terms of didactics, sensor rooms as well as for acquisition of necessary funds for the needs of Examination Centre. Second meeting of the Steering Committee was held on 8 July in which current status of the project was presented. Based on model sample of the Statute of PE Resource Centre, which has been prepared by the MES, majority of special institution aligned their existing statutes. In the meeting between directors of resources centres, the needs of these institutions in terms of didactics, sensor rooms have been assessed based on which tender will be launched. For this purpose, preliminary list of necessary equipment for preparation of individualised tests (translation software, zoom text programme) has been prepared in cooperation with examination Centre expert team. Preparation of the Rulebook on manner, conditions and the procedure for orientation of children with special educational needs. Draft Rulebook will be delivered to consultant for comments and

					suggestions. UNICEF Office in Montenegro published the advertisement in May for engaging consultants for assessment of this Rulebook. Working group (representatives of the Ministry of Education and Sports, Ministry of Health and Social Welfare, Union of Municipalities, NGO sector) prepared draft Rulebook which was submitted to consultant for comments and suggestions. - Working group (representatives of the Ministry of education and Science, Ministry of Health, Ministry of labour and Social Protection, Union of Municipalities, NGO sector) has prepared new definition of developmental difficulty in such a manner as to align them with the Law on Education of Children with Special Educational needs (Official Gazette of Montenegro 45/10) and the latest scientific and professional trends. Newly defined terminology is a condition for orienting children with special educational needs into educational system. Working version of the terminology is submitted to consultations with paediatricians, defectologists and interested NGOs. It was agreed for the following steps: clearer recognition of role and obligation of parents in orientation process; clear and precise definition of commitments of school regarding the referral of children to the commission (reporting and the like); specification of documents that need to be delivered on request etc. - Preparations for opening of stimulating rooms in elementary schools "Stampar Makarije" and "Savo Pejanovic" are underway.

					Stimulating rooms in elementary schools Štampar Makarije” and “Savo Pejanovic” have been opened. Targeted chosen didactics has been provided, in accordance with the most common developmental difficulties in children oriented in these schools and it will enable professional services and teaching staff in schools to implement individual educational and developmental programmes which are prepared for these children upon the decision on orientation. Apart from this, multiple functions owned by selected didactics enable full interaction of children with developmental difficulties through playing with their peers who do not have such difficulties. Stimulating rooms in schools “Radojica Perović” (20 April), “Vladimir Nazor” (6 May) and “21 May” (19 May) are being prepared. Apart from stimulating rooms in elementary school Štampar Makarije and elementary school Savo Pejanović, these have also been opened in elementary schools Radojica Perović (on 29 April) and Vladimir Nazor (6 May). Didactic Aids and equipment for stimulating room that is functional now have been designed by the MES. For the purpose and full justification, this team took into account the characteristics of the most common developmental difficulties based on which these children have been referred to these schools. Multiple functions of chosen didactics provide the children with the chance to acquire new skills through game in stimulating surrounding and to make new friends. Preparation for

					opening of stimulating room in elementary school "21 May" is ongoing (20 May). Stimulation room/inclusive playgroups opened in elementary school "21 May". - The Education Office publishes catalogue of professional training programmes for teachers. Four accredited programmes are being prepared by the Ministry ("Intensive Interaction", "Working with Autistic Children", "Systemic model of occurrence of special educational need" and "Towards the full inclusion – Development of specific methodologies and techniques in work with children with specific developmental needs included in regular educational system". - In cooperation with Vocational Education Centre, project "VET Trainers in Inclusive Education" has been launched. The main goal is to establish teams for training and support to inclusive education at the level of secondary vocational education. Preparation of the training programme is underway. Training programme regarding the support to inclusive education has been prepared at the level of secondary professional education which is expected to be initiated in May. Training is focused on the following areas: - Inclusive movement and affirmative terminology - Legal and strategic framework of inclusive education - Characteristics of adolescence phase and personality of adolescent - Experiences and recommendation for work with pupils with developmental difficulties

					- Occurring process of developmental difficulties (DCP) - Instruments for assessment of ability, quality of environment and living habits - Prejudices and acceptance of differences - Team work - Elaboration of individual development and educational work (IROP) - Organisation of dual teaching classes (establishment of cooperation with the private sector which implies practical teaching in secondary professional education). Trainings under the project VET Trainers in Inclusive Education should commence in May/June. Closing consultations with MES, expert team, Centre for Vocational Training and Austrian organisation KulturKontakt have been conducted. Seminar was held between 20-22 June. Participants were directors, teachers, pedagogues and psychologists from 6 vocational schools. In accordance with the Inclusive Education Strategy (2008-2012) and the Strategy for Vocational Education Development in Montenegro 2010-2014, the focus in the following period will be placed on social inclusion of pupils with special educational needs. Basic goal is to form teams for education and support to inclusive education at the level of secondary education. Two to four additional trainers will be selected among the participants and they will provide supervised training for additional group of school teams. Based on seminar material and after the completion of trainings, Manual for work in vocational schools will be prepared. - Based on proposals given by local

					commissions for orientation (18), MES regularly updates database of children with special educational needs. Based on this, MES identifies required technical support and services – number of children in MNE with decision on orientation 734 (previous Report 721). Comparing to the previous report, number of children in MNE with the decision on orientation is 760. Comparing to the previous report, number of children in MNE with the decision on orientation is 783. Comparing to the previous report, number of children in MNE with the decision on orientation is 801. - In cooperation with UNICEF Office in Podgorica, implementation of the project “Inclusive Education Support Network” has been launched. Key components are as follows: 1. Support to inclusive education (realisation of training for management of schools, pedagogical and psychological services, boards of teachers and defectologists in 8 regular schools in which there are special classes; establishment of regional teams for further trainings composed of expert team members and attendants selected from the first training; organisation of two workshops in northern, southern and central region. 2. Promotion of rights of pupils with developmental difficulties to their peers from regular classes into which these children are to be integrated. Promoter- Nataša Borović, disabled person, working in primary school “Blažo Jokov Orlandić” in Bar. 3. Development of operational programmes of

					inter-sectoral cooperation with a view to supporting social inclusion. So far, project preparation and workshop relating to Component 2 have been completed. Promotion of rights of pupils with developmental difficulties among their peers, with whom these children will be integrated in regular classes (in each school that realises the component Support to Inclusive Education). Promoter- disabled person, employed in elementary school "Blažo Jokov Orlandić" Activity plan for the project Support Network to Inclusive Education has been defined. Coordination meeting of representatives of all relevant subjects the activities of which relate to the work with children with special educational needs is planned to take place on 19 May. Day long workshop on needs assessment with the representatives of school administrations, pedagogical – psychological services, teacher boards and defectologists from 8 regular schools, in which special classes exist, is planned to take place on 30 May. Day long workshop for assessing the needs of regular schools with special classes was held on 27 May 2011. This workshop was attended by director of the school, member of pedagogical and psychological school service, representative of teachers and school defectologist. Needs assessment has been conducted and the themes to be included in future training have been proposed. The themes include: team work, preparation of individual and development educational programme, monitoring and assessment of pupils, cooperation with parents

					and local communities etc. Expert team was selected to this end and it designed the training based on assessed needs. Methodology and program synopsis have been created. Expert team currently prepare (hard copy and CD format). Training for school administration, pedagogical and psychological services, teacher boards and defectologist from 8 regular schools with special classes was held on 22-25 June. Themes covered are: Inclusive movement and affirmative terminology; Law on Education of Children with Special Educational Needs and instruments for assessment of competence; quality of environment and life styles; team work; Individual Development and Education Plan IROP (1) and assessment based on IROP; development strategy for pupils with developmental difficulties, with a view to integration to teaching methods, and different life styles (different work strategies in class); cooperation with parents and the Commission for Orientation of Children with Special Developmental Needs. Selection aiming at formation of regional teams for future trainings, composed of trainer team and selected participants from the first training, is ongoing. Examples of good practice protruded in the area of technical support to teaching process involving children with developmental difficulties, such as: Assistance for Children with Developmental Difficulties Educated in Regular Schools According to Inclusive Model. These activities have so far been supported through Employment Office Public Work Programme. Assistants in kindergartens and

					schools in Podgorica - 27 assistants in schools, 22 assistants in preschool institutions; Bijelo Polje – 11 assistants in schools and 4 assistants in preschool institutions; Pljevlja- 4 assistants in schools, 2 assistants in preschool institutions; 19 assistants in schools, 5 assistants in preschool institutions; Herceg Novi - 5 assistants in schools. Therefore, there were 99 assistants in total in the previous period. Regarding the competition for Public Work Programme for 2011, MES approved technical support programmes for children in educational process. Office for Education and Professional Rehabilitation of Disabled Children is equipped with three Braille machines to assist children with sight difficulty to read the material printed in Braille alphabet to acquire basic skills. Donation was provided by joint stock company Sava Montenegro.
	5. Implementation of public campaigns with a view to changing the attitude on needs of children with developmental difficulties	MLSW MES	Continuously	Number of realised campaigns according to media and theme; Number of held public panels, topics, number of NGOs that participated	- In cooperation with UNICEF, campaign "Speaking of Possibilities" was realised (fourth quarter of 2010). Campaign "Speaking of Possibilities" aimed at promoting the inclusion of children with developmental difficulties into society. The assessment of the campaign's results was carried out through research (agency Ipsos Strategic Marketing) on sample of thousand citizens in all parts of Montenegro in early December 2010 (more details in Annex 8). - Participation in second phase of campaign "Speaking of Possibilities" UNICEF formed the working group for

					preparation of promotion material and messages of campaign which is a follow up to the partnership from 2010 with a view to clearer presentation of messages which would make maximum impact to public. Members of the working group represent: Ministry of Labour and Social Welfare, Ministry of Education and Sports, Ministry of Health, Ministry for Human and Minority Rights, Cabinet of the Prime Minister, NGO Nardos and our initiative, EU Delegation to MNE. Schedule of important campaign events is provided in the Annex 8. Representatives of Government institutions, civil sector, EU and UN agencies held meeting on 19 April focusing on coordination of activities, designing the message for continuation of the campaign, concept of the campaign's visual identity, slogans, inclusive activities and the like. As part of II phase of the campaign, children with developmental difficulties visited Embassy of the Republic of Italy to MNE on 21 April. Under the campaign Talking about Possibilities, CD was prepared and the Convention on rights of disabled persons was presented in audio format, with enlarged text and sign language. These activities were conducted by: MES and resources centres in cooperation with UNICEF Office. Presentation of children version of UN Convention on rights of disabled persons in Braille alphabet, audio recording and sign language was held on 8 June in Vladin dom in Cetinje, which was attended by the President of the Government Filip Vujanovic and national and international partners.

					- Preparation for opening of stimulation rooms in primary school "Štampar Makarije" and primary school "Savo Pejanović" are underway. - Based on proposals given by local commissions for orientation (18), MES regularly updates database of children with special educational needs. Based on this, MES identifies required technical support and services. - In cooperation with Vocational Education Centre, project "VET Trainers in Inclusive Education" has been launched. The main goal is to establish teams for training and support to inclusive education at the level of secondary vocational education. Preparation of the training programme is underway. - Amendments to the Rulebook on manner, conditions and procedures for orientation of children with special educational needs are being prepared. - The Education Office publishes catalogue of professional training programmes for teachers. Four accredited programmes are being prepared by the Ministry ("Intensive Interaction", "Working with Autistic Children", "Systemic model of occurrence of special educational need" and "Towards the full inclusion – Development of specific methodologies and techniques in work with children with specific developmental needs included in regular educational system"). Detailed review of activities is provided under measure 4.

5. Improvement of gender equality	1. Training on anti-discriminatory approach and equal opportunities for women in the labour market: - labour inspectors - safety inspectors	MLSW HRMA	I quarter	Number of trainees; Memorandum with HRMA signed	Signing of the Memorandum on Cooperation with HRMA is scheduled for 15 March. Memorandum on Cooperation will be signed on 29 April. (realised) Draft Law amending the Labour Law envisages equal earnings, which means that working men women are guaranteed the same earning for the same work or the work of the same value realised with employer. Work of the same value is the work required for the same qualification level i.e. education level and profession, responsibility, skills, working conditions and work results. In case of breach of this right the employee has the right to claim damages in the amount of unpaid part of earnings. Decision of the employer or agreement with the employee which is not aligned with these provisions shall be null and void. Preparations for organising seminars on anti-discriminatory access of women to labour market for labour inspectors and safety-at-work inspectors were initiated, and it is expected that they will be held by the end of March in ReSPA in Danilovgrad. Seminar will be organised by MHMR and HRMA. It is expected that both seminars will be attended by 20 participants each. Seminar addressing the anti-discriminatory access of women to the labour market for inspectors of work and the protection at work and representatives of trade unions' law firms was organised on 4-5 April in Kolašin (participants from northern part of Montenegro) and 7-8 April in Bečići (participants from central and southern part of Montenegro). Venue was changed in order to facilitate arrival of participants considering that the aim is to involve and educate the greatest possible number of

					inspectors and legal advisors. Training was organised by MHMR. This activity is realised under the UN women development fund (UN Women) "Strengthening of Economic and Social Rights of Women in Montenegro" financed by Norwegian Government. Under the new project "Strengthening of Economic and Social Rights of Women in Montenegro 2011" the elaboration of internal procedures for inspectorates' work has been planned for as well as the preparation of the programme for better employment and earnings of women in rural areas of Montenegro, in cooperation with the Ministry of Agriculture and Rural Development. The analysis of the position of women in rural areas will be covered by the programme. The activities regarding organisation of trainings for labour inspectors and inspectors of safety at work have been agreed upon with representatives of Human Resources Management Authority, contact persons have been appointed for matters of gender equality in state authorities, Customs Administration and Police Administration. It was also agreed for innovation of the Code of Conduct of Civil Servants as well as the signing of the Code individually by each attendant of the course. Special code that relies on international Code of Labour Inspection will be prepared and it will be signed by labour inspectors and inspectors of safety at work after the training. - Investment and Development Fund of Montenegro launched competition to award 30 loans for support to businesses having woman as a holder of the project.

					- Two TV shows have been broadcasted in TV Atlas addressing the position of women in labour market with the special emphasis to equal earnings for equal work (in the context of results of research conducted by European Movement) and anti-discriminatory access to the labour market. - VII meeting of the Forum for dialogue with representatives of civil sector was held on 13 May 2011 and it was entitled European Integration and Gender Equality. Main panellist was Montenegrin Prime Minister Dr Igor Lukšić. - Gender Equality Section in MHMR participated in public discussion on the Law on Election of Members of the Parliament and Councillors and provided amendments in terms of introducing special quotas for less represented gender. Also, the Section planned for the set of activities regarding political empowerment of women under IPA 2010 projects. Activities planned under IPA 2010 are: - Organisation of regional Conference with the aim of exchanging experiences related to adoption of the Law on Election of Members of the Parliament and Councillors - Promotion and lobbying for adoption of amendments of the MHMR. - Detailed analysis of the programme and the Statute of parliamentary political parties as well as participation of women in political parties structures - Meetings with leaders of political parties – lobbying - Thematic round table on status of women in political parties - Preparation and signing of Memorandum on

					Cooperation between the parliamentary Committee for Gender Equality and MHMR. - Train the trainers - Seminars for members of the Parliament of MNE - Evaluation and public promotion of results - Desk research on EU best practices related to introducing quota and political strengthening of women - Organisation of study visit - Establishment of network for political strengthening of women with interested NGOs - Meeting for exchange of information held every two months - Joint organisation of campaign for quota introduction - Small and medium grants for NGO campaigns - Evaluation These activities are planned and implemented in cooperation with UNDP in Montenegro for the period of three years. The project is connected with the Activity Plan for realisation of gender equality. The project covers another two areas: economic empowerment of women; violence against women and domestic violence. In the previous period, the cooperation with local mechanisms was intensified. In this respect, six municipalities developed local action plans for gender equality of which municipality assemblies of Pljevlja, Bar, Nikšić and Bijelo Polje adopted the action plan. Adoption of AP in other municipalities is expected shortly. Within its regular activities, the Ministry for Human and Minority Rights, in cooperation with national

					mechanisms and international organisations present in Montenegro, works on the political empowerment of women, their participation in political and public life and greater representation in decision making. On the occasion of celebrating 15 May-International Women Entrepreneur Day, the Ministry of Human and Minority Rights, OSCE Mission to Montenegro and Association of Business Women of Montenegro "Business Woman" organised on 10 May the second conference of business women entitled Potential of Montenegrin Women in Business and Science. The aim of the conference was to exchange knowledge, experience and ideas and discuss the participation and the position of women in entrepreneurship and science as well as the perspective of their further development. Taking into consideration that Montenegro is currently working on amending the electoral legislation, the Ministry has organised a roundtable on the topic of "Women in Political Life of Montenegro", with the aim of drawing attention to the need for reforming the electoral system and introducing a quota system. Conference entitled Women in Politics will be held on 26 May 2011. Conference was held on 27 May 2011. One of the conference conclusions, submitted to the Parliament of Montenegro, implies that every third candidate in the election list should be a woman. Round table entitled "Participation of women in Political and Public Life- possibilities and

					challenges” was held on 28 June 2011. Answers to additional questions were submitted to UN CEDAW Committee. On 5 July, in cooperation with the EC and UNDP, IPA Programme for gender equality was presented. The programme will be realised in the following three-year period and will encompass three basic issues: political engagement of women, economic empowerment of women and domestic violence. Seminar for contact persons from state authorities dealing with gender equality issues was held on 7-8 July 2011. The seminar aimed at preparing the programme for implementation of National Activity Plan for Achieving Gender Equality for certain authorities and institutions in line with the Government conclusion of 29 July 2010 (all ministries and other authorities were entrusted with preparing programmes for implementation of the Plan for the period 2011-2012).
	2. Training programme for women in rural areas on more equitable approach to labour market and acquisition of appropriate skills: - analysis on needs and position of women in rural areas - prepare and adopt Plan of activities for improving the position of women in rural areas	MHMR MARD	Continuously	Performed analysis of needs of women in rural areas; Adopted Plan of activities for improving the position of women in rural areas	The computer course (higher level) for women in Ostros started on 2 March, whereas the computer course (basic level) for women in Virpazar started on 15 March. The both courses will last for two months. Computer course (level II) for women in Ostros was completed on 30 March (24 attendants). Award of diplomas took place on 6 April 2011. Computer course (level I) for women in Virpazar and Ozrinići (Nikšić municipality) is being prepared. Computer course for women from Sutomore initiated on 16 May, for women from Ozrinići on 18 April (22 attendants). and for women from Virpazar on 19 April 2011(23 attendants) and for women in

					Sutomore (24 attendants). Attendants of the computer training in Virpazar were handed diploma on 27 May and in Ozzrinici on 10 June. The initial meeting with representatives of the Ministry of Agriculture and Rural Development with a view to agreeing on further activities and the first steps in preparation of the AP for achieving gender equality in the area of agriculture and rural development and the activity programme for improving position of women in rural areas. It is planned for the meeting of representatives of MHMR, MARD and Institute for Strategic Studies and Prognoses to be held by 20 May with a view to agreeing on activities on preparation of analyses of position of women in rural areas. In the second meeting of representatives of the Ministry of Agriculture and the Institute for Strategic Studies held on 1 June it was agreed for the research Needs of Women in Rural Areas should be conducted in the period of four months. Institute for Strategic Studies and Prognosis prepared the questionnaire for the needs of research entitled "Position of Women in Rural Areas". MHMR signed the Memorandum on cooperation with the Centre for Entrepreneurship and Economic Development and SOS call line for women and children -victims of violence- with a view to implementing the project "Empowerment of Women in Decision Making at Local Level" in municipalities Tivat, Mojkovac, Danilovgrad, Berane and Kolasin.
	3. Campaign on	MHMR	III - IV	Number of	Working group for preparation of the Strategy

	implementation of the Law on Protection against Domestic Violence: - celebration of "16 days of activism in fight against domestic violence" - radio shows - TV shows - billboards, printed and promotional material - round tables and public discussions		quarter	radio and TV shows with a view to awareness raising and promoting and implementing the Law; Number of held public discussions; Number and types of printed promotional material	against domestic violence was formed with the assistance of UNICEF and OSCE experts. 2011-2015 Strategy against Domestic Violence. It was planned for the Strategy to be considered by the Government on 30 June 2011. The Strategy defines goals and activities for improving social and other protection. - harmonisation of existing and adoption of new regulations that govern the area of domestic violence (based on situation analysis and identified key problems in the area of domestic violence), - improving social and other protection of victims of domestic violence - raising awareness of citizens on problem of domestic violence - development of the programme of preventing the domestic violence - development of multidisciplinary model of prevention and protection against domestic violence and realisation of cooperation between all subjects in prevention of victim against domestic violence - continuous education of professional cadre on problem of violence in family and the need to protect the victim from the legal, educational, medical, psychological, social and economic aspect - provision of psycho-sociological treatment for perpetrator of domestic violence - establishment of unique electronic database on victims of violence and violent persons. Representatives of NGO sector, who deal with the problem of protection against domestic violence,

					participated in preparation of the Strategy whereas the expert assistance was provided by representatives of UNICEF, UNDP and OSCE. Recognising the problem of violence against women, Ministry for Human and Minority Rights in cooperation with OSCE Mission to Montenegro organised also this year the campaign entitled “16 days of activism against violence over women”. The focus of this year’s campaign is placed on the Law on Protection from Domestic Violence. Adoption of this Law represents the great step in combating this phenomenon and its importance is reflected in strengthening of coordinated cooperation of all institutions offering protection to victims of domestic violence, in urgency to act with special care for wellbeing of victim, protection and assistance to victim as well as in obligation to report violence. By virtue of Government Decision, 2010 was proclaimed the year against domestic violence. Ministry of Human and Minority Rights, Ministry of Labour and Social Welfare, Ministry of Justice and UN Office in Montenegro organised round table addressing the implementation of the Law on Protection against Domestic Violence. Also, publication “Gender and violence- manual on gender-based violence affecting the young” has been translated and printed. Initial meeting with partners (UNWOMEN, UNDP and OSCE) has been held under the campaign “16 Days of Activism against Violence over Women”. Priorities and the manner of realisation of activities under the campaign for fight against violence over women have been defined as well as the plan for media support to campaign.

					Second meeting with partners (UNWOMEN, UNDP and OSCE) has been held under the campaign “16 Days of Activism against Violence over Women”.

9. ACTION PLAN FOR PERMANENT RESOLUTION OF STATUS OF REFUGEES AND DISPLACED PERSONS IN KONIK CAMP I and II

PRIORITY	MEASURE/ACTIVITY	RESPONSIBLE AUTHORITY	DEADLINE	INDICATOR	STATUS / DEGREE OF IMPLEMENTATION
1. Integration	1. Preparation of a study on durable solutions for refugees and displaced persons and residents of Konik camp in Montenegro and preparations for IPA 2011 programme	MLSW, MFAEI DEU	I quarter	Study that will assist in preparation of Terms of Reference for IPA 2011 adopted	The Draft study, prepared by experts engaged by the Delegation, was presented. It was attended by representatives of competent bodies (MLSW, MI, MFAEI, RCSO, EO, RCM, CC, UNHCR, UNDP, UNICEF). It was agreed that competent bodies will once more analyse the proposed solutions. Conceptual solutions, as well as results of UN agencies' research will represent the grounds for elaboration of sustainable Strategy for permanent resolution of these issues which will be adopted by the Government. The study will serve as a basis for development of various projects eligible for financing under multi-annual IPA and other sources – UN agencies and donors. UNHCR research on displaced and internally displaced persons in collective type of accommodation as well as in nearby private accommodation, carried out in April 2011, is provided in Annex 9. Establishment of the Working Group for drafting the Strategy is underway. Request for expert assistance has been submitted to TAIEX. Also, representatives of UN agencies and EU Delegation have been invited to appoint consultants who will participate in drafting the Strategy. Strategy for permanent resolution of issue of displaced and internally displaced persons in

					Montenegro with the special emphasis to Konik Camp I and II has been prepared and submitted to the EC for opinion. The Strategy envisages two types of permanent resolution of these issues: integration and voluntary return to the place of origin. Regarding the integration of displaced and internally displaced persons residing in Montenegro, this document specifies measures and activities pertaining to: - information of displaced and internally displaced persons on possibilities to realise their legal status and socio-economic rights in Montenegro; - regulation of legal status thus enabling these persons to access socio-economic rights in Montenegro (social and child protection, healthcare and insurance, education, employment and unemployment insurance and accommodation); - information of displaced and internally displaced persons on possibilities to exercise rights from social and child protection, in accordance with legal framework to be harmonised with the Law on foreigners; - Better approach to safe and quality health protection in all levels with implementation of measures for maintaining and improving the health of displaced and internally displaced persons, especially women belonging to RAE population; - Increasing coverage of internally displaced persons, belonging to RAE population in all level of education with provision of free

					textbooks; - Implementation of active employment policy of displaced and internally displaced persons with special emphasis to employment of women belonging to RAE population; - Provision of adequate accommodation standard for displaced and internally displaced persons who live in inadequate conditions, primarily of internally displaced persons residing in Konik camps; These activities will specially be focused on internally displaced persons belonging to RAE population residing in Konik Camp I and II. This Strategy also envisages the right to voluntarily return based on free will and full information on situation and possibilities of exercising rights in the country of origin. These activities encompass the establishment of number of persons wishing to return to Kosovo, organisation of “go and see” and “go and be informed” visits, signing of the Agreement on voluntary return to Kosovo of internally displaced persons residing in Montenegro as well as defining and provision of assistance during voluntarily return. It is planned for the Strategy to be realised in the period between mid 2011 and the end of 2015. With a view to realising the Strategy, the Government will adopt annual action plans. Annual action plans will be adopted in the first quarter for the current year and will contain priority measures and activities, which will be realised in that calendar year. Resources for realisation of the strategy and the

					activities envisaged by annual action plans will be provided from the MNE Budget and international financing resources. Final harmonisation of the Strategy with DEU and UNHCR recommendations is ongoing. Strategy is planned to be discussed and adopted by the Government on 28 July 2011.
	2. Preparation of Terms of Reference for IPA 2011 programme	MLSW, MFAEI, MI, RCSO, RCM, CC Podgorica	I quarter	Terms of Reference for IPA 2011 programme adopted	Draft components for National IPA 2011 were defined: - construction of 90 housing units; - construction of a multi-purpose centre; - voluntary return; - employment; - education; - social issues; - implementation unit; - technical assistance. Value of this projects amounts to € 3 million. € 2.5 million will be provided out of EU funds (IPA 2011), whereas the Government's co-financing would be 15% of EU contribution. Co-financing models will be subject to further consultation with EU Delegation. The Ministry of Labour and Social Welfare will, in the shortest possible term, submit draft IPA 2011 components to the Government, in order to enable the working group to continue its activities related to project development. IPA 2011 project was defined "Permanent solution for Konik Camps I and II". The project has the following components: construction 90 housing units, construction of multi-purpose centre; voluntarily return, employment, education, social

					issues and technical assistance. In accordance with the planned IPA project and with a view to closing Konik Camp, Capital City stipulated for zone A and part of zone B covering around 130.000 m2 to be uniformly elaborated and planned. Thus legal preconditions will be created for rational and urban quality solution in line with envisaged norms. Stipulated deadline for elaboration of planning document in question is IV quarter 2011 considering that the amendments to the Law on Special Planning and Construction are underway and that they stipulate the possibility for modification of General Urban Plan (GUP) which is necessary for realisation of this proposal. Within the abovementioned, Capital City will assume commitment related to the site-development work. Government of Montenegro will prepare construction project and will acquire construction licence so preconditions are created for initiation of construction after the financial resources planned under IPA are received.
	3. Defining precise data on: - IDPs who do not have documents required for regulating the new status - IDPs who are not registered in civil registers - persons who do not have IDP status	MLSW, MI, MHMR, RCSO, PA, RCM, CC Podgorica, UNHCR, DEU	I quarter	Precise data defined	A working group, composed of representatives of relevant institutions, was established with the task to define precise data on internally displaced persons who do not have documents (required for regulating the new status) and internally displaced persons who are not registered in civil registers. The working group initiated its work on 25 February 2011. This work will be completed by the end of March and will result in precise report on internally displaced persons who do not hold documents (in order so they could regulate new status) and

					internally displaced persons not entered into civil registers. It was established that 134 persons in Konik camps I and II do not have the status of internally displaced persons – precise records on these persons can be used in further procedures. Research resulted in following preliminary data: - 61 persons hold biometric passport of the country of origin - 85 persons hold passport of the country of origin which is not biometric - 210 have ID card of the country of origin - 255 persons have birth certificates and citizenship certificates but do not hold biometric passport - 413 persons have birth certificate but do not hold biometric passport - 294 persons have citizenship certificate but do not hold biometric passport - 142 persons do not have birth certificate from the country of origin of which 79 of legal age and 63 minors. - 828 persons do not have citizenship certificate from originating country 463 of 475 persons born in Montenegro after 1 January 1999 are entered into civil birth register in Montenegro whereas 12 persons born in Montenegro after 1 January 1999 are not entered in civil birth register. 3 of these 12 persons were born in hospital and 9 outside of Montenegro. Final electronic database is under preparation and it is to be submitted to UNHCR and to the Legal Centre, in accordance with the Agreement on Cooperation between the Ministry of Labour and

					Social Welfare and UNHCR. Based on results gained from research of legal status and possession of documents by internally displaced persons from Kosovo accommodated in caps Konik I and II the following was established: - Total number of persons in camps Konik 1 and Konik 2: Kamp Konik 1: 1.053 persons Kamp Konik 2: 256 persons Total: 1.309 persons - Total number of persons with active status (IDP from Kosovo – active status) Kamp Konik 1: 940 persons Kamp Konik 2: 216 persons Total: 1.156 persons - Number of persons with the status of foreigner with permanent residence: Kamp Konik 1: 16 persons Kamp Konik 2: 4 persons Total: 20 persons - Number of persons with Montenegrin biometric personal ID card (national of Montenegro, new ID card): Kamp Konik 1: 6 persons Kamp Konik 2: 1 persons Total: 7 persons - Number of persons with biometric travel document of the country of origin: Kamp Konik 1: 97 persons Kamp Konik 2: 14 persons

					Total: 111 persons - Number of persons holding only biometric personal ID card of the country of origin: Kamp Konik 1: 102 persons Kamp Konik 2: 26 persons Total: 128 persons - Number of persons holding only birth certificate from the country of origin: 120 persons of whom 61 persons holds certificate from Kosovo municipalities, 43 persons from Serbian municipalities whereas 15 persons do not have issuing municipality entered into certificate. - Number of persons holding only certificate of nationality of the country of origin: 182 persons have only the certificate of nationality of the country of origin and have no other documents, of whom 21 persons hold certificates from Kosovo municipalities, 151 persons form Serbia municipalities whereas 6 persons do not have issuing municipality entered into certificate - Number of persons holding only birth certificate and certificate of nationality of the country of origin: 179 persons hold only birth certificate and certificate of nationality of the country of origin. - Number of persons holding only old documents of the country of origin (passport, personal ID): 104 persons have only old documents of the country of origin. - Number of persons holding no documents

					of the country of origin (adults over 18, children to 18): 699 persons not holding any documents of the country of origin of whom 576 are children under 18. Of 699 persons without documents of the country of origin, 62 persons have not been born in hospital (56 under 18 years of age) - Number of children born in Montenegro who have been entered to birth register in Montenegro: Of 531 persons born in Montenegro, 452 have been entered to birth register in Montenegro. - Number of children born in Montenegro/hospital who have not been entered to birth register in Montenegro: of 504 persons born in hospital in Montenegro, 53 have not been entered to birth register in Montenegro - Number of children born in Montenegro, outside of hospital: Of 531 persons born in Montenegro, 27 have not been born in hospital. - Number of children born in Montenegro who have been entered to birth register of the country of origin: of 27 persons born in Montenegro, outside of hospital, 26 have not been entered to birth register of countries of origin. Mentioned data will serve as basis for defining assistance programme to these persons for acquiring necessary documentation in the countries of origin. The Refugee Care and Support Centre takes

					regular activities as regards correcting errors in databases. Namely, due to various circumstances and lack of personal documents, a significant number of internally displaced persons from Kosovo has been registered in the database kept by the Refugee Care and Support Office (former Commissariat), when entering Montenegro in 1999, under wrong data: name, surname, name of father, date of birth. In order to exercise their rights granted by the Law on Amendments to the Law on Foreigners and submit requests to competent bodies in Montenegro for acquiring the status of foreigners with permanent residence, data contained in the IDs of displaced persons from Kosovo issued by the Office should correspond to data on these persons contained in documents of the country of origin. So far, the Office has received approximately 250 requests for correction of data. Out of that number, 190 requests have been resolved positively. Other requests are under procedure. Refugee Care and Support Office, in cooperation with UNHCR, initiated the individual case analyses of internally displaced persons who were refused in re-registration in 2009 in order to define whether they have right to re-registration on the basis of continuous need for protection, principle of family unity or other justified reasons. Matter of personal documents will be solved by implementation of activities referred to in points 6 and 7. On 14 March 2011, Minister of Interior of MNE sent the letters to the Ministry of Interior of Serbia,

					Croatia, Bosnia and Herzegovina and Minister of Interior of Kosovo with the request regarding the provision of preferential conditions and simplified procedures for issuance of passports, birth certificates and certificate on nationality for the nationals of these states who reside in Montenegro as internally displaced persons from Kosovo and with a view to regulating the status of foreigners with permanent residence in MNE. Also, the Minister of Interior of MNE proposed to the Minister of Interior of Kosovo that negotiations between the delegations of two countries on conclusion of the Agreement referred to in point 7 should be entered as soon as possible (subsequent entry of internally displaced persons from Kosovo residing in Montenegro into civil registers and register of Kosovo nationals) . In accordance with the conclusions of the meeting held in Brussels on 21 March 2011 under “Belgrade Initiative”, Minister of Interior of Montenegro addressed letters on 31 March 2011 to the ministers of Croatia, Serbia and Bosnia and Herzegovina requiring them to appoint representatives to be members of regional technical working group for collection of documentation.
	4. Organisation of information campaigns on the importance of submitting the request for acquiring the status of a foreign national with permanent or temporary residence	MLSW, MHMR, RCSO, CC Podgorica, RCM, NGOs, UNHCR, DEU	I – III quarter	Number of conducted campaigns; Number of public calls; Number of informative broadcasts in electronic	Working group was established for organising information campaigns on the importance of submitting the request for acquiring the status of a foreign national with permanent or temporary residence, and it will, in cooperation with the Ministry of Interior, UNHCR and OSCE, define different modalities for informing these persons (round table, presentation through media, etc.). Promotional video has been prepared by UNHCR

				media	and OSCE. Video – invitation to regulate status of a foreigner with permanent residence for displaced persons from Bosnia and Herzegovina and Croatia and internally displaced persons from Kosovo will be broadcasted every day in the period 18 March – 18 April 2011 on the following TV stations: - NTV MONTENA – twice a day - TV MBC – twice a day - TV ELMAG – three times a day - TV IN – five times a day - TV VIJESTI, TV Atlas and TV CG video will be broadcasted once or twice a day (depending on the day) with various timings. Broadcasting of videos is financed by international organisations: OSCE (€ 5,000.00) and UNHCR (€ 13,000.00). The video shows logos of the Government of Montenegro, UNHCR, OSCE and two NGOs – Legal Centre and Association of Displaced Persons from Kosovo. Leaflets are being prepared. The leaflets will contain information regarding regulation of the status of foreigners with permanent residence for displaced persons from Bosnia and Herzegovina and Croatia and internally displaced persons from Kosovo. Leaflets will be distributed to displaced and internally displaced persons. Working group for organisation of informative campaigns on significance of submitting request for acquisition of the status of foreigner with permanent or temporary residence in Montenegro in cooperation with UNHCR, OSCE has defined various modalities of informing these persons (round tables, media presentation etc.). Video is

					broadcasted on all TV stations in Montenegro. Also, leaflets are being prepared containing detailed information on regulation of the status of a foreigner with permanent residence in Montenegro. Leaflet is being translated into Albanian and Roma language and afterwards it will be distributed to displaced and internally displaced persons in Montenegro. On-spot visits with a view to informing displaced persons on significance of regulating the status in Montenegro have been initiated (first of which was held on 1 April 2011 in Camp Konik). Detailed plan of on-spot visits and organised group meetings i.e. informative sessions in MNE municipalities is being prepared for displaced persons from Bosnia and Herzegovina and Croatia and internally displace persons from Kosovo. Informative sessions have been held so far in the following cities: Podgorica (in Konik), Budva, Tivat, Bar, Kotor, Herceg Novi. Significant number of displaced and internally displaced persons attended. Informative sessions in other Montenegrin cities are to be organised in the following period. In the period 21 April – 15 May, informative sessions were held in Ulcinj and Berane. Leaflets with information on possible regulation of status were distributed in the mentioned sessions. In addition, the attendants were informed on the rights they can exercise in Montenegro (social welfare, health protection, etc.). On 6 July 2011, Refugee Care and Support Office, in cooperation with the Ministry of Interior, organised informative meeting with the representatives of internally displaced Roma

					association who reside in Camp Konik I and II with a view to providing documentation necessary for realisation of status of foreigner with permanent residence in Montenegro. The conclusion implies compilation of: - List of persons who have submitted the request for issuance of passport to the Embassy of Serbia for the purpose of accelerating the procedure (until 12 July 2011) - List of persons holding all necessary documents but who still have not submitted the request for acquisition of status of a foreigner with permanent residence (list prepared and submitted to the Refugee Care and Support Office, MI, UNHCR). - List of persons who wish to be entered into the registry of Kosovo nationals and register of Serbian nationals. - List of old and weak persons who are not capable to travel to Kosovo with a view to authorising a person who will overtake documents on their behalf.
	5. Regular monitoring of the number of submitted requests for acquiring the status of a foreign national with permanent or temporary residence and taking necessary measures in order to make it possible to all interested persons to apply	Coordination Committee for Monitoring Implementation of the Action Plan, NGOs, UNHCR	Continuously	Number of submitted requests; Number of approved requests	Until 14 March 2011, 2,104 requests for acquisition of the status of foreigner with permanent residence have been submitted, of which 853 requests were positively resolved, namely: ▪ Displaced persons from Bosnia and Herzegovina and Croatia: - submitted: 1,091 requests - positively resolved: 434 requests - negatively resolved: 2 requests - under procedure: 655 requests ▪ Internally displaced persons from Kosovo: - submitted: 1,013 requests

					- positively resolved: 419 requests - negatively resolved: 3 requests - under procedure: 591 requests Until 21 April 2011, 2,759 requests for acquirement of status of foreigner with permanent residence have been submitted of which 1,016 requests have been positively resolved namely: ▪ Displaced persons from Bosnia and Herzegovina and Croatia: - submitted: 1,420 requests - positively resolved: 505 requests - negatively resolved: 2 requests - under procedure: 913 requests ▪ Internally displaced persons from Kosovo: - submitted: 1,339 requests - positively resolved: 511 requests - negatively resolved: 3 requests - under procedure: 825 requests 92 requests have been submitted for temporary residence and they are currently under the procedure. Until 15 May 2011, 3,087 requests for acquirement of status of foreigner with permanent residence have been submitted, of which 1,071 requests have been positively resolved namely: ▪ Displaced persons from Bosnia and Herzegovina and Croatia: - submitted: 1,550 requests - positively resolved: 536 requests - negatively resolved: 2 requests

					- under procedure: 1,014 requests ▪ Internally displaced persons from Kosovo: - submitted: 1,537 requests - positively resolved: 537 requests - negatively resolved: 3 requests - under procedure: 1,000 requests 765 persons have Montenegrin nationality. Until 30 June 2011, 3.890 requests for acquisition of the status of foreigner with permanent residence have been filed, of which 1.402 have been positively resolved, namely: • Displaced persons from Bosnia and Herzegovina and Croatia: - filed: 1.902 requests - positively resolved: 693 requests - negatively resolved: 2 requests - in procedure: 1.207 requests • Internally displaced persons from Kosovo: - filed: 1.988 requests - positively resolved: 710 requests - negatively resolved: 3 requests - in procedure: 1.275 requests • 765 persons hold Montenegrin nationality - Temporary residence: 140 requests have been filed and all of them are under procedure Until 15 July 2011, 4.063 requests for acquisition of the status of foreigner with permanent residence have been filed, of which 1.812 have been positively resolved, namely: • Displaced persons from Bosnia and

					Herzegovina and Croatia: - filed: 1.980 requests - positively resolved: 878 requests - negatively resolved: 2 requests - in procedure: 1.100 requests • Internally displaced persons from Kosovo: - filed: 2.083 requests - positively resolved: 934 requests - negatively resolved: 4 requests - in procedure: 1.145 requests • 765 persons hold Montenegrin nationality • Temporary residence: - Filed: 182 - Positively solved: 71 71 requests for temporary residence have been submitted and they are currently under procedure. 120 requests for temporary residence have been submitted and they are currently under procedure. Requests are resolved in legally prescribed period with provided opinion of the Agency for National Security as provided in Article 57 paragraph 1 item 6 of the Law on Foreigners. For now, the number of servants is sufficient. Depending on number of received cases, MI will increase number of performers if necessary. Comparing the databases, it was concluded that 765 persons have Montenegrin nationality and they will be informed in writing thereof by the Refugee Care and Support Office, with an explanation of possibility for resolving their status in Montenegro in line with the Law on Registers of Temporary and Permanent Residence and the Law on Identity Card.

					RCSO initiated the procedure of individual informing of these persons on possibility to regulate their status in MNE as Montenegrin nationals. We would also like to emphasise that these persons are do not belong to the group of 2,104 persons who made the request for acquisition of status of foreigners with permanent residence. According to databases, after deregistration in Montenegro on 1 March 2011 there are: - 10,788 internally displaced persons from Kosovo, and - 5,127 displaced persons from Bosnia and Herzegovina and Croatia. After the deregistration, according to databases, on 21 April 2011 in Montenegro there are: - 10,517 internally displaced persons from Kosovo, and - 4,966 displaced persons from Bosnia and Herzegovina and Croatia. Deadline for submitting the request for regulation of the status is stipulated by Law. All requests that are submitted by 7 November 2011 will be resolved in legally prescribed period. Competent MNE authorities will also intensify information campaign in order to foster active attitude in displaced and internally displaced persons. Active relation of countries from which these persons originate is also expected so requests could be submitted in legally provided period.
	6. Assistance to IDPs in obtaining documents in their countries of origin required for acquiring the	MLSW, MFAEI, MI, MF, MHMR, PA, RCSO, NGOs,	I – III quarter	Number of persons who acquired the status of	Working group was established and it will, in cooperation with UNHCR and DEU, prepare a plan for direct assistance, on the basis of data referred to in point 3 (precise data).

	status of a foreign national with permanent residence in Montenegro	UNHCR, DEU		foreign nationals with permanent residence	After the working group referred to in point 3 prepares the precise report (end of March), the immediate assistance for internally displaced persons modalities will be defined with regards the obtaining of documentation necessary for acquisition of the status of foreigners with permanent residence in Montenegro from the country of origin (organised departures to the country of origin, intensification of cooperation with diplomatic and consular missions to MNE, intensification of cooperation of competent MNE Government sectors with line government sectors in the counties of origin etc). The procedure for organising "Bus Visit" to Kosovo, with the view to obtaining personal documents, was launched in cooperation with UNHCR. 9 persons from Konik Camp (7 from Klina, 1 from Peć and 1 from Istok) have been indentified. UNHCR in Montenegro and UNHCR in Kosovo have agreed that the first visit should be organised to Klina. However, this visit has been suspended due to the information that civil registers from Klina have been taken to Priština for the purpose of scanning. After the registers are brought back to Klina, activities on organisation of this visit will be continued. Ministry of Labour and Social Welfare, in cooperation with (specialised) institutions in which displaced and internally displaced persons are accommodated, initiated the collection of necessary documentation in order to acquire for these persons the status of a foreigner with permanent residence in accelerated procedure.
	7. Launching an initiative for conclusion of an	MFAEI, MI, MLSW, RCSO,	I and II quarter	Initiative submitted to	On 28 December 2010, the Government of Montenegro adopted a draft platform for conducting

	agreement with the Republic of Kosovo on subsequent registration of IDPs in civil registers and in the Register of Nationals of the Republic of Kosovo	UNHCR, DEU		the Government of the Republic of Kosovo; Report on results of the initiative and activities taken	negotiations and concluding bilateral agreement between the Government of Montenegro and the Government of the Republic of Kosovo on subsequent registration of IDPs in civil registers and in the Register of Nationals of the Republic of Kosovo. MFAEI informed the Ministry of Foreign Affairs of the Republic of Kosovo, by virtue of diplomatic note. MFA Kosovo has not replied so far. Also, activities referred to in point 3 have been undertaken. Delegation of MFAEI of Montenegro had discussions in Priština (6-8 April 2011) with the Speaker of the Parliament and acting President of Kosovo Jakup Krasnići, Deputy Prime Minister for Foreign Policy Edita Tahiri, Minister of Foreign Affairs Enver Hodžaj, Minister for Public Administration Mahir Jagcilar. Minster of Foreign Affairs Enver Hodzaj entrusted his associates with immediate initiating the arrangement on dynamics for aligning the activities with Montenegro regarding the conclusion of the Agreement on subsequent registering of internally displaced persons into civil register and register of nationals of Kosovo. Also, Minister Hodžaj expressed interest to visit together with Montenegrin Minister of Foreign Affairs and European Integration Milan Roćen the joint border in May or June and to sign the above mentioned Agreement on this occasion. Negotiations between delegations of Montenegro and Kosovo on Agreement between the

					Government of the Republic of Kosovo on subsequent entry of internally displaced persons residing in Montenegro into basic registers and register of nationals of the Republic of Kosovo were held in Podgorica on 7-8 June 2011. Delegations agreed on text of the Agreement. Minister of Foreign Affairs and European Integration of Montenegro and the Minister of Foreign Affairs of Kosovo signed the Agreement on 19 June 2011 in Miločer.
	8. Exercising the right to housing through: - analysing spatial solutions for Konik I and preparing the spatial plan for this location; - finding a location for construction of dwellings for IDPs within the territory of the Capital City; - construction and furnishing of dwellings; - closing of Konik Camp II.⁵	MLSW, MF, CC Podgorica, RCSO, UNHCR, DEU	IV quarter Continuously	Analysis of spatial solutions for Konik I carried out; Locations for construction of dwellings found; Number of constructed dwellings; Number of persons whose housing issues were solved	Planned activities are connected with activities defined under points 1 and 2 of this Action Plan. The Capital City defined that Zone A and part of Zone B covering the area of around 130.000 m2 should be uniformly and systematically elaborated in order to create legal preconditions for rationally and spatially quality solution, in accordance with the prescribed norms. Planned deadline for preparation of the planned document in question is IV quarter 2011 considering that the amendments to the Law on Spatial Development and Construction are in the procedure. The amendments provide possibility of amending GUP which is necessary for realisation of this proposal. In this respect, Capital City will assume the commitment relating to site-development work. The Ministry of Labour and Social Welfare has submitted request to UNHCR in Montenegro to provide information, via UNCHR offices in the countries of origin, whether displaced persons from former Yugoslav republics (Bosnia and Herzegovina and Croatia) residing in Montenegro

⁵ Source of financing: Budget of Montenegro, Capital City, IPA 2011, donor funds – regional project (Sarajevo Declaration – Belgrade Initiative)

					had acquired the right to personal documents (passport and ID card) as well as the right to restitution of property in their countries of origin, with the view to providing assistance to those persons who have not acquired such rights.
	9. Exercising the right to: a) social protection in accordance with the Law	MLSW, MF, MHMR, RCSO, RCM, NGOs, UNHCR, DEU	Continuously	Draft Law on Social and Child Protection adopted; Number of persons entitled to social protection	Ministry of Labour and Social Welfare formed the working group in charge of preparation of the new Law on Social and Child Protection which will extend already existing rights under this Law to foreigners with permanent or temporary residence. Deadline for submission of the draft is III quarter 2011. Pursuant to the agreement between UNHCR and the Ministry of Labour and Social Welfare, 139 families (467 members, out of which 405 are internally displaced persons from Kosovo) are exercising the right financial compensation to the same amount as the nationals of Montenegro. Along with information campaigns on the importance of realisation of status in Montenegro, these persons will also be informed about the possibilities of exercising the right to social protection in accordance with the Law on Social and Child Protection. The right to accommodation in social and child protection institutions is exercised by 53 persons. Amendments to the Law on Social and Child Protection are planned to be made in the IV quarter. As regards this activity, partners of the MLSW are UNICEF and UNDP (which has been planned as a component of the IPA project). In accordance with the Law on Social and Child

					Protection, 27 families with 68 members have exercised the right to family cash benefit whereas 1 person has exercised the right to home care and assistance allowance. On 15 June 2011, in accordance with the Law on Social and Child Protection, the following persons have realised the rights: 29 families with 75 members – right to family cash benefit; 1 person – right to care and assistance of a second person. On basis of the Agreement between UNHCR and the Ministry of Labour and Social Welfare, on 15 July 2011 right to family cash benefit was realised by 139 families with 80 members (funds for payment are provided from the Budget of Montenegro). One person realises right to care and assistance of a second person.
	b) health protection in accordance with the Law on Health Care and the Law on Health Insurance	MH, MF, MHMR, Health Insurance Fund; RCSO, RCM, NGOs, UNHCR, DEU		Number of persons entitled to health care services	According to data of the Health Insurance Fund, 3,925 is the number of issued medical record cards by which displaced persons from former Yugoslav republics are provided with health protection. As to displaced persons from Kosovo, 14,180 medical record cards have been issued (update of the database is in progress). During the period from 1 March to 10 March 2011, 1028 persons exercised the right to health protection. During the period from 11 April to 17 April 2011, 1418 persons exercised the right to health protection. During the period between 30 May and 5 June 2011, 1.306 persons realised right to health protection.

					The Ministry of Health has obliged all public health institutions in Montenegro to inform the Ministry on weekly basis about the number of persons who have exercised the right to health protection.
	c) education in accordance with the General Law on Education			Number of children, pupils and students enrolled in pre-school, primary, secondary, post-secondary and higher education institutions; Number of persons educated in accordance with adult learning programmes	As to the school year 2010/11 in the Montenegrin education system, there are 93 RAE children attending pre-school education institutions; 1470 attending elementary schools (I - IX grade) and 80 attending secondary vocational schools. There are 710 pupils belonging to RAE population attending the elementary school "Bozidar Vukovic-Podgoricanin" in Konik (Podgorica). The home school has 447 pupils belonging to this population, out of which 30 pupils are coming from families of refugees and displaced persons. There are 263 RAE pupils attending the regional outpost of the school, which is located in the Camp Konik II (I-IV grade), and all of these children are coming from families of refugees and displaced persons. This implies that the elementary school "Bozidar Vukovic-Podgoricanin" is attended by 293 pupils who are coming from families of refugees and displaced persons. Since the school year 2008/09, the Ministry of Education and Sports, in cooperation with the Red Cross of Montenegro, has been carrying out activities of desegregated education of Roma population from the Konik camp. The Ministry provides free textbooks and transport to city schools for these children (€ 1,300.00 is approximately monthly allocated for this purpose). In September of the current school year, the Ministry, with support provided by the Commission for the Monitoring and Implementation of the Strategies for Improving the Position of RAE
		MES, MF, MHMR, RCSO, CC Podgorica, RCM, NGOs, UNHCR, DEU			

					population in Montenegro (2008-2012), and through the Institute for Textbook Publishing and Teaching Aids, provided textbooks for the first, second and third grade of elementary school to RAE population to the total value of € 33,387.50. At the beginning of the school year 2010/11, the team of the Ministry of Education and Sports on spot prepared the list (Konik Camp 1 and 2) of children who are not included in the system of education. For 55 children Necessary clothes, textbooks and school supplies to the amount of € 3,600.00 have been provided to 55 children. The Red Cross of Montenegro provides pastry on everyday basis to 160 children aged 3 - 6 years who attend psychosocial workshop 2-3 hours per day. School supplies have been provided to 340 children (47 children who attend city schools and 293 attending four grades of the regional outpost of the school "Bozidar Vukovic-Podgoričanin"). Moreover, hygiene care packages have been given to 195 children attending city schools and to 160 pre-school children attending psychosocial workshops. School supplies and hygiene care packages are going to be distributed to the same children during this week. Furthermore, on the request of the Foundation for Roma Scholarships (project financed by COSV) and the Red Cross of Montenegro (project financed by the European Commission and Danish Red Cross), the Centre also prepares standards, programmes, monitors implementation of programmes and organises the final exam, in cooperation with the Examination Centre, for participants in the programme of elementary

					functional literacy. This year, the final exam, under the programme organised by the Foundation for Roma Scholarships, was passed by 14 persons out of total of 18 persons that attended the course. The course of elementary functional literacy organised in cooperation with the Red Cross of Montenegro was attended by 30 adult persons of both genders. General success of pupils at the end of school 2011/12 in elementary school "Božidar Vuković Podgoričanin" in Camp Konik is as follows: of 263 pupils, from I to IV grade, 221 pupils or 84.03% completed the year with positive achievements; 35 pupils has negative achievement whereas 8 pupils moved to Kosovo. Under the project Inter-sectoral initiative for prevention of illness and special education for displaced Roma in Konik, the program of elementary literacy was realised and it was attended by 30 persons. The holder of this project is Red Cross of Montenegro and the Centre for Vocational Education was a partner in its implementation. The programme was successfully completed by 28 attendees: 17 male and 11 female attendees. Programme for vocational education for simple professions encompassed over 40 attendees of whom 31 successfully completed the programme and passed the test of professional capacity. Professional qualification for assistant to hairstylist was acquired by 10 attendees. Professional qualification for assistant to auto-mechanic was obtained by 11 attendees. Professional qualification of vulcaniser was obtained by 10 attendees. Ongoing project: Student voluntarism - from

					desegregation to quality integration of Roma pupils. Partners in the project are Pedagogical Centre of Montenegro and the University of Montenegro – Faculty of Philosophy in Nikšić whereas other institutions participating are: Coalition NGO Roma Circle and PI elementary school Božidar Vuković Podgoričanin. Direct beneficiaries of the project are Roma children from the Božidar Vuković Podgoričanin school from Konik. Project commenced in March 2011 and will last until December 2012. The project includes the following components 1) Improvement of academic achievements of pupils and reduction of linguistic barrier for pupils, 2) Support and assistance to pupils in overcoming social skills and knowledge, 3) Preparation and increase of preparedness of students for all future integration and socialisation processes, 4) Strengthening the quality of educational work- individual approach to teaching, 5) Development of the concept of voluntarism through student teaching- pedagogical practice etc. So far the following has been achieved: analyses of documents and research instruments, trainings for students researchers, group of students volunteers has been formed, expressing the need for Roma assistant in the Community (RAC), selection of RAC and monitoring of his/her work. On the occasion of celebrating the week of civil dedication and solidarity, employees in Societe General Group Podgorica collected voluntary contribution for children belonging to RAE population and attending kindergarten “Đurđevak” (belonging to Public Pre-schol institution “Đina Vrbica” in Vrela Ribnička. Team of the Ministry of

					Education and Sports and PI Đina Vrbica performed needs assessment with a view to making the donation corresponding to real needs of children attending this kindergarten; ensure their unhindered socialisation and preparation for enrolment to elementary school. This donation covered colour pencil sets, pads, picture books and books suitable for their age.
	d) employment and access to unemployment benefits in accordance with the Law	MLSW, EO, RCSO, CC Podgorica, NGOs, UNHCR, DEU		Draft Law amending the Law on Employment and Work of Foreigners adopted; Number of persons registered by the Office who have access to unemployment benefits; Number of programmes of training, retraining, additional training and crediting; Number of persons who entered into employment	The Employment Office has developed and, in the previous period, carried out numerous programmes focused on RAE population. On the basis of the competition for implementation of projects in line with the Strategy for Improvement of the Position of RAE Population in Montenegro 2008-2012, the Office received funds for implementation of the project "Enabling equal access to working positions for RAE population". Project activities relate to involvement of unemployed persons recorded by the employment bureaus in the training programmes for acquisition of the first vocation. By the end of implementation of project activities, 52 persons will be trained, out of which 42 persons belonging to Roma population. At least 30% of attendees are planned to be employed after completed training. The project is currently implemented in three municipalities: Bijelo Polje for 19 Roma persons; Nikšić for 13 Roma persons; and Podgorica for 10 Roma persons. Attendees are trained for hygiene officers, chambermaids and communal hygiene officers. The Vocational Education Centre has, upon the request of the Employment Office, defined standards of professions and training programmes for the project "Enabling equal access to working positions for RAE population".

					From the entry into force of the Decree on the manner of exercising the rights of displaced and internally displaced persons compliant with the Law on Foreigners until 10 March 2011, 171 persons have applied to the Employment Office. Out of this number, 4 persons belong to Roma population. The draft Decree on subsidies for employment of particular categories of persons, which is expected to be adopted by 20 March 2011, identifies persons belonging to RAE population as one of the categories hardly employable persons whose employment will be subsidised. On the basis of the Decree on manner of realisation of rights of displaced persons from former Yugoslav republics and internally displaced persons from Kosovo residing in Montenegro, 325 DP and IDP (223 DP and 102 IDP) are registered in Employment Office, of which 26 persons belong to RAE population. Recently, two persons have been employed in Pljevlja, two in Herceg Novi and one person in Nikšić. These persons are Roma. In Podgorica, preconditions have been met for employment of 5 Roma; however out of 11 registered in the Employment Office not one has accepted the offered position. At the meeting held on 6 July 2011 with the representatives of association from Konik this issue has been emphasised again with a view to finding interested parties for these work positions. Also, it was agreed that Open Door Day should be organised on every Wednesday for persons belonging to RAE population. Draft Law amending the Law on Employment and Work of Foreigners, adopted by the Government on

					10 March 2011, has been harmonised with the Law on Foreigners (Official Gazette of Montenegro 82/08 and 72/09). This Law provides for that displaced persons from former Yugoslav republics and internally displaced persons from Kosovo residing in Montenegro and recorded by the Asylum Office and by the Refugee Care and Support Office having no valid travel documents required for exercising the right to permanent residence shall be granted temporary residence until the issuance of a valid travel document but not longer than three years as of the day of granting the temporary residence. Pursuant to amendments to the Law on Employment and Work of Foreigners, these persons have the same rights as foreigners with permanent residence, implying that they have the possibility of acquiring a work permit, enabling them to accede to the labour market and to exercise the labour-related rights equivalent to those of Montenegrin nationals. Draft Law amending the Law on Employment and Work of Foreigners was adopted by the Government on 10 March 2011. Draft Law amending the Law on Employment and Work of Foreigners stipulate that displaced and internally displaced persons with the approved temporary stay in Montenegro, in accordance with Article 105 paragraph 5 of the Law amending the Law on Foreigners, may acquire working permit issued for the period of approved temporary stay. Joint meeting of representatives of UNHCR and representatives of the Ministry of Labour and Social Welfare and of the Employment Office of Montenegro was held on 8 May 2011 regarding the

					harmonisation of legislation from the area of employment with the Law on Foreigners. It was jointly stated that the activities on harmonisation of legislation from the area of employment with the Law on Foreigners have been implemented: - In accordance with the new Law on Employment and Exercise of Right Pertaining to Unemployment Insurance (Official Gazette of Montenegro 14/10 of 17 March 2010), an unemployed person is a person aged 15 - 65 who is a Montenegrin national and a foreigner with a personal work permit, registered by the Employment Office, who is capable or partially capable of work disabled, who has not entered into employment relationship and who is actively seeking employment. - In March 2011, the Government adopted the Draft Law on Amendments to the Law on Employment and Work of Foreigners, which is expected to be soon adopted by the Parliament. This Law stipulates that the displaced persons from former Yugoslav republics and internally displaced persons from Kosovo to whom, in accordance with Article 105a, paragraph 5 of the Law on Foreigners (Official Gazette of Montenegro 82/08 and 72/09) temporary residence in Montenegro has been approved, could be granted a personal work permit. Personal work permits for these persons are issued for a period of validity of the temporary residence approval. With a personal work permit, these persons have free access to the labour market, i.e. exercise the right to work and rights on the grounds of unemployment like

					the Montenegrin nationals. . By-laws will be harmonised after the Law enters into force.
2. Voluntary return	1. Determine the number of persons who want to return to their countries of origin	RCSO, MLSW, MI, RCM, CC Podgorica, UNHCR	Continuously	Number of individual interviews; Number of persons who want to return to their countries of origin	Thus far, in Konik Camps I and II, the Refugee Care and Support Office registered 16 families (84 members) that expressed their wish to return to their countries of origin. Refugee Care and Support Office in cooperation with UNHCR identified 576 persons in Montenegro who wish to return to the country of origin, of whom in Camp Konik I – 126 persons, Camp Konik II – 125 persons and persons living in vicinity of Konik Camp - 31 whereas other persons come from other areas of Montenegro. According to UNHCR records, so far 476 internally displaced persons residing in Montenegro applied for return to Kosovo. Working group has prepared a draft platform for conducting negotiations and concluding bilateral agreement with the Government of the Republic of Kosovo on voluntary return of internally displaced persons to Kosovo, and it will be submitted to the Government of Montenegro in the shortest possible period. On 17 March 2011, the Government of Montenegro adopted proposal for the negotiation platform on conclusion of the Agreement with the Republic of Kosovo on voluntarily return of internally displaced persons to Kosovo. Also, the Government adopted the negotiation platform for conclusion of the Agreement between the Government of Montenegro and the Government of the Republic of Kosovo regarding the subsequent entry into civil

					registers. So far, cooperation has been established with local self-governments in Kosovo (Peć, Klina, Vitimirica, Istok) with the view to ensuring sustainable return. Mayor of Podgorica will have a meeting with the President of the Municipality of Peć, with participation of RCSO and UNHCR, at which they will define the modalities of cooperation aimed at enabling voluntary return of persons that have expressed their interest in return to Peć (16 families with 83 members). Mayor of Podgorica had a meeting with President of Municipality Peć, which was attended by RCSO and UNHCR. On this occasion, the agreement was achieved on cooperation modalities aiming at enabling voluntarily return of persons who expressed the interest to return to Peć (16 families with 83 members). Delegation of MFAEI of Montenegro had discussions in Priština (6-8 April 2011) with Kosovo officials on the occasion of which the Minister of Foreign Affairs Enver Hodžaj entrusted his associates with immediate initiating the arrangement on dynamics for aligning the activities with Montenegro regarding the conclusion of the Agreement on voluntarily return of internally displaced persons to Kosovo. On this occasion, two parties agreed to enter the discussions as soon as possible with a view to signing the following agreements: Agreement on subsequent entry of displaced persons residing in Montenegro into the register of Kosovo nationals; Agreement on voluntarily return of

					internally displaced persons to Kosovo and Agreement on readmission of persons residing in Montenegro (i.e. Kosovo) without staying permit. At the invitation of Kosovo MFA, Minister of Foreign Affairs and European Integration will pay official visit to Kosovo and signing dynamics of the abovementioned agreements will be agreed upon on this occasion.
	2. Launching an initiative for conclusion of an agreement with the Republic of Kosovo on voluntary return of IDPs to Kosovo	MFAEI, MLSW, MI, RCSO, UNHCR, DEU	Continuously	Initiative submitted to the Government of the Republic of Kosovo; Report on results of the initiative and activities taken	The platform for conducting negotiations and concluding the agreement was defined and submitted to the Government for consideration and adoption. This platform is identical to platforms that the Government of Montenegro had previously adopted for conducting negotiations and concluding readmission agreement with all other countries and it does not contain any specific elements. On 5 April, via MFAEI Ministry of Interior sent to competent Kosovo authorities proposal for the Agreement on voluntarily return of internally displaced persons to Kosovo with a view to urgent initiation of the procedure for entry into negotiations on conclusion of this agreement with the Republic of Kosovo. Apart from this, MFAEI representatives met in Pristina (6-8 April 2011) with Kosovo officials. It was agreed to initiate the defining of signing dynamics for the Agreement on voluntarily return of internally displaced persons to Kosovo. On 19 May 2011, the Government of Montenegro adopted the proposal for the platform for negotiation

					and conclusion of agreement between the Government of Montenegro and the Government of the Republic of Kosovo on voluntarily return of internally displaced persons from Kosovo residing in Montenegro with draft Agreement between the Government of Montenegro and Government of the Republic of Kosovo on voluntary return to Kosovo of internally displaced persons from Kosovo residing in Montenegro and submitted it through MFAEI to the Government of Kosovo for urgent entry into negotiations.
	3. Launching an initiative for conclusion of an agreement between the Government of Montenegro and the Government of the Republic of Kosovo on readmission (return and admission) of persons without residence permit	MI, MFAEI, PA	II quarter	Initiative submitted to the Government of the Republic of Kosovo; Report on results of the initiative and activities taken	On 17 March the Government of Montenegro adopted proposal for the negotiation platform and conclusion of the Agreement between the Government of Montenegro and Government of the Republic of Kosovo on readmission (return and admission) of persons who do not hold stay permit. Proposal of the agreement was delivered to competent Kosovo Authorities in early April, with a view to initiating negotiations on conclusion of this agreement with the Republic of Kosovo. On 7-8 June 2011 in Podgorica, negotiations between the delegations of Montenegro and Kosovo on agreeing upon the text of the Agreement between the Government of Montenegro and Government of the Republic of Kosovo on readmission (return and admission) of persons who do not hold stay permit and the Protocol between the Ministry of Interior of Montenegro and the Ministry of Interior of the Republic of Kosovo on implementation of the Agreement were held. Delegations agreed upon the texts of the Agreement and the Protocol. Minister of Foreign Affairs and European Integration

					of Montenegro and Minister of Foreign Affairs of Kosovo signed the Agreement and the Protocol on 29 June in Miločer.

In addition to the measures defined in the Action Plan, the following activities were taken as well:

- a) A working group was established and composed of representatives of the Ministry of Labour and Social Welfare, Ministry of Interior, Refugee Care and Support Office, UNHCR, OSCE and NGO Libertas, and it initiated its work on 27 February 2011, with the task to define precise data on displaced and internally displaced persons residing in 16 informal collective centres in the territory of Montenegro – total of 1,554 persons. The objective is to define priority projects that will be presented, under Sarajevo Declaration – Belgrade Initiative, at the donor conference organised by UNHCR and other international partners.
Within preparation of activities related to Sarajevo Declaration – Belgrade Initiative, the European Commission, UNHCR and OSCE will organise a set of meetings. For that purpose, the Ministry of Foreign Affairs and European Integration has established a special working group for coordination of activities on developing concrete projects that Montenegro will candidate at the donor conference. The working group should be composed of representatives of not only MFAEI, but also MLSW, MI, RCSO, UNHCR and OSCE.
- b) The Government of the Republic of Italy allocated € 500,000 to Montenegro for implementation of the project **“Integration and Support for Minorities in Macedonia, Montenegro and Kosovo”**. Implementation of the project - illiteracy elimination, education and employment of Roma people – was launched at the beginning of this year through NGOs Cosv and Intersos, in cooperation with competent institutions of Montenegro.

Sarajevo Process - Belgrade Initiative

Activities realised by the working group comprised of representatives of the Ministry of Labour and Social Welfare, Ministry of Interior, Refugee Care and Support Centre, UNHCR, OSCE and NGO Libertas are ongoing. The working group initiated its work on 27 February 2011 and it is in charge of defining the precise data on displaced and internally displaced persons accommodated in 16 non-official collective centres at the territory of Montenegro – total number of 1554 persons. The aim implies definition of priority projects which will be presented in Donor Conference - organised by UNHCR and other international partners- under Sarajevo Declaration – Belgrade Initiative.

According to the working plan presented by international partners (UNHCR, European Commission, OSCE, USA, Council of Europe Development Bank), in the meeting held on 21 March 2011 in Brussels Montenegro was appointed the holder of the following activities:

- Coordination of joint activities on agreeing on Joint Declaration which is to be signed by the ministers of four countries at the ministerial conference
- Initiation of forming and coordination of work of Regional Technical Working Group for Simpler Collection of Documents

Also, the work plan envisages participation of Montenegro in informative campaign the regional holder of which is Croatia.

Montenegro supported in principle the initiative for establishment of the working group for cooperation with the Council of Europe Development Bank as well as the initiative of Serbia to manage it.

Montenegro is obliged to prepare the proposal for projects to be presented at the Ministerial Meeting and the Donor Conference.

MFAEI as coordinator of activities related to Belgrade Initiative and in cooperation with MLSW, MI and RCSO has prepared the Information to the Government of Montenegro based on which the concrete steps will taken, with the proposal for conclusions.

In accordance with the conclusions of the meeting held in Brussels on 21 March 2011, Minister of Interior of Montenegro addressed letters on 31 March 2011 to the ministers of Croatia, Serbia and Bosnia and Herzegovina requiring them to appoint representatives to be members of regional technical working group for collection of documentation which is to be initiated and led by Montenegro.

Montenegro will have active approach also towards other issues related to Sarajevo Process and concerning: agreeing on text of ministerial declaration, organising ministerial meeting and other outstanding issues.

Refugee Care and Support Office approved in the form of letter two international projects:

1. Project for construction of 10 mounting houses in municipality Herceg Novi. Project is financed by the Government of FR Germany, through NGO HELP. Value of the project amounts to around € 200,000;
2. Project for construction of housing units for 60 families amounting to € 515,000 as well as the adaptation of the existing objects in settlement Rudeš II in Berane amounting to € 100,000. Grant has been provided by the Council of Europe Development Bank, in cooperation with UNHCR.

Meeting of the **Regional Technical Working Group for Simplification of Documentation Collection Procedure, coordinated by the Ministry of Interior of Montenegro**, was held on 11 May 2011. The following **conclusions/recommendations** were adopted:

1. Delegation of the Republic of Croatia, of Bosnia and Herzegovina and of the Republic of Serbia agreed that these countries would actively participate in the process of issuance of necessary documents to displaced and internally displaced persons residing in Montenegro so that they could acquire the status of foreigner with permanent residence.
2. Delegation of the Republic of Serbia pointed out that it could make subsequent entry into the civil register, as well as carry out the procedure for verifying citizenship for children born in Montenegro, one of whose parents is the national of the Republic of Serbia.
3. Delegation of the Republic of Serbia pointed out that this country is carrying out activities on reconstruction of civil registers destroyed during the conflict in Kosovo in 1999.
4. Montenegro's Minister of Interior Montenegro will send a letter to the ministers of the Republic of Croatia, Bosnia and Herzegovina and Republic of Serbia aimed at trying to find, through consultations with border authorities of these countries, a model for these countries' state border crossing by refugees and internally displaced persons residing in Montenegro who do not have a valid travel and identification document of the country of origin, based on valid identification of displaced and internally displaced person having a photo and certificate of the competent authority in Montenegro that the person was registered as displaced or internally displaced person.
5. Montenegrin delegation recommended to the delegation of the Republic of Croatia, of Bosnia and Herzegovina and of the Republic of Serbia that authorities in these countries should shorten deadlines for issuing the necessary documents, particularly passports, along with submission of specific instructions to diplomatic and consular missions of these countries in Montenegro.

6. Montenegrin delegation recommended to the delegation of the Republic of Croatia, of Bosnia and Herzegovina and of the Republic of Serbia that these countries should try to find a way to reduce the fees that are collected when issuing documents to persons residing in Montenegro having the status of displaced or internally displaced person.
7. Montenegrin delegation recommended to the delegation of the Republic of Croatia that it should, within its legislation, enable issuance of passports to displaced persons residing in Montenegro in this country's diplomatic and consular mission in Montenegro.
8. Delegation of Montenegro, of Bosnia and Herzegovina and of the Republic of Serbia took note of the information given by the delegation of the Republic of Croatia that the persons returning to the Republic of Croatia, who resided in the Republic of Croatia until 8 October 1991, will be able to acquire the status of foreigner with permanent residence in line with the new Law on Foreigners, which is currently under procedure.
9. Delegation of Montenegro, of the Republic of Croatia and of the Republic of Serbia took note of the information given by the delegation of Bosnia and Herzegovina that the Bosnia and Herzegovina's Ministry for Human Rights and Refugees is currently carrying out activities on forming a Working Group for regulating the status of Bosnia and Herzegovina's nationals residing in Montenegro as displaced persons.

Moreover, Montenegro's representatives participated in the meeting of the Regional Working Group for Public Information, held on 21 April in Zagreb.

In line with conclusions adopted in the meeting of the Regional Technical Working Group for Facilitating the Collection of Data held in Podgorica on 11 May 2011, in late May the Minister of Interior of Montenegro addressed the letters to his colleagues in Croatia, Serbia, Bosnia and Herzegovina and Kosovo requesting the joint consideration of the possibility for displaced and internally displaced persons who do not hold valid travel document to transfer state border based on valid legitimation of displaced and internally displaced persons and the document issued by MNE competent authority certifying that the person in question is registered as displaced i.e. internally displaced persons. The concrete border crossing points have been proposed. Until 15 June 2011, the Ministry of Interior has not received the response to these letters.

MNE delegation attended the tenth working meeting of expert working groups for preparation of regional project Permanent Solution for Refugees and IDP – Cooperation between the Countries of the Region, held in Tara- Republic of Serbia on 6 and 7 June 2011. Representatives of Montenegro presented the data pertaining to the need to resolve housing issue of displaced and internally displaced persons residing in Montenegro. In cooperation with UNHCR representatives it was estimated that there is 1,234 families with 6,382 members in Montenegro that need the solution of the housing issue, through construction of new housing units or awarding the funds for individual construction activities. Estimated value of this project is € 29,832,00.00. This proposal will be the integral part of the regional project to be presented at the donor conference. Further work on this joint project will depend on recommendations of the EC, UNHCR and other donors.

Representatives of Montenegro participated in the work of Regional Working Group for Defining the Mechanisms of Financing and Management of the Donor Fund the work of which is coordinated by Serbia. The meeting was held in Belgrade on 6 June.

Ministry of Foreign Affairs and European Integration of MNE, as coordinator, hosted the Regional Working Group for Agreeing upon the Text of Joint Ministerial Declaration. Two meetings were held under the process. In the meeting held on 3 June in Podgorica, second draft of declaration was agreed

upon and it was submitted to the countries whereas in the meeting held on 13 June third draft of the Declaration was preliminary agreed upon. Representatives of all countries, UNHCR and Special Representative Bijleveld participated.

Montenegrin delegation participated in the second technical meeting of the Regional Process for Finding Permanent Solution for Refugees and Internally Displaced Persons, held in Vienna on 16 June. Based on the results of researches carried by Ministry of Labour and Social Welfare, Ministry of Interior and Refugee Care and Support Office, in cooperation with UNHCR and OSCE, and available databases of competent authorities, Montenegro defined that 6,063 users or 1,177 households will benefit from the future regional project. Conclusions of the first meeting of the Regional Working Group for Facilitating the Collection of Data were presented in the meeting as well as the third draft of the Ministerial Declaration harmonised in the meeting held in Podgorica on 13 June.

Representatives of Montenegro participated in the second meeting of the Regional Working Group for Defining the Mechanisms of Financing and Management of the Donor Fund held in Belgrade on 14 June.

The Ministry of Interior, as coordinator of the Regional Working Group for Facilitating the Collection of Data, organised the second meeting of this Group in Podgorica on 15 July. The meeting was attended by representatives of line ministries from the countries involved in this process and UNHCR representatives.

Furthermore, the Ministry of Foreign Affairs and European Integration, as coordinator of the process of harmonising the Ministerial Declaration, organised meeting of the Regional Working Group in Podgorica on 18 July. It was attended by representatives of MFAs of Bosnia and Herzegovina, Croatia and Serbia, representatives of UNHCR Office in Podgorica, and special envoy of the High Commissioner for Refugees. The working group has harmonised the text of the Ministerial Declaration to the major part, and it will be signed in the ministerial meeting planned for October. The outstanding issues will be harmonised in accordance with the results of work of the Regional Working Group for Facilitating the Collection of Data, whereas the final paragraph will be additionally considered in consultations with UNHCR and EC, since one of the countries involved in this process expressed its doubts in the paragraph proposed by the EC.

Activities within the regional process have been continuously carried out with the view of preparing the third technical meeting planned for September.

Acronyms:

AEM	Agency for Electronic Media
AGC	Administration for Games of Chance
AMLTA	Anti Money Laundering and Terrorism Financing Administration
CA	Customs Administration
CC	Capital City
CPCI	Commission for Prevention of Conflict of Interest
EC	Examination Centre
EO	Employment Office
DACI	Directorate for Anti-Corruption Initiative
DEU	Delegation of the European Union
HRMA	Human Resources Management Administration
JC	Judicial Council
MARD	Ministry of Agriculture and Rural Development
MC	Ministry of Culture
MES	Ministry of Education and Sport
MF	Ministry of Finance
MFAEI	Ministry of Foreign Affairs and European Integration
MH	Ministry of Health
MHMR	Ministry of Human and Minority Rights
MI	Ministry of Interior
MJ	Ministry of Justice
MLSW	Ministry of Labour and Social Welfare
MSDT	Ministry of Sustainable Development and Tourism
NGO	Non-governmental organisation
PA	Police Administration
PC	Prosecutorial Council
PM	Parliament of Montenegro

PPD	Public Procurement Directorate
RCSO	Refugee Care and Support Office
RTCG	Radio Television of Montenegro
SAI	State Audit Institution
SC	Supreme Court
SEC	State Electoral Commission
SSPO	Supreme State Prosecutor's Office
TA	Tax Administration
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees
VEC	Vocational Education Centre

ANNEX 1.....	329
OSCE/ODIHR RECOMMENDATIONS RELATED TO ELECTION LAW AND TEXT OF THE BILL ON AMENDMENTS TO THE LAW ON ELECTION OF COUNCILLORS AND MEMBERS OF THE PARLIAMENT	329
ANNEX 2.....	331
HUMAN RESOURCES ADMINISTRATION: TRAINING PROGRAM - GENERAL ADMINISTRATIVE PROCEEDINGS	331
CONCEPT FOR A NEW LAW ON CIVIL SERVANTS AND PUBLIC EMPLOYEES WITH RECOMMENDATIONS ("POLICY PAPER" ON CIVIL SERVANTS AND PUBLIC EMPLOYEES – STRATEGIC DOCUMENT	336
ANNEX 3.....	366
ASSESSMENT OF THE NEED FOR AMENDING THE PROVISIONS OF THE CONSTITUTION REFERRING TO THE JUDICIARY AND THE STATE PROSECUTION OFFICE.....	366
DRAFT LAW AMENDING THE LAW ON THE JUDICIAL COUNCIL	367
DRAFT LAW AMENDING THE LAW ON COURTS	368
DRAFT LAW AMENDING THE LAW ON STATE PROSECUTION OFFICE.....	368
COURT RULES	369
ANNUAL PROGRAMME FOR CONTINUOUS EDUCATION OF JUDGES AND PROSECUTORS	369
REVIEW OF COURT BACKLOGS FROM 2009 AND PREVIOUS YEARS:.....	375
ANNEX 4.....	376
DRAFT LAW AMENDING THE CRIMINAL CODE – IMPLEMENTATION OF RECOMMENDATION OF GRECO'S THIRD EVALUATION ROUND	376
THE FIRST REPORT ON REALIZATION OF THE MEASURES DEFINED IN THE ACTION PLAN FOR IMPLEMENTATION OF THE STRATEGY FOR FIGHTING CORRUPTION AND ORGANIZED CRIME (<i>March 2011</i>)	377
REPORT OF THE TRIPARTITE COMMISSION FOR REVIEW OF CASES FROM THE FIELDS OF CORRUPTION AND ORGANIZED CRIME FOR 2010	521
REVIEW OF COURT BACKLOGS FROM 2010 AND PREVIOUS YEARS ON 30 JUNE 2011	541
ANNEX 5.....	556
REPORT ON COMPLETED HEARINGS FOR CASES OF ORGANISED CRIME	556
ANNEX 6.....	557
LEGAL POSITION IN PRINCIPLE- ACCEPTANCE OF THE EUROPEAN COURT OF HUMAN RIGHTS CASE LAW IN AWARDING NON-PECUNIARY COMPENSATION FOR DAMAGES TO HONOUR AND REPUTATION IMPOSED THROUGH MEDIA	557
REPORT ON THE CASES PENDING BEFORE THE COURTS IN MONTENEGRO, RELATING TO CRIMINAL CASES FOR THE CRIMINAL OFFENCES WITH THE ELEMENTS OF VIOLENCE AGAINST JOURNALISTS	560
SUPREME COURT OF MONTENEGRO: OVERVIEW OF STATUS OF CASES OF COMPENSATION FOR DAMAGES TO HONOUR, REPUTATION OR PERSONALITY RIGHTS IMPOSED THROUGH MEDIA, PROCESSED IN COURTS IN 2010 AND 2011	562
ANNEX 7.....	570
REPORT ON THE PROCEDURE OF NOMINATING CANDIDATES FROM NON-GOVERNMENTAL ORGANIZATIONS FOR MEMBERS OF THE COUNCIL FOR COOPERATION OF THE GOVERNMENT WITH NON-GOVERNMENTAL ORGANIZATIONS AND WORK OF THE COMMISSION FOR ESTABLISHING THE LIST OF CANDIDATES.....	570
SECOND REPORT ON THE PROCEDURE OF NOMINATING CANDIDATES FROM NON-GOVERNMENTAL ORGANIZATIONS FOR MEMBERS OF THE COUNCIL FOR COOPERATION OF THE GOVERNMENT WITH NON-GOVERNMENTAL ORGANIZATIONS UNDER THE REPEATED PUBLIC INVITATION.....	572
DECISION ON ESTABLISHMENT OF THE COUNCIL FOR COOPERATION BETWEEN THE GOVERNMENT OF MONTENEGRO AND NON-GOVERNMENTAL ORGANISATIONS.....	574

RULES OF PROCEDURE OF THE COUNCIL FOR COOPERATION BETWEEN THE GOVERNMENT OF MONTENEGRO AND NON-GOVERNMENTAL ORGANISATIONS	580
LIST OF CIVIL SERVANTS AND STATE EMPLOYEES RESPONSIBLE FOR COOPERATION WITH NGOs	585
ANNEX 8	588
SPECIAL REPORT ON THE EXERCISE OF THE RIGHT TO RESTITUTION OF PROPERTY RIGHT AND COMPENSATION (March 2011)	588
SPECIAL REPORT ON THE STATUS OF THE HUMAN RIGHTS OF THE PERSONS WITH MENTAL HEALTH PROBLEMS PLACED IN INSTITUTIONS (March 2011)	610
SURVEY: DISCRIMINATION AGAINST MINORITIES AND MARGINALIZED SOCIAL GROUPS (June 2011)	643
NATIONAL CONFERENCE "MONTENEGRO – THE BRIGHT SPOT ON LGBT MAP"	680
INFORMATION ON IMPLEMENTATION OF ACTION PLAN FOR REALIZATION OF STRATEGY FOR PERSONS WITH DISABILITIES IN MONTENEGRO FOR 2010	682
RESULTS OF THE CAMPAIGN "TALKING ABOUT OPTIONS"	700
CAMPAIGN "TALKING ABOUT OPTIONS" 2011	701
INFORMATION ON REPRESENTATION OF MINORITIES AND OTHER MINORITY ETHNIC COMMUNITIES IN PUBLIC SERVICES, STATE AUTHORITIES AND LOCAL SELF-GOVERNMENT AUTHORITIES (JUNE 2011)	704
ANNEX 9	734
SURVEY ON THE DISPLACED PERSONS LIVING IN COLLECTIVE SETTLEMENTS AND IN PRIVATE ACCOMODATION IN THE SURROUNDING AREAS / STATISTICAL INFORMATION, MONTENEGRO (April 2011)	734

1. ACTION PLAN FOR STRENGTHENING THE PARLIAMENT OF MONTENEGRO'S LEGISLATIVE AND OVERSIGHT ROLE

PRIORITY 1: UPGRADE THE LEGISLATIVE AND OVERSIGHT ROLE

Measure 1: Passing of the Law on Election of Members of Parliament and Councillors

OSCE/ODIHR RECOMMENDATIONS RELATED TO ELECTION LAW AND TEXT OF THE BILL ON AMENDMENTS TO THE LAW ON ELECTION OF COUNCILLORS AND MEMBERS OF THE PARLIAMENT

In accordance with the Constitutional Law on Enforcement of the Constitution of Montenegro, the basic task of the Working Group is to harmonise the Law on Election of Councillors and Members of the Parliament with the Constitution, particularly with regard to suffrage and authentic representation in parliaments of minority nations and minority national communities.

At the same time, under this procedure the Working Group is assigned to consider all proposals included in the OSCE/ODIHR Recommendations and incorporate them in the Text of the Bill, if possible and in the way that is compliant with the legal system and accepted good practice.

For this purpose, in accordance with the legal system, principles of legal-technical and wording processing of legal norms and following previous experiences and good practice in election process, the Working Group have accepted significant number (majority) of recommendations and, in compliance with the mentioned principles, incorporated them in the Text of the Bill in adequate way.

The recommendations related to the following have been accepted and adequately incorporated in whole or in part as solutions in the Text of the Bill:

LEGAL (STATUTORY) FRAMEWORK

- 1) allocation of seats to candidates according to the order from the list of candidates (recommendation A-1);
- 2) option for citizens to stand for elections independently, not only through lists of candidates of political parties (recommendation A-2);
- 3) prohibition for candidates from candidate lists to be members of election commissions (recommendation A-3);
- 4) the threshold of 3% for participation in allocation of seats should be calculated in relation to the total number of valid votes (recommendation A-4);
- 5) public disclosure of election results (recommendation A-6);
- 6) clear definition of the deadline for remarks and complaints (recommendation A-7);
- 7) competence (authority) of the State Election Commission in relation to decisions of municipal election commissions (recommendation B-B);
- 8) right of parties in election coalition to appoint members in bodies responsible for conduct of elections (recommendation B-C);
- 9) obligation of municipal election commission to decide which two opposition parties are entitled to a member in the electoral committee (recommendation B-D);
- 10) fair allocation of chairs of electoral committees between parties entitled to permanent members (recommendation B-E).

CONDUCT OF ELECTIONS - ELECTION ADMINISTRATION

- 11) balanced political representation in bodies responsible for conduct of elections (recommendation B-9);
- 12) increase in the number of political parties in electoral bodies (recommendation C-5);
- 13) professionalism in State Election Commission (recommendation C-4);
- 14) permanent members of election commissions should be graduated lawyers (recommendation B-10);
- 15) training of members of electoral committees (recommendations B-13 and B-14);
- 16) limitation of conditions for prorogation of electoral committees and repeated voting on polling stations (recommendation B-18);
- 17) way in which voters hand in ballots on a polling station (recommendation B-21);
- 18) absentee ballot procedure – voting at home (recommendation B-24 i B-I).

The Working Group have also accepted a number of recommendations related to issues of authentic representation of minority nations and minority national communities and gender equality and will be incorporated in the Text of the Bill, but the Working Group have not achieved agreement with regard to this part of the text yet.

The Working Group have concluded that a number of recommendations is related to issues regulated by other laws, so they cannot be incorporated in this law, i.e. they are not under the competence or task of this Working Group.

PRIORITY 1: SIMPLIFYING AND SHORTENING THE ADMINISTRATIVE PROCEEDINGS**Measure 2: Staff Training Plan for Implementation of the Law on Administrative Proceedings****HUMAN RESOURCES ADMINISTRATION: TRAINING PROGRAM - GENERAL ADMINISTRATIVE PROCEEDINGS**

This segment of the Program aims to familiarize the staff with the basic principles of general administrative proceedings and administrative dispute, the manner of initiating the proceedings, rules and procedures of the proceedings, the procedure for exercising the rights and their protection. It is intended for the officials who, in performing their regular activities, act on the Law on General Administrative Proceedings, whether they are officers who conduct the first-instance administrative proceedings, those who conduct the second instance administrative proceedings or civil servants who have previously conducted no administrative proceedings and decided on no cases in administrative proceedings, while preparing themselves for these tasks and duties, or their knowledge needs to be refreshed in order to be prepared to conduct the proceedings independently.

Depending on the target group, this Training Program includes a variety of subjects for different students, divided according to thematic units lasting for two or three days depending on the complexity of the subject matter.

Attending this Training aims to strengthen the administrative capacity of employees who act under the Law on Administrative Proceedings, or are prepared to act upon the Law, and the same arises from the Action Plan for monitoring implementation of recommendations from the Opinion of the European Commission, anticipating in the area of the state administration, as one of the activities, drafting of a Program and Training Plan for implementing the Law on Administrative Proceedings and identification of trainees by institution.

TOPIC: GENERAL ADMINISTRATIVE PROCEEDINGS**Training Objective:**

Familiarization of civil servants with the basic institutions and principles of general administrative proceedings in order to train them for independent conducting of administrative proceedings and deciding in administrative proceedings.

Target Group:

Civil servants who have previously conducted no administrative proceeding, or decided on no cases in administrative proceedings (having up to 3 years of work experience), while preparing themselves for these duties and tasks, or their knowledge needs to be refreshed in order to be prepared to conduct the proceedings independently.

Training Content:

Day I	Day II	Day III
• Parties to the administrative proceedings • Initiating the proceedings • Types of administrative proceedings (preliminary, shortened, hearing) • Preliminary issue • Evidentiary substance • Decision • Conclusion • <u>Workshop</u>	• Appeal • Procedure of the first instance authority on appeal • Procedure of the second instance authority on appeal • Enforceability, finality, validity • Enforcement	• The concept of administrative dispute • Parties to the administrative dispute • Acts that cannot be challenged in administrative dispute • Court proceedings on the complaint • Types of administrative disputes • Administrative Court Decisions • Extraordinary remedies in administrative disputes • <u>Workshop</u>

Teaching Methods:

Presentation, practical examples, interaction, workshops,

Duration: 3 days

Implementation Schedule:

The implementation schedule will be provided under quarterly plans for training implementation, submitted to all authorities and published on the web site of the Human Resources Administration.

What will be gained by attending this training?

By attending this training, civil servants will master the basic principles and institutions of the general administrative proceedings, have an opportunity to share knowledge and experiences through interaction with lecturers and other participants of the seminar and through practical work demonstrate a degree of autonomy in acting on the Law on Administrative Proceedings.

TOPIC: FIRST-INSTANCE ADMINISTRATIVE PROCEEDINGS

Training Objective:

Expanding the knowledge and exchange of experiences in acting on the Law on General Administrative Proceedings

Target Group:

Officers conducting the first-instance administrative proceedings

Training Content:

Day I	Day II
• Parties to the Administrative Proceedings • Initiation of the proceedings • Types of administrative proceedings (preliminary, shortened, hearing) • Preliminary issue • Evidentiary substance • Decision • Conclusion • <u>Workshop</u>	• Appeal • Procedure of the first instance authority on appeal • Enforcement • Extraordinary remedies • <u>Workshop</u>

Teaching Methods:

Presentations, practical examples, interaction, workshops

Duration: 2 days

Implementation Schedule:

The implementation schedule will be provided under quarterly plans for training implementation, submitted to all authorities and published on the web site of the Human Resources Administration.

What will be gained by attending this training?

By attending this training, through lectures, practical examples, exchange of experiences and good practice, officers will be professionally trained to independently conduct the first instance administrative proceedings. Officers will have an opportunity to set and resolve particular dilemmas in practice in applying the Law on General Administrative Proceedings.

TOPIC: SECOND-INSTANCE ADMINISTRATIVE PROCEEDINGS

Training Objective:

Expanding the knowledge and exchange of experiences regarding the acting of officers in the second instance administrative proceedings

Target Group:

Officers who conduct the second-instance administrative proceedings

Training Content:

Day I	Day II
• Procedure of the second instance authority on appeal • Decisions of the second instance authority • Enforceability, finality, validity • Enforcement • Extraordinary legal remedies	• The concept of administrative dispute • Parties to the administrative dispute • Acts that cannot be challenged in administrative dispute • Court proceedings on the complaint • Types of administrative disputes • Administrative Court Decisions • Extraordinary legal remedies in administrative disputes • Workshop

Teaching Methods:

Presentations, practical examples, interaction, workshops

Duration: 2 days

Implementation Schedule:

The implementation schedule will be provided under quarterly plans for training implementation, submitted to all authorities and published on the web site of the Human Resources Administration.

What will be gained by attending this training?

By attending this training, through lectures, practical examples, exchange of experiences and good practice, officers will be professionally trained to conduct appellate proceedings. Officers will have an opportunity to set and resolve particular dilemmas in practice when acting in the second instance administrative proceedings.

GENERAL INFORMATION

Training Venue

All training courses organized by the Human Resources Administration will be held in the following premises:

In Podgorica, at the Human Resources Administration, Street Jovana Tomaševića 2a

In Bar, at the Municipality of Bar

In Bijelo Polje, at the Commercial Court

In Rozaje, Primary School "Mustafa Pecanin"

As required, seminars can also be organized in other municipalities by the Human Resources Administration.

Training Implementation Plan

The training program is planned to be carried out twice a month and precisely specified dates for specific target groups will be promptly sent to all institutions and published on the website of the Human Resources Administration.

Training Registration

A registration form for the training can be found on the website of the Human Resources Administration www.uzk.co.me, and will be delivered to all participants enclosed with an invitation for the training.

Training Deregistration

In the case of justifiable inability to attend the training, a participant shall be required to deregister at least 2 days before its holding using the prescribed form available on the website of the Human Resources Administration.

Lecturers

In order to implement the Program "General Administrative Proceeding", experts of academic background, from the Administrative Court and the State administration will be engaged, having an extensive experience in the subject matter.

Funds for Implementation of the Training Program

Implementation of the training program will be funded from the Budget of Montenegro, enabling the civil servants to attend it free of charge.

PRIORITY 3: IMPROVE THE SYSTEM OF RECRUITMENT, REMUNERATION AND PROMOTION (MERIT-BASED CAREER SYSTEM) IN THE PUBLIC ADMINISTRATION, BY DEFINING OBJECTIVE CRITERIA

MEASURE 1: DRAFT LAW ON CIVIL SERVANTS AND STATE EMPLOYEES

CONCEPT FOR A NEW LAW ON CIVIL SERVANTS AND PUBLIC EMPLOYEES WITH RECOMMENDATIONS (“POLICY PAPER” ON CIVIL SERVANTS AND PUBLIC EMPLOYEES – STRATEGIC DOCUMENT

First draft

Prof. Dr. Ljubomir Sekulić

Doc. Dr. Dražen Cerović

in cooperation with

Dr. Hans-Achim Roll

22 July 2010

A. Executive Summary

The development of a new Law on Civil Servants is one of the priorities of the 2010 Public Administration Reform Agenda in Montenegro (“**Aurum**”). This paper aims at providing and explaining the following policy options for this new law:

Option 1: The principles of the civil service system should be regulated in a framework law. Details should be covered by secondary legislation based on explicit authority in the new civil service law.

Option 2: The responsibilities the Human Resources Management Authority should be redefined, notably in the area of policy development and legal drafting as well as with regard to ensuring uniform and high standards in employment practices. HRMA should continue reporting to the Ministry of Interior and Public Administration, however, HRMA should also closely cooperate with the Ministry of Finance.

Option 3: HRMA should get the necessary legal instruments and the resources to implement and to enforce its responsibilities.

Option 4: The law should provide a homogeneous legal regime for all posts exercising public authority conferred by public law and safeguarding the general public interest. This should in principle include the municipal level as well as positions in the administration of the legislative branch and of the judicative branch exercising public power. Special aspects could be dealt with in separate legislation. Technical support functions should be excluded from the scope of the civil service.

Option 5: With regard to remuneration only basic principles ensuring a predictable, fair and unitary system should be included into the law. The details should be covered by special legislation.(or secondary legislation).

Option 6: Labour law should be applicable for civil servants only in a supplementary function, while labour law should fully govern the employment relations of public employees (together with collective agreements as the case may be).

Option 7: A catalogue of civil service principles should be included into

Option 8: Employment on civil service positions should be admissible only with civil servants status and not on contractual basis. Provisions providing for exceptions should be highly restrictive (involvement of HRMA).

Option 9: In principle civil servants should be employed for an indefinite period; fixed term employment should be restricted to specific exceptional cases which need to be defined in principle in legislation.

Option 10: Civil service employment should be carried out either in the very comprehensive general administrative career/service path or in a specialist career/service. Details should be set out in secondary legislation.

Option 11: The classification system should be defined following a four level pattern (top level civil servants, leading civil servants, expert civil servants, executing civil servants). The expert level and the executing level could be subdivided into three or four levels with special rank/title for each subgroup.

Option 12: A new classification system could be applied

- either in a comprehensive manner when the new law becomes effective
- or in case a position becomes vacant, changes significantly with regard to responsibilities or in case of newly created positions.

Option 13: Candidates for “entry” positions in the civil service (lowest position of the expert level and of the executive level respectively) should be selected in an annual national concours aiming at establishing one or more pools with candidates who meet the conditions for employment in a ministry or other administrative body. Candidates whose eligibility for employment has been established in the national concours shall pass through a traineeship before they are selected in a merit based procedure for employment in a particular ministry or other administrative body (for alternatives see 7.2 above). As an exception recruitment and selection for a particular position on the entry level should be admissible with consent of HRMA. The procedure for the national concours and for the competition for a particular position should be carried out under the responsibility of HRMA.

Option 14: Progress on the pay scale without changing rank/title should be achieved according to the rules dealing with promotion (see below)

Option 15: Recruitment and selection for higher positions (with a different rank/title) including managerial positions(except for top level positions) should be carried out through an internal competition within the whole state administration and if this is unsuccessful through an open competition (for alternatives see above 7.3). The internal testing panel should be established within the institution seeking to fill a vacancy with mandatory participation of HRMA.

Option 16: Eligibility for occupying a top level position should be acquired in a test before a specific selection commission; the test should aim at evaluating candidates against a competency framework for top level civil servants. The final decision should be taken by the minister responsible taking into account only candidates with established eligibility.

Option 17: The testing methods should be tailored to assessing the competencies required for the functions/levels in question. The standards especially the minimum standard should be set ambitiously. The written test should carry more weight than the interview and should be reviewed anonymously.

Option 18: The recruitment process should be documented appropriately to ensure transparency.

Option 19: Newly employed civil servants should be on probation for a certain time; the probationary period should reflect the fact that civil servants are generally employed for an indefinite period. However, this should apply only to candidates employed for the first time in the civil service; if a civil servant is selected for a higher position no new probationary period should be required.

Option 20: The system of rights and duties should be modelled according to established practice in other systems and taking into account the respective EU legislation for the private sector in social matters.

Option 21: The appraisal system should be upgraded following the line set out in 9.2

Option 22: The legal framework for horizontal mobility should follow the above principles aiming at striking the right balance between the management interest in utmost flexibility with regard to staff deployment on the one side and appropriate protection of individual civil servants against arbitrary or not merit oriented transfer/secondment decisions on the other side.

Option 23: The integrity system for civil servants should be designed as a genuine one and should be included in the civil service law; with regard to the content the integrity system should follow OECD guidance.

Option 24: The right and obligation of civil servants to receive training and the duty of the state to supply training should be included into the law. All organisational and managerial details should be covered by secondary legislation.

Option 25: The system for the disciplinary procedure should be upgraded following the line set out in 13.2

Option 26: Stability of civil service employment should be strengthened. Reasons for termination of employment should be only those explicitly mentioned in the civil service law, while labour law reasons should not be applicable. The catalogue of retirement and dismissal reasons should follow the line set out above in 14.2.

Option 27: It should be possible to terminate the appointment of top level civil servants in ministries and other administrative bodies without detailing reasons if they do not have the political/personal trust of the respective minister.

Option 28: Civil servants becoming redundant because of restructuring or abolition of their administrative body should be reassigned to a position in one or more other administrative bodies; basis of reassignment should be an integration plan aiming at proportional reassignment to the institutions concerned.

Option 29: Reassignment to a lower position should be an exception

Option 30: Termination of employment should be possible only for those civil servants who cannot be reassigned according to the integration plan (not even to a lower position). In this case they should be placed on a waiting list, additionally payment of a compensation and other rehabilitation measures should be taken into account.

Option 31: The establishment of a personal file for each civil servant and of a central register should be provided for in the law, while details with regard to the content should be included into secondary legislation.

Option 32: The position of the Appeals Commission should be strengthened by disconnecting the period of office from the period of office of the Government; a release of Commission members should require a court decision.

Option 33: The right of civil servants to join trade unions and other professional associations and to appoint representatives from trade unions and other professional associations as counsel in employment cases.

Option 34: Transitional provisions should aim at protecting incumbents on the one side without compromising the reform objectives on the other side. This implies that the old law will be applied in parallel to the new law in some cases.

B. Introduction

The Montenegrin Government is strongly committed to continue the public administration reform efforts initiated by the **Strategy of the Administrative Reform of Montenegro for the period 2002-2009** adopted already in March 2002. During this strategy's implementation the country became independent in 2006 and a sharpest need emerged to create the institutions of an independent state. This 2002 Strategy The 2002 Strategy is currently being updated by the **2010 Public Administration Reform Agenda in Montenegro ("Aurum")**. Together with an analysis of progress so far "Aurum" aims at providing basic guidelines for further activities in three priority areas: state administration, local self government and public services. Main objectives are:

- continue to prepare Montenegro for EU accession
- manage the acquis after accession
- continue to transform and to modernize economy and society
- continue to improve services to all citizens

One of the elements of the reform agenda is the preparation of a **new Law on Civil Servants** aiming at further upgrading and aligning the civil service system to European standards and best practices. This issue is also one of the concerns of the latest EU-Commission Report which reads as follows: "Significant efforts are required to establish a professional, accountable and merit-based civil service, free of political interference." (Enlargement Strategy and Main Challenges 2009-2010, p. 48). "Aurum" lists seven areas of specific importance for a reform of the civil service system:

- strengthening the merit principle
- enhancing mobility within the civil service
- aligning the classification system with job content
- upgrading the integrity system (incompatibilities, Code of Ethics, conflict of interest)
- improving mechanisms for career development
- improving the system of disciplinary responsibility
- upgrading the central civil service system register.

From a more general perspective the following **key issues** need to be addressed: the legal basis defining the status of civil servants; efficient structures for managing, coordinating and controlling the civil service; professionalism of civil servants by merit based recruitment; efficient evaluation and training practices; an appropriate system of rights and duties of civil servants defining the responsibility and accountability of civil servants as well as their impartiality and integrity.

C. Policy options for a new civil service law

1. Legal basis for the civil service

1.1. General

Most countries have rather comprehensive civil service laws and additionally sometimes a series of special laws dealing with special branches of the civil service, while technical details are covered by secondary legislation. With regard to the structure of civil service legislation two aspects should be taken into account: first the relation between the **general and special primary legislation** and second the relation between **primary and secondary legislation**.

Avoiding fragmentation of the civil service should be one of the priorities of civil service legislation. This can be achieved by adopting a general law applicable to all branches of the civil service, while special laws for specific branches of the civil service should be always an exception. These special laws should be restricted to the specificities of the respective branch, while comprehensive laws dealing with special branches of the civil service would tend to undermine the **unity of the civil service**, which is based on the fact that all civil servants employed by the state (or another legal entity) exercise the same public authority and should be subject to the same principles. It should be noted that preserving and strengthening the unity of the civil service is specifically relevant in small states.

Balancing adequately the degree of regulation in primary legislation and in secondary legislation is also highly important, specifically in transitional situations as in Montenegro. If too many specialities and details are covered by primary legislation government loses **flexibility to adapt the system** to changes and also to financial needs. Dealing only with the principles in primary legislation, while all the various and changing details are covered by secondary legislation entails a further advantage: repeated changes of primary legislation would reopen the political debate on the civil service with regard to each and every amendment proposed, while adaptations implemented in secondary legislation would avoid this form of politicisation. This approach would not deprive Parliament of its control functions, because Parliament could at any moment deal with the respective matter. In some systems even additional procedural mechanisms have been introduced to strengthen the role of Parliament with regard to secondary legislation adopted by the Executive as for example the annual report of the government to parliament giving an account of how the civil service is being managed. .

1.2. Framework Law

These arguments support an approach aiming at regulating the civil service in a framework or general law, which includes the **principles and general management standards** applicable to all civil servants by all institutions. Deviation from these principles and basic norms in special civil service legislation should be excluded; special laws should be rather restricted to dealing with aspects of the special civil service branch which require regulation in primary legislation because requirements of the rule of law. Procedural and technical details should be included in secondary legislation. However, primary legislation should provide for explicit authority defining broadly the purpose and the content of the respective piece of secondary legislation.

Option 1: The principles of the civil service system should be regulated in a framework law. Details should be covered by secondary legislation based on explicit authority in the new civil service law.

2. Management of the Civil Service

2.1 General

Two levels of civil service management have to be distinguished: the **micro and the macro management level**.

The micro level refers to **day to day management** of individual civil servants by the respective line manager and the respective human resources management unit of the state administration body in which the civil servant is working.

The macro level deals with horizontal issues aiming at **coordination and coherence of civil service management**. Usually there are two main types of institutional arrangements for dealing with these issues: first the model with a more or less independent authority for horizontal management and

coordination, and second a model providing for responsibility of the prime minister or a minister for the civil service. A further distinction has to be made with regard to the functions of the central civil service management capacities. The more decentralized systems provide for a strong discussion making power of line managers on most personnel management functions, leaving the centre with the responsibility of defining policy guidelines, preparing legislation and monitoring the performance of the decentralized personnel management units. In models with stronger centralized management capacity major functions with regard to personnel management and supervision are exercised at central level. Experience shows that the more there is a need for reform the more centralised the management should be. Major reforms are hardly achievable through decentralised settings.

2.2 Human Resources Management Authority

Montenegro is a small state with challenging aspirations with regard to performance of the civil service. This requires a concentration of resources in one institution, and this should be the Human Resources Management Authority, which should, of course, continue to report to the Ministry of Interior and Public Administration. The **responsibilities of HRMA** should be further developed aiming at providing services to enhance effectiveness of state administration bodies. It should be noted that this is contrary to the common trend of decentralisation of management in many Western systems. The responsibilities should include at least the following:

- development of civil service policies;
- preparing on behalf of the Ministry of Interior and Public Administration of drafts of civil service legislation (primary and secondary) as well as of guidelines/standards for civil service management in the whole state administration
- organisation of, participation in, and monitoring of the recruitment and selection procedures;
- involvement in civil service manpower planning
- planning, providing, coordinating and monitoring training of civil servants;
- maintaining civil servants registers/databases
- setting homogeneous civil service management standards
- and providing advice to authorities with regard to application of civil service regulations and other civil service issues.

HRMA should also get the **necessary instruments** to implement and to enforce these responsibilities (which might include the right to require information and files from state administration bodies or to hear witnesses, under the threat of sanctions due non-compliance with requests. Findings and recommendations of HRMA with regard to compliance with legislation and standards should be included into special reports and in an annual activity report, which should be submitted to the Government and then by the Government to the Assembly..

As mentioned above HRMA should continue to report to the **Ministry of Interior and Public Administration**; this linkage ensures that civil service issues have voice in the Council of Ministers.

A further strong stakeholder with regard to the civil service is, of course, the **Ministry of Finance**. The Ministry is involved directly in all salary issues including legislation; the Ministry should also be involved in manpower planning and related issues. Together with HRMA the Ministry of Finance should have a very significant role in the whole procedure of the civil service reform especially because it manages the policy of the allocation of funds to the institutions- the budget users.

2.3 Appeals Commission

The Appeals Commission is part of the central civil service managements, for details see below No.17.

Option 2: The responsibilities the Human Resources Management Authority should be redefined, notably in the area of policy development and legal drafting as well as with regard to ensuring uniform and high standards in employment practices. HRMA should continue reporting to the Ministry of Interior and Public Administration, however, HRMA should also closely cooperate with the Ministry of Finance.

Option 3: HRMA should get the necessary legal instruments and the resources to implement and to enforce its responsibilities.

3 Scope of the Law

3.1 General

Civil servants should be **employed by the state** through decision of an authorised public institution in accordance with the new Law on Civil Servants, and not by the respective administration body (analogously with regard to municipalities or other legal entities entitled to employ civil servants). They owe loyalty to the state and to the constitutional and public law values such as legality, impartiality, political neutrality and integrity.

The **public law status of civil servants** has to be distinguished from the status of other public employees governed by labour law and employed on contractual basis. The respective dividing line between the two groups is drawn differently in the various European countries. The European Court of Justice has developed two criteria which may be used to define the positions which could be reserved for (national) civil servants (in the context of the case law dealing with the principle of free movement of workers in Article 39 ECT): posts involving the exercise of powers conferred by public law and the responsibility for safeguarding the general interest of the state or other public bodies. Other systems enumerate in more detail which tasks and functions should be reserved to civil servants.

The current Law on Civil Servants speaks about civil servants on the one side and public employees on the other side. However, in substance the Law deals with **civil servants and public employees** in a more or less identical manner, because most provisions are equally applicable to both categories.

3.2 Redefining the horizontal and vertical scope

The definition of the horizontal and vertical scope of the law should aim at establishing a homogenous legal regime for all those posts which involve the exercise of **powers conferred by public law and responsibility for safeguarding the general interest of the state** (a list of posts which should be occupied only by civil servants could be included in a government regulation). The framework law would therefore include tax administration as well as customs, while the health sector as well as education including universities could be excluded. Merely technical support functions (secretarial services, messengers etc) should be equally excluded.

Those positions on the **municipal level** exercising public authority should be covered by the framework law; specialities need to be dealt with of course in special legislation and secondary legislation respectively.

The same should apply to non judicial staff of the **judicative branch** and to employees holding public power in the **legislative branch** (of course not to MPs). This is important with regard to ensuring a unitary civil service in the country: However, an exception should be made for those issues which require special provision because of specialities of the legislative or judicative branch. These issues (e.g. job titles) could be either covered in special primary or secondary legislation or in a separate chapter of the law.

Material scope

The material scope of the framework law should include all aspects with relevance for the employment relations of civil servants. However, with regard to the **remuneration system** the law should define only the basic components of the remuneration of the individual civil servant and deal with the principles to be applied in this context.

From a more general point of view covering both the individual and the macroeconomic aspect of the remuneration system the following principles for a sustainable salary policy are primarily relevant:

- provide salaries for civil servants, which allow a decent standard of living, well above the minimum wage even for the lower positions
- ensure greater transparency and consistency of the total pay package
- lead to equitable and predictable individual pay packages, which reflect major differences in job responsibility and skills.
- are simple to administer
- enable public administration to attract, motivate and retain civil servants with the required skills
- ensure fiscal feasibility and are compatible with the relevant IMF/WB agreements.

3.3 Labour law

Labour law should have only **supplementary functions** with regard to civil servants, it should only be applicable in cases where the Civil Service Law does not provide a regulation or where the Civil service Law refers explicitly to regulations in the Labour Law (e.g. with regard to social rights of civil servants). In contrast Labour Law should be the primary legal source for public employees, who are not within the scope of the Civil Servants Law.

3.4 Political advisers

Political advisers should not be part of the civil service; they should be employed on a **contractual basis** based on labour law and the employment relations should be linked to the mandate of the respective political superior (Prime Minister or Minister). Political advisers should be responsible for supporting their political superiors in discharging their governmental duties and will contribute from a political perspective to the formulation and development, to the implementation and presentation of policies and for assessing the effectiveness of policies. They should perform their duties in accordance with the law and should uphold principles of professional conduct. However, they should not exercise any legal power to be performed by their political superior, they should not be entitled to authorize the expenditure of public funds or exercise other functions which are assigned to the civil service. Boundaries between political advisers and civil servants should be clearly understood and respected, but both groups need to work together closely..

<i>Option 4: The law should provide a homogeneous legal regime for all posts exercising public authority conferred by public law and safeguarding</i>

the general public interest. This should in principle include the municipal level as well as positions in the administration of the legislative branch and of the judicative branch exercising public power . Special aspects could be dealt with in separate legislation. Technical support functions should be excluded from the scope of the civil service.

Option 5: With regard to remuneration only basic principles ensuring a predictable, fair and unitary system should be included into the law. The details should be covered by special legislation.(or secondary legislation).

Option 6: Labour law should be applicable for civil servants only in a supplementary function, while labour law should fully govern the employment relations of public employees (together with collective agreements as the case may be).

4 Principles of the civil service system

4.1 General

Most civil service laws elaborate on the principles governing the civil service; in this context two aspects should be distinguished: the **principles dealing with the status and with the employment relations of civil servants** on the one side and the principles related to the activities and operations of civil servants on the other side. The function of these principles is not only of a general and declaratory nature, they may serve also as orientation when interpreting other norms of the law.

4.2 Catalogue

A **list of themes** dealing with the principles for managing and organizing the civil service as well as for the operations of civil servants could read as follows:

- employment relations of civil servants shall be governed by law or on the basis of law to promote legal certainty, legal accountability and legal predictability of the civil service;
- decisions with regard to civil servants shall be based on merits to ensure fairness and effectiveness of employment relations;
- civil servants shall perform their duties on the basis of the Constitution, laws, other regulations and in the public interest.
- impartiality, political neutrality and integrity of civil servants shall be ensured through an appropriate system of rights and obligations including regulations on conflict of interest;
- the activities of civil servants shall aim at ensuring efficiency and effectiveness ;
- civil servants shall be personally accountable for their official activities;
- civil servants shall ensure that no one is discriminated against on ground of religion, race, gender, political or other opinion, language, national or social origin and disability; the details of this anti discrimination policy could be included into a special Anti-Discrimination Law (transposing the respective EU anti-discrimination Directives).
- the stability of the civil service and of employment relations shall be protected
- professionalism of civil servants shall be ensured by developing their competences;
- openness and transparency shall be ensured as provided for in the law or on the basis of a law.

•
Option 7: A catalogue of civil service principles should be included into the law.

These principles should be also reflected in the chapter on rights and obligations of civil servants. Those obligations and rights should be consistent and proportional to what is required by the principles.

5 Employment types

5.1 General

As mentioned above civil servants as holders of public administrative power should be employed by the state through unilateral appointment (or by the respective authority). The status of the civil servant should be linked to a position **explicitly established as a civil servant position** (either in the budget or in the respective rulebook for internal organisation). Private law employment (e.g. with temporary contracts) on established civil service positions should be inadmissible in principle.

With regard to the status of a civil servant **three types** can be distinguished:

- Permanent employment/employment for an indefinite period
- Fixed term employment

5.2 Probationary employment

5.3 Employment for an indefinite period and fixed term employment

In principle all civil servants should be able to acquire the status of an employee recruited for an unlimited term (permanent employment or employment for an indefinite period with dismissal restricted to cases explicitly covered by the Civil Servants Law). Probationary employment will be, in most cases, just a transitional phase before acquiring tenure..

For specific cases **fixed term employment** as a civil servant, and of course subject to the usual formalized recruitment procedures, should be possible as an exception. To avoid misuse of this instrument the criteria and conditions for fixed term employment should be set out in the Law or in secondary legislation. The respective recruitment procedures would, of course, depend on the type of employment and job description. Practical examples could be the need to meet temporary demand for a specific function, or top positions in special organisations (e.g. regulatory bodies). It should be underlined that fixed term civil service employment is public and not contractual employment.

Option 8: Employment on civil service positions should be admissible only with civil servants status and not on contractual basis. Provisions providing for exceptions should be highly restrictive (involvement of HRMA).

Option 9: In principle civil servants should be employed for an indefinite period; fixed term employment should be restricted to specific exceptional cases which need to be defined in principle in legislation.

6 Civil service “career” paths, categories and classification

6.1 General

Civil service employment should be carried out either in a general administrative service or in a specialist service. This does not imply a general shift from the **position system to the career system**; however, some elements of the career system could be introduced into the current system which is configured mainly as a position based system.

The **general administrative service** should cover most activities of ministries irrespective of the particular subject area (policy advice, legislation, implementing legislation, monitoring etc); this should include also legal services and internal financial control and audit.

The groups of **specialist services** need to be defined according to the practical requirements (e.g. technical and scientific services, environmental and agricultural services etc) Details should be set out in secondary legislation, however the number of specialist services/career paths should be restricted to avoid fragmentation of the civil service.

Titles in the general administrative service and in the specialist services do not need to be identical. However, secondary legislation could cover **equivalencies** with regard to “value” and salary of the position between positions in the general administrative service and in the specialist services (e.g. that the head of the meteorological service corresponds to a department head in a ministry).

The **classification systems** vary greatly across Europe. Generally the classification system should reflect a standardized organisational scheme for the various administrative bodies in the respective country and should aim at supporting the establishment of flat hierarchies and at avoiding an inflation of high positions. A common approach for civil service classification is based on four classes reflecting job content and distinguished also with regard to the necessary education required to enter the respective category of civil servants (e.g. high level management, middle-level management, expert level, implementing or executing level).

6.2 Classification and job evaluation

The classification system should reflect functional differences. To meet the needs of a small country the following **functional levels** should be distinguished:

- High level civil servants (the top level civil servant in a ministry reporting directly to the minister or equivalent positions).
- Leading civil servants (department and division/unit heads in a ministry or equivalent positions).
- Expert level civil servants (civil servants without managerial responsibilities, however, with university education; the level should be subdivided into 3-4 ranks/titles).
- Executing civil servants (civil servants of the implementing level without university education; also this level should be subdivided into 3-4 ranks/titles)

The place of each position within this four level system should be clearly determined by **job evaluation** based on objective criteria (job content and attributes). While classification is rather obvious with regard to top level civil servants and leading civil servants because of their role within the hierarchical system, reliable and consistent procedures need to be applied to measure through comparison the “weight” of the other positions.

The formal **requirements for entering each level** should be set out in detail in secondary legislation; these requirements should include educational qualification and, possibly, working experience. A merit principle related definition of working experience would require that the respective working experience is relevant for the position in question (acquired either in side or outside the civil service).

Option 10: Civil service employment should be carried out either in the very comprehensive general administrative career/service path or in a specialist career/service. Details should be set out in secondary legislation.

Option 11: The classification system should be defined following a four level pattern (top level civil servants, leading civil servants, expert civil servants, executing civil servants). The expert level and the executing level could be subdivided into three or four levels with special rank/title for each subgroup.

Option 12: A new classification system could be applied

- **either in a comprehensive manner when the new law becomes effective**
- **or in case a position becomes vacant, changes significantly with regard to responsibilities or in case of newly created positions.**

7 Recruitment and selection of civil servants

7.1 General

The **formal requirements** for employment in the civil service should be set out in the law; the list of requirements could include criteria as age, citizenship, certification of the educational degree, health, absence of a criminal record etc).

The recruitment and selection process itself should be clearly based on the **merits principle** in all its phases. All appointments should be non-partisan and made in a fair and open procedure based on an assessment of competence and ability to do the job. The competitive procedure should aim at selecting the best available person for the post in question.

With regard to the assessment procedure the following distinctions should be made:

- Recruitment and selection for **entry positions** in the civil service either on the level of expert civil servants (positions requiring university education) or on the level of executive civil servants (positions requiring secondary education); the entry position is the lowest rank/title within the expert or executive level respectively (see above).
- Recruitment and selection for **higher positions** including the managerial level except the top level.
- Recruitment and selection for the **top level** positions.

The **principles of the procedure**, especially those ensuring the quality of the process, should be set out in the Law, while details (e.g. composition of assessment panels, structure of assessments etc) could be covered by secondary legislation. The Law should clearly exclude attempts to by-pass the legal provisions for recruitment and selection. This includes that the whole process should be documented appropriately.

7.2 Recruitment and selection for entry positions

Candidates for “entry” positions in the civil service (see above) should be selected in an **annual national competition** which should, of course, be announced publicly to ensure transparency (possibly electronic application could be envisaged). This national “concours” should aim at establishing one or more pools with candidates who are eligible for employment in a ministry or other administrative body. The national “concours” approach would contribute

to the application of unitary employment standards, it could provide the civil service with staff that is suitable for a broad spectrum of functions and it could mobilize more and more qualified applicants. Finally a pool recruitment approach could speed up the currently rather cumbersome process which is carried out for each individual vacancy.

Pool recruitment would aim at establishing one or more pools of candidates qualified for a group of comparable or similar activities in the respective level of the civil service, from which ministries and other administrative bodies could choose according to their needs.

The **scope of each pool** should be defined according to the needs of the administration; the general line could be to recruit:

- one pool of positions requiring general administrative skills, ,and
- possibly further pools of positions requiring specific skills (e.g. IT, Foreign Service, special services).

The numbers for each pool recruitment could be determined on the basis of **man power planning** which should be carried out by the HRMA taking into account the average turnover rates on the respective levels the previous 3/5 years. These vacancies will have arisen from retirements, resignations, dismissals and transfers to other posts (and possibly death in post).

Positions neither covered by the general administrative pool or one of the specific pools could be filled by using a procedure aiming at filling a **particular position/vacancy**. The quality requirements for this procedure should correspond to the pool recruitment. Conducting a recruitment procedure for a particular position/vacancy should require approval from HRMA.

The national “concours” and any other contest to fill entry positions should be carried out under the responsibility of the HRMA. The concours/contest should be conducted by a **new type of commission**, appointed for several, possibly three or four years to ensure continuity and having expertise and experience in selection processes. One option for the composition of the commission could be: three members from HRMA, one member from the General-Secretariat, one member from the Ministry of Finance and one member from the trade unions plus possibly one further external member. In case of recruitment for one specific entry position the administrative body seeking to fill a vacancy should be represented on the body. The procedure should be based on the following line:

- Testing methods should correspond to the requirements of a modern civil service Details should be set out in secondary legislation (see below)
- All candidates (no numerical restriction) who meet the set ambitious threshold (e.g. 80% or more of required points) should be included in ranking order on a list of successful candidates.
- Candidates should stay on this list until they are either employed formally or:
 - until the time of the next pool recruitment (as trainee see below);
 - for one year (as trainee see below).

Inclusion in the pool does not necessarily mean that the respective candidates are already employed in the civil service. A first option could be that inclusion in the pool just means that eligibility for employment is established and that ministries and other administrative bodies could chose from the list according to their specific needs. Another, more costly, but promising option could be that all candidates who have met the ambitious threshold of the national “concours” are **employed as trainees**. These trainees should be offered longer and comprehensive induction training.

The final decision in which ministry or other administrative body the eligible candidates/trainees (see above) are deployed should be carried out by the respective ministry or other authority seeking to fill a vacancy. This would be the second step of the competitive recruitment and selection process which

could take due account of the specific needs of the respective ministry or other administrative body.. The ministry or other authority should be entitled to select from the **candidates in the pool** (of eligible candidates/trainees, see above) who passed the threshold and who are not yet selected elsewhere. Of course, this should not be a discretionary decision. Regarding the selection procedure to be used in the ministry or other authority the following options need to be distinguished:

- the ministry or other authority is free to use any available method of selection which corresponds to the merits principle (additional written examination focusing on the specific needs of the respective authority, conducting an interview, etc); a justification of the choice should be included in the recruitment file.
- secondary legislation defines a formal mandatory procedure to be followed by the ministry or other authority.

7.3 Recruitment and selection for higher positions including managerial positions

While advancement on the pay scale without changing the grade/title and functions should be carried out according to the rules on promotion (see there) any advancement to a higher position (including managerial positions like unit head and department head) with a different grade/title should be carried out not by simple transfer but according to the merits principle. This requires that these positions should be filled by competition with announcement. Competitions could be either internal or open.

Internal competition would be more in the interest of incumbents (and perhaps also in the interest of the administration, as these incumbents are already knowledgeable with the business of public administration), while open competition would ensure more widely transparency and equal access to the civil service. There are primarily **three options** attempting to strike the balance between all the concurring interests:

- Priority of internal competition (within the respective ministry or within the whole administration). If this procedure proves to be unsuccessful the position should be open for external applications in open competition.
- As above, however, internal applicants could be entitled to a bonus compared to external applicants in terms of marking methods and assessments of candidates (e.g. a certain number of extra points for internal candidates). This would represent a promotion mechanism, which is one of the few incentives available within the civil service.
- No priority of internal competition, instead any vacancy is filled through open competition without any advantages or bonuses for internal candidates. This could undermine the morale of those already within the civil service.

The competition of eligible candidates (eligibility should be defined in the Law) should be examined before an **internal examination panel** formed within the institution seeking to fill the vacancy. The panel should always include a representative from the HRMA; the other members should hold at least the same rank as the position to be filled, of course, the managerial level of the respective institution should be represented on the panel.

The requirements for participation and the assessment procedure in the panel should be set out in secondary legislation (see below). The **internal examination panel** should be obliged to prepare a short list of not more than three candidates in ranking order for the selection decision through the administrative head of the respective institution. If the head does not select the highest ranking candidate, it should be mandatory to include reasons for his/her decision in the recruitment file. Another option would be to provide for a further testing phase (interview) before the head of the respective body aiming at identifying the most suitable candidate from the short list.

7.4 Recruitment and selection for top positions

Top positions in ministries and other administrative bodies (secretaries and directors) should be defined as civil service positions and not as political appointments. They work, however, work at the **interface of politics and administration**. The legal provisions dealing with their employment relations should aim at creating a corporate culture, ensuring interdepartmental mobility, and aligning recruitment and other employment rules with the specific requirements of neutral competence focussing at a more generic interest of the state on the one side and political responsiveness on the other side. This approach requires balancing elements of the merits principle with political requirements and realities. The merits principle and not the principle of political appointment should be fully applicable for the recruitment and selection stage, while political aspects could be taken into account to a certain extent with regard to termination of employment (for details see below). There are primarily two options to meet these ambitious standards with regards to the appointment stage:

- Eligibility for a position as top level civil servant should be acquired in an open contest held by a Special Selection Commission. The objective with regard to the composition and to the attributions of the Commission should be to establish a prestigious body having the necessary authority and to separate the Commission as much as possible from potential political interference. One option could be to include former top level civil servants into the Special Selection Commission.
- An alternative could be to include very demanding requirements for obtaining a top level position into the Law and to leave the employment decision to the respective political head.

With view to the principle of transparency and to the merits principle the first option is clearly preferable.

The eligibility test before the Commission should aim more on skills required in a top position than on technical (legal) knowledge. Benchmarks for the testing process should be included in a **competency framework** for the top level.

After the test the Commission should put successful candidates on a short list and transmit the list to the institutions to fill a top level position. Appointments to the top level should be only **admissible from this list**. Details will need, of course, to be included in secondary legislation.

7.5 Assessment methods

Testing methods should be dependent on the type of position (or pool of positions) to be filled. In general testing methods that are only or primarily focused on knowledge of laws and other rules dealing with public administration do not fully correspond to the requirements of a modern civil service. The testing methods should be rather tailored more to assessing the past behaviors (in case of internal recruitment) and **competencies required for the functions/levels in question**; this includes, of course, the relevant knowledge, but also a series of other aptitudes and skills including interpersonal skills. Assessment needs, of course, take into account also the cv including academic background and relevant prior working experience.

In principle each assessment of candidates should include a **compulsory written and oral part**. The written tests should be standardized and should consist of two parts: a more general one and a more job specific one (methods should not be restricted to a multiple choice format). Written tests should be reviewed by examiners in an anonymous way. The interview conducted by the assessment panel should aim at evaluating the following minimum criteria: motivation, communication skills, aptitudes, professional and managerial knowledge and competence of the candidates. The written part should carry more weight than the oral part because objectivity is better ensured in a written test, if the revision was anonymous..A **minimum quality standard** in the examination should be introduced as precondition to pass to the next selection stage. It is important that the minimum standard is set ambitiously.

The **ranking of candidates** must be based on utmost objectivity and comparability, and most of all: the system needs to be appropriate for the evaluation of the desired competencies. This requires clear rules dealing with the relative weight of the written and oral part of the assessment as well as of the other components (cv, working experience). The respective regulations should not, however, be included in primary legislation, but in secondary legislation.

7.6 Probationary period

A probationary period for newly employed civil servants should be **mandatory** (even after passing through the trainee period, see above). However, if somebody is appointed to higher position/function (see above No.7.3) who is already a member of the civil service a second probationary period does not seem to be necessary because the person concerned has already served such a period at the beginning of his/her career.

In case the appointment is for an indefinite period (possibly until retirement age) the probationary period should have a duration which is adequate to test in practice whether the newly employed civil servant is suitable. An option could be **two or three years**. In case employment relations may be terminated upon notice 6 or 12 months should be sufficient for the probationary period.

Option 13: Candidates for “entry” positions in the civil service (lowest position of the expert level and of the executive level respectively) should be selected in an annual national concours aiming at establishing one or more pools with candidates who meet the conditions for employment in a ministry or other administrative body. Candidates whose eligibility for employment has been established in the national concours shall pass through a traineeship before they are selected in a merit based procedure for employment in a particular ministry or other administrative body (for alternatives see 7.2 above).

As an exception recruitment and selection for a particular position on the entry level should be admissible with consent of HRMA.

The procedure for the national concourse and for the competition for a particular position should be carried out under the responsibility of HRMA.

Option 14: Progress on the pay scale without changing rank/title should be achieved according to the rules dealing with promotion (see below)

Option 15: Recruitment and selection for higher positions (with a different rank/title) including managerial positions(except for top level positions) should be carried out through an internal competition within the whole state administration and if this is unsuccessful through an open competition (for alternatives see above 7.3). The internal testing panel should be established within the institution seeking to fill a vacancy with mandatory participation of HRMA.

Option 16: Eligibility for occupying a top level position should be acquired in a test before a specific selection commission; the test should aim at evaluating candidates against a competency framework for top level civil servants. The final decision should be taken by the minister responsible taking into account only candidates with established eligibility.

Option 17: The testing methods should be tailored to assessing the competencies required for the functions/levels in question. The standards especially the minimum standard should be set ambitiously. The written test should carry more weight than the interview and should be reviewed anonymously.

Option 18: The recruitment process should be documented appropriately to ensure transparency.

Option 19: Newly employed civil servants should be on probation for a certain time; the probationary period should reflect the fact that civil servants are generally employed for an indefinite period. However, this should apply only to candidates employed for the first time in the civil service; if a civil servant is selected for a higher position no new probationary period should be required.

8 System of rights and obligations

8.1 General

A series of provisions dealing with civil service rights and duties are a **constituent part of any civil service law**, though sometimes they have only symbolic relevance in practice. They are aiming at ensuring the professional ethos of civil servants on the one side and at guaranteeing neutrality, impartiality and integrity of the civil servant as well as the corresponding duties and benefits provided by the state as employing institution. The underlying principle of the system of rights and duties could be worded as follows:

- the civil servant shall be obliged to perform his/her activities in full compliance with the principles set out in Article n of this Law (see No. 4.2 above).
 . He/she shall be personally accountable for the legality of his/her activities.
- the civil servant shall have the right to fair and equitable treatment by his/her employing institution with regard to all aspects of personnel management, career development, remuneration and legal protection.
- the Government shall adopt a general Code of Conduct for all civil servants, special codes may be adopted in ministries and other administrative bodies.

8.2 Details

Impartiality and political neutrality should be reinforced by provisions dealing with restrictions of **political activities**. Civil servants should be allowed to join political parties, however, they should be obliged to refrain from any political activities in performing their official duties; with regard to manifesting their political views and allegiances in their private life they should exercise self restraint; this will generally exclude civil servants from becoming a functionary of his/her party.

Accountability of civil servants for the basic principles of the civil service should inter alia be reinforced by a provision dealing with **illegal/unconstitutional orders** from superiors. The wording of the current law should be upgraded following the line provided for in other systems. Other standard issues to be dealt with in this context are: dealing with official secrets, citizen's personal data, duties in case of catastrophes etc, protection of civil servants. The duty of transparency and administrative openness could also be stated as the general rule whereas confidentiality and secrecy should be the exception.

Social rights could be listed in a general manner (vacations, part time work, sick leave, maternity and paternal leave, leave without pay etc), while details should be set out in secondary legislation. The general line with regard to these issues should be that civil servants should not be privileged compared to other employees. Minimum standards with regard to the private sector are set out in EU legislation.

For the duties deriving from the **integrity system** see below No. 11.

For the right to **appeal** against status relevant decisions see below No. 17.

For the right to join **trade unions** see below No. 18.

Option 20: The system of rights and duties should be modelled according to established practice in other systems and taking into account the respective EU legislation for the private sector in social matters.

9 Performance appraisal

9.1 General

Appraisal of civil servants is increasingly focussing on **achieving results** rather than on personal traits or conduct. The mechanisms used for appraisal differ across countries: in some systems performance is measured against target agreements, in other systems against a set of mandatory and/or optional criteria, and sometimes a combination of the two approaches is applied.

Appraisal may provide a **basis for decisions in personnel matters** of the civil servant concerned (e.g. monetary incentives for managerial or other civil servants, eligibility for promotion and progress on the pay scale, and dismissal in case of (repeated) unsatisfactory ratings), but appraisal is also an instrument for human resources management in a more general perspective (e.g. staff development, training, providing feedback). Reform efforts in many countries focus on reducing the impact of subjectivity and increasing credibility of the performance appraisal process. However, success has been limited and expectations with regard to appraisal system should not be exaggerated.

Lessons learnt from other systems suggest that:

- To be implemented successfully appraisal systems need to be simple with regard requirements (e.g. setting of objectives) and procedure.
- Evaluators and appraisee need to accept the system as contributing positively to their respective responsibilities and interests.
- Appraisal needs to have clear consequences which are implemented reliably and with not much difference across institutions.
- The central human resources management capacity needs to monitor the implementation of appraisal closely.

Transparency of the procedure needs to be ensured appropriately..

9.2 Review of the current appraisal system

The reform of the system should not replace the current system by a completely new one, but should aim at upgrading this system because considerable effort has been invested in introducing this approach; this investment in the current approach should be preserved, but possibilities for misusing the system should be reduced. **Areas for improvement** in primary and/or secondary legislation are:

- Clarification with regard to the appraisal criteria (relation between “work results” and work objectives; relevance of the list of the other mandatory appraisal criteria).
- Introduction of uniform definitions of grades, HRMA guidelines for (non binding or binding) rating distributions to ensure that there is no inflation of the highest grades.
- Guidelines for the interview and for dealing with the managerial consequences of appraisal.
- Ensuring equal standards in the procedure for establishing capability after one (or possibly two?) unsatisfactory marks.

- Introduction of an adequate appeals mechanism.
- With regard to consequences of appraisal see below: promotion/progress on the pay scale, dismissal.

Option 21: The appraisal system should be upgraded following the line set out in 9.2

10 Mobility

10.1 General

Mobility is a **management instrument** to improve the efficiency of the institution by enhancing the competencies of staff members and to serve the public interest by improving the quality of services delivered by the public administration, but mobility is also an instrument to meet individual career development aspirations of civil servants. Therefore effective mobility practices are equally in the interest of the civil servants and of the management.

Within mobility two aspects have to be distinguished: **horizontal and vertical mobility**. Horizontal mobility refers to the transfer or secondment of a civil servant to a position with similar functions and with (in most cases) the same title in the same or in another organization, while vertical mobility refers to the appointment to a higher position with different functions and with a different title either in the same or in another organization. This form of mobility is dealt with above in the chapter on recruitment and selection (see above 7.3).

Instruments for mobility in various civil service systems are:

- Permanent or temporary transfer of a particular civil servant to a particular vacant position (transferred civil servants become fully part of the recipient organizational unit or administration);
- Temporary secondment of a particular civil servant to a particular vacant position (seconded civil servants are only “on loan” in the respective recipient organizational unit or administration);
- Rotation (rotation refers to the collective periodical movement of several civil servants to functionally corresponding positions with the same title in other authorities);
- Promotion (promotion refers to the movement of civil servants to a higher position with a different title, or to the upwards movement on the pay scale). In the context of this paper promotion refers only to progress on the pay scale, while cases of vertical mobility are implemented through the competitive mechanisms provided for recruitment and selection (see above No. 7.3).

10.2 Legal framework for mobility

The **legal framework for mobility** could be rather simple. The respective provisions just need to strike the right balance between the management interest in utmost flexibility with regard to staff deployment on the one side and appropriate protection of individual civil servants against arbitrary or not merit oriented transfer/secondment decisions on the other side.

The design and the implementation of appropriate **mobility practices** within the institutions and across the administration will be more difficult. This will require a proactive approach with regard to mobility supported by respective guidelines issued by HRMA and personnel development plans within the individual institutions.

The legal framework for mobility should be based on the following principles:

- Transfer and secondment refer only to **horizontal mobility** of a civil servant to a position with similar functions and with (in most cases) the same title in the same or in another organization; while vertical mobility (appointment to a higher position) follows the rules on recruitment and selection to ensure the competitive character of the process (see above 7.3). Provisions should ensure that secondment is also understood as secondment to international organizations where the country is a member.
- Horizontal transfer and secondment should be possible **upon initiative of the respective institution** or upon request of the respective civil servant. This does not exclude internal announcements of respective vacancies.
- The decision of horizontal transfer should be taken by the **managing institution** without involvement of HRMA.
- Horizontal transfer, either permanent or temporary, requires **the consent of the respective civil servant**; objections of the respective civil servants should be irrelevant, however, if they are abusive or if the public interest has priority.
- **Secondment** should be admissible without consent of the respective civil servant; however, nobody should be obliged to work abroad or in distant places.
- Promotion refers only to **progress on the pay scale for a particular position**; while moving to a higher position should follow the rules on recruitment and selection (see above No, 7.3). Moving to the next step on the pay scale should depend both on quantitative factors (years of service, seniority) and qualitative factors (quality of performance as ascertained and documented by the latest very good or good performance appraisals, and successful participation in mandatory training). This approach would ensure that progress on the pay scale is linked to merit,

Option 22: The legal framework for horizontal mobility should follow the above principles aiming at striking the right balance between the management interest in utmost flexibility with regard to staff deployment on the one side and appropriate protection of individual civil servants against arbitrary or not merit oriented transfer/secondment decisions on the other side.

11 Integrity system

11.1 General

In a significant number of EU-Member States new policies dealing with **ethics in the public service** and with anti-corruption measures have been adopted and existing legislation has been amended. Primarily the new EU-Member States have introduced detailed and strict regulations and meanwhile there is certainly no shortage of rules and regulations anymore in most systems, but the real problem is implementation and a lack of capacities and efforts in the enforcement process. Concepts for these integrity frameworks have been provided by OECD, the Council of Europe and the EU-Commission (see SIGMA, Montenegro, Public Integrity System, Assessment May 2009).

The **various reform measures**, especially human resources management instruments and mechanisms, aiming at providing incentives, guidance and advice to encourage high standards of compliance with public service values (e.g. codes of conduct), prevent conflict of interest situations, detect non-

compliance, and ensure exposure of misconduct by internal and external control and monitoring processes, are based on a widespread consensus that ethical behaviour in the public sector, especially incorruptible behaviour, does not depend on one single instrument, but on a multidimensional strategic approach. In substance it is widely accepted that the respective policies should be based on central civil service values as legality and other values as expressed in the seven principles of public life, developed in the UK already in the seventies: selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

In some countries the legal provisions dealing with the **integrity system for civil servants**, especially with conflict of interest, are included in the respective Civil Service Law, other countries have a separate Conflict of Interest Law (see below). Montenegro has adopted a Law on Preventing Conflict of Interest (27 December 2008) covering politicians and civil servants to a certain extent; at the same time some issues with relevance for the integrity system for civil servants are covered in the current law. This leads, of course, to problems with regard to coherence of the system.

Elements of an **appropriate integrity system for civil servants** are:

- catalogue of incompatibilities with regard to outside activities; special rules for scientific, creative, and teaching activities (notification, approval of employer);
- clear regulations for the use of official information and public resources (computers etc) for private purposes;
- prohibition of gifts and other monetary and non-monetary benefits (travel, invitations, dinners etc); possibly threshold for acceptance of insignificant gifts; other exceptions for gifts from family members or for gifts in a specific social context;
- declaration of financial interests above a specific threshold;
- incompatibilities for the civil servant him/herself and with regard to family members;
- restrictions with regard to private employment after termination of office;
- other cases in which the interests of the civil servant as a private citizen could improperly influence his/her official activities or conduct;
- organisational mechanisms like establishments of ethics committees to deal with investigating alleged infringements; nomination of ethics counsellors in each institution charged with giving advice and guidance;
- rules for reporting of breaches of integrity (whistle-blowing); anonymous reporting, protection of whistle-blower.

11.2 Genuine integrity system for civil servants

There are conceptual and practical differences between the integrity requirements and procedures for politicians on the one side and civil servants on the other side. Both serve, of course, the public interest, but both spheres are different in nature and have different sources of legitimacy. Political positions are based on public confidence expressed in elections, while the civil service is based on merit and professionalism demonstrated generally in open competition conducted in legally prescribed procedures. Consequences and procedures for dealing with violations of the integrity system are necessarily different for politicians and civil servants. Actually the separation between these two spheres represents one of the principles of a modern public service.

Accordingly provisions establishing the integrity system for civil servants should be included into the civil service legislation insofar they are constituent for the status or system of rights and duties of civil servants like incompatibilities, secondary employment, gifts and other benefits, financial disclosure etc. Technical details (e.g. threshold for reporting gifts or procedure for declaring assets) could be included in secondary legislation. Managerial and

organisational aspects of the integrity system which are not relevant for the status of civil servants could be included in separate legislation (e.g. appointment of integrity officers, establishment of ethics commissions etc).

Guidance for the content of the respective provisions can be found in a series of OECD publications, notably: Public Sector Integrity: A Framework for Assessment (2005); Managing Conflict of Interest in the Public Service: OECD Guidelines and Country Experiences (2003); Trust in Government: Ethics Measures in OECD Countries (2000).

Option 23: The integrity system for civil servants should be designed as a genuine one and should be included in the civil service law; with regard to the content the integrity system should follow OECD guidance.

12 Training system

12.1 General

Most civil service systems provide for **mandatory training** of civil servants, beginning with the probationary period and afterwards as a “lifelong” process during the whole employment period; quite often there are special training modules for the higher echelons of the civil service. The duty of civil servants to participate in training is mirrored by the obligation of the state to offer training to the civil servants.

Training is one of the most important mechanisms to promote career development of civil servants, to improve their competencies to perform better and to make the civil service more attractive and effective. A common observation is that most states have established specialized **central training institutions** for the civil service to ensure a systematic approach to training; an interesting example for regional cooperation with regard to training in the Western Balkan States is RESPA.

12.2 Legal cornerstones of a training system

Training is more an organisational, managerial and, of course, financial issue than a legal one. Cornerstones for the approach to training in a civil service law are the following items:

- Each civil servant should have the right to receive and undertake training at the **expense of the employer**. Training should aim at improving skills required for the current position and developing the capacity of the civil servant concerned. Progress on the pay scale could be linked to successful participation in mandatory training.
- Training should be implemented on the basis of an **(annual) programme** prepared by the central body responsible for training issues. This body and not the individual ministries should also organize, monitor and evaluate training activities. Training should be delivered primarily by practitioners, complemented by the private sector and universities.
- The responsible institution could be **HRMA** (or a body reporting to the HRMA director) or a specialized and independent body. To avoid fragmentation of civil service management in a small state the HRMA solution is preferable. This would of course require additional resources for HRMA.

Option 24: The right and obligation of civil servants to receive training and the duty of the state to supply training should be included into the law. All organisational and managerial details should be covered by secondary legislation.

13 Disciplinary procedure

13.1 General

The disciplinary procedure is an instrument to sanction wilful or negligent violations of official duties of civil servants: It is one of the mechanisms to **enforce accountability** within the civil service. An appropriate legal framework for the disciplinary procedure and its consistent implementation in practice strengthens the legitimacy of the whole civil service by demonstrating that misconduct is not accepted. The procedure should be highly formalized to ensure the rule of law.

Generally disciplinary procedures are based on the following **procedural principles**:

- presumption of innocence of the civil servant concerned;
- guarantee of the right to defense of the civil servant concerned;
- impartial investigation of the facts;
- celerity of the procedure;
- legality of the sanction;
- proportionality between disciplinary sanction and violation of official duties.

Most systems distinguish between minor disciplinary irregularities and major disciplinary offences. The procedure may differ in both cases, but it always follows the following **formal steps**: initiation of the procedure, investigation, decision, and possibly appeals. These steps are detailed covered by the respective legislation to comply with the principle of legality.

13.2 Review of the current system for the disciplinary procedure

The provisions of the current law dealing with the disciplinary procedure correspond basically to common practices. However, there are some **legal shortcomings** which should be addressed as follows:

- The disciplinary procedure should be identical for all civil servants; exceptions are unnecessary and would reduce transparency.
- An explicit catalogue of procedural principles in the law could serve as guideline for interpreting the particular provisions.
- It should be clarified in the law that the initiation of the disciplinary procedure is an official duty for managers, if there are actual indications for misconduct and does not depend on discretion. The deadlines for initiation of the procedure should be extended considerably.
- The list of admissible disciplinary sanctions should be complemented by the written reprimand as additional sanction in case of minor offences.
- The monetary fines provided for serious offences should be reviewed because they are rather lenient compared to the mechanisms in other countries. The current approach does not provide an adequate scale of proportionate sanctions in case of serious offences.
- To ensure implementation of equal standards HRMA should be represented on all disciplinary committees.
- The statute of limitations for sanctioning should be extended considerably as most wrongdoings, especially financial ones, will only be unveiled after protracted auditing
- The fundamentals of the procedure before the disciplinary committees should be included into the law, while technical details could be covered by secondary legislation.

Option 25: The system for the disciplinary procedure should be upgraded following the line set out in 13.2

14 Termination of employment

14.1 General

Civil service employment is **different from private law employment** because civil servants are involved in exercising public power (see above). Therefore in many civil service systems stability of civil service employment is of special significance, some systems even provide for life time tenure.

The approach in the **current law is different and defective** because civil service employment may be terminated by dismissal in accordance with the general labour law. This approach should be reviewed to ensure increased political neutrality, professionalism and impartiality of civil servants. Precondition for enhancing stability of civil service employment by reviewing the current approach is, of course, a strictly merit based recruitment and selection process and an adequate probationary employment before appointment for an indefinite period (see above 7.2-7.3). In principle termination of employment should be only possible because of reasons explicitly dealt with in the new Law on Civil Servants, labour law reasons should not be applicable.

14.2 Reasons for termination of employment

The following **types of termination of service** should be distinguished:

- Retirement
- Dismissal
- Expiry of fixed term appointment
- Extraordinary termination of appointment of top level civil servants in ministries and other administrative bodies (see above 7.4.)

A civil servant should **retire**

- When he/she reaches the legal retirement age
- If he/she is permanently incapable of because of invalidity as established by an official medical expertise.

A civil servant should be **dismissed**

- If the legal preconditions for employment have ceased to exist (e.g. Montenegrin citizenship, criminal punishment).
- If he/she agrees with the employing institution on termination of employment or if he/she resigns.
- If he/she cannot be reassigned in cases of restructuring or abolition of administrative bodies (see below 15.3).
- If he/she fails in the probationary period.
- If he/she fails to pass the test for establishing competence after one (or two) unsatisfactory marks in the performance appraisal process.
- If he/she has been sentenced to dismissal in the disciplinary procedure.

In case of fixed term appointment (see above) employment should **end automatically** at the end of the respective period of office.

Top level civil servants in ministries and other administrative bodies (however, only the very top!) need a high degree of neutral competence and professionalism as established in the recruitment and selection process (see above 7.4), but they also need the political/personal trust of their respective ministers, because they work at the interface of administration and politics. If this trust is lacking it should be possible to terminate employment without

detailing any reasons. Extraordinary termination of appointment of top level civil servants, who were originally appointed on merit, is a pragmatic compromise between a fully political appointment and replacement solution on the one side and a fully politically neutral solution on the other side.

Reinstatement of these civil servants on a lower position which they may have occupied earlier could be a possibility to mitigate the situation for the respective civil servants.

Political appointees should cease when their appointing authority terminates her time in office

Option 26: Stability of civil service employment should be strengthened. Reasons for termination of employment should be only those explicitly mentioned in the civil service law, while labour law reasons should not be applicable. The catalogue of retirement and dismissal reasons should follow the line set out above in 14.2.

Option 27: It should be possible to terminate the appointment of top level civil servants in ministries and other administrative bodies without detailing reasons if they do not have the political/personal trust of the respective minister.

15 Restructuring and abolition of administrative bodies

15.1 General

Restructuring and abolition of administrative bodies requires a decision on how to deal with the civil servants affected by these measures. Two options are primarily relevant:

- **Reassignment** of the affected civil servants, termination of employment of those civil servant who cannot be reassigned.
- Introduction of a **waiting list** for the civil servants affected by restructuring or abolition of administrative bodies. In this case vacant position would need to be filled with priority from the waiting list. However, experience shows that this option does not work too well in other countries (e.g. Romania, Albania).
- The reassignment approach and the waiting list approach could be also **combined**.

15.2 Reassignment of Civil Servants

In case of restructuring or abolition of a state authority civil servants working in the respective authority could be **redistributed** to other state authorities (by collective or individual transfer) according to the following principles:

- In case of the full integration of one authority or of specific parts of one authority into another one the civil servants concerned should become **staff of the receiving authority** by law.
- In case of the integration of all or of specific parts of one or more authorities into several other authorities an option for the civil servants concerned could be **proportional distribution** to the other institution(s). This proportional distribution could be based on an integration plan to be agreed between the participating authorities in consultation with the respective trade unions. Social as well as quality aspects should play a role in the integration plan.

- An **analogous procedure** could be applied if one or more authorities are merged into a new authority, if one or more new authorities are formed out of an authority (or parts of it) or if responsibilities of one authority are transferred fully or partially to one or more other authorities.
- Redistributed civil servants according to the above principles should be reassigned to a position with **responsibilities comparable** to their former responsibilities by the new or receiving authority.

15.3 Decision on Redundancy of Civil Servants

If reassignment to a comparable position is impossible the civil servant concerned could be appointed to a position of the **next lower rank without his/her consent**. To increase acceptance of this measure it could be examined whether payment of the old salary could be continued for a certain period. The civil servant should be obliged to participate in measures to qualify for the new position.

It should be possible to **terminate the employment relations** of civil servants who can - according to the integration plan- neither be reassigned to a position of the same or of a lower rank. For these civil servants a severance pay or other rehabilitation measures should be provided by law; additionally they could be placed on a waiting/reserve list for a certain period. This waiting/reserve list could entitle them to be taken into consideration for filling vacancies which might arise during the respective period. The waiting/reserve list should be managed by the HRMA. Termination of employment should in fact be used only as a last resort to preserve the institutional knowledge of the respective civil servant and to sustain the investments (for example training) made for this civil servant.

All decisions with regard to restructuring and abolition of administrative bodies need to be closely **monitored by HRMA** to ensure compliance with the above principles, notably with the principle of reassignment.

Option 28: Civil servants becoming redundant because of restructuring or abolition of their administrative body should be reassigned to a position in one or more other administrative bodies; basis of reassignment should be an integration plan aiming at proportional reassignment to the institutions concerned.

Option 29: Reassignment to a lower position should be an exception

Option 30: Termination of employment should be possible only for those civil servants who cannot be reassigned according to the integration plan (not even to a lower position). In this case they should be placed on a waiting list, additionally payment of a compensation and other rehabilitation measures should be taken into account.

16 Civil service register and personnel files

16.1 General

All **documents relating to the employment relations** of a civil servant are generally included in a personal file, which is kept in the employing institution. For cross cutting human resources management issues many civil service systems provide additionally for a central civil service register established in the central capacity for human resources management. It is, of course, important that the file and the register are not just a collection of data, but are that they are used proactively by the respective institution for management purposes.

16.2 Content of the personal file and of the central register

Details with regard to the documents and to the information to be included into the personal file and into the central register should be set out in **secondary legislation**. The personal file as well as the central register should be confidential and should be used only for human resources management purposes of the state administration. Of course, the civil servant concerned should have the right to inspect the file and to access the entries in the central register. To third parties the content should be disclosed only with the consent of the civil servant concerned. HRMA should be responsible for managing the central register (see above). Ministries and other administrative bodies should be obliged to submit the respective data to HRMA.

Option 31: The establishment of a personal file for each civil servant and of a central register should be provided for in the law, while details with regard to the content should be included into secondary legislation.

17 Appeals and grievances procedure

17.1 Right to appeal

Most civil service systems provide in a general manner for the right of civil servants to **appeal against decisions** of his/her superiors determining his/her rights and duties and for mechanisms to deal with these appeals. Generally the first procedural step involves a review of the respective decision within the respective authority; this allows the authority to reconsider the case. Only in the next instance sometimes an independent outside body is involved. After these internal administrative review mechanisms recourse to the courts is, of course, also admissible under the rule of law.

17.2 Appeals Commission

The Appeals Commission as provided for in the current law should be preserved. The area of responsibility of the Commission should refer to examining decisions with regard to their **legality**, not with regard to their expediency. It would not correspond to this legality oriented responsibility, if the Commission could replace the decision of the respective administrative authority and decide the case on its own. Accordingly only the following decisions of the Commission seem to be adequate:

- To annul the challenged decision and require the state authority to issue a new decision based on the reasons set out in the report of the Commission.
- To reject the appeal.

It should be underlined, however, that the Appeals Commission is only an **administrative review mechanism** (see above); any civil servant who is not satisfied with the decision of the Appeals Commission is, of course, entitled to challenge the decision before the courts.

The current Law does not say clearly that the Commission is **independent**, though independence could be demonstrated rather freely in practice because reappointment is excluded. However, members may be replaced in case they “fail to perform their tasks regularly and conscientiously”.

The position of the Commission should be strengthened to provide for adequate **checks and balances in the civil service system**. The following instruments could be relevant in this context:

- Disconnecting the period of office of the Commission members from the period of office of the Government.
- Release of members only through court decision.
- It would be recommendable that some members of the Commission are appointed by parliament and others by civil service trade unions. Membership in the Appeals Commission should be a honorary appointment, not a full time employment.
- The commission should submit an annual report to parliament and make it public.
- Administrative support for the Appeals Commission could be either provided by the Genral Secretariat or by the HRMA.

Option 32: The position of the Appeals Commission should be strengthened by disconnecting the period of office from the period of office of the Government; a release of Commission members should require a court decision.

18 Staff participation

18.1 General

Many civil service system do not only provide for the right of civil servants to join trade unions and other professional associations. They also deal with the **role of trade unions** and other associations in consultation processes in case of new legislation or salary issues and sometimes even with the involvement of representatives of trade unions and other associations in the management of civil servants.

Participation in management processes is sometimes carried out by **elected staff representatives** (mostly trade union members) who represent the staff members in internal consultation processes with major impact on the social and economical situation of the staff and sometimes even in individual recruitment and promotion cases. Generally these issues are not dealt with in the civil service law itself, but in special laws and/or collective agreements, while the civil service law is focussed on dealing with individual employment relations, not with the collective aspects.

18.2 Membership in civil service trade unions and other professional associations

The right of **civil servants to organize themselves** in trade unions and other professional associations should be mentioned explicitly in the law. In this context the following aspects should also be clarified:

- The right of individual civil servants to mandate members of trade unions and other proessional associations to represent their interests in all employment matters (e.g. disciplinary procedures, performance appraisal).
- Discrimination of civil servants because of membership in trade unions or other professional associations should be illegal.

Option 33: The right of civil servants to join trade unions and other professional associations and to appoint representatives from trade unions and other professional associations as counsel in employment cases.

19 Transitional provisions

19.1 General

From a reform point of view it would be optimal if all provisions of the new law could become effective not only for new civil servants but also for incumbents, and not only for new procedures but also for those procedures (e.g. recruitment processes or disciplinary procedures) ongoing at the time of the law entering into force. However, this could raise problems with regard to **political feasibility, with regard to the protection of acquired rights and with regard to retroactivity**. For the acceptance of the law and also because of legal reasons adequate transitional provisions are therefore of central relevance.

19.2 Adjustment of employment relations

The main issue with regard to transition of employment relations is the **scope of adjustment** of existing employment relations to the new legal situation. There are primarily two options:

- Existing employment relations including titles of civil servants (all or particular categories) could be adjusted to the provisions of the new law within for example one year after the new law has become effective. Incumbents should not be required to pass additional examinations. The advantage of this solution is, that only one law is applicable to all employment relations within a short period after the new law has become effective.
- Existing employment relations of civil servants including (all or particular categories) could be adjusted to the provisions of this Law if required by the respective civil servant within x (for example 6) months after the law has become effective. Adjustment should be mandatory if the employment relations of the respective civil servant are changed by appointment to a new position or if the respective civil servant wants to take advantage of other rights provided for in the new law. According to this option non adjusted employment relations would stay under the old law, however the lack of chances of career development will provide a strong incentive to choose adjustment voluntarily.

The **adjustment procedure** should be managed by HRMA on proposal of the employing authority. The civil servant concerned should be heard in the adjustment procedure (with the right to appeal). Details should be included in a government regulation.

19.3 Ongoing procedures

In principle all procedural provisions of the new law should become effective immediately, in some cases, however, with some **exceptions for ongoing procedures**. The consequence of this approach would be that to a certain extent the old law would be still applied in parallel with the new law. Examples for procedures which should be immediately subject to the new law are recruitment and mobility procedures. The old law should be applicable in contrast for ongoing performance appraisal procedures as well as for disciplinary and appeals procedures. The reason for this exception is that these procedures deal with circumstances in the past. A moderating solution in these cases could be to apply the new law if requested by the civil servant concerned.

In principle, all provisions of the new law should enter into force immediately but nevertheless **the ongoing procedures are the exception. This implies** that certain provisions of the previous Law will be applied simultaneously with the provisions of the new Law. Provisions of the law relating to employment and assigning will be applied through entry into force of the new Law whereas the provisions of the old one will be applied regarding assessment, disciplinary procedure and appeals. This exception is made because these procedures were initiated in accordance with the previous Law, rarely at the request of civil servants if that serves their best interest.

Recommendation 34: Transitional provisions aim at protecting the position of civil servants on one hand and at implementing reform objectives on the other. This implies that in certain period of time parallel application of the current and the new law should be provided in certain segments

February 2011. godine

3. ACTION PLAN FOR STRENGTHENING OF THE RULE OF LAW

PRIORITY 1: IMPROVEMENT OF LEGISLATIVE AND INSTITUTIONAL FRAMEWORK

Measure 1: Assess the need for amending the provisions of the Constitution referring to the judiciary and the state prosecution office

ASSESSMENT OF THE NEED FOR AMENDING THE PROVISIONS OF THE CONSTITUTION REFERRING TO THE JUDICIARY AND THE STATE PROSECUTION OFFICE

The Government adopted the analysis of the need for amending the Constitution in the part referring to strengthening the independence of judiciary, and it recognised the need for amending provisions of the Constitution in the following direction:

- involvement of the judicial branch of power in the election of the President of the Supreme Court, in a manner that the Parliament would elect the President of the Supreme Court upon the proposal of the President of Montenegro, with previously obtained opinion of the General Session of the Supreme Court. Possible alternative would be to elect the President of the Supreme Court by the Parliament upon the proposal of the Judicial Council;
- as regards composition of the Judicial Council, it should define that the majority of its members should come from among the judges. Furthermore, for the purpose of reducing the political interference, exclusion of the Minister of Justice from the Judicial Council should be taken into account as a possible solution.
- as regards the reasons for termination of judicial office and dismissal, all possible reasons for termination of office or dismissal of judges should be clearly stated and defined with the view to strengthening the responsibility of judges as well as their independence and security;
- concerning the election of the Prosecutorial Council and state prosecutors by the Parliament, reduction of political interference should be taken into account;
- competences and composition of the Judicial Council should be regulated by the Constitution. Majority of members of the Prosecutorial Council should be elected from among the state prosecutors;
- with the view to strengthening the responsibility, independence and security of state prosecutors, the Constitution should define the reasons for termination of office or dismissal.

The Prime Minister has submitted the analysis to the President of the Parliament for consideration, since the Parliament is competent for adopting proposals for amendments to the Constitution. Two-thirds majority is required for adoption of proposals for amendments to the Constitution. If the proposal for amendments to the Constitution is not adopted, the same proposal cannot be submitted within one year from the date when the proposal was rejected.

PRIORITY 1: IMPROVEMENT OF LEGISLATIVE AND INSTITUTIONAL FRAMEWORK

Measure 2: Draft Law amending the Law on the Judicial Council

DRAFT LAW AMENDING THE LAW ON THE JUDICIAL COUNCIL

Draft Law amending the Law on the Judicial Council provides for amendments as regards the following:

- management of the Conference of Judges, (establishment) introduction of the Selection Commission as well as of the Commission for Monitoring Implementation of the Ethic Code for Judges;
- one member of the Judicial Council should come from among the judges of basic courts, in order to fulfil the principle of hierarchy and pluralism in judiciary;
- two members should be elected by the President of Montenegro from among the eminent lawyers, following consultations with the Bar Association, faculties of law, Association of Judges, and upon previously obtained opinion of the enlarged session of the Supreme Court;
- President of the Supreme Court and of the Judicial Council cannot be member of commissions and working bodies established by the Judicial Council;
- the Judicial Council proposes three candidates for the President of the Supreme Court to the President of Montenegro, Prime Minister and President of the Parliament. Thus, judicial branch of power is involved in this election, based on the procedure that the Judicial Council applies following the announced competition for the post of the President of the Supreme Court;
- elaboration of criteria and sub-criteria for judges elected for the first time, for judges being promoted, for presidents of courts as well as for their scoring;
- introduction of anonymous testing, along with publishing all the questions that might be given in the test. i.e. questions from among which the ones for the test will be selected;
- introduction of disciplinary responsibility and prohibition of promotion for a particular period, as a possible consequence.

Experts suggested as follows:

- to regulate the procedure for election of members of the Judicial Council nominated by the President of Montenegro, and to involve the judicial branch of power;
- to introduce the Selection Commission that would perform the mentioned procedure for the Conference of Judges in the procedure of election of members from among the judges;
- to regulate the procedure for election of the President of the Supreme Court, with involvement of the judicial branch of power;
- to elaborate the criteria within the Law in an objective and transparent manner;
- to define, under transitional provisions, that the existing Judicial Council and the President of the Supreme Court should hold office until the expiry of their mandate which will be followed by the appointment procedure carried out in accordance with the new provisions of the Law.

PRIORITY 1: IMPROVEMENT OF LEGISLATIVE AND INSTITUTIONAL FRAMEWORK

Measure 3: Draft Law amending the Law on Courts

DRAFT LAW AMENDING THE LAW ON COURTS

Innovations in the Law amending the Law on Courts are as follows:

- regulating the conditions for candidates for the President of the Supreme Court;
- regulating all possible infringements that might represent reasons for disciplinary responsibility of judges and presidents of courts;
- precise definition of unconscientious or unprofessional performance of a judge as a reason for his/her dismissal. The principle of security of judges will be thus strengthened, having in mind that the Law will stipulate the reasons for their disciplinary responsibility and dismissal.

Experts have confirmed the system of defined reasons for disciplinary responsibility and suggested generalising of some reasons – e.g. in terms of working hours, conduct in public places, etc.

PRIORITY 1: IMPROVEMENT OF LEGISLATIVE AND INSTITUTIONAL FRAMEWORK

Measure 4: Draft Law amending the Law on State Prosecution Office

DRAFT LAW AMENDING THE LAW ON STATE PROSECUTION OFFICE

Innovations in the Law amending the Law on Courts are as follows:

- detailed criteria for: deputy state prosecutors elected for the first time, prosecutors elected for an indefinite period and state prosecutors proposed to the Parliament for election;
- Ethic Code for Prosecutors will be adopted by the enlarged session of the Supreme State Prosecutor's Office, on the basis of the previously obtained opinion of the session of state prosecutors' offices, whereas the enlarged session of the Supreme State Prosecutor's Office appoints the Commission for Monitoring Implementation of the Ethic Code for Prosecutors;
- all infringements representing reasons for disciplinary responsibility have been defined as well as unconscientious or unprofessional performance;
- the Supreme State Prosecutor will no longer be the President of the Prosecutorial Council, but only a member. There will be seven members from among state prosecutors in the Prosecutorial Council, and among those members the President of the Prosecutorial Council will be elected;
- the Special State Prosecutor and his/her Deputies will be appointed by the Prosecutorial Council.

Experts have confirmed the system of defined criteria and reasons for disciplinary responsibility. They have suggested elaboration of reasons due to which a state prosecutor can revoke a case allocated to a deputy state prosecutor, as well as precise stipulation of structure of the Prosecutorial Council as regards the members elected from among state prosecutors and their deputies. Furthermore, they suggested to precisely define state prosecutors' offices from which members of the Prosecutorial Council can be elected with the view to respecting the principle of hierarchy and pluralism.

PRIORITY 1: IMPROVEMENT OF LEGISLATIVE AND INSTITUTIONAL FRAMEWORK

Measure 6: Adopt the Court Rules

COURT RULES

The Court Rules have not been adopted yet due to the fact that, pursuant to the Government's Rules of Procedure, acts adopted by ministries have to pass through the procedure requiring previous opinion by the Secretariat for Legislation on their compliance with the legal system of Montenegro and legal-technical soundness. After that, the bylaw is signed by the Minister and submitted to the Official Gazette of Montenegro for publishing. Therefore, the Court Rules have been drafted by the Ministry of Justice, upon previously obtained opinion of the Judicial Council, and it has been submitted to the Secretariat for Legislation for the opinion required for adoption and publishing.

The main innovations of the Court Rules refer to keeping records in line with amendments to the Criminal Procedure Code and innovations contained in the related laws (e.g. Law on the Constitutional Court), as well as to electronic keeping of registers and records, random allocation of cases and improvement of work of court management.

PRIORITY 2: LAW IMPLEMENTATION IMPROVEMENT

Measure 2: ADOPT AN ANNUAL PROGRAMME FOR CONTINUOUS EDUCATION OF JUDGES AND PROSECUTORS

ANNUAL PROGRAMME FOR CONTINUOUS EDUCATION OF JUDGES AND PROSECUTORS

Training of employees of judicial bodies in Montenegro is carried out by the **Judicial Training Centre** as the sole institution in Montenegro competent for education of judges and prosecutors.

The Judicial Training Centre was established as the Centre for Training of Judges of the Republic of Montenegro in June 2000, in accordance with the Judiciary Reform Plan of the Government of the Republic of Montenegro adopted in 1998. Until 1 January 2007 when the Law on Training in Judicial Bodies entered into force, the Centre had been functioning as non-profit organisation, with programmes primarily focused on judges, expert associates, trainees and other court employees.

The main task of the Centre in the first seven years of its functioning was basic and advanced training of judges and other mentioned beneficiaries on new legislation, international standards in various areas of legislation, modern methods of performing judicial function, organisation court administration, foreign languages, computer skills, etc.

The **Law on Training in Judicial Bodies** was adopted in April 2006 and it entered into force on 1 January 2007. The main reason for drafting this Law was to regulate in details training of judges and prosecutors. **This Law defined the methods and forms of training of judges and prosecutors, training of persons being prepared for performing judicial function, composition and competences of special bodies, records and other issues relevant for training in judicial bodies, in line with requirements of international and European standards and practice.**

The Law on Training in Judicial Bodies has provided new perspective as regards training of human resources in the judiciary, and consequently it has introduced some innovations in the functioning of the Centre.

Main features and innovations introduced by the Law on Training in Judicial Bodies are as follows:

- Activities of the Centre have been **extended to state prosecutors, their deputies and advisors**. The Centre was **renamed** into the Judicial Training Centre, with the view to covering state prosecutors as well. Training of judges and prosecutors through one Centre is a more practical solution (having in mind the total number of judges and prosecutors, as well as the size of population and territory of Montenegro), which has been also requested by state prosecutors themselves.
- **Training of holders of judicial office i.e. judges and prosecutors, has been stipulated as their right and obligation**. Namely, apart from rights, independence of judges and prosecutors imply some obligations as well, primarily the obligation to perform their function in a professional manner. Therefore, through an Article, training as the right and obligation of judges and prosecutors is introduced in the Law.
- The Centre is organised as a separate **organisational unit within the Supreme Court of Montenegro**. Placing of the Centre under the competence of the Supreme Court should have provided financing of the Centre through a special budget line earmarked for the Supreme Court. This does not mean that other sources of financing are not possible. On the contrary, possibilities for other sources of financing (donations, gifts, etc.) are completely open, having in mind the general financial situation in Montenegro.
- Within the Centre, **special bodies have been established** for the purpose of organising and carrying out training in judicial bodies: Coordination Board, programme boards and Examination Commission. The **Coordination Board** has a president and six members nominated by all relevant institutions in the judiciary (representatives of: Supreme Court of Montenegro, Supreme State Prosecutor of Montenegro, Judicial Council, Prosecutorial Council, Ministry of Justice, Faculty of Law in Podgorica). **It is the body with the widest authorisations, which passes the annual training programmes** (defining areas that training will be implemented in, dynamics of and deadlines for implementation of training, structure and number of participants, structure of lecturers, required funds and method for programme evaluation) and appoints members of programme boards and Examination Commission. The Coordination Board reports on its work and is responsible to the Judicial Council and to the Prosecutorial Council. **Programme boards** elaborate the annual programme into special training programmes and define dynamics of their implementation. The **Examination Commission** organises sitting of the admission and final exam for initial training.
- For the first time, the Law has introduced the **initial training**, thus making clear distinction between the initial and continuous training of human resources in the judiciary.
- The Centre keeps **records** on participation of judges and prosecutors in activities organised by the Centre.
- The Centre also issues **certificates** of completed initial training.

As regards education and training of human resources in the judiciary, the chronology for appointment of a person as a judge would be: diploma in the Faculty of Law, bar exam passed, initial training programme completed and test for the position of judges passed.

The Initial Training Programme is organised by the Judicial Training Centre for expert associates in judicial bodies (courts and state prosecution offices) as well as for law graduates who meet the general criteria for the work in state administration bodies and who have passed the bar exam. It is aimed at preparing these persons for the performance of judicial office. In the annual programme, the Coordination Board determines the number of participants in the initial training for that particular year, based on real needs and vacant judicial offices. Upon the proposal of the Coordination Board, the Centre publishes open competition for initial training in the first half of November of the current year in at least one printed medium distributed in Montenegro. In addition, the Centre disseminates this open competition to all courts and state prosecution offices in Montenegro, via fax, with the view to its publishing at notice boards and thus informing expert associates in due time. Applied candidates take the **admission exam** (composed of a written and oral exam) before the Centre's Examination Commission. Selection of persons that will attend the initial training programme is done on the basis of results achieved in the admission exam. The programme board prepares the initial training programme for each of the areas of law to be covered by the training. Participants in the initial training are trained in procedural and material regulations, case law of Montenegrin courts, EU law and its implementation, raising the level of analytical skills in resolving complex legal and factual issues, etc. Emphasis is always put on practical work – discussions, simulations of trials, case studies, preparation of procedural acts and practical problems in implementing procedural laws. After completing the training, which usually lasts less than a year, participants take the **final exam** before the Examination Commission. The Centre distributes the list of candidates who have passed the final exam, ranked by the results achieved, to the Judicial Council and the Prosecutorial Council, and this list is particularly taken into consideration when proposing candidates for holders of judicial office.

Apart from the initial training, the Judicial Training Centre carries out **continuous training** as well, which implies advanced training and professional development of judges and prosecutors through special programmes. Thus far, the Centre has organised numerous and various symposiums, seminars, round tables, workshops, courses (in English and computer skills), regional conferences, study visits, research activities, etc. All these activities are organised on specific topics from various legal and other areas, depending on the needs of the judiciary and in line with the work programmes and reform activities in the judiciary. Training is organised in diverse areas such as: implementation of laws and other regulations with accent on new legislation; getting familiar with the most important areas of international law, international standards and recommendations, including EU law; human rights; professional skills; increasing efficiency in dispute settlement; alternative methods for dispute settlement; public relations; access to information; etc. When taking these activities, the Centre always gives the preference to practical training in the form of case law analyses, discussions and resolution of problems occurring in practice.

The Centre strives to distribute materials from seminars, publications and published works to all judges and prosecutors in Montenegro.

In addition to enabling participation of judges in its own activities, the Centre also enables participation of judges and prosecutors in various gatherings and meetings organised by international institutions and organisations abroad, as well as in other activities organised by other institutions or activities in which the Centre is one of co-organisers.

In all the mentioned activities, the Centre has hitherto cooperated with numerous relevant partners such as: European Union / European Agency for Reconstruction; United Nations Development Programme (UNDP) in Montenegro; Organisation for Security and Cooperation in Europe (OSCE) – Mission to Montenegro; U.S. Embassy to Montenegro; Foundation Open Society Institute – Soros; Centre for International Legal Cooperation (CILC) from Netherlands; Centre of Legal Competence (CLC) from Austria; Save the Children; UNICEF; German Foundation for International Legal Cooperation (ILZ); German Organisation for Technical Cooperation (GTZ); European Institute of Public Administration (EIPA) from Luxembourg, etc.

When it comes to the training on the EU Law, the Centre has started dealing with the European law immediately after its founding. Within the EU Tempus project entitled “European Space of Justice” in Bertinoro, Italy, the Centre sent 10 participants from Montenegro. This project was organised by the University of Bologna, in cooperation with the Ministry of Justice of the Republic of Montenegro, University of Montenegro and the Judicial Training Centre of the Republic of Montenegro. This project implied a distance-learning course focused on the European legal and judicial issues. Different papers were published on the project’s website on which everything could be discussed in the discussion forum, while the participants had the obligation of writing papers on specific topics. Upon completion of this project, the Centre released a publication representing a collection of papers that were published within the EU Tempus project “European Space of Justice”. Certainly, since it is the practice of the Centre, this publication was distributed by the Centre to all judges in Montenegro.

Furthermore, the Centre, with support provided particularly by the Council of Europe, then the European Agency for Reconstruction/EU, AIRE Centre from London, CEDEM, etc. organised a large number of seminars, roundtables, workshops and study visits, which were mostly related to the European Convention on Human Rights and some segments of the EU law and national legislation.

Moreover, in cooperation with the EU TRIM MNE project, which was managed by European Agency for Reconstruction and the Ministry of Economic Development of Montenegro, the Centre organised a series of seminars aimed at getting the participants acquainted with the basic elements of the European and Montenegrin legislation in the area of competition, consumer rights, intellectual property rights.

At the end of 2008, the Centre established cooperation with the European Institute of Public Administration/EIPA from Luxembourg. Within the projects: “Luxembourg Technical Assistance Programme for Montenegro 2009”, “Initial Training on the EU Law for the Judiciary (I)” and “Luxembourg Technical Assistance Programme for Montenegro 2010”, series of seminars were organised for the attendant of initial and continuous education.

The aim of these joint training activities on the EU law is the development of the national judicial capacities in terms of understanding and knowledge of legal principles, fundamental principles, legal instruments, methods for enforcement of procedures and of various important areas belonging to the EU legal system, so that Montenegrin judges and prosecutors could be better prepared to apply the EU law. According to the aforementioned, the following topics were discussed with the participants: Defining the EU as a specific legal entity - goals, basic values that the legislation is based on; Structure of the EU legal system- Overview of legal instruments of the EU: primary law, secondary law, case law and other instruments; Essential characteristics of the EU law (supremacy, direct effect, indirect effect, responsibility of the state) - Practical consequences for a national judge; General principles of the EU law (fundamental rights, proportionality, non-discrimination, etc.); Workshop: Analysis of a judgement the European Court of Justice; the Stabilisation and Association Agreement between the EU and Montenegro - Essential content and review of provisions on the compliance of regulations, application of regulations and implementation in court; Structure, organisation and functioning of the EU Court of Justice; Procedure for giving preliminary instructions: a guide for national judges; Case studies procedure for giving preliminary instructions; Coercion actions against the member states: Articles 258, 259 and 250 of the TFEU, procedures, other procedure violations, coercion actions before national courts - the issue of responsibility of a state; Complaints related to the legality of the EU standards: Actions for annulment (Article 263 of the TFEU), Complaints for failure to act (Article 265 of the TFEU) and Complaints for compensation for damages and pecuniary compensation; Application of the EU law by national judges - privileges and obligations; Legal proceedings before the Court of Justice and the General Court of the EU; Overview of the area of freedom, security and justice, following the Lisbon Treaty; European Union citizenship of the and Schengen; Fight against major trans-national serious criminal offences (including the role of Europol and Eurojust), with a special focus on the fight against human trafficking; Free movement of nationals of third countries and visa regime-related issues, Status and integration of

third country nationals; European Arrest Warrant, Tracing, freezing, seizure and management of property acquired through a criminal activity, EU's capacities in practical and legal terms, etc.

Lecturers at the seminars are eminent lecturers of the European Centre for Judges and Lawyers, which is part of the European Institute of Public Administration from Luxembourg. This successful cooperation will continue to be developed and intensified in the future.

Signing of the Stabilisation and Association Agreement with the European Union in March 2007 created a basis for the road towards European integration. Therefore, the area of the European law had to be specially addressed in the annual training programme, because it represents a specific area and requires special attention in the light of integration of Montenegro into the European structures. As regards the annual programme, this area is divided into the part dedicated to the European Convention on Human Rights and the part dedicated to the European Union law.

As regards the training on human rights and standards of the Council of Europe, the Centre cooperated with organisations specialised in the implementation of such programmes: Council of Europe, AIRE Centre from London (Centre providing legal advice on the protection of human rights in Europe), CEDEM (Centre for Democracy and Human Rights in Montenegro) from Podgorica, etc.

On average, the Centre annually organises approximately 60 various continuous education-related activities, which, given the number of employees in the Centre (executive director, two advisers and an administrative assistant), represents a remarkable success.

Since it was established, the Centre has been keeping records on the participation of judges in the activities of the Centre, and since the Law on Education was adopted, records on the participation of prosecutors in the activities of the same Centre. Owing to our international partners (United Nations Development Programme (UNDP), an electronic programme for record keeping was installed two years ago and has significantly facilitated the work of the Centre.

When it comes to the **evaluation** of concrete activities, our Centre has so far, and will continue to do so in the future, distributed questionnaires to all participants regarding the training activities (related to lecturers, topics, methods for discussing topics, proposals for the topics to be addressed within future trainings, attendants, etc.).

What remains a very complex issue is the evaluation of concrete results and effects of trainings in the practical work of judges and prosecutors. This type of evaluation is actually the most difficult one and could be only conducted in the long term and in cooperation with many relevant bodies and institutions, while the methods of this type of evaluation require very serious and detailed consideration, as well as relatively large amount of funds.

As regards the evaluation, it should be noted that the Centre submits regular reports on the work performed primarily to the Coordination Board (on all completed activities), and of course, as prescribed by the law, to the Judicial Council and to the Prosecutorial Council (annual reports, and always upon their request).

In its work, the Centre always seeks to use comparative experiences and to follow the latest developments regarding the training of judges and prosecutors and its various aspects. Significantly contributing to the aforementioned is the membership of the Centre in the most relevant international structures dealing

with the training of judges and prosecutors, first of all, in the European network for the exchange of information between persons and entities responsible for the training of judges and public prosecutors (Lisbon Network), Council of Europe's HELP programme - Programme for the training of judges and prosecutors in the area of human rights, as well as in the International Organisation for Judicial Training (IOJT).

In its work, the Centre is guided by a specific goal: provision, acquisition, preservation and improvement of knowledge, abilities and skills of judges and prosecutors, which would ensure autonomous, independent, impartial, professional and efficient performance of their functions in line with the professional ethical standards. The Centre has been contributing to the acquisition of new knowledge and practical skills by judges and prosecutors and will continue to do so in the future.

Judicial Training Centre of Montenegro

January 2011

PRIORITY 3: STRENGTHENING THE EFFICIENCY OF JUDICIAL AUTHORITIES

Measure 3: Adopt annual programmes in all courts for dealing with backlogs –

REVIEW OF COURT BACKLOGS FROM 2009 AND PREVIOUS YEARS:

All cases	2000 and earlier		2001		2002		2003		2004		2005		2006		2007		2008		2009		TOTAL on 31.12.2010.		
	S	U	S	U	S	U	S	U	S	U	S	U	S	U	S	U	S	U	S	U	S	U	%
Berane	1	0	0	0	0	0	0	0	1	1	0	0	7	3	13	3	90	27	834	219	946	253	78,89%
Žabljak	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	0	41	5	43	5	89,58%
Rožaje	0	0	0	0	0	0	0	0	0	0	0	0	0	1	2	4	27	8	307	16	336	29	92,0%5
Plav	0	0	0	0	0	0	0	0	0	0	0	0	3	0	1	0	10	0	157	9	171	9	95%
Basic Court Bijelo Polje	0	0	0	0	0	0	0	0	0	0	1	1	6	4	15	6	66	30	1165	233	1253	274	82,05
Kolašin	6	3	1	1	3	1	1	3	4	1	11	4	16	5	52	15	74	28	201	30	369	91	85%
Cetinje	0	0	0	0	0	0	0	0	0	0	0	0	9	20	15	18	123	87	481	317	628	442	58,69
Bar	4	2	4	1	3	1	4	1	9	5	19	6	33	30	109	18	262	92	1273	380	1720	536	76,24
Ulcinj	0	0	0	0	0	0	0	0	0	0	0	0	109	0	76	0	142	0	484	548	811	548	59,67
Herceg Novi	15	18	6	2	5	5	9	13	10	18	17	26	25	24	65	43	166	107	722	295	1040	551	65,36
Nikšić	0	0	0	0	0	0	0	0	0	0	7	16	30	6	51	15	178	79	1879	422	2145	538	79,94
Pljevlja	0	0	0	0	0	0	0	0	0	0	0	0	5	12	4	7	34	55	281	101	324	175	64,92
Danilovgrad	0	0	0	0	0	0	0	0	0	0	0	0	21	86	14	37	62	81	558	247	655	451	59,22
Kotor	0	0	2	0	2	0	3	4	5	7	14	7	32	19	108	102	313	202	1465	581	1944	922	67,82
Basic Court Podgorica	0	0	0	0	0	0	0	0	0	0	910	1020	343	668	494	715	1329	1362	4812	3458	7888	7223	52,20
High Court Podgorica	0	0	0	0	0	0	0	0	0	0	0	0	72	62	20	15	71	24	2785	51	2948	151	95,09
High Court Bijelo Polje	0	0	0	0	0	0	0	0	0	0	0	2	2	0	4	2	7	2	111	4	124	10	92,53
Appellate Court	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	490	0	490	0	100
Commercial Court Podgorica	0	0	0	0	0	0	0	0	0	0	0	0	23	0	18	0	128	0	1265	228	1434	228	86,28
Commercial Court Podgorica	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	1	0	58	27	60	27	68,96
Administrative Court	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1283	0	1283	0	100
Supreme Court	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1654	0	1654	0	100
Total	26	23	13	4	13	7	17	21	29	32	979	1082	736	940	1062	1000	3085	2184	22306	7171	28266	12463	69,40

S – Solved cases

U – Unsolved cases

4. ACTION PLAN FOR THE FIGHT AGAINST CORRUPTION

PRIORITY 1: IMPROVEMENT OF ANTI-CORRUPTION AND INSTITUTIONAL LEGAL FRAMEWORK

Measure 1: Draft Law amending the Criminal Code implementing the recommendation of GRECO's Third Evaluation Round

DRAFT LAW AMENDING THE CRIMINAL CODE – IMPLEMENTATION OF RECOMMENDATIOND OF GRECO'S THIRD EVALUATION ROUND

Under the Third Evaluation Round, at the 49th plenary meeting held in Strasbourg on 29 November – 3 December 2010, GRECO adopted the Compliance Report on Montenegro regarding incrimination contained in the Criminal Code. The mentioned Report recommends alignment of provisions of the Criminal Code regulating criminal offences of active and passive bribery (in public and private sector) and trading in influence.

Recommendations regarding incrimination contained in the Compliance Report on Montenegro, which GRECO adopted at its 49 plenary meeting, refer to compliance of the Criminal Code with the Criminal Law Convention on Corruption and its Additional Protocol. The draft envisages amendments to some articles of the Criminal Code with the view to harmonising them with these two instruments of the Council of Europe.

The draft envisages amendments aimed at implementing recommendations given by GRECO under the Third Evaluation Round for the following articles of the Criminal Code:

- 137 (applicability of criminal legislation of Montenegro to foreigners who commit a criminal offence abroad),
- 138 (special conditions for prosecution),
- 142 (definitions which apply to this code)
- 276a (passive bribery in economy),
- 276b (active bribery in economy),
- 422 (illegal influence),
- 422a (instigation to illegal influence),
- 423 (passive bribery)and
- 424 (active bribery).

The draft envisages abolishment of double incrimination with reference to criminal offences of bribery and trading in influence committed abroad, as well as introduction of competence for criminal offences of corruption committed abroad by non-nationals. Amendments to articles 137 and 138 ensured implementation of GRECO recommendations related to abolishment of double incrimination and introduction of competence for criminal offences of corruption committed abroad by non-nationals.

In line with GRECO recommendation to ensure explicit coverage of arbitrators and lay judges by provisions on bribery, and in line with Articles 4-6 of the Additional Protocol to the Criminal Law Convention on Corruption, the term “persons in official capacity” includes, *inter alia*, persons performing official duties in a foreign country on the basis of laws, secondary legislation, contracts or arbitrary agreements.

The draft also provides for consistent definition of the so-called bribery in private sector (Article 276a – Passive bribery in economy, and Article 276b – Active bribery in economy). Thus, in line with GRECO recommendation, all the persons performing a managing function or any other function within a company have been unequivocally covered, as well as all instances reporting on abuse of office by a person taking or giving bribe.

The proposed amendments ensure harmonisation of various provisions referring to corruption and eliminate inconsistencies in the terminology used. GRECO recommendations identified inconsistencies of some elements based on which criminal offences of bribery and trading in influence are interpreted. For instance, the concept of unearned benefit differs from provision to provision, encompassing “present”, “other benefit”, “profit” or “reward” in the existing Criminal Code. Furthermore, certain provisions refer only to the “material benefit” (Articles 276b and 422). Suggested amendments in all articles that GRECO recommendations refer to introduce the term “present and other benefits” for criminal offences of bribery (Articles 276a, 276b, 423, 424) and trading in influence (Articles 422 and 422a).

As regards indirect commitment of criminal offences of bribery and trading in influence, the draft explicitly provides for commitment of these offences through middlemen. In that context, we would like to point out that, according to GRECO opinion, general provisions on complicity did not represent sufficient guarantee in this case, so it was necessary to provide for an indirect commitment of criminal offences of bribery and trading in influence.

Concerning the bribery in public sector (Articles 423 and 424), the Draft contains solutions which eliminate the shortcomings observed by GRECO with regard to actions that a person in official capacity may or may not take, i.e. according to the current Criminal Code actions have to be taken “within official authorisations”. In practice, this would imply that acts and omissions that do not represent official authorisations or legally defined powers of a person in official capacity, which he/she cannot perform due to his/her function, would not be directly covered by provisions on bribery. The Draft introduces the formulation “official and other actions” for bribery in public sector and thus implements one more GRECO recommendations.

PRIORITY 2: Implementation of the Anti Corruption and Organised Crime Strategy and the accompanying Action Plan

MEASURE 1: Monitoring of the Action Plan (2010 -2012) for Implementation of the Anti Corruption and Organised Crime Strategy

THE FIRST REPORT ON REALIZATION OF THE MEASURES DEFINED IN THE ACTION PLAN FOR IMPLEMENTATION OF THE STRATEGY FOR FIGHTING CORRUPTION AND ORGANIZED CRIME *(March 2011)*

I. INTRODUCTORY NOTE

With the view to ensuring continuity in an organized and permanent monitoring of the overall anti-corruption activities, the Government of Montenegro adopted in late July 2010 two new strategic documents: Strategy for Fight against Corruption and Organized Crime (2010-2014) and the Action Plan for Implementation of the Strategy for Fight against Corruption and Organized Crime for the period 2010-2012. This Report covers the implementation of the Action Plan in the period between the adoption of the Action Plan and the end of 2010, as well as the activities envisaged in the AP which had been completed before the AP was adopted⁶. As provided for in the Action Plan, all subsequent reports will be made for six-month periods.

At the time of adoption of the above strategic documents Montenegro had already developed its anti-corruption legal and institutional framework to a large extent. That was the task of the first generation of strategic documents (2005-2009). Since effectiveness of legal and institutional framework is of particular importance for any successful fight against corruption and organized crime, the attention in developing the second generation of strategic documents was focused on the control of implementation of the adopted laws and regulations, their continuous improvements and efficient functioning of the institutions. The Action Plan regulates in more details the chapters, objectives, measures, competent bodies and time frame for implementation of the activities in the

⁶ In the meeting of the National Commission held on 22 November 2010, one of the conclusions was that, exceptionally, the First Report will cover the period from 29 July to 31 December 2010, as well as the activities envisaged in the Action Plan but completed before that period in 2010.

first two-year phase of the implementation of the Strategy. Institutes and standards that were not defined or were inadequately defined in the laws have been recognized through specific objectives and measures in the chapters of the Action Plan. National Commission for Monitoring of Realization of Action Plan for Implementation of Program of Fight against Corruption and Organized Crime ⁷ controls the implementation of the Strategy in the monitoring period (2010 – 2012).

The Strategy envisages that the reports submitted by the institutions according to the Action Plan are to be integrated and monitored by the Secretariat of the National Commission composed of the expert team working in the Directorate for Anti-Corruption Initiative (hereinafter referred to as: DACI). The statistics related to processing of the cases with elements of corruption will be prepared by the representatives of the Supreme State Prosecution, Supreme Court and Police Directorate (Tripartite Commission) ⁸.

In December 2010, within the process of preparing The First Report on the Implementation of the Action Plan, representatives of the National Commission Secretariat made the required consultations with the reporting entities and in January and February 2011 they collected the individual reports of the institutions⁹. After that they started processing individual reports and translating them into the aggregate report. In preparing the First Report the Secretariat has benefited from the support provided within the project „Strengthening Administrative Capacities of the Directorate for Anti-Corruption Initiative“ financed by the Government of the Kingdom of Norway and implemented with the support of the UNDP Office in Podgorica. In parallel, the National Commission Secretariat has worked with the representatives of the Ministry for Information Society on developing the information system which will support the process of receiving and processing individual reports (93) and which will be used in the future for reporting according to the Action Plan. Establishing of this information system is envisaged for late March 2011, since at that time the institutions that are obliged to submit their individual reports (hereinafter: reporting entities) will be trained to use the IS for reporting.

The First Report on Realization of the Measures Defined in the Action Plan for Implementation of the Strategy for Fighting Corruption and Organized Crime has been prepared on the basis of individual reports of the institutions that are obliged to submit their individual reports regarding 109 objectives and 264 measures¹⁰. We would like to underline that the number of reporting entities has been significantly increased in comparison to the previous AP (56) due to the larger scope of the Strategy but also due to the changes in some of the state administration organizational units.

Structure of The First Report is such that this Introductory note is followed by the presentation of statistics related to the completed measures that are envisaged in the Action Plan. The largest and the most significant part of the Report is the detailed overview of the implementation of the measures - first in a table format and then in the narrative part which contains recommendations for the implementation of the AP activities in future. The qualitative analysis of the inputs submitted by the reporting entities according to the AP provides assessment of the degree to which the measures have been implemented, as well as the appropriate recommendations. At the same time this analysis indicates to certain weak points we have identified in the Action Plan. Being aware

⁷ National Commission was established by the Decision of the Government of Montenegro on Establishing the National Commission for the implementation of the Strategy for Fight against Corruption and Organized Crime ("Official Gazette of Montenegro", 61/10) and the Decision on Amendments to the Decision on Establishing the National Commission ("Official Gazette of Montenegro 4/11).

⁸ National Commission Secretariat is composed of five civil servants from the Directorate for Anti-Corruption Initiative. It was established in September 2010 and Tripartite Commission was established in March 2011.

⁹ Deadline for submitting individual reports was 21 January and it had to be extended to 25 of January since 10 reports were not submitted in time.

¹⁰ Measures 264 and 265, due to their specific nature were not subject to statistical analysis.

of the importance of the recommendations contained in the EC Opinion, we have indicated in some of the chapters to the necessity of achieving as soon as possible the objectives and measures important for complying with the EC recommendations.

The last part of The First Report on the Implementation of the Action Plan is the Conclusion which contains a brief overview of the most significant results achieved in the implementations of the AP measures.

Since the First Report covers the activities undertaken by the competent bodies within the AP individual measures in 2010 the statistics refers to that reporting period.

The Annex I enclosed to the Report provides the report of the Tripartite Commission for the analysis of the cases in the field of organized crime and corruption, as well as the Report on and development of the unique methodology of the statistical indicators in the field of organized crime and corruption.

The public in the country and abroad will be informed about the implementation of the Strategy and the Action Plan in 2010 through the meeting of the National Commission organized for the purposes of discussing and adopting the Report. That meeting will, namely, be open to the public. The First Report and the individual reports will be available in the website of the Government of Montenegro and the Directorate for Anti-Corruption Initiative. Translation of the Report to English will be provided by DACI.

We would also like to note that during the process of preparing the First Report, the procedure for Innovating the Action Plan for the Implementation of the Strategy for Fighting Corruption and Organized Crime was started. The aim of that procedure is to harmonize this Action Plan with the Action Plan for the implementation of the seven recommendations contained in the EC Opinion, as well as with the changed scope of competences of individual administrative bodies and amendments proposed by NGO sector¹¹.

II. STATISTICS

MEASURES COMPLETED IN 2010 (DUE MEASURES) - STATISTICS

DEGREE OF IMPLEMENTATION OF THE MEASURES AND SUBMEASURES DEFINED IN THE ACTION PLAN BY CHAPTERS AND OBJECTIVES	C		C / CONT		PC		PC/CONT		NC		C + C/CONT	
	Completed		Completed (continuous)		Partly Completed		Partly Completed (continuous)		Not Completed			
	Measure	%	Measure	%	Measure	%	Measure	%	Measure	%	Total	%
I PRIORITIES OF COMBATING CORRUPTION AT THE POLITICAL AND INTERNATIONAL LEVEL	2	4,7%	4	9,3%	2	4,7%	21	48,8%	14	32,6%	6	14,0%
PARLIAMENT'S CONTROL FUNCTION AND IMPLEMENTATION OF INTERNATIONAL INSTRUMENTS AND STANDARDS	0	0,0%	0	0,0%	0	0,0%	2	50,0%	2	50,0%	0	0,0%
POLITICAL PARTY FUNDING AND ELECTION PROCESSES	0	0,0%	0	0,0%	0	0,0%	1	50,0%	1	50,0%	0	0,0%
PREVENTION OF THE CONFLICT OF INTERESTS	0	0,0%	1	100,0%	0	0,0%	0	0,0%	0	0,0%	1	100,0%

¹¹In the process of innovating the AP, key holders of the activities are to be defined as well as the other entities involved in the implementation of individual measures. The list of competent bodies should be changed in order to reflect the changes in the structure and names of some of the state administration organizational units. Instead of 21 municipalities submitting their individual reports it will in the future be the Ministry of Interior who will be submitting to the NC Secretariat the collective report for all local governments.

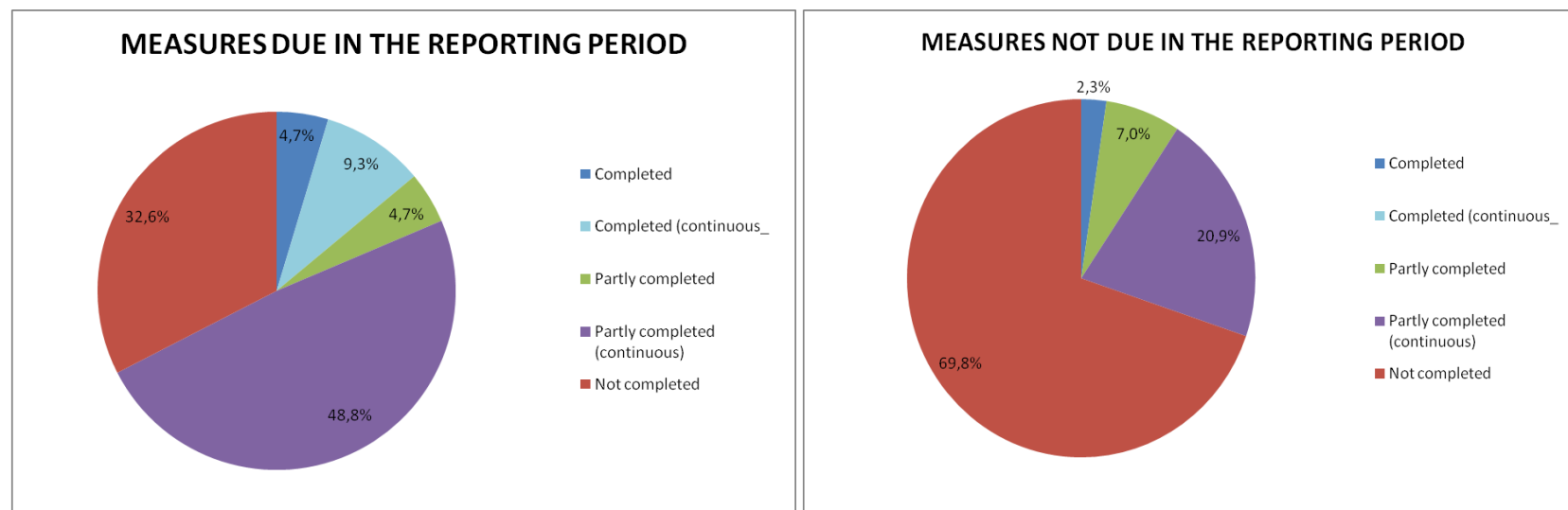
INTEGRITY	0	0,0%	0	0,0%	0	0,0%	2	50,0%	2	50,0%	0	0,0%
FREE ACCESS TO INFORMATION	0	0,0%	0	0,0%	0	0,0%	2	66,7%	1	33,3%	0	0,0%
PROTECTION OF PERSONS REPORTING CORRUPTION	0	0,0%	0	0,0%	1	12,5%	4	50,0%	3	37,5%	0	0,0%
PUBLIC FINANCES	1	11,1%	3	33,3%	0	0,0%	3	33,3%	2	22,2%	4	44,4%
STATE PROPERTY	1	25,0%	0	0,0%	0	0,0%	2	50,0%	1	25,0%	1	25,0%
CAPITAL MARKET	0	0,0%	0	0,0%	0	0,0%	2	50,0%	2	50,0%	0	0,0%
PRIVATE SECTOR	0	0,0%	0	0,0%	1	25,0%	3	75,0%	0	0,0%	0	0,0%
II AREAS OF PARTICULAR RISK	7	10,8%	8	12,3%	7	10,8%	26	40,0%	17	26,2%	15	23,1%
PRIVATIZATION PROCESS	1	14,3%	1	14,3%	0	0,0%	5	71,4%	0	0,0%	2	28,6%
PUBLIC PROCUREMENT	0	-	0	-	0	-	0	-	0	-	0	-
URBAN PLANNING	1	11,1%	3	33,3%	0	0,0%	2	22,2%	3	33,3%	4	44,4%
EDUCATION	3	16,7%	1	5,6%	4	22,2%	5	27,8%	5	27,8%	4	22,2%
HEALTH CARE	0	0,0%	2	18,2%	2	18,2%	4	36,4%	3	27,3%	2	18,2%
LOCAL GOVERNMENT	1	8,3%	0	0,0%	1	8,3%	7	58,3%	3	25,0%	1	8,3%
CIVIL SOCIETY, MEDIA AND SPORT	1	12,5%	1	12,5%	0	0,0%	3	37,5%	3	37,5%	2	25,0%
III PREVENTION OF CORRUPTION IN LAW ENFORCEMENT AGENCIES	1	3,2%	3	9,7%	14	45,2%	6	19,4%	7	22,6%	4	12,9%
PREVENTIVE MECHANISMS FOR THE SUPPRESSION OF CORRUPTION IN THE POLICE	1	10,0%	0	0,0%	5	50,0%	1	10,0%	3	30,0%	1	10,0%
PREVENTIVE MECHANISMS FOR THE SUPPRESSION OF CORRUPTION IN JUDICIAL AUTHORITIES	0	0,0%	2	22,2%	5	55,6%	2	22,2%	0	0,0%	2	22,2%
CRIMINAL PROSECUTION AND FORFEITURE OF ILLICIT GAINS	0	0,0%	0	0,0%	0	0,0%	2	50,0%	2	50,0%	0	0,0%
COORDINATION AND DATA EXCHANGE	0	0,0%	0	0,0%	3	60,0%	1	20,0%	1	20,0%	0	0,0%
INTERNATIONAL COOPERATION	0	0,0%	1	33,3%	1	33,3%	0	0,0%	1	33,3%	1	33,3%
IV ORGANIZED CRIME	5	12,8%	1	2,6%	17	43,6%	0	0,0%	16	41,0%	6	15,4%
SITUATION ANALYSIS	0	0,0%	0	0,0%	2	50,0%	0	0,0%	2	50,0%	0	0,0%
PREDOMINANT FORMS	1	8,3%	0	0,0%	6	50,0%	0	0,0%	5	41,7%	1	8,3%
PREVENTION	1	11,1%	0	0,0%	4	44,4%	0	0,0%	4	44,4%	1	11,1%
COOPERATION BETWEEN PUBLIC AUTHORITIES	0	0,0%	0	0,0%	1	50,0%	0	0,0%	1	50,0%	0	0,0%
REGIONAL AND INTERNATIONAL COOPERATION	3	33,3%	0	0,0%	3	33,3%	0	0,0%	3	33,3%	3	33,3%
MONITORING	0	0,0%	1	33,3%	1	33,3%	0	0,0%	1	33,3%	1	33,3%
TOTAL	15	8,4%	16	9,0%	40	22,5%	53	29,8%	54	30,3%	31	17,4%

IMPLEMENTATION OF THE MEASURES FOR THE PERIOD 2011 - 2012 (NOT DUE)

DEGREE OF IMPLEMENTATION OF THE MEASURES AND SUBMEASURES DEFINED IN THE ACTION PLAN BY CHAPTERS AND OBJECTIVES	C		C / CONT		PC		PC/CONT		NC		C + C/CONT	
	Completed		Completed (continuous)		Partly Completed		Partly Completed (continuous)		Not Completed			
	Measure	%	Measure	%	Measure	%	Measure	%	Measure	%	Total	%
I PRIORITIES OF COMBATING CORRUPTION AT THE POLITICAL AND INTERNATIONAL LEVEL	1	2,3%	0	0,0%	3	7,0%	9	20,9%	30	69,8%	1	2,3%
PARLIAMENT'S CONTROL FUNCTION AND IMPLEMENTATION OF INTERNATIONAL INSTRUMENTS AND STANDARDS	0	0,0%	0	0,0%	0	0,0%	0	0,0%	2	100,0%	0	0,0%
POLITICAL PARTY FUNDING AND ELECTION PROCESSES	1	25,0%	0	0,0%	0	0,0%	0	0,0%	3	75,0%	1	25,0%
PREVENTION OF THE CONFLICT OF INTERESTS	0	0,0%	0	0,0%	0	0,0%	8	80,0%	2	20,0%	0	0,0%
INTEGRITY	0	0,0%	0	0,0%	2	20,0%	1	10,0%	7	70,0%	0	0,0%
FREE ACCESS TO INFORMATION	0	0,0%	0	0,0%	0	0,0%	0	0,0%	2	100,0%	0	0,0%
PROTECTION OF PERSONS REPORTING CORRUPTION	0	0,0%	0	0,0%	1	100,0%	0	0,0%	0	0,0%	0	0,0%
PUBLIC FINANCES	0	0,0%	0	0,0%	0	0,0%	0	0,0%	6	100,0%	0	0,0%
STATE PROPERTY	0	-	0	-	0	-	0	-	0	-	0	-
CAPITAL MARKET	0	0,0%	0	0,0%	0	0,0%	0	0,0%	7	100,0%	0	0,0%
PRIVATE SECTOR	0	0,0%	0	0,0%	0	0,0%	0	0,0%	1	100,0%	0	0,0%
II AREAS OF PARTICULAR RISK	0	0,0%	0	0,0%	2	10,5%	0	0,0%	17	89,5%	0	0,0%
PRIVATIZATION PROCESS	0	-	0	-	0	-	0	-	0	-	0	-
PUBLIC PROCUREMENT	0	0,0%	0	0,0%	1	8,3%	0	0,0%	11	91,7%	0	0,0%
URBAN PLANNING	0	-	0	-	0	-	0	-	0	-	0	-
EDUCATION	0	0,0%	0	0,0%	1	16,7%	0	0,0%	5	83,3%	0	0,0%
HEALTH CARE	0	-	0	-	0	-	0	-	0	-	0	-
LOCAL GOVERNMENT	0	-	0	-	0	-	0	-	0	-	0	-
CIVIL SOCIETY, MEDIA AND SPORT	0	0,0%	0	0,0%	0	0,0%	0	0,0%	1	100,0%	0	0,0%
III PREVENTION OF CORRUPTION IN LAW ENFORCEMENT AGENCIES	3	17,6%	0	0,0%	9	52,9%	1	5,9%	4	23,5%	3	17,6%

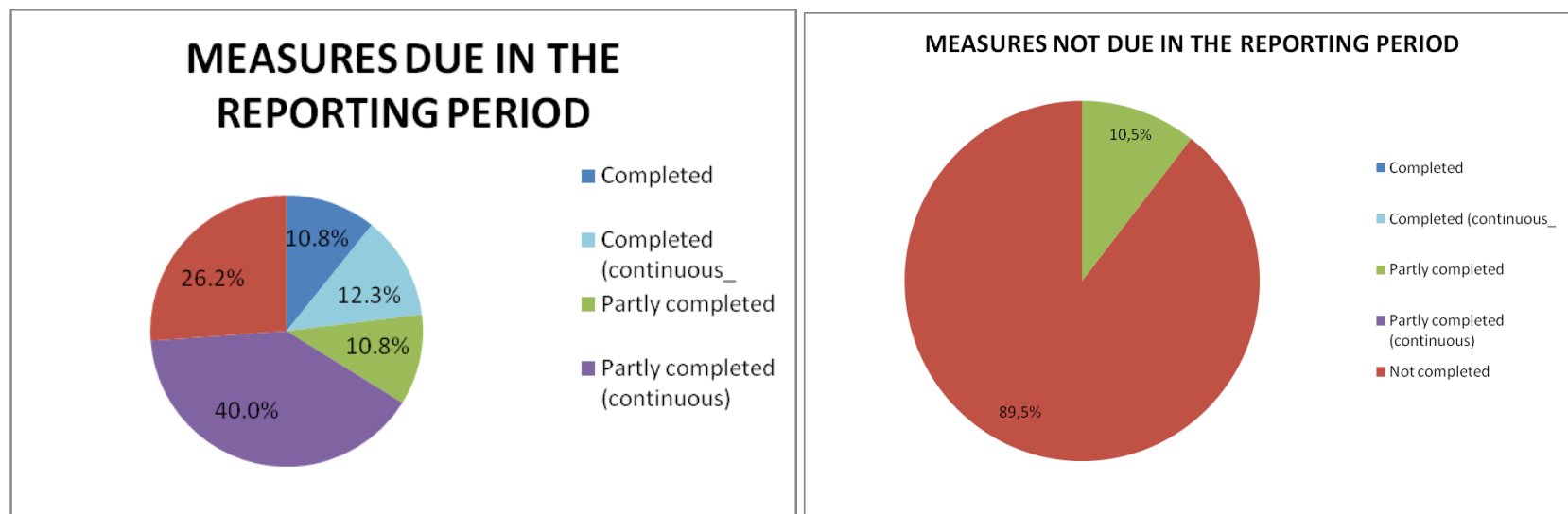
PREVENTIVE MECHANISMS FOR THE SUPPRESSION OF CORRUPTION IN THE POLICE	0	-	0	-	0	-	0	-	0	-	0	-
PREVENTIVE MECHANISMS FOR THE SUPPRESSION OF CORRUPTION IN JUDICIAL AUTHORITIES	1	20,0%	0	0,0%	3	60,0%	1	20,0%	0	0,0%	1	20,0%
CRIMINAL PROSECUTION AND FORFEITURE OF ILLICIT GAINS	0	0,0%	0	0,0%	2	100,0%	0	0,0%	0	0,0%	0	0,0%
COORDINATION AND DATA EXCHANGE	1	25,0%	0	0,0%	2	50,0%	0	0,0%	1	25,0%	1	25,0%
INTERNATIONAL COOPERATION	1	16,7%	0	0,0%	2	33,3%	0	0,0%	3	50,0%	1	16,7%
IV ORGANIZED CRIME	0	0,0%	0	0,0%	6	85,7%	0	0,0%	1	14,3%	0	0,0%
SITUATION ANALYSIS	0	-	0	-	0	-	0	-	0	-	0	-
PREDOMINANT FORMS	0	0,0%	0	0,0%	6	85,7%	0	0,0%	1	14,3%	0	0,0%
PREVENTION	0	-	0	-	0	-	0	-	0	-	0	-
COOPERATION BETWEEN PUBLIC AUTHORITIES	0	-	0	-	0	-	0	-	0	-	0	-
REGIONAL AND INTERNATIONAL COOPERATION	0	-	0	-	0	-	0	-	0	-	0	-
MONITORING	0	-	0	-	0	-	0	-	0	-	0	-
TOTAL	4	4,7%	0	0,0%	20	23,3%	10	11,6%	52	60,5%	4	4,7%

GRAPHIC PRESENTATION OF THE REALIZATION OF (DUE AND NOT DUE) MEASURES OF THE ACTION PLAN FOR THE IMPLEMENTATION OF THE PROGRAM FOR FIGHTING CORRUPTION AND ORGANIZED CRIME FOR THE PERIOD 2010-2012 – BREAKDOWN BY AREAS
I – PRIORITIES IN COMBATING CORRUPTION AT THE POLITICAL AND INTERNATIONAL LEVEL



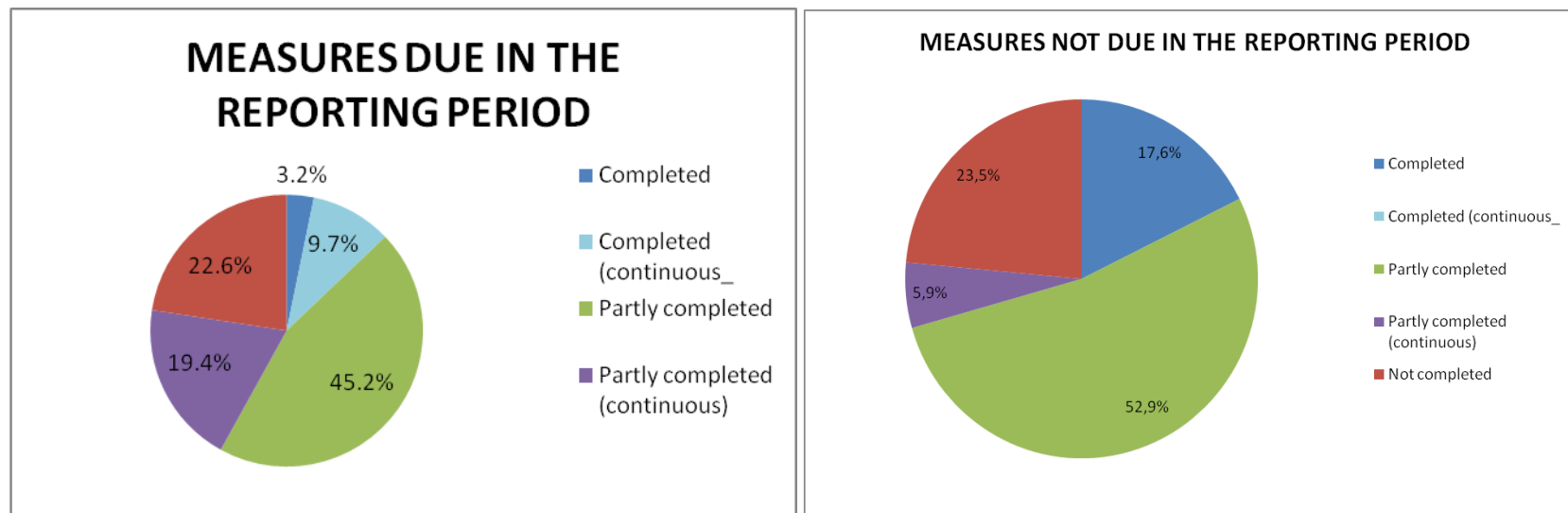
In this area 43 measures were due in the reporting period (50%) and 43 (50%) were not.

II - AREAS OF PARTICULAR RISK



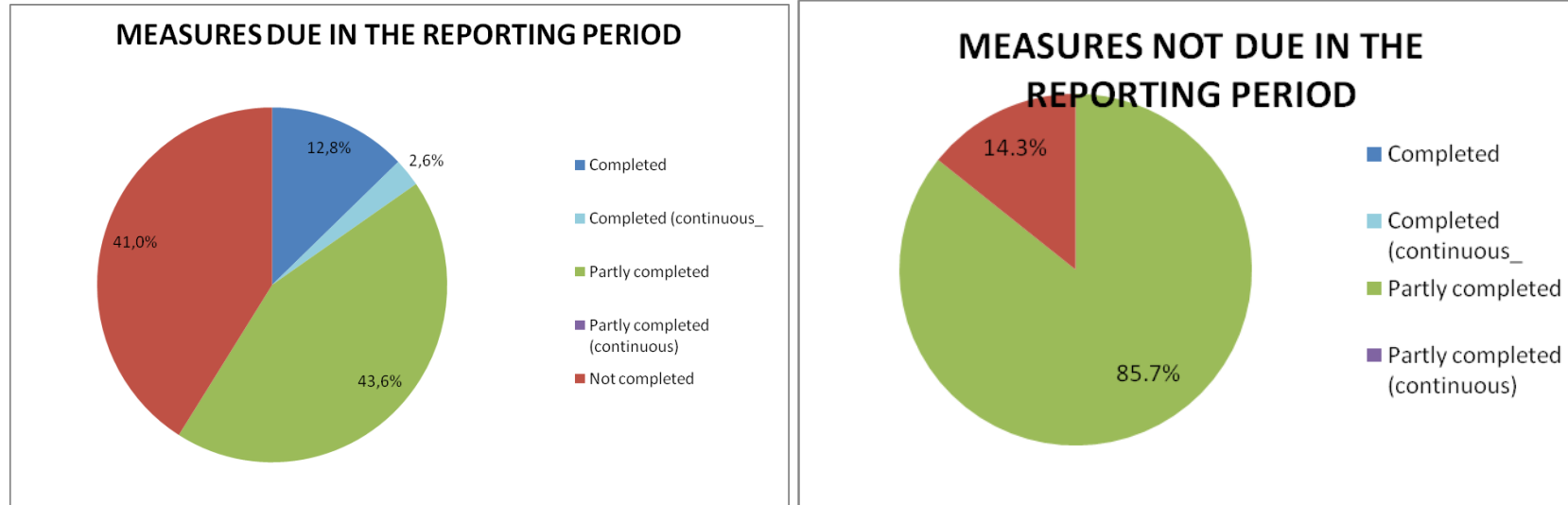
In this area 65 (77%) measures were due in the reporting period, while 19 (23%) were not due.

III - PREVENTION OF CORRUPTION IN LAW ENFORCEMENT AGENCIES



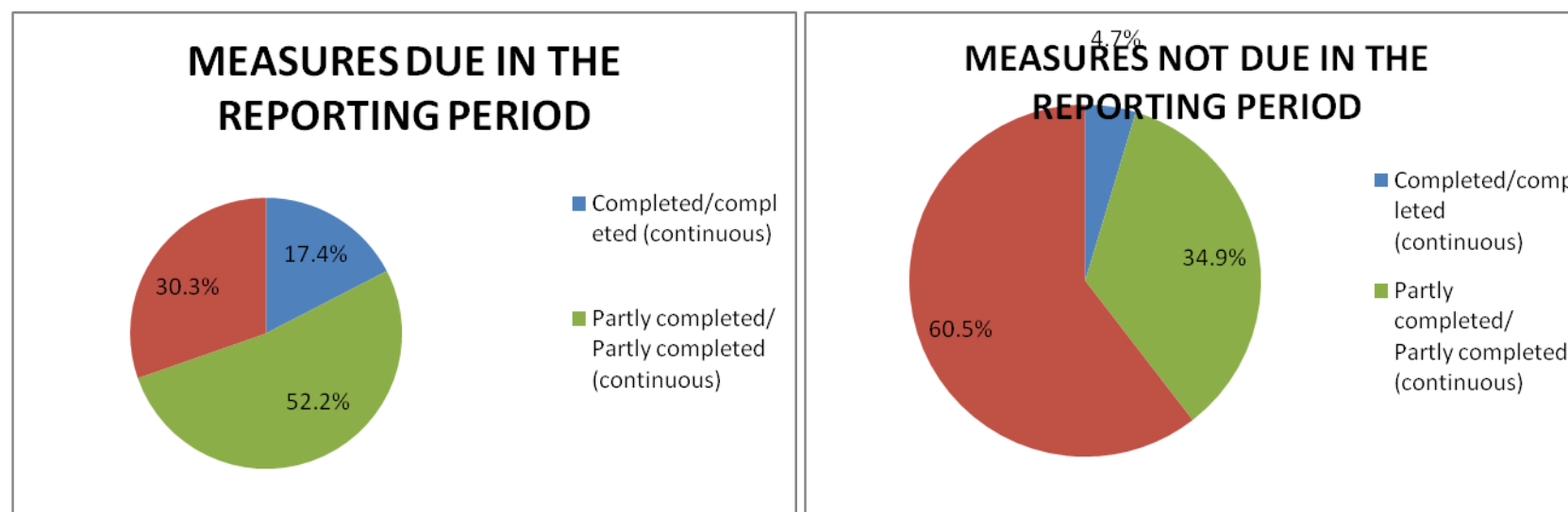
In this area 31 (65%) measures were due in the reporting period, while 17 (35%) were not due.

IV – ORGANIZED CRIME



In this area 39 (85%) measures were due in the reporting period, while 7 (15%) were not due.

DATA FOR ALL AREAS



In the reporting period the total number of due measures was 178 or 67,4%, while the number of measures that were not due was 86 (32,6%).

DEGREE OF COMPLETION OF THE MEASURES THAT WERE DUE IN THE REPORTING PERIOD

Total number of measures in the Action Plan is 266. 180 measures were due in the reporting period January-December 2010. It is important to underline that measures 264 and 265 due to their specific nature were not assessed and therefore they are not included in the statistics. Thus, the statistical data have been processed for 264 measures, 178 of which were due, while 86 were not.

Out of the due measures 15 (8.4%) have been completed, while 16 measures are being implemented continuously. In other words, the sum of the completed measures and the measures that are being implemented continuously in the reporting period is 31, which is 17.4% of the total number of due measures. At the same time, there are 93 (52.2%) measures that have been partly completed or that are being partly implemented continuously, while 54 measures or 30.3% have not been completed.

The highest degree of completion of due measures (C + C/cont) has been achieved in the following chapters: **Prevention of conflict of interests (100%), Urban planning (44,4%), Public finances (44,4%), Regional and international cooperation in the field of organized crime (33,3%), Monitoring (33,3%), Privatization process (28,6%), State property and Civil society , media and sport (25%) each.**

A characteristic feature of the reporting period is a high level of partly completed measures achieved in the following chapters: **Private sector (100%), Coordination and data exchange (80%), Preventive mechanisms for suppression of corruption in judicial authorities (77,8%), Privatization process (71,4%), Local self-government (66,6%), Protection of persons reporting corruption (whistle blowers) (62,5%), Preventive mechanisms for suppression of corruption in police (60%), Parliament's control function and implementation of international instruments and standards (50%) and State property (50%),**

If we analyse the data by areas, we can see that the highest degree of completion of the measures was achieved in the **Areas of particular risk** (23,1%) and 0,8% of the measures in this field were partly completed. In the area of **Organized crime** 15,4% of measures were completed, while 43,6% were partly completed. In the area **Priorities of combating corruption at the political and international level** 14% of measures were completed, while 53,5% of measures were partly completed. In the area of **Prevention of corruption in law enforcement agencies** 12,9% of measures were completed and 74,6% partly completed.

A large number of measures that were not due in the reporting period were also completed in many of the reporting entities. Thus, out of the measures that are due in the period 2011-2012 4,7% have already been completed, 34,9% are partly completed, while 60,5 % are not completed.

Analysis area by area shows that the largest number of partly completed measures can be found in the area of **Organized crime** (85,7%).

III. DETAILED OVERVIEW OF THE IMPLEMENTATION OF MEASURES

1. Table presentation

	OBJECTIVE	MEASURE	COMPETENT BODY	TIME FRAME	PERFORMANCE INDICATORS	SOURCE OF FINANCING	ASSESSMENT
I PRIORITIES IN PREVENTION OF CORRUPTION AT THE POLITICAL AND INTERNATIONAL LEVEL							
PARLIAMENT` S CONTROL FUNCTION AND IMPLEMENTATION OF INTERNATIONAL INSTRUMENTS AND STANDARDS							
1	The Resolution on fight against corruption and organized crime is implemented and the mechanism of cooperation with the National	1. Monitoring implementation of the Resolution	Parliament of Montenegro	Continuous	Report on the control function of the Parliament and implementation of international instruments and standards		Not completed
		2. Establish cooperation with the National Commission for the fight against corruption and organized crime and other bodies and	Parliament of Montenegro (representatives of all working bodies)	As of 2011 Continuous	Number of meetings, Number of joint recommendations		Not completed Time frame - 2011. .

	Commission is defined	organizations from this AP					
2	The framework and practice of the conduct of state bodies are improved thanks to efficient use of Parliament's control mechanisms	3 Build capacity of technical services of the Parliament for application of control mechanisms (parliamentary investigation, control and consultative hearing)	Parliament of Montenegro	I Q 2011	-Increased number of professional assistants, -Increased number of applied control mechanisms		Not completed Time frame - I Q 2011.
		4 Disclosure of recommendations of the Parliament which arise from control mechanisms and monitoring their implementation	Parliament of Montenegro	Continuous	Number of bodies to which recommendations have been addressed; number of recommendations; number of implemented recommendations of the Parliament by bodies to which they have been addressed		Partly completed After three hearings recommendations were given to the relevant bodies.
		5 Analyze and ensure compliance of legislation with international standards in the field of fight against corruption and organized crime	Ministry of Justice, Ministry of Internal Affairs and Public Administration - MIAPA, Directorate for Anti-Corruption Initiative – DACI	Continuous	Report prepared: number of laws for which the analysis has been carried out and titles of conventions in relation to which the analysis has been carried out, for each law respectively, number of approved amendments and number of adopted amendments to the laws	Budget and international organizations	Partly completed Analysis of criminal legislation, Law on Preventing of Conflict of Interests and Law on Political Party Funding through GRECO evaluations. (Reports on I, II and III evaluation which were adopted and published). In the

							process of drafting a new Public Procurement Law the analysis was done for this field as well
		6 Continue harmonisation of legislation with the UN Convention (Palermo, UNTOC), and other conventions in the field of fight against organized crime	MIAPA, Ministry of Justice	Continuou s	-Full harmonization of regulations with conventions in the field of organized crime - Number of laws for which the analysis has been carried out and number and titles of conventions in relation to which the analysis has been carried out, for each law respectively, number of approved proposals of amendments to the laws and number of adopted amendments to the laws	Budget and international organizations	Not completed Legislation within the competences of MJ mostly harmonized with UNTOC, and other conventions in the field of fighting corruption and organized crime.

POLITICAL PARTY FUNDING AND ELECTION PROCESSES

4	Adequate legal framework is established for the prevention of misuse of public funds and powers	7 Harmonisation of electoral laws with the Law on Amendments to the Law on Political Party Funding	Parliament of Montenegro	2011	The law adopted by the Parliament of Montenegro		Not completed Time frame - 2011.

5	in an election process						
	Greater transparency of financial reporting of political parties and election campaigns	8 Organize trainings for acquiring specialized knowledge for conducting audits of financial operations of political parties, independent lists and candidates	SAI	Continuou s	- Training program - Number of delivered trainings		Not completed No report in relation to this measure.
		9 Reporting on financial operations of political parties, independent lists and candidates	SEC	Continuou s	Number of published reports	Budget	Partly completed 58 reports on collected and spent funds from public and private sources for election campaigns in the local elections, 6 annual reports of political parties on their property and 1 report on auditing the balance sheet of political parties
6							
7	Competence s of the State Election Commission are harmonized with international standards	10 Analyze the existing legal framework concerning performance of the State Election Commission	Parliament of Montenegro SEC	2011	Analysis prepared	Budget	Not completed Montenegrin Parliament currently works on the amendments to the Law on Election of Councillors and Members of Parliament which will

							include a definition of the legal framework for operation of SEC Time frame - 2011.
	Improved capacity of SEC and municipal election commissions	11 Development of the Code of Ethics for members of the national and municipal election commissions	SEC	2011	- The Code of Ethics developed	Budget	Completed On 20 December 2010 SEC adopted the Code of Ethics for the body for conducting elections and it was published in the Official Gazette of Montenegro 76/10 Time frame - 2011.
		12 Preparation of annual analyses on application of the Code of Ethics	SEC	2012	-Annual analysis on application of the Code of Ethics prepared		Not completed Time frame - 2012.
PREVENTION OF THE CONFLICT OF INTEREST							
8	The legislative framework is harmonized with international standards and recommendations of international organizations, particularly with regard to strengthening Commission's powers and independence	13 Development and adoption of amendments to the Law on the Prevention of Conflict of Interest	CPCI in cooperation with MIAPA	II Q 2011	The Law harmonized with international documents (UNCAC, EC, CoE recommendations etc.)		Partly completed initiative with very specific proposals for amending the Law on Prevention of Conflict of Interests sent to MIAPA Time frame - II Q 2011.
		14 Report on implementation of	CPCI	Continuous	- Number of submitted reports on income and assets against the number of public		Completed CPCI report available at:

		the Law			officials; number of submitted misdemeanor charges; number and type of sanctions imposed;		www.konfliktinteresa.me
9	Administrative capacity of the Commission for the Prevention of Conflict of Interests is enhanced	15 Staff recruitment for positions in accordance with the Rulebook on Job descriptions	CPCI in cooperation with the Human Resources Management Authority – HRMA	2011	- Number of filled vacancies in accordance with the Rulebook	Insufficient funds IPA 2010	Not completed Time frame - 2011.
		16 Purchase of additional computer equipment	CPCI	I Q 2012	- Specification of the computer equipment - Equipment purchased		Partly completed Computer equipment purchased Time Frame IQ 2012
		17 Organization of trainings for members of the Commission and employees of the Technical Service of the Commission	CPCI in cooperation with HRMA	2011-2012	- Training program - Number of trainings, type of trainings		Partly completed: CPCI staff participated in 3 seminars organized by HRMA and members of the CPCI participated in 3 international conferences
10	Inter-institutional cooperation is established for an efficient check-up of data on revenues and property owned	18 Signing agreements with public authorities	CPCI in cooperation with other public bodies	2011-2012	-Number of agreements signed with public authorities - Report on implementation of signed agreements		Partly completed Agreement with TA has been signed, draft agreements on cooperation with the HMRA and Real Estate Directorate

	by public officials in the country and abroad	19 Signing agreements with similar institutions in the region and third countries, as well as with international organizations	CPCI	2011- 2012	Number of signed agreements		have been prepared Partly completed Memoranda of Cooperation with counterpart institutions in Croatia and Bulgaria have been signed.
11	Awareness is raised among public officials and state employees of the significance of the prevention of conflict of interests in the exercise of public office	20 Organization of trainings for state and local public officials	CPCI in cooperation with HRMA CPCI in cooperation with HRMA	2011- 2012	-Number of trainings, number of trainees	No attendance in trainings Donors	Partly completed Commission organized 6 seminars for national and local public officials, judges and prosecutors, NGOs and media in most of Montenegrin municipalities (about 350 participants). Time frame – starting from 2011.
		21 Organization of trainings for civil servants and state employees		2011- 2012	-Number of trainings, number of trainees		Not completed Time frame - during 2011
		22 Organization of trainings for media and NGOs on monitoring the conflict of interest of public officials 23 Implementation of 14 Programs of			-Number of trainings, number of trainees -Specific programs which have been implemented (media campaigns, surveys, TV video, updated website in English etc.)		Partly completed See measure 20.

		the Commission which contribute to better implementation of law in the field of conflict of interest					
		20 Organization of trainings for state and local public officials			-Number of trainings, number of trainees		
		21 Organization of trainings for civil servants and state employees	KSSI		-Number of trainings, number of trainees	Budget Donors	Partly completed NGO CEMI ensured support in the development of a new data base adapted to the new Law. Priority programmes implemented: programme of education, developing of a new data base, preparing press clipping, printing 2 leaflets on conflict of interests. Time frame – starting from 2011
INTEGRITY							
12	Duty to adopt integrity plans in public	24 Adoption of the Law on Amendments to the Law on Civil Servants and	MIAPA, Government of Montenegro, Parliament of Montenegro	2011	Law on Amendments to the Law on Civil Servants and State Employees adopted		Not completed WG for developing the Law has been established. Time

	administration is regulated by law	State Employees with the aim of laying down the obligation to adopt integrity plans in public sector					frame - 2011.
		25 Adopt integrity plans in public sector	All public administration bodies	2011 Continuous	Integrity plans adopted, number of institutions		Partly completed. Customs administration, TA, MF and DACI have their integrity plans adopted. PD started the activities on the implementation of this measure. Time frame - 2011
		26 Build capacity of DACI to monitor implementation of provisions concerning integrity plans	MF, DACI	I Q 2011	Increased number of employees in DACI; technical equipment for integrity plans monitoring; Increased number of bodies whose activities in the field of integrity are monitored	Budget, Administrative capacities IPA 2010	Not completed Time frame - I Q 2011.
		27 Specialized trainings (gain new knowledge and skills in the field of integrity strengthening for: employee of the	HRMA, MF – CA, TA, PD, DSMLFT; Inspection services of competent departments	Continuous	Training program developed Number of trainings in the country and abroad	No attendance at trainings IPA 2009 Donors	Partly completed 32 trainings for civil servants have been organized: in CA, PD, TA, DSMLFT, Market inspections, ME, MOSDT. Only ME

		CA, TA, DFMLFT, internal auditors and inspection services)					adopted a special curriculum for training (for inspectors).
13	Recruitment, reward and merit based career systems are improved in the public sector by establishing objective criteria	28 Adopt the Law on Amendments to the Law on Salaries of Civil Servants and State Employees	MF	2011	Law on Amendments to the Law on Salaries of Civil Servants and State Employees adopted	Limited budget capacities	Not completed Time frame - 2011.
		29 Revise and change recruitment system in public administration (recruitment of civil servants and state employees) by introducing objective criteria and more advanced methods for testing the candidates	MIAPA, HRMA	2011	Law on Civil Servants and State Employees amended		Not completed Platform for developing the new Law on Civil Servants and State Employees is in its final stage. It will be followed by work on Draft Law. WG has been established. Time frame 2011.
		30 Improve job descriptions and criteria for the positions of civil servants and state employees in public administration by providing	MIAPA - HRMA in cooperation with public administration bodies	Continuous	Rulebooks on internal organization and job descriptions of public authorities amended		Partly completed HRMA established the Methodology for drafting documents on internal organization and systematization. The procedure for adoption of the new Rulebook on internal

		guidelines for updating the Rulebook on internal organization					organization and systematization of job positions in PD is in progress – changes are aimed at improving fighting against corruption and organized crime.
		31 Analyze the existing condition and propose objective criteria for advancement and reward of employees, with the aim of retaining the high quality staff and managing human resources (merit-based career system)	MIAPA, MF, HRMA	2011	Analysis prepared and objective criteria defined Brain drain reduced		Partly completed Time frame - 2011. See measure 29.
14	Codes of Ethics are fully implemented in entire public administration	32 Revise the Code of Ethics of civil servants and state employees and other individual Codes	MIAPA	1 Q 2011	Code of Ethics of civil servants and state employees adopted	Donors	Not completed Time frame - 1 Q 2011. See measure 29.
		33 Training of civil servants and state employees at the central and local level on the Code of Ethics,	HRMA, MIAPA All public authorities	2 Q 2011	- Program developed; - Number of trainings delivered at the central and local level - Number of signed statements on	Trainings not attended	Partly completed MIAPA, Administration for the games of chance, TA, CA, Institution for enforcement of

		including the obligation to sign the statement of acceptance of the Code of Ethics (during recruitment and once a year)			acceptance of the provisions of the Codes of Ethics against the number of employees in public administration		criminal sanctions and DACI organized trainings. TA and CA have their separate Codes of Ethics Time frame - IIQ 2011
		34 Ensure implementation of the Codes of Ethics through the work of disciplinary bodies and periodical checks of compliance with the Codes so as to ensure building the confidence of citizens as beneficiaries of services in service oriented public administration	MIAPA	Continuous	Annual reports on implementation of the Codes of Ethics prepared; Number of initiated proceedings on grounds of infringements; Number of imposed disciplinary measures		Not completed
		35 Publish decisions of the Ethics Committee and disciplinary bodies on the most frequent ethical dilemmas faced by civil	MIAPA	Annual (in IV Q) Continuous	Decisions and ethical dilemmas published on MIAPA website		Not completed

		servants and state employees					
15	Lobbying is regulated by law	36 Adopt the Law on Lobbying	MF, Government of Montenegro, Parliament of Montenegro	I Q 2011	Law adopted		Not completed Draft Law on Lobbying submitted to MF. Time frame - I Q 2011.
		37 Build capacity of DACI and MF for efficient implementation of the Law on Lobbying by increasing the number of staff positions and provision of technical conditions	MF, DACI	2 Q 2011	Increased number of employees Technical conditions in place	Budget IPA 2010	Not completed Time frame - 2Q 2011.
FREE ACCESS TO INFORMATION							
16	Regulations are harmonized in a way to make free access to documents of public importance a basic principle, and confidentiality of information an exception	38 Adopt the Law on Amendments to the Law on Free Access to Information - introduction of two instance proceedings; - clearly define misdemeanor	Ministry of Culture	I Q 2011	Amendments to the Law adopted with the aim of introducing two instance proceedings and clearly defining misdemeanor liability		Not completed Completion decline 1Q 2011 NO report from MC

		liability					
17	Administrative and technical capacity for the implementation of regulations on free access to information is developed	39 Trainings of staff – responsible for handling requests for free access to information in accordance with the case law and international standards	HRMA in cooperation with public bodies, NGOs	Continuous	Reduced number of second instance cases in relation to handling requests for free access to information	No attendance at trainings	Partly completed HRMA, PPD, GCA provided training for their staff, Appellate court, PD and PPD reported reduced number of second instance cases
18	Effective supervision of the implementation of regulations on free access to information is provided	40 Lay down the obligation of staff – responsible for handling requests for free access to information to submit quarterly reports to the second instance body (which monitors law implementation) on the implementation of the Law, reasons for denial of the free access to	Body responsible for monitoring implementation of laws, All public administration bodies, Administrative Court	I Q 2011	Regular quarterly reports submitted by public authorities to the second instance body responsible for monitoring - Number of granted requests - Number of dismissed requests, Number of requests with the same subject of one institution addressed to one or several public authorities		Not completed Administrative court in the reported period closed 315 cases: 181 requests granted, in 37 denied; in 87 cases the procedure suspended, 8 cases dismissed DACI, ME, Ministry of Sustainable Development and Tourism, MS, PD, CA, TA, Penitentiary institution submitted their statistics for the previous year Deadline 1 Q 2011.

		information and the railings of the AC					Second instance body to make an oversight of the implementation of the Law on Free Access to Information does not exist and there are no amendments to the Law.
19	Public authorities are transparent and show a culture of openness, enjoying citizens' absolute trust	41 Regular updating and availability of all data from the competence of public authorities and administrative authorities through: - Web presentation of institutions; - Development of electronic services adapted to citizens and business entities;	Parliament of Montenegro, All public administration bodies, Public institutions, NGOs	Continuous	- Updating web presentation of bodies and institutions, -Electronic system for servicing citizens and business entities in place	Budget for provision of electronic system Donors	Partly completed Parliament, PPD, ME, MSDT, MS, MF, Administration for Games of Chance, TA, CA, PD, Penitentiary institution and DACI reported they regularly update their web presentations. MIAPA created two electronic services for on-line ordering of birth certificates, certificates of MNE citizenship and certificates of residence, as well as on-line tracking of document issuance.

							ME: special mail addresses for communication with citizens MSDT: Plans to design an on-line service for citizens for issuing documents that this Ministry issues. TA: Designing of the data base of registered taxpayers under way DACI: Online corruption reporting. All authorities did not submit their information regarding this measure.
		42 Promote the culture of openness of public authorities, proactively publish information and encourage citizens to exercise their right to free access to	MCM, Body responsible for monitoring law implementation	Continuous	Reduction of requests for free access to information		Not completed We do not have a report for this measure. MANS submitted a report for this measure even though it is not a reporting entity.

		information					
PROTECTION OF PERSONS WHO REPORT CORRUPTION							
20	Institutional and legal framework governing protection of persons who report corruption ("whistleblowers") in both public and private sectors is improved	43 Analyze the need to adopt a separate law and improve mechanisms for protection against negative effects	MIAPA, DACI, PD	2010	Analysis of the need for adoption prepared, legislative framework amended		Partially completed WG made an overview of the legislation in force and submitted proposed measures for amending the Labour Law and the Law on Civil Servants and Employees to the line ministries in August 2010. WG for writing a draft Law on Civil Servants and Employees established (MIAPA)
		44 Expand the scope of protection to all employees	MLSW	2011	Labor Law amended		Partly realized MLSW: draft amendments for the Labour Law provide for this instrument.
		45 Build administrative capacity through specialization of employees involved in	MIAPA, HRMA, all public administration bodies, employer and competent bodies of employer	Continuous	- Number of training programs - Number of trainees		Partly realized PPD, ME, PD, TA, HRMA, DACI reported about trainings delivered to the employees in charge

		receiving and processing of corruption reporting cases, and protection of persons reporting corruption					of receiving and processing corruption reports and protecting persons reporting corruption.
		46 Regularly perform analysis of measures for the protection of persons reporting corruption and results of applied measures	DACI in cooperation with PD	Continuous	Six-month and annual reports which contain statistical indicators		Not completed DACI: regarding existing mechanisms for protection, reporting entities did not request their application, nor did PD officers estimate they need to be applied. PD: No activities
21	A two instance system for efficient corruption reporting is established in all institutions significant for anticorruption policies	47 Report on results of application of mechanisms for corruption reporting within the organization (internal control)	DACI, MIAPA, Customs Administration, Tax Administration	Continuous	Mechanism for corruption reporting inside the organization clearly defined, published and available; number of cases of corruption reporting presented by using this mechanism		Not completed DACI: Once adopted, the new Law on Civil Servants and Employees will enable reporting about the results of application of the mechanism for reporting corruption inside the organization. CA and TA established a help-line

							to receive corruption reports.
		48 Define the mechanism for reporting corruption to the second instance body if corruption reporting within the body failed to produce adequate results	MIAPA, DACI	Continuous	Mechanism for corruption reporting to the second instance body clearly defined, published and available; number of cases of corruption reporting presented by using this mechanism		Not completed After a new Law on Civil Servants and Employees is adopted.
22	Corruption reporting is an important source for detection and prevention of corruption	49 Promote channels for corruption reporting and protection mechanisms	DACI and other competent authorities	Continuous	Number of information campaigns, Annual public opinion surveys		Partly completed PPD, Administration for Games of Chance, TA, CA, PD, DACI, MANS, MH: reported on how they promoted the channels and ways for reporting corruption
		50 Promote good examples of corruption reporting (particularly if reporting had impact on prevention of punishable	DACI	Continuous	Six-month and annual reports which contain statistical indicators, Number of information campaigns, Annual public opinion	Donors	Partly realized Statistics reflecting an increased number of reports, campaigns and annual public opinion surveys.

		act, occurrence of damage or if it indicated complicated procedures which create room for corruptive practices)			surveys		
		51 Conduct campaigns in order to raise public awareness and encourage citizens (and specific target groups) to report corruption	Police Directorate, DACI in cooperation with NGOs	Continuous	Number of conducted campaigns Increased number of reported corruption cases	Donors	Partly realized DACI organized 3 campaigns In 2010 DACI received 140 reports on suspected corruption and the total of 98 in 2009.
PUBLIC FINANCE							
23	Public finance normative framework is fully	52 Proposal of the Law on State Audit Institution (amendments)	Committee for economy, finances and budget in cooperation with SAI	2010	Proposal of the Law on Amendments to the Law on SAI prepared and public debate organized	Budget	Not completed WG to analyse the EU Commission's recommendations and to propose new solutions for amending the Law on SAI .

	harmonized	53 Law on State Audit Institution (amendments) adopted	Parliament of Montenegro in cooperation with SAI	IQ 2011	Law on SAI adopted, harmonized with the Constitution of Montenegro (particularly in the part concerning hiring commercial audit firms to carry out audit of operations of municipalities and public enterprises, ensuring full financial autonomy of SAI etc.)	Budget	Not completed Activity scheduled for May 2011
		54 Proposal of the law or regulation on setting up the Audit Authority for external audit of IPA funds	SAI and MF, Government of Montenegro	2011	Proposal of the regulation for setting up Audit Authority to carry out audit of IPA funds in line with the SAA prepared	Budget IPA 2009 'Strengthening of External Audit in Montenegro'	Not completed WG for analysing and preparing proposals in line with the EC established, deadline for drawing up opinion with recommendations and modalities for adoption of legislation set for February 2011. Deadline for completing this measure is 2011.
		55 Adoption of the law on setting up the Audit	Parliament of Montenegro	2011	Law or regulation on setting up the	IPA 2009 'Strengthenin	Not completed Activity scheduled for

		Authority to carry out audit of IPA funds			Audit Authority to carry out audit of IPA funds adopted;	g of External Audit in Montenegro“	May 2011.
		56 Set up an autonomous Audit Authority outside the organizational structure of SAI	MF, Government of Montenegro,	2012	Independent audit authority outside the organizational structure of SAI.	Budget, administrative capacities IPA 2009 'Strengthening of External Audit in Montenegro“	Not completed Realization of this measure scheduled for the end of 2011 and at latest by the day when MNE requests transfer of management of EU funds. Deadline for completing this measure is 2012.
24	Public spending at national and local government levels is transparent, efficient and economical	57 Regular submission of annual audit report and individual audit reports to the Parliament of Montenegro	SAI	Continuous	-Increase in performance of audits of regularities and audits of cost-effectiveness, efficiency and effectiveness ; -Increased regularity in spending public funds through an increased scope of coverage of public spending by audit; -Increased	Budget, Lack of auditors in the labour market. Lack of funds to recruit auditors so as to coverage public spending audit.	Completed Completed audit of the annual balance sheet of the MNE Budget for 2009 and submitted to the Parliament. As provided in the Annual Audit Plan for 2010, SAI completed individual 13 audits.

					external control of all budget beneficiaries in spending public funds; -Increased financial and fiscal discipline in public spending		
		58 Presentation of SAI audit findings to the public through regular press conferences held after performance of audits	SAI	Continuous	-Number of press conferences held after performance of audits -Increased transparency of public spending	Budget	Partly completed In November 2010, SAI held a press conference on the occasion of releasing the Annual report on audits and activities for the period October 2009-October 2010.
		59 Hiring necessary auditing staff in accordance with the Rulebook on internal organization and job descriptions	SAI	2010-2011	- Competition for recruitment of new state auditors announced; increased capacity of SAI by recruitment of new auditing staff Recruitment plan to be adopted by 2012;	Budget Funds for recruitment of new auditors	Completed SAI adopted provisional plan for recruitment of auditors they budgeted for next year and as specified in its Rulebook on internal organization and job classification until 2012.
	Administrative, technical	60 Recruitment of staff in Audit Authority to carry out audit of IPA	SAI	2012	--Recruitment plan until 2012 adopted,	External funding -IPA 2009	Not completed After a regulation or a law on establishing

25	and resource capacity in the public finances sector is developed	funds	Ministry of Finance		-Competition for recruitment of staff announced, - Staff in the Audit Authority to carry out audit of IPA funds has been provided and recruited	Depending on the realization of the project of introducing of Decentralized implementation system (DIS) IPA 2009	the audit body for IPA funds is adopted, necessary staff will be recruited for that body. Deadline for completion is 2012.
		61 Education of auditing staff to carry out audit of IPA funds and audit of cost-effectiveness, efficiency and effectiveness	SAI	As of 2012 - continuous	-Number of delivered seminars and trainings for auditing staff under IPA project -Capacity built in public finances sector through the presence of auditing staff in possession of state auditor license and knowledge and skills gained in the field of audit	External funding-IPA 2009 Lack of funds for IPA 2009 GTZ	Not completed In the reported period the licence for auditors were granted to 12 civil servants, some of them work in other state authorities and institutions. GTZ organized a workshop on Regional dialogue between audit bodies on the topic of auditing IPA funds. Deadline for completion is 2012.

26	Effective control system is in place to overview disposal of public funds by budget spending units	62 Continuously control beneficiaries of budget funds	SAI	Continuous	Decreased number of irregularities in spending public funds -Number of controls of beneficiaries of budget funds -Number of identified irregularities	Budget	Completed The Annual audit report contains the excerpts from the audit of the MNE budget's balance sheet for 2009 but also the excerpts from 13 individual audits specifying the number of recommendations given and implemented
27	Efforts to suppress "grey" economy record progress	63 Report on tax revenues and number of registered taxpayers	Tax Administration/ Internal control at the TA	Continuous	- Report prepared	Budget	Completed The report for this reporting period prepared, delinquencies in the amount of 26.761.201,00€ collected via a phone contact
28	Efficient internal audit system in spending units is in place	64 Internal audit of budget funds of budget beneficiaries	Ministry of Finance	Continuous	Number of reports on budget audit, number of identified irregularities and number of recommendations, number of eliminated irregularities	Budget	Not completed Before the end of 2010 the regulations on internal organization and job classification adopted conducive to establishment of internal audit units in 18 spending units; staff recruitment of

					against given recommendation s		internal auditors for these units is under way.
29	Control audits in audit subjects are efficient	65 Continuously control and comply with recommendations from the findings of State Audit Institution	SAI	Continuous	-Control of regularity of the procedure for opening accounts of spending units at commercial banks and regularity of their operations -Increased compliance with and implementation of SAI recommendation s	Budget	Partly completed In the period July- December 2010, SAI completed one control audit at: - Employment Agency of MNE; SAI found that most of the recommendations from the Audit report for 2008 were implemented.
30	Risk analysis system in public finances is further developed	66 Education of the management staff and civil servants in all spending units to manage risks	SAI	Continuous	-Trainings plan developed; -Number of trainings for the management staff -Number of trainings for civil servants	Budget Insufficient funds	Partly completed The plan for training on risk management for SAI's managerial staff and civil servants in all spending units was not made. However, in cooperation with HRMA trainings on risk management delivered for managerial staff and civil servants in all

							spending units.
STATE PROPERTY							
31	Further implementation of the Law on State Property and development of secondary legislation governing state property	67 Prepare a six-month report on performance of the Directorate for Property and Protector of Property Law Interests of Montenegro	Directorate for Property, Protector of Property Law Interests of Montenegro	Continuous	Report on the use, management and disposal of assets and other goods belonging to Montenegro and affairs related to the protection of property prepared	Budget	Not completed Drafting of the Annual report on the performance of the Protector of Property Law Interests of MNE under way.
		68 Prepare secondary legislation needed for implementation of provisions of the Law on State Property	MF in cooperation with the Directorate for Property	2010-2011	Number of adopted pieces of secondary legislation	Budget	Completed MF adopted secondary legislation regulating this area and two more are in the pipeline. Directorate for Property adopted a new rulebook.
32	Administrative, technical, financial and institutional capacity is developed for an efficient implementation of relevant laws in order	69 Staff recruitment in accordance with the Rulebook on internal organization and job descriptions and training of new staff	MF in cooperation with the Directorate for Property and Protector of Property Law Interests	2010 Continuous	Increased number of employees at the Directorate and office of the Protector of Property Law Interests, recruited staff, number of newly	Budget Insufficient funds	Partly completed Staffing in compliance with the Directorate's rulebook was not completed to the full. One person was hired in 2010 and the recruitment of staff for the Directorate is still under way.

	to protect state property against all kinds of abuse				employed, total number of trainings, number of trainees against the number of newly employed		
		70 Building technical capacity by defining needs and purchasing necessary equipment	Directorate for Property, Protector of Property Law Interests of Montenegro	Continuous	Necessary equipment purchased in accordance with identified needs	Insufficient funds Donors	Partly completed Fully identified needs for purchasing equipment and – as a result - all offices of the Protector appropriately equipped and furnished. No report about this measure regarding the Directorate for Property.
CAPITAL MARKET							
33	Legislation in the area of banking, insurance and other financial services is harmonized with international	71 Harmonization of national legislation in the field of capital market with the relevant EU Directives – Law on Securities. 72 Law on Investment Funds 73 Law on Taking over Stock Companies	Ministry of Finance, Securities Commission, Insurance Supervision Agency	2011-2012	Laws harmonized in accordance with the Acquis Communautaire requirements Transposition tables prepared	Administrative capacities Twinning “Strengthening regulatory and supervisory capacities of financial regulators”	Not completed No reports about this measure Deadline for delivering on this measure is 2011-2012

	standards	74 Law on Voluntary Pension Funds				IPA 2008	Deadline for delivering on this measure is 2011-2012
		75 Insurance Law					Deadline for delivering on this measure is 2011-2012
							Not completed Activates to complete harmonisation of the Insurance Law with the Acquis started, particularly those focused on the field of solvency . Deadline for delivering on this measure is 2011-2012
34	System of registration, clearing and depositories is efficient	76 Development of the institution of depository (custody) of securities in accordance with international standards	Securities Commission	2012	-The system of custody licensing for open investment funds introduced; - Supervision by a foreign custody introduced		Not completed No report about this measure. Deadline for delivering on this measure is 2012

		77 Increased efficiency and certainty of reconciliation and security of data protection, registration and reconciliation of transactions	Securities Commission	2012	- Clear procedures prescribed for ownership transfer based on non-market transactions (gift agreement, enforcement decision) and also based on termination of agreement.	Budget SC	Not completed No report about this measure. Deadline for delivering on this measure is 2012.
35	Institutional position of stock exchanges is further strengthened and international cooperation developed	78 Development of information system of participants on the capital market by increasing efficiency and reliability of IT systems of the Securities Commission, CDA and all participants on the capital market	Securities Commission	2010 Continuous	IT system upgraded	Insufficient funds Budget SC Donors	Partly completed IT upgrading is under way in SC and CDA .
		79 Signing bilateral memorandums of understanding with international partners	Securities Commission	Continuous	- Reporting on implementation of MOU with IOSCO - Number of requests to access information under MoU	Number of transactions involving internationals – requirement to have enhanced international cooperation. Budget SC	Not completed No report about this measure

		80 Signing memorandums of understanding with national institutions and intensifying cooperation under already signed memorandums	Securities Commission	Continuous	- Number of signed MoUs - Memorandum signed with the Central Bank of Montenegro and Insurance Supervision Agency - Memorandum signed with the Police Directorate – Division for Combating Financial Crime - Reports on implementation of bilateral agreements	Provisions on bank secrecy that impede exchange of information relevant for investigating abuses and preventing them in the capital market - including collection of information on transactions to and from the clients' accounts.	Not completed No report about this measure
36	Financial reporting of participants in the capital market is improved	81 Improvement of financial reporting of authorized participants (companies, investment funds), establishing public information library	Ministry of Finance, Securities Commission	Continuous	- Regular reporting by Securities Commission in order to better inform participants on the market - Public information library is	No	Partly completed MF: 79 sanctions for failure to act in compliance with the reporting requirement SC: Amended rulebook on contents, deadlines and manner of financial reporting

					prepared and regularly updated - Number of misdemeanor sanctions due to failure to act in accordance with reporting requirements		of the SC reporting entities, information brochure with more than 8,000 financial reports published
PRIVATE SECTOR							
37	Business barriers are eliminated	82 Development of the new Action Plan for the reform of business environment	Council for regulatory reform and improvement of business environment	IV Q 2010	New Action plan for the reform of the business enabling environment	Budget and IPA 2008 „Improvement of business environment for SMEs“	Partly completed The draft AP for the reform of enabling business environment prepared.
		83 Implementation of the Law on Improvement of Business Environment	Council for regulatory reform and improvement of business environment	Continuous	Report of the Council for regulatory reform and improvement of business environment	Budget	Partly completed The Law on Improvement of Business Environment was adopted with a view to cut back the costs for certain administrative procedures.
38	The project “Guillotine of Regulations” is successfully implemented	84 Implementation of the Action Plan for Implementation of the Regulatory Reform Strategy	Operational team of the Council for regulatory reform and improvement of business environment	IQ 2011	Report drafted and submitted to the National Commission	Budget	Not completed No report about this measure. Deadline for delivering on this measure is 2011.

39	Public-private partnership is efficient and mutual confidence is developed	85 Sessions of the Council for Regulatory Reform and Improvement of Business Environment are held	Council for regulatory reform and improvement of business environment	Continuous	Number of accepted recommendations given by private sector.	Budget	Partly completed Ongoing meetings discussing improvements of business procedures particularly: construction permissions, tax payment, execution of contracts and real estate registration. In the period to come the priority will be the adoption of the draft Law on Execution and Security.
40	Fight against corruption in the private sector is more efficient	86 Report on prevention of corporate corruption	Business association / MNE Chamber of Commerce, MBA, EFM/ in cooperation with DACI and NGO	Continuous	- Report prepared - Number of recommendation - Number of round tables; - Plan of activities		Partly completed Three round tables addressing the topic of "Code of Ethics in companies with the function of reduction of corruption", and promotional materials were disseminated. Agreement on cooperation signed between DACI and Chamber of Commerce of MNE.

II AREAS OF PARTICULAR RISK							
PRIVATIZATION PROCESS							
41	Regulatory and institutional system is established for monitoring the implementation of privatization contracts, while greater transparency of the process is ensured	87 Establish the system for control of investments in privatized companies and fulfilment of contractual obligations	Ministry of Economy Privatisation Council	2010	- System for control of investments in privatized companies and fulfilment of contractual obligations established	Budget	Completed The system established after the appointment of the consortium led by the School of Economics from Podgorica that will prepare the report for the Council and the Government. Also, teams to control the companies that were not covered by the report of the School of Economics appointed.
		88 Prepare reports on implementation of privatization contracts	Privatisation Council	2010 Continuous	- Number of prepared reports - Set up a data base on privatized companies	Budget	Partly completed Reports prepared and once adopted by the Privatisation Council they will be available at the web site of the PC
		89 Ensure access to information on privatization contracts in accordance with the Law on Free Access to Information	Ministry of Economy Privatisation Council	Continuous	- Number of granted and denied requests out of total number of requests - Number of requests dismissed by	Budget	Partly completed Privatisation Council: 170 requests received, 9 denied because PC did not have information, 5 dismissed by Administrative Court;

					Administrative Court		Ministry of Economy: 4 requests received, all granted. ME released 6 contracts and their annexes. It also applies to all other requests that the public made through ME's PR.
		90 Continuous training of persons responsible for rendering decisions on access to information	Ministry of Economy, Privatisation Council HRMA	Continuous	Number of trainings	Budget	Partly completed PC and ME staff in charge of implementing the Law participate in all trainings that are organized and provided for civil servants.
		91 Regularly publish press releases and public invitations for tender procedures	Privatisation Council	Continuous	Number of press releases and public invitations at the web-portal of Privatisation Council	Budget	Completed Privatization Council published 4 public invitations at its web-portal. Also, there is an ongoing activity of publishing press releases.
42	Work of the Committee for Monitoring and Control of the Privatization	92 Regular meetings of the Committee for Monitoring and Control of the Privatization Process	Committee for Monitoring and Control of the Privatization Process	Continuous	Number of Commission's meetings, number of requests to institutions in	Budget	Partly completed In 2010 the Commission considered 5 privatizations and held 3 sessions – 6

	Process is efficient				charge of privatization and the number of received answers, number of consultative hearings and recommendations and the level of implementation of recommendations		meetings. In addition, there were no consultation or control hearings. There were 9 requests addressed to institutions and to all 9 the Commission replied.
43	Public participates in designing and implementing privatization strategies for enterprises of special interest to the public, particularly in the area of transport, tourism and energy	93 Organization of public debates on plans and strategies for privatization of enterprises of strategic relevance, especially in the field of energy, transport, tourism and privatization of public enterprises	Ministry of Economy, Ministry of transport Maritime Affairs and Telecommunication s, Ministry of Agriculture, Ministry of Spatial Planning and Environment, Privatisation Council;	Continuous	Reports on the number of organized public discussions; number of participants, number of objections, numbers of approved versus refuted objections; a way in which the participant to discussions received a feedback information on approving or refuting their comments.	OSCE	Partly completed II conference in cooperation with the OSCE was held aiming at enhancing transparency of the privatization process; more than 100 participants, held at the School of Economics in Podgorica. In cooperation with OSCE preparations under way to organize the third conference on enhancing transparency of the privatisation process in the companies that have a strategic importance.

PUBLIC PROCUREMENTS							
44	Legislative framework is enhanced in order to achieve full compliance with European standards in this area and ultimately make public procurement procedure fully efficient, competitive and transparent	94 Law on Public Procurement with incorporated provisions of EU regulations in the part of the sector concerning utility services and the field of the protection of rights	Public Procurement Directorate (PPD), Public Procurement Commission and Ministry of finance	2011	The Law adopted – incorporated provisions in the Law and their implementation in practice through the statutory reporting obligation in compliance with the Law	IPA 2007 “Further development of public procurement procedures in Montenegro“	Partly completed A new draft of the Law on Public Procurement completed.
		95 Secondary legislation and other regulations for implementation and other documents			Adopted by-laws.	IPA 2007 “Further development of public procurement procedures in Montenegro“	Not completed Preparing the first text of the draft Law with appropriate preparation of by-laws and forms for public procurement procedures. Deadline for delivering on this measure is 2011.
		96 Strategy for the Development of Public Procurement System for the period 2011-2014			Adopted strategy	IPA 2007 “Further development of public procurement procedures in Montenegro“	Not completed Strategy for the development of public procurement system in Montenegro for the period 2011-14 will be adopted in 2011. The draft written for a part of the strategy for

							public procurement in Montenegro which is focused on the training system for the next four years. Deadline for delivering on this measure is 2011.
45	Administrative capacity of both competent authorities and spending units is developed, particularly in relation to anti-corruption measures and strengthening of integrity	97 New act on internal organization and job descriptions of the Public Procurement Directorate	Public Procurement Directorate	2011	Job classification and the staff number in compliance with competencies and the EU recommendations		Not completed Deadline for delivering on this measure is 2011.
		98 New act on internal organization and job descriptions of the Commission for the Control of Public Procurement Procedures	Public Procurement Commission	2011	Job classification and the staff number in compliance with competencies and the EU recommendations		Not completed After the new Law on Public Procurements is adopted, the need to adopt a new rulebook on internal organization and job classification of the PPC will be considered. Deadline for delivering on this measure is 2011.
		99 List of officers for public procurement of contracting authorities	PPD	2011	The List published at the web site of the PPD.		Not completed Deadline for delivering on this measure is

							2011.
		100 Setting up and start of operation of the Help Desk for advisory and consulting services	Public Procurement Directorate	From 2011 Continuous	Reports about the work of the Help-desk related to the number of delivered services		Not completed Deadline for delivering on this measure is 2011.
		101 Setting up a separate group or job position for reporting irregularities	Public Procurement Directorate	From 2011 continuous	- Set up a portfolio/group to report on irregularities - Reporting about irregularities pertaining to public procurement procedures through Annual report on public procurements	- Administrative capacities -Budget	Not completed Deadline for delivering on this measure is 2011.
46	Electronic public procurement system is in place	102 Adopt secondary legislation for setting up the electronic system for public procurement	MF PPD Commission	2012	-Legislation adopted, enforcement date determined -Improved software solution for the system of public announcements		Not completed Deadline for delivering on this measure is 2012.
47	Sustainable system of	103 Adopt legislation and define training modules	MF PPD	2011, continuous	Legislation adopted, modules defined, trainings provided		Not completed Deadline for delivering on this measure is

	professional training and advancement in the public procurement field established				in compliance with the legislation and the modules		2011.
		104 Regulation on the program and manner of taking exam in the field of public procurement	PPD and MF	2011	Legislation adopted – conditions provided for delivering exams for license in field of public procurement		Not completed Deadline for delivering on this measure is 2011.
		105 Setting up the Commission for Taking Exams	Public Procurement Directorate	Form the second half of 2011 continuous	- Commission established - Number of exams organized - Number of candidates who passed the professional exam - Record of exams kept regularly	Administrative capacities -Budget	Not completed Deadline for delivering on this measure is 2011.
SPATIAL PLANNING							
48	Legal framework governing the issuance of building and occupational	106 Amend the Law on Spatial Planning and Construction of Structures	Ministry of Spatial Planning ad Environment (MSPE)	IV quarter 2010	Defined draft amendment to the Law on Spatial Planning and Construction	- IPA 2010 (Eurokodov) Budget funding	Not completed Proposed streamlining procedures for meeting spatial and technical requests for building license.

	permits is improved as well as the transparency of work and access to the information held by cadastral units						
49	Administrative and human capacity of inspection services is developed	107 Fill envisaged vacancies for inspectors positions	MSPA	Continuous	- Number of inspectors recruited and the level to which systematized posts for inspectors are filled.	Lack of financial means Budget funding	Partly completed In 2011 there were 3 inspectors hired in the inspection for spatial protection and 2 in the inspection for spatial planning
		108 Provide incentives for inspectors` work			- Budgetary allocations for incentives	Budget funding	Realized The Government adopted the decision on 30% bonus on salaries
		109 Training of inspectors			- Number of trainings	Budget funding	Realized Inspectors attended 16 seminars in 2010
		110 Improve working conditions for inspectors and application of information system			- Improved conditions, more cars for inspectors, computers and other equipment	Budget funding LAMP project	Partly realized The purchase of IT software for inspection and provision of appropriate conditions under way.
50	Efficient	111 Lay down clear	MSPE	2010	- Defined	Budget	Realized

	detection and prosecution of corruption and illegal construction	and precise procedures for reporting illegal construction			procedures for reporting illegal construction procedure	funding	Form/template for reporting illegal construction and procedure for reporting have been published on the web-site of the Ministry. Opened help-line for reporting cases of illegal construction.
		112 Define and publish activities plans of inspections and reports on performance of inspections			- 2010 and continuous	Budget funding	Realized Cumulative reports and the inspection plan published on the Ministry's website.
		113 System of the control of inspectors' performance in place			2010	Budget funding	Not completed
51	Sectoral Action Plan is monitored and is harmonized with the national Action Plan	114 Preparation of the report on implementation of the Action Plan for fight against corruption in the field of spatial planning and construction of structures	MSPE in cooperation with bodies that are in charge of AP	Every six months	- The Government adopted the report on realization of the AP for fight against corruption in the field of spatial development and construction.		Not completed
EDUCATION							

52	Recruitment in all educational institutions is based on objective criteria and transparent procedures	115 Reporting on advertised vacancies and reporting on the selection of candidates to the competent professional bodies of educational institutions	Ministry of Education and Science All educational institutions Education inspection	Continuous	Quarterly report on the number of advertised vacancies against the number of employees in educational institutions submitted to the educational inspection - Integrated quarterly report of educational inspection regarding all advertised vacancies and employees submitted for insight of the Secretary of the MES	Budget funding	Not completed
		116 Define clear criteria internal criteria for the selection of candidates during recruitment	All educational institutions	Continuous	Reports of educational institutions on recruitment prepared on the basis of provisions of the Rulebook on traineeship of teachers	Budget funding	Not completed

		117 Define the Code of Ethics	Work group for drafting the Code of Ethics, National Council for Education	2011	Draft experimental Code of Ethics prepared by the working group and adopted by the National Council for Education	Budget funding	Not completed Deadline for delivering on this measure 2011.
		118 Education of principals on the preparation of criteria for the development of and compliance with the Code of Ethics	Ministry of Education and Science, Bureau for Education, Centre for Vocational Education	September 2010 – September 2012.	Number of seminars organized for the needs of training principals in developing and implementing the Code of Ethics Number of principals who participated in the training	Budget funding Lack of funds 40000 €	Partly completed One seminar organized; attended by 35 schoolmasters from the capital city
53	Decision making procedures on all rights and duties of all actors in education process is transparent and objective, particularly when it comes	119 Organize lectures, seminars, workshops on the notion of corruption so as to build capacity of public administration and employees in educational institutions with regard to the notion of corruption	MES, Bureau for Education, Examination Centre, Centre for Vocational education, BTTA, BISTCC, DACI, HRMA	Continuous	Number of lectures, seminars, workshops Number of participants at lectures, seminars and workshops	Budget funding Lack of funds, budget: 30 000€	Partly completed One seminar organized: attended by 35 schoolmasters from the capital city.
		120 Improve criteria for	MES, student	By the end of 2010	Updated	Budget	Partly completed

	to decisions on the standard of students at all levels of education	award of scholarships and credits and admittance of students and pupils to dormitories so as to achieve their full transparency and objectivity	residence halls and associations of students and pupils		Rulebook on criteria, manner, conditions and amount of fee for exercise of the right to accommodation, student credit, scholarship and share in payment of transportation are published and prepared	funding	Updated rulebook adopted and published
		121 Public disclosure of the ranking list on award of pupil and student scholarships, credits and admittance to dormitories	MES, student residence halls	Once a year in September and October	Ranking lists on awarded pupil and student scholarships, credits and admittance to dormitories published on the website of the Ministry of Education and Science, in the magazine „Educational Work“ and at least one print daily newspaper	Budget funding 1.000 €	Completed Rank list published on the website of MES, in „Prosvjetni rad“ and in daily the „Pobjeda“.
54	Teaching process and the knowledge	122 Development of the knowledge standards, at all levels of students' achievement	Bureau for Education, Examination Center, Center for Vocational	Continuous	Knowledge standards developed in the framework of curricula,	Budget funding Lack of financial	Partly completed Catalogues for school leave examination in vocational schools

examination and evaluation system for students is of high quality		education, National Council for Education.		adopted by the National Council	means.	published in 2010/2011, the catalogue concerns 13 fields of professional education, 18 educational profiles and the total of 54 practical-theoretical modules. Catalogues for junior Matura examination published. Instructions for national competitions for the 2010/2011 school year published. Adopted training programs which are carried out in 2010 and delivered by the Bureau for Education.
	123 Harmonization between grading criteria and education on grading criteria	Bureau for Education, Examination Center, Center for Vocational education	Continuous	Report on the number of seminars and number of participants of seminars that are dedicated to the issue of grading criteria	Budget funding Teachers' motivation Lack of funds	Partly completed Bureau for Education organized 2 seminars with 60 teachers participating in them.
	124 Organize seminars and educational	Bureau for Education,		Report on the number of	Budget funding	Partly completed

		workshops for teachers on monitoring the quality of performance, knowledge examination and evaluation system	Examination Center, Center for Vocational education	Continuous	seminars on monitoring of the quality of performance, knowledge examination and evaluation system	Teachers' motivation Lack of funds	Bureau for Education delivered 2 seminars where 60 teachers participated.
		125 Set up center for quality assurance in every higher education institution	Institutions for higher education	2011	Number of established centers in higher education institutions	Budget funding Administrative capacities -IPA funds 2007 NQF	Partly completed Center for studies and quality control established for University and for private institutions quality assurance teams were formed. The obligation concerning this shall start as of 2011.
		126 Conduct a series of thematic media campaigns with the aim of preventing corruption	MES, Bureau for Education, Examination Center, Center for Vocational education, BTTA, educational institutions and institutions of higher education	Continuous	Report on conducted media campaigns which will contain information on print material, number of videos, radio and TV broadcasts devoted to the prevention of corruption in education	Budget funding Lack of financial means. Earmarked funds for a year: 15.000 € Donors	Not completed

		127 Setting up a separate phone line for reporting corruption cases	MES	2010	Report on the separate phone line, including data on the number of reported corruption cases and actions taken accordingly	Budget funding Lack of financial means.	Partly completed MES introduced a separate phone line and it is expected to start in January 2011..
		128 Organization of the campaign, printing and promotion of posters, flyers and brochures on objective grading of pupils and students and the possibility of corruption	MES, Bureau for Education, Examination Center, Center for Vocational education, BTTA, educational institutions and institutions of higher education	Continuous	Report on conducted media campaigns which will contain information on print material, number of videos, radio and TV broadcasts devoted to the prevention of corruption in education	Lack of financial means. Allocated funds 4.000 € Donors	Not completed
55	There is greater participation of parents, teaching staff, and civil society in planning and implementing measures for fight against	129 Carrying out and delivery of surveys on forms, causes and mechanisms of corruption	MES, educational institutions and institutions of higher education, specialized research agency	2011	Survey conducted at all levels of education and results presented.	Lack of financial means. Allocated funds 1.000 € Donors	Not completed Deadline for delivering on this measure 2011.
		130 Lectures, seminars, educational workshops for parents, teachers and NGOs representatives	Bureau for Education, Center for vocational education, Parent councils, teachers	Continuous	Number of organized lectures, seminars, workshops	Donors	Not completed

	corruption in education system.				Number of participants at lectures, seminars, workshops		
		131 Involvement of parents and NGO representatives in monitoring implementation of activities from the Action Plan	MES, parent councils, NGO sector	By the end of 2010	Number of representatives of parents and NGO sector involved in the working group for monitoring implementation of the Action Plan	Budget funding Lack of parents' representatives and NGOs to take part in WG activities	Partly completed Established work group with one member from NGO sector.
56	Clear procedures are established for accreditation and re-accreditation of educational institutions and for prevention of operation of non-licensed educational	132 Compliance with procedures for accreditation and re-accreditation of educational institutions and curricula under laws in the field of pre-school, elementary, secondary and higher education and rulebooks governing this field	MES Council for higher education	Continuous	-Rulebooks which more closely define procedures for establishment of institutions and procedure of accreditation and re-accreditation of higher education institutions available on the website of the MES -Updated list of licensed educational		Completed The Council adopted acts on procedures for accreditation and re-accreditation of the institutions of higher education, MES regularly updates the list of licensed institutions of higher education.

	institutions				institutions and higher education institutions permanently available on the website of the MES		
		133 Coordination between competent authorities in preventing non-licensed educational institutions to engage in educational activity	TA Education inspection,	Continuous	Number of closed institutions Number of reports on controls that have been conducted	Budget funding Impossible to get timely information o non-licensed and non-accredited institutions	Partly completed All branch offices of the TA conduct control of educational institution and monthly reports are made on the work of the unit for inspection.
57	Institutional and legal framework for a more effective control of integrity of teaching and administrative staff is strengthened	134 Development of Integrity Plan of an institution	MES,DACi Educational institutions and institutions of higher education	2012	Integrity Plan for educational institutions developed	Budget funding - Lack of capacities and knowledge for drafting the plan -Lack of financial means	Not completed Deadline for delivering on this measure 2011.
		135 Reporting on implementation of measures from Integrity Plans at all levels of education		2012	-Reports prepared and delivered to MES		Not completed Deadline for delivering on this measure 2011.
58	Transparent	136 Submission of	MES, all educational	Once a year, as of	Number of		Not completed

	overall financial and resource operations	annual financial statements of all educational institutions to the Ministry of Finance	institutions and institutions of higher education	2011.	institutions which submitted their financial statements to the Ministry of Finance		Deadline for delivering on this measure is end of February 2011.
59	Sectoral Action Plan is monitored and is harmonized with the national Action Plan	137 Harmonize sectoral AP with the national Action Plan	MES	By the end of 2010.	Sectoral AP harmonized with the national AP		Completed Sectoral AP harmonized with National AP.
		138 Reporting on implementation of AP for fight against corruption in the field of education	MES	By the end of 2010.	Report on implementation of AP submitted to the National Commission		Completed MES prepared a report on implementation of the AP.
HEALTH							
60	Codes of Ethics are implemented and controlled	139 Organizing periodical trainings on implementation of the provisions of the Code of Ethics	Continuous Chamber of Medical Doctors	2010 – Continuous	Number of trainings/Number of trainees	Insufficient staff/trainings for the implementation of the Code of the Chamber of Medical Doctors, Donors	Not completed
		140 Efficient initiation and conducting of disciplinary proceedings due to infringements of the Code of Ethics	Chamber of Medical Doctors		-Number of proceedings, -Number of medical staff that violated the Code of Ethics	Sloppy proceedings	Partly completed 5 disciplinary proceedings initiated against 5 medical workers

61	Administrative and institutional capacity of public health is improved, as well as the quality of health care services, patient safety, and equal access to health care	141 Introduction of information and communication technologies in health care institutions for the purpose of improving and controlling the quality of data and indicators of the quality of performance	MH , HIF <u>Partners:</u> PHI	2010- Continuous	Number of institutions in which IT has been introduced Monitoring performance of the health care system supported by IT	Budget funding WB loan Lack of means for introducing IT in health institutions.	Partly completed Out of 32 public health institutions in MNE. The IT system introduced in 26 of them.
		142 Define procedures and interventions for putting on the waiting lists	MH HIF	2010- Continuous	Number of defined interventions and procedures	Budget funding Non-transparent data for making waiting lists	Partly completed Waiting list made for cardiac surgeries
		143 Daily update of waiting lists	MH <u>Partners:</u> PHI	2010- Continuous	Number of defined interventions and procedures	Limited administrative capacities and technical resources	Not completed
62	Parallel engagement of health workers in both public and private sectors is restricted and illegal payment for	144 Adoption of secondary legislation for implementation of the Law on Health Care and Law on the Protection of Patients' Rights	Ministry of Health	2010-2011	Secondary legislation adopted	Limited administrative capacities	Partly completed Draft rulebook on extra work of medical staff in the network of medical institutions and the regulation on criteria for concluding contracts on medical services and payment for medical services. .

	health services suppressed	145 Recognition and respect for the rights of patients in the field defined under the law	MH <u>Partners:</u> PHI, NGO, Chamber of Medical Doctors and Chamber of Pharmacies	2010- Continuous	Number of conducted information campaigns, number of TV broadcasts, prepared brochures available to patients in health care institutions	Donors Lack of financial resources Donors	Partly completed Considerable number of health information events and campaigns organized. Brochures about to be published.
		146 National survey on corruption in the health care sector	MH UNDP, WHO	2010.	National survey, results and reports completed, analysis of the results of national survey on corruption in the health care sector	UNDP Budget funding Reliability of the results of national survey 27 500 € UNDP	Partly completed Survey of integrity of health system completed in December 2010, the results presented in March 2011.
		147 Development and regulation of professional norms and standards which improve the quality of performance and patient safety	MH <u>Partners:</u> PHI, Chamber of Medical Doctors	2010.	Regulation on professional norms and standards adopted	Limited human resources WB loan	Not completed
63	Public procurement in the health sector is	148 Submission of reports on the quality of public procurement system to the MH	MH <u>Partners:</u> Agency for medicines and medical devices.	2010- Continuous	Number of submitted annual reports on public procurement in	Limited human resources for monitoring	Completed Deadline for delivering on this measure February 2011.

	transparent, with an adequate level of control in place		PHI, HIF		the health care sector	reporting in the system of PP	
64	Sectoral Action Plan is monitored and harmonized with the national Action Plan	149 Report on implementation of measures from the sectoral Action Plan	MH	2010- Continuous	Six-month reports submitted to the NC		Completed Report on implementation of measures from the sectoral AP finished and submitted to the NC
LOCAL SELF-GOVERNMENT							
65	Local Action Plans are harmonized with sectoral AP and the Strategy for Fight against Corruption and Organized Crime and AP	150 Coordinated work between the Commission for monitoring implementation of AP for fight against corruption at the local level, Union of Municipalities of Montenegro and President of working groups in municipalities in harmonizing local APs	MIAPA, municipalities, Union of municipalities of MNE	2010-2011	Number of workshops held in local government units on harmonization of the local AP with the Strategy Number of harmonized APs with the Strategy	Budget funding	Not completed
66	Local action plans are monitored	151 Report on implementation of local APs	Commission for monitoring the implementation , AP, NGO	Continuous	- Reports on implementation - number of conferences held	Budget funding	Partly completed 12 LGUs regularly submitted reports on implementation of local APs, 4 LGUs held conferences

67	Level of responsibility and professionalism at local government level is improved	152 Ensure free access to information	MIAPA Local self-government bodies, Union of Municipalities, the Union of Municipalities of Montenegro	Continuous	- Number of granted and dismissed requests against the number of submitted ones - Reports and information are published on the website of municipalities, they are regularly updated	KFW - Netherlands IPA 2008 Support to the local government reform	Partly completed 12 municipalities submitted report on allowing free access to information
68	Internal and external control of the work of local government units is strengthened	153 Control by competent working bodies of the Municipal Assembly with regard to budget execution and earmarked spending of funds	Municipal council	Continuous	Report on oversight of budget execution and earmarked spending of funds		Partly completed 13 municipalities submitted report on oversight of budget execution for its review
		154 External audit of financial operation of municipalities	SAI	Continuous	SAI's report		Partly completed Audit of balance sheet of Herceg Novi municipality for 2009 completed.
		155 Reporting on	Council for	Continuous	Annual report on		Not completed

		performance of the Council for Development and Protection of Local Government	Development and Protection of Local Government, Union of Municipalities and MIAPA. Municipality and MIAPA		performance of municipal Councils		Councils established in 11 municipalities.
69	Ethical standards are applied in local government	156 Adoption of Codes of Ethics in assemblies of the local government units (LGU)	Parliament, LGU	2010-2011	Number of adopted Codes of Ethics		Completed All LGUs adopted codes of ethics.
		157 Setting up Ethics Committees	LGU, UoM and MIAPA	2010-2011	Number of established Ethics Committees		Partly completed 11 LGUs formed ethics committees.
70	Process of planning, adoption and implementation of regulations is transparent, and the citizen participation principle is observed	158 Organize public debates and round tables on draft laws and municipal acts	MIAPA, UoM and bodies of LGU	Continuous	Number of public debates and round tables relative to adopted acts	IPA 2010 (NTS)	Partly completed Public debates held in 7 LGUs.
		159 Deliver trainings on writing the Terms of Reference	MES, HRMA in cooperation with MIAPA. In cooperation with MIAPA, LGU and NGO.	Continuous	Number of delivered trainings Number of approved projects against the number of projects filed with donors	IPA 2007 CBC	Partly completed Trainings for LGUs organized, teams for project management established, high percentage of projects approved
		160 Promote the institute "empty chair" in LGU assemblies	UM and LGU assemblies NGOs	2010-2011	Number of promotional campaigns of	Donors	Not completed LGUs defined modalities for the

					LGUs and NGOs regarding promotion of the principle of participation		participation of NGOs in local councils by means of the institute "empty chair". Necessary to promote this institute further.
71	Creating conditions for and encouraging citizens, civil society and private sector to get involved in the fight against corruption at the local level.	161 Improve cooperation between citizens and local government bodies	Union of Municipalities of Montenegro in cooperation with NGOs and municipalities	Continuous	- Number of joint meetings - Number of initiatives of citizens and NGOs	Donors	Partly completed 8 LGUs improved their websites and made guidelines for citizens whereby they improved cooperation with citizens; 5 meetings held.
CIVIL SOCIETY, MEDA AND SPORT							
72	Efficient cooperation between public authorities and non-governmental organizations, particularly in the field of implementation of anti-corruption activities	162 Conduct campaigns aimed at achieving greater and more efficient public involvement in the fight against corruption	DACI in cooperation with public authorities, Office for Cooperation with NGOs, and NGOs	Continuous	Number of undertaken joint activities Reports on conducting public campaigns Number of prepared informative materials	Government of the Kingdom of Norway Donors IPA 2009	Partly completed Three joint campaigns with NGOs and other state bodies.
73	Financial	163 Publish annual		Continuous	- Number of		Not completed

	operation of non-governmental organizations is transparent.	financial statements of NGOs	Commercial Court – CRCC		reports published on the Commercial Court website; Analysis on NGOs statements prepared		
		164 Amend legal framework which regulates establishment of NGOs and audit of their financial operations, so as to prevent potential abuse of NGO status	MIAPA MF Office for Cooperation between the Government and NGOs	2011	Legal framework amended Transparency of NGO operations improved		Not completed „Analysis of the NGO-relevant regulations in force”. Deadline for delivering on this measure 2011.
74	Establish clear criteria and procedures for allocation of funds from the budget to the non-governmental organizations at the central and local level guaranteeing transparency of the procedure, including	165 Adopt new decree on criteria for defining beneficiaries and manner of distribution of revenues generated from chance games	MF in cooperation with the Commission for the Distribution of the Part of Revenues Generated from Chance Games	2010	- Decree adopted		Completed Decree adopted.
		166 Implementation of the decree	Commission for the Distribution of the Part of Revenues Generated from Chance Games	Continuous	Report of the Commission on performance, distribution and control of earmarked spending of allocated funds		Completed Report (information) on the work of the Commission submitted to the MF.

	control of spending donated funds.						
75	Improve investigative journalism and more actively involve media in implementation of anti-corruption campaigns.	167 Education of media about corruption, organized crime and investigative journalism	Media Institute, NGOs from the media field	Continuous	Number of seminars Number of participants	Donors	Not completed
76	Ensure full freedom of objective reporting on corruption cases, including compliance with regulations and Journalist Code of Ethics.	168 Report on implementation of the Journalist Code of Ethics	Journalist self-regulatory body	Continuous	- Report prepared - number of recommendations		Not completed
		169 Improve cooperation of public authorities and media and information flow so as to assist more objective informing of the public in an open and transparent conduct of public authorities	All ministries Police Directorate Customs Administration Tax Administration DACI, Media Institute	Continuous	- Reports of spokespersons of Ministries and public administration bodies - number of press conferences for journalists	Budget funding	Partly completed MSPE held 30 press conferences and published 120 press releases. In 2010, 351 information on CA and 321 on DACI, and 4 CA's conferences and 5 of those of PD.
77	Intensify the process of participation	170 Organize public debates and round tables on draft laws	Line ministries	Continuous	Number of public debates and round tables	Budget funding	Partly completed MSPE and ME

	of citizens and other stakeholders in public debates of legal projects						reported that they organized public debates about draft laws.
III PREVENTION OF CORRUPTION IN LAW ENFORCEMENT AGENCIES							
PREVENTIVE MECHANISMS FOR THE SUPPRESSION OF CORRUPTION IN THE POLICE							
78	Improved regulatory framework in order to enhance police performance and actions in the field of suppression of corruption	171 Adoption of the Law on Police and relevant secondary legislation	MIAPA Police Directorate	2010- 2011	Law on Police and relevant Secondary legislation adopted	Budget funding	Not completed First draft of the Law on Police delivered to the MIAPA
		172 Adopt amendments to the Rulebook on organization and job descriptions			Amendments to the Rulebook on organization and job descriptions adopted	Budget funding	Partly completed PD delivered proposed amendments to the MIAPA
		173 Adoption of secondary legislation in accordance with the Law on Border Control			Secondary legislation adopted in accordance with the Law on Border Control	Budget funding	Partly completed Decree on the standards and requirements to be met by the BP. 9 rulebooks drafted.
		174 Development of the Strategy of Development and Functioning of the Police for the period 2011-2013 .			The Strategy of Development and Functioning of the Police for the period 2011-2013 adopted	Budget funding	Completed The Strategy adopted in December 2010

79	Strengthened administrative, technical and resource capacity of departments engaged in suppression of corruption	175 Increase the number of employees dealing with prevention of corruption criminal offences	Police Directorate	2010- 2012	Increased number of employees	Budget funding Budget	Not completed Completion of this Measure expected in 2011
		176 Define the need and purchase necessary equipment for improvement of performance of the department			Needs for equipment defined Equipment purchased	IPA 2007, Interpol, SEPCA	Partly completed Equipment for conducting investigations and application of SSM and funds for purchase of computer equipment provided
80	Continuous specialization of staff responsible for the fight against corruption	177 Delivery of trainings: - Basic trainings for the prevention of corruption - Specialized trainings for the prevention of corruption	Police Directorate Police Academy	Continuous	Number of delivered basic trainings, number of trainees; Number of delivered specialized trainings, number of trainees by trainings	Budget funding	Partly completed 22 PD employees attended 7 seminars
81	Intensive application of preventive measures and control mechanisms for prevention of corruption in the police	178 Implementation of the Code of Ethics aimed at eliminating conditions for corruptive behaviour in the police	PD – Ethics Committee	2010- 2012	Annual analysis on implementation of the Code of Ethics, number of disciplinary proceedings initiated due to infringement of the Code of	Budget funding	Partly completed 8 meetings held at local police units

					Ethics		
		179 Exercise control of police performance	MIAPA		Number of controls, number of detected abuses		Partly completed 95 citizen complaints received/14 well-grounded and 22 legality checks
82	Promotion of mechanisms for corruption reporting and encouragement of active participation of citizens in the fight against corruption.	180 Conduct ongoing campaigns on the way to report corruption and measures for the protection of citizens who report corruption	Police Directorate	2010- 2012	Number of conducted campaigns	Budget funding Donors	Not completed Method of corruption reporting promoted by means of media appearances and interviews

PREVENTIVE MECHANISMS FOR THE SUPPRESSION OF CORRUPTION IN JUDICIAL AUTHORITIES

83	Increased citizens' confidence in the work of judicial office holders	181 Hire persons in the Judicial Council, Prosecutorial Council, State Prosecution Office and courts who are responsible for public relations and provide adequate training.		IV quarter 2010	Number of hired persons and their education; Updated websites; Number of press conferences; Number of "Open Door" events and newsletters of the Supreme Court of Montenegro	Budget	Partly completed A certain number of courts, including the Supreme Court, Higher Courts and Appellate Court, and SPPO delivered information on PR officers and their training and on website updates
		182 President of the Judicial Council and	Judicial Council, Prosecutorial	Continuous		Budget	Completed Supreme Court: 2

		President of the Prosecutorial Council to hold press conferences every sixth months	Council		Activities of persons performing public relations affairs		press conferences SPPO: 1 press conference and one interview
		183 Publish newsletter of the Supreme Court at least twice a year	Supreme Court of Montenegro	Continuous		Budget	Completed Supreme Court: 1 newsletter published
		184 Publish all decisions on the website of the Supreme, Administrative, Appellate and Higher Courts (second instance chambers	Supreme Court of Montenegro, AC, Appellate Court and Higher Courts in Podgorica and Bijelo Polje	Continuous		Budget	Partly completed Supreme Court, Higher Courts and Appellate Court publish characteristic decisions, while the Administrative Court publishes all its rulings.
		185 Organize "Open Door" event in courts and prosecution offices	Courts, state prosecution offices	2011, continuous		Budget	Partly completed Supreme Court: 2 "Open Day" events
84	Further enhancement of the control function in relation to the work of judicial office holders	186 Every 6 months, the commission of immediately superior court is to carry out control of performance of judges, while immediately superior prosecution office is to carry out control of performance of state prosecutors	Presidents of Higher Courts, Higher State Prosecutors, Judicial Council, Prosecutorial Council, MJ	IV quarter 2010 End of 2012	Number of controls; analysis of regulations on disciplinary accountability carried out		Partly completed Supreme Court: a certain number of controls executed, but no exact number was stated; analysis of regulations on disciplinary accountability is ongoing; State Prosecution: 2

				I quarter 2011			quarterly controls executed
		187 At the beginning of each year the control of the performance of all judges and prosecutors is to be carried out by Judicial and Prosecutorial Council respectively			- Number of controls - Number of Commission recommendations		Partly completed Timeframe for implementation is beginning of 2011. Complete report expected in the next reporting period.
		188 Carry out analysis of regulations on disciplinary accountability of judges and prosecutors and initiate amendment to regulations in accordance with the adopted analysis.			- Analysis prepared and regulations developed in accordance with the analysis	MJ: budget Donors– intl organizations	Partly completed Analysis prepared by MJ. Relevant regulations currently being drafted.
85	More efficient control over the implementation of the Codes of Ethics for judicial office holders	189 Carry out analysis of implementation of the Codes of Ethics of judicial office holders	Judicial Council, Prosecutorial Council	I quarter 2011	Analysis prepared on implementation of Codes of Ethics by judicial office holders		Completed Analysis of implementation of the Codes of Ethics of judges and prosecutors conducted and accompanied by recommendations; timeframe – 2011
86	Improved administrative, technical and	190 Normatively regulate and set up central data base on	Judicial Council, Prosecutorial	IV quarter 2010	-Central data base set up		Partly completed SPPO: central database set up

	resource capacity of judicial office and judicial administration holders	recruitment, evaluation, disciplinary sanctions and advancement of judicial office holders	Council, Center for Education of Judicial Office Holders				SC: no data available
		191 Establish transparent procedures for development of programs of education and selection of lecturers		2011	- Transparent procedure established	Center: Budget	Partly completed Annual training programs are in place and <i>online</i> application of lecturers is enabled, but the criteria for designing Programs and selecting lecturers are missing; timeframe 2011
		192 Publish translation of characteristic decisions of the Court of Human Rights in Strasbourg on the website of the Supreme Court of Montenegro and State Prosecution Office respectively		Continuous	Decisions of the Court of Human Rights in Strasbourg published on the website	Donors	Partly completed Translations of characteristic decisions of the European Court of Human Rights are published on the Supreme Court website
		193 Provide adequate and technically equipped offices for judges		2012	Adequate premises provided	Budget	Partly completed Efforts are underway to improve the technical conditions for the work of judges; timeframe - 2012
87	Full implementation	194 Use of JIS in daily work by judicial office	Supreme Court, SPPO, Ministry of	2012	Number of court and prosecution	MJ: Budget Donors	Partly completed 709,296 court acts

	n of JIS	holders and employees at the court and State Prosecution Office	Justice		acts that have been processed and entered in JIS		and 55,001 prosecution acts, and 172,346 court decisions entered in JIS . No data available on daily use and efficiency of JIS from judges and prosecutors. Timeframe - 2012.
CRIMINAL PROSECUTION AND FORFEITURE OF ILLICIT GAINS							
88	Specialization of the police, public prosecutors and judges regarding the new provisions of the Criminal Procedure Code, in line with the Implementation Plan	195 Carry out fully the Implementation Plan for the Criminal Procedure Code	Center for Education of Judicial Office Holders HRMA Police Academy	By 1 Sept 2011	Number of trainings and number of judicial office holders who received the training	IPA 2009 "Support to implementation of CPC"	Partly completed Center: 6 seminars/training events/promotions organized Police Academy: 17 courses organized. Timeframe - 2011.
89	Efficiency of criminal prosecution and forfeiture of illegal assets	196 Comprehensive training and development of curricula for all key authorities dealing with financial investigations, detection, freezing, confiscation and management of assets gained by the	Center for Education of Judicial Office Holders, Police Academy, Human Resources Management Authority	2011	-Curricula developed for bodies dealing with financial investigations, detection, freezing, confiscation and management of assets gained by	IPA 2009	Partly completed Center: 1 seminar organized Police Academy: 2 seminars organized The authorities did not report on the curricula. Timeframe- 2011.

		commission of criminal acts			committing criminal offences -Number of delivered trainings		
		197 Conducting financial investigations by public authorities responsible for detection and prosecution of criminal perpetrators	Police Directorate, SPPO	Continuous	Number of conducted financial investigations Value of frozen assets		Partly completed PD initiated 7 financial investigations, and 2 financial investigations are implemented within SPPO; the amounts „frozen“ in the accounts of natural and legal persons equalled EUR876,403.60 and USD55,054.67
		198 Forfeiture of illicit gains in criminal proceedings	Supreme Court Directorate for Property	Continuous	-Number of cases in which assets have been confiscated (seized permanently) by court decisions -Value of confiscated assets		Not completed No Supreme Court decisions on confiscation of assets
90	Assessment of the impact of the enforcement of provisions on extended forfeiture of illegal assets	199 Conducting financial investigations for the purpose of extended confiscation of illicit gains by public authorities responsible	Police Directorate, SPPO	Continuous	Number of financial investigations conducted for the purpose of extended		Partly completed Police Directorate involved in 1 financial investigation for extended confiscation

		for detection and prosecution of criminal perpetrators			confiscation of illegal gains; Number of cases in which assets have been confiscated (seized permanently) by court decisions		of illegal assets; SPPO conducting 2 financial investigations for extended confiscation of illegal assets
		200 Permanent seizure (confiscation) of assets whose legal origin has not been proved in extended confiscation proceedings	Supreme Court Directorate for Property	Continuous	Value of permanently seized (confiscated assets) in extended confiscation proceedings		Not completed During the reporting period the Supreme Court did not issue any decisions on confiscation of assets; hence it was not possible to present the value of confiscated assets

COORDINATION AND DATA EXCHANGE

91	Efficient cooperation and exchange of data among the prosecution authorities, Police Directorate, Customs Administration, Tax Administration and Directorate for the Prevention of Money Laundering	201 Establish the system for obligatory submission of statistical data on corruption reporting and further procedures to the Directorate for Anti-Corruption Initiative	DACI, in cooperation with PD, CA, TA, PPD	2010-2012	DACI receives data on reporting from competent bodies in given time intervals	Government of Norway	Partly completed DACI receives data on corruption reporting from certain authorities: PD, CA, TA and PPD , but in irregular intervals and in a non-uniform format
		202 Develop adequate information system for the submission of data	DACI	I Q 2011	Develop adequate information	Government of Norway	Partly completed Development of the software solution for

	and Financing of Terrorism	on corruption reporting to DACI			system, exchange of data is automatized, fast and efficient		automated data exchange is in the final stage. Timeframe: 2011.
		203 Consider revision of the existing agreements on cooperation between institutions	DACI, PD, CA, TA, PPD, MIAPA	Continuous?	Number of revised agreements on cooperation	Budget	Partly completed DACI signed 2 agreements (PD and PPD); Ca signed 9 agreements during the given reporting period. PA signed 2 agreements. Data is missing on any revised existing agreements.
92	Gathering, processing and analysis of statistical data on corruption reporting and further actions with a view of stepping up anti-corruption efforts and public information	204 Ensure analytical processing of data on corruption reporting in regular time intervals	DACI	2 Q 2011, 4 Q 2011, 2 Q 2012, 4 Q 2012	DACI Annual Report	Government of Norway	Not completed Prerequisite – completion of Measure 202. Timeframe: 2011-2012.
		205 Analysis of corruption reporting cases which are indicators of vulnerable areas and their use in formulating anti-corruption policies	MIAPA, MJ, DACI	Continuous	DACI Annual Report published on the website	Government of Norway	Not completed Prerequisite – completion of Measure 202.
		206 Inform general and professional public on	DACI	Continuous	Number of published	Government of Norway	Partly completed DACI informed the

		activities undertaken in relation to monitoring corruption reporting			information and communications ; number of recommendations to institutions		public about the number and status of reported suspicions of corruption: 2 programs (TV Atlas and Radio CG) and 2 interviews (CDM and „Dan“). DACI also informed general and expert public at the Press Conference on the findings of the survey on functioning and integrity of public authorities, accompanied by recommendations; a number of authorities and working groups received the survey in order to make use of the recommendations.
93	Employees of various authorities who receive and keep records on corruption reporting trained for receiving reports	207 Deliver trainings to police officers who receive reporting of corruption at the central level and local units level	Police Directorate and Police Academy	2010-2012	Number of trainings, number of trainees by trainings	Donors	Partly completed PD: 3 seminars for 5 employees
		208 Deliver trainings to DACI, PD, CA and PPD officers who receive reporting of corruption	Police Directorate and Police Academy HRMA	2010-2012	Number of trainings, number of trainees by trainings	Donors	Partly completed PD implemented 3 seminars for 5 employees DACI 1 training for 13 participants

		209 Define standardized template for receiving reporting of corruption, to be used by all bodies that have an open phone line for corruption reporting	MIAPA, DACI, PD	I Q 2011	Standardized template developed		Completed DACI developed the Template for delivering information on corruption reporting for all authorities, with open phone lines for reporting corruption. Timeframe: 2011.
INTERNATIONAL COOPERATION							
94	Strengthened international and regional cooperation in combating corruption	210 Signing international treaties and agreements: with the EU countries, with third countries, with international organizations;	Supreme Court, SPPO, MJ, MIAPA, PD, CA, DSMLFT	2011	Number of international treaties and agreements signed with the EU countries, third countries, international organizations;		Completed SC: a certain number of agreements signed SPPO: 1 international agreement signed MJ: 3 agreements signed PD: 1 agreement and 1 Memorandum on cooperation CA: 1 protocol and 2 agreements DSMLFT: 2 agreements signed Timeframe: 2011.
		211 Signing operational agreement on cooperation with Europol;	PD	2011	Operational agreement with Europol signed		Not completed Timeframe: 2011.

		212 Establishment of efficient Unit for coordination of international police cooperation	PD	2011	Unit for international police cooperation established	External sources of funding	Not completed PD developed the proposal for establishment of the Unit for International Police Cooperation Timeframe: 2011.
		213 Establishment of internal operating procedures	PD	2011	Internal operating procedures established	Budget funding	Not completed Timeframe: 2011.
		214 Ensure data protection in the work of organizational unit for international police cooperation	PD	2011	Data protection system established	Budget funding	Partly completed PD established data protection system from the aspect of physical and electronic location protection. Timeframe: 2011.
		215 Provision of functional working space	PD	2011	Functional working space provided		Partly completed PD provided the premises for the NCB Interpol but not for Europol or the SIRENE Bureau Timeframe: 2011.
		216 Reporting on results of international cooperation in the fight against corruption	MIAPA, PD	Continuous	Number of prepared reports on results of international cooperation		Completed PD developed 2 reports on the results of international cooperation in the

							fight against corruption for 2 cases – “Zavala” and “Brod” (“Ship”).
		217 Development of annual plans for signing bilateral agreements on cooperation with related institutions	MIAPA, PD, CA, DSMLFT	Until the end of IV Q for 2010	Annual plans for signing agreements with the neighbouring countries, EU countries, international organizations prepared		Partly completed MIAPA and CA have annual plans for signing these agreements
		218 Analysis of the effects of implementation of international treaties and agreements: • With the neighbouring countries • With the EU countries • With international organizations	Supreme Court, SPPO, MJ, MIAPA, PD, CA, DSMLFT	Continuous	-Analysis prepared -International cooperation program in the forthcoming period prepared		Not completed SPPO prepared analysis of effects of implementation of international treaties and agreements, so 4 criminal cases were established at the Division for suppressing organized crime, corruption, terrorism and war crimes, in cooperation with the neighbouring countries and the EU, Serbia, Croatia, Russia, B&H and Italy. The initiative prepared for Agreement on cooperation to be

							signed between SPPPO of Montenegro and prosecution offices of Hungary and Romania.
IV ORGANIZED CRIME							
SITUATION ANALYSIS							
95	Prerequisites in place for preparation of crime mapping in Montenegro	219 Analysis of the criminality condition in Montenegro	PD, DSMLFT	2010-2011	Analysis prepared		Not completed
		220 Identification of vulnerable areas in the system	PD, DSMLFT	2010-2011	Vulnerable areas identified		Partly completed Vulnerable areas - areas of particular risk in the system -. Identified: privatization process, public procurement, urban planning, education, health care, local self-government.
		221 Setting clear priorities in the field of the fight against organized crime	PD, DSMLFT	2010-2011	Clear priorities in the fight against organized crime defined		Partly completed PD defined clear priorities in the fight against organized crime by singling out its predominant forms within the Strategy for the fight against corruption and organized crime (2010 – 2014).
96	A study on the	222 Prepare Analysis of	PD, DSMLFT		Analysis	IPA 2010	Not completed

	state of organised crime in the region developed with a view of the impact to Montenegro	impact of organized and serious crime in the region on the condition in Montenegro in accordance with the EU-OCTA standards		2010-2012	prepared		Analysis of impact of organized and serious crime in the region will be developed after the completion of the detailed analysis of the state of crime in Montenegro. Availability of data from the region represents a particular risk in its development.
Predominant forms							
97	Improved efficiency in conducting financial investigations and increased number of processed financial investigations	223 Increased number of employees working in financial investigations	Police Directorate, Police Academy, DSMLFT	2010-2012	Increased number of employees in accordance with identified needs		Partly completed PD employs 16 staff members who work on conducting financial investigations. The number is intended to be increased by 4 in the coming period.
		224 Improve inter-agency cooperation through the Special Investigative Team			Inter-agency cooperation established		Partly completed Agreement signed between PD, SPPO, TA, CA and DSMLFT on establishment of Special Investigative Team aimed at efficient inter-agency cooperation. PD reported that the extent of cooperation

							within the Joint Investigative Team enhanced during the reporting period.
		225 Delivery of specialized trainings in conducting financial investigations			Number of delivered specialized trainings, number of trainees	Budget funding and external sources	Partly completed DSMLFT: 5 seminars implemented.
98	Improved administrative, space and technical capacity of entities involved in combating organized crime	226 Assign two officers who will deal with organized crime related affairs in local units	Police Directorate	2011-2012	Officers assigned in accordance with identified needs		Not completed PD issued the conclusion on expansion – systematization for 18 new officers for fighting organized crime and corruption, assigned to local units. Timeframe: 2011-2012
		227 Ensure necessary conditions for law enforcement operations and law enforcement intelligence operations in local units			Work space provided		Partly completed PD reported about office adaptation at the local unit H Novi. Timeframe: 2011-12.
		228 Strengthening and improvement of resource basis for carrying out border control (reconstruction and construction of BC,			Resource basis improved		Partly completed A certain number of modern technical devices for more efficient

		installation of video surveillance on BC, purchase of vehicles, vessels and other technical equipment)					implementation of assignments related to the control of green and blue border and border check at the border crossing points. Timeframe: 2011-2012.
		229 Information networking of the intelligence operations system EGP- IGP - SGP			Border police system networked		Partly completed All border police stations (8) and border crossing points (28) networked into a single PD information system and have access to Interpol MIND system. Full implementation of this software expected in 2011. Timeframe: 2011-2012.
		230 Provision of functional working space for employees hired to fight against organized crime and corruption in local units			Functional work space provided		Partly completed Functional work space provided at the H Novi local unit. Timeframe: 2011-2012
		231 Restructuring of the existing Division for Special Checks by introducing new affairs:			Restructuring the existing Division for Special Checks :		Partly completed 1 Proposal for new organization of the Division prepared

		1. Establishment of the affairs performed by DESK at the central and local levels 2. Implementation of the Handbook on Criminal Intelligence Operations			1. DESKs established 2. Number of distributed copies of the Handbook on Criminal Intelligence Operations to the Police Directorate officers		2. 754 copies of the Handbook on Criminal Intelligence Operations distributed to PD employees. Timeframe: 2011-2012
		232 Intensive training of the police in relation to implementation of the CPC and conducting investigations by applying SSMs, financial investigations and forfeiture of illicit gains			Number of trainings Number of trainees		Partly completed 3 training modules, 3 weeks of duration, organized for 12 participants. Timeframe: 2011-2012
99	Enhanced operational-tactical, criminal-intelligence and analytical-operational methods for the fight against organized crime	233 Set up a separate fund for intelligence and operational activities	Police Directorate	2010-2012	Fund established	Budget IPA 2008 IPA 2010 OCTN DCAF UNDOC, OSCE Donors	Not completed
		234 Sustainable development through the purchase of new and maintenance of the existing equipment for			New equipment purchased for conducting investigations and SSMs	IPA 2008 IPA 2010 OCTN DCAF	Completed PD purchased the technical equipment for conducting

		conducting investigations and applying SSMS			application	UNDOC, OSCE Donors	investigations and implementation of secret surveillance measures.
		235 Implementation of the second phase of the project "Intelligence-Led Policing"			Second phase of the project "Intelligence-Led Policing" implemented		Not completed IPA 2010 project documentation prepared, project budget secured and twinning partner from Austria selected.
		236 Train adequate number of operational analysts to carry out activities in relation to serious and organized crime			Increased number of operational analysts in accordance with identified needs	Budget	Partly completed PD increased the number of employees trained for operational analysis by 16.
100	Enhanced mechanisms for collection and analysis of data on overall state of play in organized crime as well as collection of statistical data on forms of organized crime	237 Develop guidelines for harmonizing methods for presenting statistical data by the Police Directorate, Prosecution Office and judiciary	Police Directorate, Supreme Court and SPPO	2010-2012	Guidelines prepared		Not completed Development of Guidelines for harmonizing methods for presenting statistical data by the Tripartite Commission is ongoing.
		238 Set up criminal intelligence units in Local Units of the Police Directorate	PD		Criminal intelligence units in Local Units of the Police Directorate established		Not completed PD developed proposed organization of criminal-intelligence units in PD local units.

		239 Improve risk analysis system in the Border Police Department	PD		Risk analysis system in the Border Police Department established		Partly completed PD issued the Instructions on development of Risk Analysis in the Border Police Department. Training Plan and Program designed for implementation of the Risk Analysis Model in the Border Police Department.
		240 Setting up unique data base of operational data	PD, SPPO, SC		Unique data base of operational data established		Not completed PD established internal single database. Single database of the PD, SPPO and SC needs to be set up.
		241 Provide links and connect with data bases of providers of telecommunication services in order to collect data in accordance with powers of the police prescribed by CPC	UP		Links with data bases of providers of telecommunication services established		Partly completed Link established with the databases of 2 out of 3 providers of telecommunication services.
PREVENTION							
101	Specialization for all parties	242 Implementation of the Training Program	MIAPA, Police Directorate, Ministry of		Number of delivered	Support of international	Partly completed PD implemented

	engaged in combating organized crime	through international projects	Finance, Police Academy and Center for Education of Judicial Office Holders	2010-2012	trainings under international projects	organizations (UNDP, German Foundation for International Legal Cooperation – IRZ etc)	eight, while CEJOH implemented 11 training events.
		243 Continuous training and specialization at the Police Academy			Number of trained officers		Completed Police Academy implemented 20 training events for 293 PD employees and organized 6 seminars within the ILECU project.
		244 Participation at regional and international seminars and conferences			Number of regional seminars and international conferences, number of participants	OCTN, US Embassy in Montenegro – US Government, ICITAP Program in Montenegro – US Government,, Center for democratic control of armed forces (DCAF) and other external sources of	Partly completed PD employees participated in 4 regional seminars and international conferences; CEJOH employees participated in 3, and MIAPA employees participated in seminars and conferences organized for the purpose of implementation of the Convention on Police Cooperation of SEE

						funding	countries.
102	Protection of integrity of those involved in combating organised crime	245 Adoption of Integrity Plan in the Police	MIAPA, Police Directorate, Police Academy	2010-2011	Integrity plan adopted		Not completed The activities to adopt the Integrity Plan are ongoing
		246 Implementation of the Law Enforcement Code of Ethics: - Efficient performance of Ethics Committee - development of six-month analyses on implementation of the Code of Ethics -Organize periodical trainings on implementation of provisions of the Code of Ethics - Training of police officers in implementation of the Guidelines for reporting corruption to the police			Six-month analyses of Ethics Committee on implementation of the Code of Ethics, number of disciplinary proceedings initiated due to infringement of the Law Enforcement Code of Ethics, Number of trainings and number of officers who participated in trainings		Partly completed PD developed the analysis of implementation of the Code of Ethics for II half of 2010. Out of the 24 cases considered, the Ethics Committee referred 19 to the disciplinary authority of the PD on the grounds of infringement of the Code.
103	Introduced mechanisms for administrative approach in the prevention of	247 Ensure networking of intelligence systems of public administration bodies and links with computer networks and	Police Directorate, a) Criminal Police Department DSMLFT, TA, CA, Real	2010-2012	Intelligence systems of public administration bodies are	Budget	Partly completed Tax information system is linked with the respective

	organized crime	data bases of DSMLFT, TA, CA, Real Estate Administration Directorate, CDA, building inspection, IECS (Institution for the Enforcement of Criminal Sanctions) etc.	Estate Administration Directorate, CDA, building inspection, IECS etc.		networked and links are established with computer networks and data bases of defined institutions		information systems of 5 institutions, and there is also the internet link with the Central Registry of Population, HR information system, registry of fines and misdemeanor records of Montenegro. CA set up direct links to the PD and TA.
104	Protection of victims of different forms of organized crime and corruption	248 Improvement of regional cooperation and signing agreements with relevant services of the countries in the region in the field of protection of witnesses who are victims of organized crime	MIAPA, Police Directorate	2010-2012	Number of agreements signed	- Budget - External sources (Government of the R. of Ireland)	Not completed Regional linkage was provided within the WINPRO project, but there is no data on any signed agreements.
		249 Delivery of trainings to the officers in the Witness Protection Unit	Police Academy	Continuous	Number of trainings for the Witness Protection Unit, number of trainees	Government of the R. of Ireland	Not completed Training and study visits are expected to be organized in 2011 within WINPRO project, as well as advanced training for trainers from all PD units involved in the project.
		250 Purchase of specialized equipment for the Witness	PD	2010-2012	Equipment for the Witness Protection	Budget	Not completed

		Protection Unit			Unit purchased		
COOPERATION BETWEEN PUBLIC AUTHORITIES							
105	Efficient inter-institutional cooperation of all the stakeholders involved in the efforts to combat organized crime, including team work, specialized and proactive approach	251 Setting up the National Coordination Office	MIAPA Police Directorate	2010-2012	National Coordination Unit established		Not completed
		252 Creating conditions and capacity for more efficient performance of the Joint Investigative Team	SPPO, PD, DSMLFT, TA, CA, Real Estate Administration Directorate, CDA, building inspection, IECS		Increased number of investigations and charges for criminal offences of corruption and organized crime	Budget	Partly completed Joint investigative team provided space, office and technical equipment. 4 cases currently being processed; preliminary investigation ongoing for 2 of them: investigation on the criminal offence of corruption in one and indictment brought for criminal offence of corruption in another. One financial investigation ongoing in the field of organized crime and another one in the filed of corruption.
REGIONAL AND INTERNATIONAL COOPERATION							
106	Continuous application of	253 Quality	Police		System of the	- Budget	Partly completed

	international standards applicable to the fight against organized crime	management and application of standards and best practices, control and monitoring	Directorate	2010-2012	control of application of international standards and best practices in fighting against organized crime is established	- IPA 2010	The system set up in line with the Interpol standards and priorities. The "Intelligence-led policing" model is operational.
107	Efficient regional and international cooperation aimed towards conducting joint investigations	254 Set up organizational unit for international cooperation as a whole with central management of all key functions of international police cooperation (INTERPOL, EUROPOL, SIRENE; SECI, other international police organizations, liaison officers)	MIAPA, Police Directorate	2010-2012	Organizational unit for international cooperation as a whole with central management of all key functions of international police cooperation established.	ILECUs Project	Not completed There are ongoing activities to adopt the amended Rulebook on job classification in PD, which envisages reorganization and merging of existing international cooperation departments
		255 Sign bilateral agreements: with the neighbouring countries, the EU			Number of signed agreements		Not completed

		countries, international organizations					
		256 Strengthen cooperation with border police of the neighbouring countries			Number of joint meetings Number of joint activities	Funds of neighbouring countries' border police	Completed PD held 16 meetings with the border police of neighbouring countries; 291 joint activities were implemented.
		257 Participation of NCB Interpol officers in Interpol' s working bodies, groups and projects which are aimed at the fight against organized crime in the region			Number of working groups and bodies in which representative s of NCB Interpol participate against the total number of working bodies and groups dealing with the issue of fighting against organized crime in the region (of which Montenegro is a part as well)	Budget	Completed NCB Interpol representatives participated in 2 Interpol working bodies and 4 meetings concerning the fight against organized crime in the region.

		258 Purchase of equipment for work, in accordance with recognized Interpol trends in development of hardware and software communications equipment			New hardware and software solutions identified, needs, values of the purchased against the necessary equipment evaluated; Equipment purchased, equipment operational	Interpol and SEPCA	Partly completed PD identified the hardware and software solutions, in line with the need to centralize international police cooperation; accordingly, needs assessment was conducted, equipment specifications drafted and equipment ordered.
		259 Rolling out Interpol services towards border crossings, with the aim of conducting direct search of Interpol bases and checks of persons, travel documents and vehicles on border crossings			Number of border crossings linked with Interpol against the total number of border crossings	Interpol	Completed 8 additional border crossing points networked with NCB Interpol; at the end of the reporting period all 28 border crossing points in Montenegro were networked with the Interpol system and operationally.
		260 Training of officers at the National Bureau of Europol to use analytical intelligence			National Bureau of Europol established, National		Not completed

		Europol programs in data processing			Bureau of Europol staffed, Percentage of staff employed Secure communication link for data exchange with Europol established -Number of trainings, number of trainees; Staff trained to use advances analytical programs		
108	Enhanced direct contacts between police and judicial authorities in the region and beyond	261 Direct cooperation at the regional level and investigations of criminal offences with elements of organized crime	Police Directorate, SPPO, Supreme Court	2010-2012	Number of consultative meetings held, number of joint investigations conducted, report on cooperation prepared	Budget	Partly completed PD: 6 international proactive investigations in the field of general and financial organized crime; 10 consultative meetings; 4 joint international investigations in the field of fighting narcotics; 6 international consultative meetings.

							SPPO: Direct cooperation with the prosecution offices of Italy, Croatia, B&H, Serbia and Russia in eight cases. 4 investigations and 2 financial investigations initiated in Montenegro, one judgment in Croatia and one in B&H.
MONITORING							
109	Monitoring of the Action Plan	262 Preparation of the software solution, methodological instruction and reporting templates with the aim of monitoring implementation of the AP	DACI	IV Q 2010	Software solution prepared Methodological Instruction and Reporting Template prepared	Activities funded from the project "Strengthening operational capacities of DACI"; funding for the project was approved in August 2009 within the package of bilateral assistance of the Kingdom of Norway	Partly completed Template report on implementation of measures defined by the AP prepared and delivered to all reporting entities. Software solution development is currently ongoing.
		263 Training for the use of	DACI, HRMA	IV Q 2010	Number of training events		Not completed Software solution

		software, reporting in templates			Number of participants		development ongoing
		264 Submission of six-month reports by entities under an obligation to report according to the AP	All reporting entities for the AP	Continuous	Number of delivered reports against the number of reporting entities		No evaluation Out of 93 reporting entities for the AP, 74 delivered their reports within the set timeframe. The Measure will be deleted.
		265 Preparation of the six-month report by the National Commission	DACI	Continuous	Proposal prepared		No evaluation DACI developed draft Six-month report for the period July–December 2010
		266 Regular update of the National Commission website (DACI subpage)	DACI	Continuous	Number of published reports and other information		Completed All information on the establishment and activities of the NC posted on the website www.antikorupcija.me (NC subpage).

2. Assessment of the implementation of the measures with recommendations

I. PRIORITIES IN FIGHTING CORRUPTION AT THE POLITICAL AND INTERNATIONAL LEVEL

PARLIAMENT'S CONTROL FUNCTION AND IMPLEMENTATION OF INTERNATIONAL INSTRUMENTS AND STANDARDS

There are 2 objectives in this chapter and they contain 6 measures, 4 of which are to be implemented continuously. 1 measure has been in the implementation continuously since 2011 and 1 measure is envisaged for IQ 2011.

Objectives and measures in this chapter are aimed at strengthening the role of the Parliament in fighting corruption and organized crime.

OBJECTIVE 1: The Resolution on fight against corruption and organized crime is implemented and the mechanism of cooperation with the National Commission is defined. **Measure 1:** Monitoring implementation of the Resolution, **Time Frame:** Continuous, **Assessment:** Not completed. **Measure 2:** Establish cooperation with the National Commission for the fight against corruption and organized crime and other bodies and organizations from this AP, **Time Frame:** As of 2011 Continuous **Assessment:** Not completed. Measures within this goal were not completed since the Report on the Parliament's Control function and implementation of international instruments and standards that is the indicator for the Measure 1 has not been developed, and Measure 2 is still not due. **Recommendations: Parliament of Montenegro states that they will continue harmonization of national legislation with the relevant international instruments. Cetinje Parliamentary Forum, which focused on the topic of the "Role of the Parliament in Fighting Corruption and Organized Crime", took place in the reporting period and therefore its conclusions should be taken into account in the assessment of the cooperation between the Parliament and National Commission. After the national branch of Parliamentarians in the fight against corruption is established, the modalities for their cooperation with the National Commission should be defined: joint meetings and joint recommendations.**

Objective 2: The legal framework and practice in the conduct of state bodies are improved thanks to an efficient use of Parliament's control mechanisms. **Measure 3:** Build capacity of technical services of the Parliament for application of control mechanisms (parliamentary investigation, control and consultative hearing), **Time Frame:** I Q 2011, **Assessment:** not completed; **Measure 4:** Disclosure of recommendations of the Parliament which arise from control mechanisms and monitoring their implementation, **Time Frame:** continuous, **Assessment:** Partly completed. In its legislative and control role the Parliament of Montenegro used the available control mechanisms. It started certain preparatory activities for the implementation of the measures 3 and 4 - adoption of the AP for strengthening legislative and control role for the period December 2010 – November 2011. After establishing the Bureau for Human Resources Management and after defining its obligations, authorities and responsibilities, Human Resources Development Strategy is to be developed as an expression of the need to have a strategic way of planning the work of the Parliament's Administration. In the reporting period the Parliament used the control mechanisms and after that the relevant committees adopted conclusions and sent them to the appropriate institutions. **Measure 5:** Analyze and ensure compliance of legislation with international standards in the field of fight against corruption and organized crime, **Time Frame:** continuous, **Assessment:** partly completed; **Measure 6:** Continue harmonisation of legislation with the UN Convention (Palermo, UNTOC), and other conventions in the field of fight against organized crime **Time Frame:** continuous, **Assessment:** not completed. Montenegrin Parliament continuously analyses criminal legislation and DACI prepared an analytical report for the Group of States against Corruption (GRECO), which was adopted by the Parliament in December 2010. The Report on the III evaluation round includes the analysis of Montenegrin criminal legislation in relation to the Criminal-Law Convention Against Corruption (5 recommendations), analysis of transparency of political party financing (9 recommendations), as well as the Additional Report within the Joint I and II evaluation (conflict of interests). In the process of drafting a new Public Procurement Law the analysis was done for this field as well. The Government also initiated the activities of analysing comparative-law solutions and their implementation in the field of protection of „whistle blowers“ - persons who report criminal offences with the elements of corruption, as well as the activities of analysing the existing legislation that regulates this field. In August 2010 the Working Group submitted its proposal of the measures for amending the Labour Law and the Law on Civil Servants and State Employees to the relevant Ministries. CPCI sent to the Ministry of Interior the initiative to amend the Law on Prevention of Conflict of Interests, in line with the recommendations of

GRECO and EC. **Recommendations:** Adopt and implement the Strategy for Development of Human Resources in the Parliament. In addition to reporting on the number of control hearings, reports in the future should also contain the recommendations sent to the relevant bodies and the information on the level to which the recommendations were complied with. Attention should also be given to the implementation of the conclusions and their relevance for the fight against corruption and organized crime. Intensify activities aimed at complying with GRECO recommendations that correspond to the seven recommendations from the EC Opinion (conditions for opening of accession negotiations) and the appropriate Government Action Plan. Prepare next report in such a way that it corresponds to the indicators (number of laws analysed, number and titles of the conventions in relation to which the laws were analysed etc.), taking into account the priorities for meeting the seven EC recommendations in this field.

POLITICAL PARTY FUNDING AND ELECTION PROCESSES

There are 4 objectives in this chapter containing 6 measures, 2 of which are implemented continuously, while 4 are envisaged for 2011 and 2012. Some of the activities envisaged for the future period have been completed or partly completed. Objectives and measures contained in this chapter are aimed at strengthening the mechanisms for prevention of abuse of authorities in election process and at harmonisation of the work of the State Electoral Commission (SEC) with international standards.

OBJECTIVE 4: Adequate legal framework is established for the prevention of misuse of public funds and powers in an election process, **Measure 7:** Harmonisation of electoral laws with the Law on Amendments to the Law on Political Party Funding, **Time Frame:** 2011, **Assessment:** Not completed. **Recommendations:** Capacities for supervision in case of both of these laws are inappropriate. Funding of election campaigns is supervised by SAI, whose powers in that respect are yet to be defined. Legislative framework needs to be improved on the basis of the recommendations of the Office for Democratic Institutions and Human Rights (OSCE) and the Venice Commission. The Law on Election of Councillors and Members of Parliament should be adopted and the legislative and control role of the Parliament should be strengthened. As for transparency of political party funding, GRECO recommendations should be complied with.

OBJECTIVE 5: Greater transparency of financial reporting of political parties and election campaigns, **Measure 8:** Organize trainings for acquiring specialized knowledge for conducting audits of financial operations of political parties, independent lists and candidates, **Time Frame:** continuous, **Assessment:** not completed, no report in relation to this measure; **Measure 9:** Reporting on financial operations of political parties, independent lists and candidates, **Time Frame:** continuous, **Assessment:** partly completed. SEC published all the submitted reports on financial operations of political parties, independent lists and candidates required according to the Law on Political Party Funding (Official Gazette of Montenegro 49/08) in its website and in the Official Gazette of Montenegro (69/10 and 75/10). The published reports are: 58 reports on collected and spent funds from public and private sources for election campaigns in the local elections, 6 annual reports of political parties on their property and 1 report on auditing the balance sheet of political parties. Risk factors for this measure are administrative capacities, since SEC does not have its administrative service, which means it does not have any civil servant or employee. **Recommendations:** It is necessary to continue harmonization of the competences of SEC defined in the law with international standards so that this institution can be strengthened.

OBJECTIVE 6: Competences of the State Election Commission are harmonized with international standards, **Measure 10:** Analyze the existing legal framework concerning performance of the State Election Commission, **Time Frame:** 2011, **Assessment:** not completed. Montenegrin Parliament currently

works on the amendments to the Law on Election of Councillors and Members of Parliament which will include a definition of the legal framework for operation of SEC. In its meeting held on 20 December 2012, SEC adopted the Code of Ethics of the body for conducting elections and in the meeting held on 26 January 2010 SEC adopted its Rules of Procedure. **Recommendations: Continue legislative harmonization of SEC competences with international standards contained in the ODIHR documents through adoption of the Law on Election of Councillors and Members of Parliament.**

OBJECTIVE 7: Improved capacity of SEC and municipal election commissions, **Measure 11:** Development of the Code of Ethics for members of the national and municipal election commissions, **Time Frame:** 2011, **Assessment:** Time Frame for the implementation of this measure is 2011, but the measure has already been completed. On 20 December 2010 SEC adopted the Code of Ethics for the body for conducting elections and it was published in the Official Gazette of Montenegro 76/10); **Measure 12:** Preparation of annual analyses on application of the Code of Ethics, **Time Frame:** 2012, **Assessment:** not completed.

PREVENTION OF THE CONFLICT OF INTEREST

This chapter contains 4 objectives and 11 measures, 1 of which is being implemented continuously. 8 measures are to be implemented in 2011 and 2012, while 2 measures are due to be implemented in IIQ of 2011 and IQ of 2012. Objectives and measures envisaged in this chapter are aimed at further implementation of the measures for preventing conflict of interests as an important preventive anti-corruption mechanism and strengthening of the CPCI competences.

OBJECTIVE 8: The legislative framework is harmonized with international standards and recommendations of international organizations, particularly with regard to strengthening Commission's powers and independence, **Measure 13:** Development and adoption of amendments to the Law on the Prevention of Conflict of Interest, **Time Frame:** II Q 2011, **Assessment:** partly completed. In October 2010, using its lawful powers, the Commission submitted to the Government of Montenegro the initiative with very specific proposals for amending the Law on Prevention of Conflict of Interests (extending the time frame for submitting the report after entering into a public office; submitting an annual report by the end of March of the current year for the previous year; more precise penal provisions, the issue of dismissal of persons holding a public office; increasing the number of persons defined as public officials and more precise definition of public offices (functions); constraints related to incompatibility of functions; publishing the Opinion – mandatory if it is of an advisory character; strengthening independence of the Commission and its competences; control of disclosed property, more precise provisions related to gifts, stricter sanctions for other violations apart from the already defined ones, etc. Proposals were sent to the Government, Ministry of Interior and the Working Group in MJ. **Measure 14:** Report on implementation of the Law, **Time Frame:** continuous, **Assessment:** completed, Report of the Commission on the submitted property and income disclosing statements are published at: www.konfliktinteresa.me. 53 requests for dismissal of persons in public offices were sent to the authorities since they violated the Law. After the Commission adopted appropriate decisions, 31 public officials (out of 32) who have their own companies transferred their managerial rights to another, so called „unconnected persons“. Out of 14 public officials who were members in several managing boards 13 resigned after the initiative of the Commission. The Commission adopted 787 decisions (608 in the first instance and 179 in the second instance). Out of this number, 641 or 81% of public officials violate the Law, 139 or 18% did violate the law in the past and 7 or 1% did not violate the Law. The Commission also adopted 27 Opinions and 5 Conclusions. The initiatives for establishing violations of the Law were in 615 cases (78%) submitted by the Commission and in 175 (22 %) cases by other entities. Administrative dispute procedures were initiated before the Administrative Court against 11 public officials. Deciding in these cases and in the cases from the past, the Administrative Court made 33 judgments rejecting the actions and 8 judgments accepting the actions and returning the case to the Commission. **Recommendations: The following documents should be used as the basis for the amendments to the existing Law, that will be related to the competences of the Commission for enforcing the Law and to other issues:**

GRECO recommendations, analyses of international experts in this area and analyses of NGOs, as well as the priorities defined in the Action plan for monitoring the implementation of the recommendations defined in the EC Opinion.

OBJECTIVE 9: Administrative capacity of the Commission for the Prevention of Conflict of Interests is enhanced, **Measure 15:** Staff recruitment for positions in accordance with the Rulebook on Job descriptions, **Time Frame:** 2011, **Assessment:** not completed. **Measure 16:** Purchase of additional computer equipment, **Time Frame:** I Q 2012, **Assessment:** partly completed. In the budget of the Commission there are no funds allocated for the recruitment of new civil servants and state employees that are necessary for normal operation of the Commission having in mind the new competences and obligations of the Commission. Therefore, there were no advertisements for filling the vacancies. Out of 13 job positions that are envisaged in the Rulebook on internal organization and systematization of the Administrative Service of the Commission adopted on 23 October 2009, six positions have been filled with employees hired for indefinite period of time, while three positions have been filled with employees working on fixed-term contract. The Commission purchased computer equipment in the procedure that is in line with the Public Procurement Law: computer of the following configuration: LTS-office- PRO computer + LCD-monitor Samsung 19", Ricoh copy machine, Printer HP colour Laser jet CP 1215 and printer HP - Laser Jet M-1120MFP. **Measure 17:** Organization of trainings for members of the Commission and employees of the Technical Service of the Commission, **Time Frame:** 2011-12, **Assessment:** partly completed. Commission staff participated in 3 seminars organized by Human Resources Management Agency and members of the Commission participated in 3 international conferences (Belgrade, Sarajevo and Skopje). **Recommendation: ensure funds for filling the vacancies in the CPCI; review relevance of the measure 16 in relation to the objective 9; prepare a curriculum for annual trainings of members and staff of CPCI taking into account the activities in this field envisaged in the IPA 2010.**

OBJECTIVE 10: Inter-institutional cooperation is established for an efficient check-up of data on revenues and property owned by public officials in the country and abroad, **Measure 18:** Signing agreements with public authorities, **Time Frame:** 2011-12, **Assessment:** partly completed. Agreement with TA has been signed, draft agreements on cooperation with the HMRA and Real Estate Directorate have been prepared and negotiations regarding their signing are in progress.. **Measure 19:** Signing agreements with similar institutions in the region and third countries, as well as with international organizations, **Time Frame:** 2011-12, **Assessment:** Partly completed. In the reporting period the Commission signed Memoranda of Cooperation with counterpart institutions in Croatia and Bulgaria. Activities aimed at signing the Memorandum of Cooperation with the Commission for Competition and Market of the Republic of Italy are in progress. **Note:** In the reporting period and after harmonization of the texts of Memoranda of Cooperation with the similar institutions of Ukraine and Hungary, the CPCI plans to sign these Memoranda by the end of April. **Recommendation: Focus on the report on implementation of the signed agreements on cooperation.**

OBJECTIVE 11: Awareness is raised among public officials and civil servants of the significance of the prevention of conflict of interests in the exercise of public office, **Measure 20:** Organization of trainings for state and local public officials, **Time Frame:** 2011-12, **Assessment:** partly completed. In the reporting period the Commission organized 6 seminars for national and local public officials, judges and prosecutors, NGOs and media in most of Montenegrin municipalities (about 350 participants). **Measure 21:** Organization of trainings for civil servants and state employees, **Time Frame:** 2011-12, **Assessment:** not completed. According to the Law on Prevention of Conflict of Interests, civil servants and state employees are not public officials and therefore these trainings are not within the competences of the Commission. **Measure 22:** Organization of trainings for media and NGOs on monitoring the conflict of interest of public officials, **Time Frame:** 2011-12, **Assessment:** partly completed. In the reporting period the Commission organized educational seminars for the media (Kolašin, Plav, Žabljak, Nikšić, Podgorica and Kotor), as well as for the representatives of NGOs (Kolašin, Plav, Žabljak, Podgorica and Kotor) - 5 seminars in total. **Measure 23:** Implementation of 14 Programs of the Commission which contribute to better implementation of law in the

field of conflict of interest, **Time Frame:** 2011-2012, **Assessment:** partly completed. NGO CEMI ensured support in the development of a new data base adapted to the new Law. Two press conferences were organized, 20 announcements about the implementation of the Law on Prevention of Conflict of Interests were published. Since the programmes are aimed at prevention and avoiding of conflict of interests of public officials, in the reporting period the Commission implemented the following priority programmes: Programmes of education, Programme of developing the new data base, Preparation of press clipping, printing of a leaflet about conflict of interests and regional cooperation activities. **Recommendations:** Training programme should envisage criteria for assessing the impact of the trainings on the efficient implementation of the Law on Prevention of Conflict of Interests. Since the largest number of measures in the chapter Prevention of conflict of interests is not due before 2011 – 2012, the report for most of the measures should be expected in the next reporting period. The emphasis should be put on the implementation of the first measure in this chapter, i.e. measure 13. The basis for amendments to the Law should be found in the GRECO recommendations, analyses of international experts and NGOs working in this field, as well as in the priorities in the Action Plan for monitoring the implementation of the recommendations defined in the EC Opinion.

INTEGRITY

This chapter contains 4 objectives and 14 measures, 4 of which are to be implemented continuously, 5 of which are to be implemented in 2011, 3 are due in I Q 2011 while 2 are due in II Q 2011. Objectives and measures from this chapter are aimed at strengthening ethics and integrity of persons employed in the public sector and sanctioning behaviours that are not in line with ethics and integrity.

OBJECTIVE 12: Duty to adopt integrity plans in public administration is regulated by law, **Measure 24:** Adoption of the Law on Amendments to the Law on Civil Servants and State Employees with the aim of laying down the obligation to adopt integrity plans in public sector, **Time Frame:** 2011, **Assessment:** not completed. Recommendations have been defined with the view to improving legal, high-quality, politically neutral and professional work of persons employed in the public administration as well as to improving their promotions, training and legal status. WG has been established with the task to work on the drafting of the text of the Draft Law on Civil Servants and State Employees; **Measure 25:** Adopt integrity plans in public sector, **Time Frame:** 2011 continuous, **Assessment:** partly completed. In 2004 Customs Administration adopted AP for integrity in the customs service. In November 2008 it adopted the Revised AP on developing integrity in the customs service. On the basis of the reports of all organizational units, i.e. reporting entities, in January 2011, the Division for internal control will compose an annual report on the implementation of the measures from the revised AP on developing integrity in the customs service for 2010, which will be put on the „Notice Board“ of the customs information system and on the web site: www.carina.co.me. Tax administration adopted the Integrity plan on 6 April 2010. Regional units submit their monthly reports on the implementation of the integrity plan. This measure has also been implemented by DACI - they adopted the Integrity plan on 20 May 2010 and the first report on implementation was made in January 2011. MF also adopted its Integrity Plan.; **Measure 26:** Build capacity of DACI to monitor implementation of provisions concerning integrity plans, **Time Frame:** I Q 2011, **Assessment:** not completed. Completion of this measure requires legal definition of the institute of integrity in the public sector and that is envisaged in the AP for 2011. The WG that was established by MF (Three members from DACI) prepared in 2009 the Draft Law on Integrity in the Public Sector that regulated the area of integrity in public sector and lobbying. NC decided that lobbying should be covered in a separate law and MF was sent a draft of the Law on Lobbying in December 2009. Provisions that deal with integrity in the public sector have been sent to the proposing entity (Ministry of Interior) in March 2009 so that they can be integrated in the innovated Law on Civil Servants and State Employees. As for the Law on Integrity in the Public Sector, DACI prepared fiscal impact assessment and sent it to the proposing entity. This assessment deals with the increase in the number of employees in

MF and DACI required to cover new competences, and with the appropriate training that should be provided; **Measure 27:** Specialized trainings (gaining new knowledge and skills in the field of integrity strengthening for: employee of the CA, TA, DFMLFT, internal auditors and inspection services), **Time Frame:** continuous, **Assessment:** partly completed. 32 trainings for civil servants have been organized: in CA, PD, TA, DSMLFT, Market inspections, ME, MSDT. ME adopted a special curriculum for training (for inspectors). PD is in the procedure of adopting the new Rulebook on the internal organization and systematization which will envisage establishment of a separate department positioned in the Internal Audit Administration. After this Rulebook comes into force further activities of organizing specialized trainings for internal auditors will be undertaken. **Recommendations: Envisage provisions on integrity in the public sector in the legislation with the view to establishing the obligation of adoption of integrity plans. In the period before these provisions are adopted, DACI can provide expert support to state bodies in their efforts to meet this obligation defined in the AP. Design a joint training program for the bodies competent for this measure and the mechanism for checking their performance with the view of strengthening the integrity of employees.**

OBJECTIVE 13: Recruitment, reward and merit based career systems are improved in the public sector by establishing objective criteria, **Measure 28:** Adopt the Law on Amendments to the Law on Salaries of Civil Servants and State Employees, **Time Frame:** 2011, **Assessment:** not completed; **Measure 29:** Revise and change recruitment system in public administration (recruitment of civil servants and state employees) by introducing objective criteria and more advanced methods for testing the candidates, **Time Frame:** 2011, **Assessment:** not completed. Recommendations have been defined and they will be used as a basis for improving legal, high-quality, politically neutral and professional work of persons employed in state administration and their promotions, specialization and legal status. WG is established to work on drafting the Proposal of the Law on Civil Servants and State Employees; **Measure 30:** Improve job descriptions and criteria for the positions of civil servants and state employees in public administration by providing guidelines for updating the Rulebook on internal organization, **Time Frame:** continuous, **Assessment:** partly completed. HRMA established the Methodology for drafting documents on internal organization and systematization which is to be helpful in drafting job descriptions. This Methodology contains instructions and recommendations. It is published in the HRMA website: www.uzk.co.me. The procedure for adoption of the new Rulebook on internal organization and systematization of job positions in PD is in progress. This Rulebook will define certain number of job descriptions for police officers. Some criteria for employment and job descriptions have been further developed. In the draft of this Rulebook and in line with the obligations envisaged in the law and the respective AP, NCB Interpol has been reorganized and turned into an organizational unit of the Division for International Police Cooperation. The Rulebook envisages an increase in the number of employees in this unit required for the jobs of fighting organized crime, corruption and financial investigations. The draft also envisages a Unit for Cover Agents, Internal Audit Division and Division for foreign nationals and migrations. **Measure 31:** Analyze the existing conditions and propose objective criteria for advancement and reward of employees, with the aim of retaining the high quality staff and managing human resources (merit-based career system), **Time Frame:** 2011, **Assessment:** partly completed. See Measure 29. **Recommendations: Consistent implementation of the recommendations for this objective defined in the EC Opinion.**

OBJECTIVE 14: Codes of Ethics are fully implemented in entire public administration, **Measure 32:** Revise the Code of Ethics of civil servants and state employees and other individual Codes, **Time Frame:** I Q 2011, **Assessment:** not completed. See measure 29. Basis for the audit of the Code of Ethics of Civil Servants and State Employees and other individual codes will be defined in the Law on Civil Servants and State Employees; **Measure 33:** Training of civil servants and state employees at the central and local level on the Code of Ethics, including the obligation to sign the statement of acceptance of the Code of Ethics (during recruitment and once a year), **Time Frame:** II Q 2011, **Assessment:** partly implemented. MIAPA, DGC, TA, CA, Institution for enforcement of criminal sanctions, and DACI conducted trainings focused on ethics and the code of ethics. PD, TA and CA have their separate Codes of Ethics; **Measure 34:** Ensure implementation of the Codes of Ethics through the work of disciplinary bodies and periodical checks of compliance with the

Codes so as to ensure building the confidence of citizens as beneficiaries of services in service oriented public administration, **Time Frame:** continuous, **Assessment:** not completed; **Measure 35:** Publish decisions of the Ethics Committee and disciplinary bodies on the most frequent ethical dilemmas faced by civil servants and state employees, **Time Frame:** annual, in IV Q, continuous, **Assessment:** not completed. **Recommendations:** **We think that the innovated Law on Civil Servants and State employees should establish a mechanism for checking the effectiveness of trainings in this area and their impact on strengthening integrity and ethics in the public sector.**

OBJECTIVE 15: Lobbying is regulated by law, **Measure 36:** Adopt the Law on Lobbying, **Time Frame:** I Q 2011, **Assessment:** not completed. Draft of the Law on Lobbying submitted to the MF; **Measure 37:** Build capacity of DACI and MF for efficient implementation of the Law on Lobbying by increasing the number of staff positions and provision of technical conditions, **Time Frame:** II Q 2011, **Assessment:** not completed. DACI submitted Draft Law on Lobbying to the MF in December 2009. Preparing for the implementation of this Law, DACI prepared the project „Support to the implementation of the anti-corruption Strategy and Action Plan with the particular focus on prevention measures: lobbying, integrity and conflict of interests.“. This project is supported by the EU Delegation within the IPA 2010. **Recommendations:** **Adopt Law on Lobbying, which will introduce new competencies of MF and DACI related to introduction of the Register of lobbyists etc; strengthen DACI capacities and amend internal document on organization and systematization envisaging a new job position for the activities of lobbying; ensure appropriate trainings, premises and equipment, which will require additional budget funds. Precondition for all these activities is that lobbying is regulated and that there are budget funds envisaged for that purpose. Adoption of this Law is also a precondition for the implementation of the IPA 2010 project which is to start in IV Q 2011 and the significant part of which refers to the implementation of the institute of lobbying.**

FREE ACCESS TO INFORMATION

This chapter has 4 objectives and 5 measures, 3 of them are implemented continuously and 2 are in the pipeline until the 1st quarter of 2011. Objectives and measures in this chapter are focused on legislative changes in this area in order to make the principle of free access to information more effective and on strengthening supervisory measures in this area.

OBJECTIVE 16: Regulations are harmonized in a way to make free access to documents of public importance a basic principle, and confidentiality of information an exception **Measure 38:** Adopt the Law on Amendments to the Law on Free Access to Information: introduction of two instance proceedings; clearly define misdemeanor liability, **Time frame:** I Q 2011, **Assessment:** Not completed.

OBJECTIVE 17: Administrative and technical capacity for the implementation of regulations on free access to information is developed, **Measure 39:** Trainings of staff responsible for handling requests for free access to information in accordance with the case law and international standards; **Time frame:** Continuous; **Assessment:** Partly completed. In the reported period the staff of PPD, GCA and PD were trained, and HRMA delivered 5 seminars on the topic: Practical implementation of the Law on Free Access to Information (90 civil servants). PD and Appellate Court reported on the reduced number of cases at second instance, while the PPD did not have any. **Recommendations:** **In spite of the fact that the trend towards reduced number of cases at second instance was positive, it should be monitored to see if it persists in the next reporting period.**

OBJECTIVE 18: Effective supervision of the implementation of regulations on free access to information is provided, **Measure 40:** Lay down the obligation of staff responsible for handling requests for free access to information to submit quarterly reports to the second instance body (which monitors law implementation) on implementation of the Law, reasons for denial of access to information and judgments of Administrative Court, **Time frame:** I Q 2011,

Assessment: Not completed. In the reported period the Administrative Court closed 315 cases concerning free access to information. In 181 cases the requests were granted, in 37 cases denied and in 87 cases the procedure was suspended, in 8 cases the petition was dismissed. In the reported period DACI received 43 requests and it replied to them in timely manner as stipulated by the Law on Free Access to Information. In this period ME acted upon 10 requests. After it took over the functions of the Agency for Restructuring of Economy and Foreign Investments concerning privatization, a number of cases were not handled in given time and this will be addressed in shortly. MTMA received the total of 242 requests: it acted upon 135 requests, and denied 29 requests for free access to information. In the reported period the MESp received 10 requests for free access to information: three were granted, one was referred to other authority and 6 were denied. In the reported period IECS received two requests for free access to information and it granted them both, while PD granted and delivered information in 72 out of the total of 135 received requests. Starting as of March 1, 2011, the PD will meet its obligation to submit quarterly reports. PD makes both monthly and periodical reports on free access to information. The report shall be published on the PD's website in its section titled Anticorruption every month with a view to making the report available to state bodies and NGO sector. The appeals procedure (in two cases) is under way before the Appellate Court and six lawsuits have been submitted to the Administrative Court. In 2010 the Administrative Court received 39 requests in which 127 pieces of information were requested, it pronounced 16 decisions by which access was granted for 83 pieces of information; 18 decisions were pronounced to deny the request for access to 35 pieces of information; six notifications were issued for eight pieces of information; the Court requested additional information as regards one information. The AC makes monthly reports about all requests and consolidates them into a yearly report.

There is still no second instance body vested with the power to supervise the implementation of the Law on Free Access to information, nor there have been any amendments to the Law.

Recommendations: Current problem pertaining to the implementation of the Law on Fee Access to Information is that it is not aligned with the Law on Protection of Personal Data and the Law on Secrecy of Data and the alignment with these laws needs to be provided. This causes the uncertainty in the implementation and interpretation of these laws. Consider establishing an institution for supervision of the implementation of this law and more stringent fines for failure to implement the law.

OBJECTIVE 19: Public authorities are transparent and show a culture of openness, enjoying citizens' absolute trust, **Measure 41:** Regular updating and availability of all data from the competence of Public authorities and administrative authorities through: web-presentation of institutions; development of electronic services adapted to citizens and business entities. **Time frame:** Continuous, **Assessment:** Partly completed. Most of the public authorities reported that they regularly update their websites where they present the most important information from the area of their competence and about ever greater use of electronic means of communication with citizens. MIAPA created two electronic services, one for on-line ordering of birth certificates, certificates of MNE citizenship and certificates of residence, and the other for on-line tracking of document issuance. In February 2011, MSDT plans to test an on-line service for issuing documents to citizens. TA has been working on installment of the taxpayer registration database. CA developed a large number of web-services that enable everyone who is involved in customs procedures to track the customs procedures in a transparent manner: application „GARANCIJE“, application „TARIC“, application ERP (electronic data exchange and submission of customs declarations, over 90% of declarations are submitted electronically). Development of some additional services requires that other public authorities have the necessary infrastructure and procedures (electronic signature etc.). Citizens also have possibility to make an on-line report about any suspicion they might have about corruption on DACI's website. In this way DACI has received six reports. As of June 17, 2010 it is possible to watch the sessions of the Parliament of Montenegro online. In just 10 days after this service was introduced, there were 2.013 hits to the live streaming web-page; **Measure 42:** Promote the culture of openness of public authorities, proactively publish information and encourage citizens to exercise their right to free access to information; **Time frame:** Continuous; **Assessment:** Not

completed. Note: Concerning this measure MANS submitted a report on the number of requests submitted to authorities. In the report thereof MANS stated that the reduced number of requests for free access to information comes from the fact that monitoring of the AP during 2010 was cancelled until the new document is adopted. The percentage of the cases of silence of administration vis-a-vis their requests is still high in year 2010 and it amounts to 24%. **Recommendations:** It is necessary to intensify the promotion of culture of openness of public authorities and a proactive provision of information through campaigns, trainings and amendments of the Law in force with the aim to provide meaningful policy of sanctions for responsible persons and institutions that violate the law. The problem is also the lack of appropriate administrative capacities and human resources to implement the Law in some of the authorities and this is why improvements should be made in this area.

PROTECTION OF PERSONS WHO REPORT CORRUPTION

This chapter has 3 objectives and 9 measures, 7 of which have been implemented continuously, one each in the last and in this year. These objectives and measures provide legislative and institutional framework for the institute of protection of persons who report corruption.

OBJECTIVE 20: Institutional and legal framework governing protection of persons who report corruption (“whistleblowers”) in both public and private sectors is improved, **Measure 43:** Analyze the need to adopt a separate law and improve mechanisms for protection against negative effects, **Time frame:** 2010, **Assessment:** Partly completed. Defined recommendations serve as a basis to improve legal, quality, politically neutral and professional work of the staff in public administration and career development, professional advancement and legal status of all employees in the public authorities.

The WG for writing a draft Law on Civil Servants and Employees established. Parallel with these activities inter-sectoral WG (April 2010) made an overview of the legislation in force regarding the institute of protection of persons reporting corruption and submitted proposal of measures for amending the Labor Law and the Law on Civil Servants and State Employees to line ministries in August 2010. Thereby the needs analysis for extending legislative regulation of this institute was completed and it should serve a basis for improving statutory provisions in the Law on Civil Servants and State Employees and Labor Law; **Measure 44:** Expand the scope of protection to all employees, **Time frame:** 2011, **Assessment:** partly completed. These measures fall within the competence of MLSW, and not of MIAPA, and it should be corrected likewise in the AP. In 2010, the WG for drawing up the draft text that would add articles prescribing that an employee is entitled to special protection when reporting corruption at the employer’s; **Measure 45:** Build administrative capacity through specialization of employees involved in receiving and processing of corruption reporting cases, and protection of persons reporting corruption, **Time frame:** Continuous, **Assessment:** partly completed. The training: „Receiving and Handling Reports and Protection of Persons Who Report Corruption“ was organized by DACI, HRMA and Commission for Prevention of Corruption from Slovenia in December 2010; it was attended by 13 participants from: DACI, HRMA, PD, TA, MH, DPP, Office for Corruption Reporting and Montenegro Business Alliance. In the reported period the civil servants from PD attended the following: the seminar organized by HRMA and Center for Education of Judicial Office Holders: “Advanced training on investigation of criminal offences of corruption and related issues” with two civil servants taking part; and seminar «Anti-corruption policy», attended by one civil servant; seminar «Corruption in Judiciary» was attended by one civil servant, and the seminar «Ethics of Police Work and the Prevention of Corruption» was attended by 5 civil servants; **Measure 46:** Regularly perform analysis of measures for the protection of persons reporting corruption and results of applied measures, **Time frame:** Continuous, **Assessment:** Not completed. There were no reports on the consequences suffered by the persons who reported corruption in the reported period, and there was no analysis on the measures for protection of the persons who reported corruption. **Recommendations:** Design training curriculum aiming at enabling the employees in charge of receiving and handling reports of corruption and of protecting persons who report corruption to acquire specialized knowledge. The WG for amending legislative framework relevant for the institute of protecting persons who

report corruption defined its position that the present legislation in this field should be improved by means of amendments and supplements to the Law on Civil Servants and State Employees and the Labor Law, and it submitted its suggestions to the line ministries. Once adopted, these amendments will create conditions for application of this institute and analysis of the results achieved by their implementation.

OBJECTIVE 21: A two-instance system for efficient corruption reporting is established in all institutions significant for anticorruption policies, **Measure 47:** Report on results of application of mechanisms for corruption reporting within the organization (internal control), **Time frame:** *continuous*, **Assessment:** Not completed; **Measure 48:** Define the mechanism for reporting corruption to the second instance body if corruption reporting within the body failed to produce adequate results. **Time frame:** *Continuous*, **Assessment:** Not completed. **Recommendations:** Once adopted, the amendments of legislative framework for protection of persons who report corruption will enable reporting on the results of implementation of mechanisms for reporting corruption in the organization. The wording of the measure No. 47 is not good because internal control in public authorities does not provide a special mechanism for reporting corruption in the institution, whereas the basis for establishing that mechanism will be made only after the amendments to the law are adopted. The public authorities such as: DACI, TA, CA, MH etc. do have open phone lines for reporting corruption and other irregularities relevant to the work of these authorities and these authorities made detailed reports thereupon in their respective reports; whereas the institute of protection of persons who report corruption entails protection of insiders or „whistleblowers“ i.e. employees who report irregularities pertaining to the institution in which they work. In August 2010, the inter-sectoral WG for amending legislative framework with the aim to introduce provisions on protection of the persons reporting corruption prepared the information on the need to amend present legislation pertaining to the institute for protection of persons who report corruption. The AP scheduled the adoption of new provisions of the Labor Law and the Law on Civil Servants and State Employees for 2011.

OBJECTIVE 22: Corruption reporting is an important source for detection and prevention of corruption. **Measure 49:** Promote channels for corruption reporting and protection mechanisms; **Time frame:** *Continuous*; **Assessment:** Partly completed. Promotion of the channels for corruption reporting in most of the public authorities was made through regular means of communication with public: open phone lines, special TV programs, press conferences, various information materials: brochures, leaflets, billboards, posters etc. PPD drafted detailed instructions for the procedure of corruption reporting in public procurement and for the procedure of handling citizens' reports and it opened a special phone line for reporting corruption. TA conducted a survey asking citizens: "Do you know that you can report corruption at phone number 19707?", and it published six reports on the work of its call-center which contain analysis of the measures undertaken in fighting corruption. TA had a large number of press conferences, press releases and presence in media. In its media presence CA tends to promote open phone-line as one of the ways to report corruption, but also to inform public about possibilities to report corruption both indirectly and directly. Through its anticorruption campaigns „Open your eyes wide – report corruption“, „Remove a virus - report corruption“ and its campaign in student dormitories in the course of applying for admittance, DACI promoted all means and ways available for reporting suspicion of corruption to competent authorities. In addition, corruption reporting ways were promoted at the lectures for students of MNE universities, in TV and radio programs, by means of press releases, press conferences, round tables and educational seminars. By brochures and leaflets these campaigns also promoted means and ways to report corruption anonymously. In the reported period DACI also published two volumes of information bulletin titled „Anti corruption“ which promoted channels for reporting corruption. The bulletins were published with the circulation of 1.000 each and they were disseminated to all public authorities in MNE, to local authorities, international institutions with offices in MNE and NGOs. The latest volume, bulletin No. 8, was published in English and 100 copies of it were disseminated. DACI carried out a repeated survey 'Public awareness about corruption and knowledge about the work of Directorate for Anti-Corruption Initiative' seeking to indicate to the effect of the campaigns thereof. The campaigns produced positive results because in 2010 DACI received greater number of reports on suspicions of corruption. In 2010 DACI received 140 reports on suspected corruption cases and the total

of 98 in 2009. In the reported period, MANS conducted the campaign „Turn the light on!“ which sought to promote the Law on Free Access to Information (28. September 2010) on the International Day of Free Access to Information and it staged performances in 9 municipalities in MNE. On that occasion they disseminated 4000 leaflets to citizens informing them of their rights enshrined in the Law on Free Access to Information and MANS offered their legal aid to them. The campaign on corruption in spatial planning was conducted in November and December 2010 and it promoted channels and mechanisms for reporting and fighting corruption in spatial planning with the help of five billboard posters, 83 articles in the press and 42 slots in TV programs; **Measure 50:** Promote good examples of corruption reporting (particularly if reporting had impact on prevention of punishable act, occurrence of damage or if it indicated complicated procedures which create room for corruptive practices); **Time frame:** Continuous, **Assessment:** Partly completed. **Measure 51:** Conduct campaigns in order to raise public awareness and encourage citizens (and specific target groups) to report corruption; **Time frame:** Continuous, **Assessment:** Partly completed. DACI conducted 3 anti-corruption campaigns for public at large and for some target groups as it sought to raise awareness of the problems pertaining to corruption and to encourage citizens to report corruption to competent authorities. The results of the survey on whether citizens are informed about the work of DACI are pending and they would reflect the effect of campaigns. For the occasion of the International Anti-Corruption Day (December 9, 2010), MANS staged a performance in front of the Parliament of Montenegro. The theme of the performance was: „Transparent and Responsible Parliament“ and it was a part of the campaign: „Corruption or EU Integrations?“ On this occasion they disseminated about 1.000 leaflets to inform citizens on what the Parliament can do for them as well as other campaign promotional materials (billboards at six locations in Podgorica, lighters, umbrellas, T- shirts). In the period of July 29- December 31, 2010 MANS received 170 reports of corruption or the breach of law on its SOS-phone 170, while 134 were received in 2009 for the same period. **Recommendations: Competent authorities should intensify campaigns that aim to inform target groups (public procurement, privatization, spatial planning, health, education, sport, private sector etc.) with a view to encourage citizens to report corruption. Draw up and adopt amendments to the laws pertaining to this field in order to encourage civil servants and state employees but also employees working in private sector to report corruption in their institutions and companies. The authorities that have open phone lines need to submit information to DACI about corruption reports that helped them in preempting this punishable offence so that DACI can complete the Measure 50. The Software solution that would be installed provides for the submission of information on corruption reports to DACI, and DACI will use them for analytical purposes. Such information will also be used for the promotion of good practices in corruption reporting .**

PUBLIC FINANCE

This chapter has 8 objectives and measures that have been delivered in continuous manner and only 6 of them were scheduled for the next reporting period as they are related to the amendment to the Law on the SAI and to the establishment of an audit body.

OBJECTIVE 23: Public finance normative framework is fully harmonized, **Measures 52 i 53:** Propose and adopt the Law on the SAI (amendments and supplements); **Time frame:** 2010 and IQ 2011 respectively; **Assessment:** Not completed. As reported by SAI they started activities on drafting amendments and supplements of the Law on the SAI. The Managing board of the project titled „Strengthening External Audit in Montenegro“ set up the WG; **Measures 54, 55, i 56** preparing draft legislation for establishing the audit body for the IPA funds audit, **Time frame:** 2011 and 2012. **Assessment:** Not completed. Even though the time frame for completing this measure has not come due, the WG that has the task to analyze the EC's recommendations and take part in adopting legislation for establishing an independent body for IPA funds audit. By the end of February 2011, this WG will draft their position with recommendations and modalities for adopting legislation. **Recommendations: Since most of the measures necessary for**

meeting this objective come due in 2011, Measures 52-56 were not completed and the following activities should be continued and stepped up: draw up the draft Law on amendments and supplement of the Law on the SAI that will strengthen capacity and competence of the SAI in compliance with the EU standards (Measure 52) and submit draft to the Parliament of MNE for adoption (Measure 53); Enhance the work of relevant sub-group entrusted with making draft of the law or regulation on establishing a body for external audit of IPA funds (Measure 54) and start the process of its adoption (Measure 55), even though the time frame for establishing autonomous audit authority outside the organizational structure of the SAI (Measure 56) falls due in 2012, continue activities towards completing this measure in compliance with the Government's AP for meeting the recommendations set forth in the opinion of the EC on initiating negotiations with the EU.

OBJECTIVE 24: Public spending at national and local government level is transparent, efficient and economical, **Measure 57:** Regular submission of annual audit report and individual audit reports to the Parliament of Montenegro, **Time frame:** Continuous, **Assessment:** Completed. Audit of the statement of balance of the Budget of MNE for 2009 was completed and the report – as a separate document and as a part of the SAI's Annual report - submitted to the Parliament of MNE. According to its annual audit plan for 2010, the SAI completed 13 selective audits. The Senate of the SAI adopted its annual audit plan for 2011. In the reported period SAI completed 7 general audits and 1 cross-sectional audit. In the period January-July 2010, SAI made audits for 2009 of the following spending units: CNP; PA Danilovgrad; NTO; BISTCC; Employment Agency of MNE. In the period January-July 2010, SAI made 3 regularity audits, 1 audit of regularity-efficiency-effectiveness and 1 control audit for the period January- July 2010; **Measure 58:** Presentation of SAI audit findings to the public through regular press conferences held after performance of audits; **Time frame:** Continuous, **Assessment:** Partly completed. In November 2010, SAI held a press conference for the occasion of publishing its Annual Report on Audits and Activities for the period October 2009 – October 2010. **Measure 59:** Hiring necessary auditing staff in accordance with the Rulebook on internal organization and job descriptions, **Time frame:** 2010-11, **Assessment:** Completed. Based on the proposed budget for the next year, SAI adopted its provisional plan for recruitment of auditors to fill positions defined in the Rulebook on internal organization and job descriptions by 2012. In the period January- July 2010 SAI hired 6 civil servants: 4 auditors, one advisor for international relations and public relations, and one trainee. During July- December 2010, SAI did not recruit any new staff.

OBJECTIVE 25: Administrative, technical and material capacity in the public finances sector is developed; **Measure 60:** Recruitment of staff in Audit Authority to carry out audit of IPA funds; **Time frame:** 2012; **Assessment:** Not completed. SAI reported that they would start recruitment of staff they need for SAI after the adoption of the legislation on establishing audit authority for IPA funds. In the period January-July 2010 SAI reassigned 5 of its staff to work in the audit authority for IPA funds. **Measure 61:** Education of auditing staff to carry out audit of IPA funds and audit of cost-effectiveness, efficiency and effectiveness, **Time frame:** As of 2012 - continuous, **Assessment:** Not completed. SAI reported about the following trainings: in cooperation with GTZ, workshop delivered on the topic Regional dialogue between audit bodies on the topic of auditing IPA funds whose purpose was to exchange experience and knowledge between audit bodies in the region for audit of IPA funds in compliance with the EU requirements; SAI and the Commission administering examinations for certified state auditors organized examination in December term. According to the Rulebook on Examinations for Certified State auditors 5 candidates passed the examination; in cooperation with GTZ the conference titled „Improving Public Procurement Procedure in MNE – Roles and Responsibilities of Key Institutions“ and a workshop for SAI auditors titled: „Process and System of Control of Public Procurements“, as a part of EU project 'Strengthening External Audit in MNE' implemented by GTZ. With the aim of educating responsible persons in charge of managing and disposal of budgetary funds SAI and the Commission for administering examinations for certified state auditors in the period October 2009 to October 2010 organized two terms for examinations for acquiring state audit certificate in compliance with the Rulebook on Examination for Certified State Auditors, and 12 civil servant acquired the title of certified state auditors.

OBJECTIVE 26: Effective control system is in place to overview disposal of public funds by budget spending units; **Measure 62:** Continuously control beneficiaries of budget funds, **Time frame:** Continuous, **Assessment:** Completed. In its Annual report, alongside its audit on the statement of balance of the Budget 2009, SAI presented abstracts from 13 selective audits. The audits of the following entities were made: University of Montenegro; NTO CG; CNP; Commission for Refugees; Police Academy - Danilovgrad; IECS; PE 'Aerodromi CG'; Municipality Herceg Novi; Collection and disposal of local taxes; Public procurements in IT field; BISTCC; Agency for Promotion of Foreign Investments; Employment Agency of MNE. All final reports of the above audits were published on the website: www.SAI.co.me. As set forth in the abstracts of the selective audits, the audited entities were given 122 recommendations and all of them were accepted by the audited entities. In the audit report regarding the balance of accounts of the MNE Budget 16 measures and measures were spelled out.

OBJECTIVE 27: Efforts to suppress "grey" economy record progress; **Measure 63:** Report on tax revenues and number of registered taxpayers, **Time frame:** Continuous, **Assessment:** Completed. In the reporting period TA managed to collect delinquent debt in the amount of 26.761.201,00€. In the specified period TA registered 1.777 taxpayers out of which 441 were entrepreneurs and 1.336 legal entities. On its website TA regularly publishes reports on tax collection and the reports on the measures it takes to collect delinquent tax debt, such as: Report on collection measures with the analysis of the execution of collection plan for delinquent tax returns; Report on the number of requests for VAT return – submitted and settled; Requests for VAT and excise by taxable periods, and activities of branches about the same requests; Reports on the gross collection output in monthly, quarterly, semiannually and annually. Recommendations: Comparative data on the increased number of taxpayers via-a-vis the previous period need to be submitted so as to make an assessment on whether grey economy was suppressed.

OBJECTIVE 28: Efficient internal audit system in spending units is in place; **Measure 64:** Internal audit of budget funds of budget beneficiaries; **Time frame:** Continuous; **Assessment:** Not completed. MF reported that the measures are needed to achieve the following: organizational establishment of the internal audit of budget beneficiaries; recruitment of internal auditors in the units of internal audit; training for internal auditors. On the basis of the Law on the System of Public Internal Financial Control, the Decree on Establishing Public Internal Audit was adopted and it prescribed the manner and criteria for establishing internal audit in public sector. The rulebooks on internal organization and job description were changed and this was conducive to making organizational arrangements for establishing special units for internal audit in 18 beneficiaries and the procedure of filling posts of internal auditors in those entities is under way. After the internal auditors are assigned to the posts in units of budget beneficiaries in the course of 2011 and 2012, appropriate trainings will be arranged within the project »Strengthening Management and Control System for the EU Financial Assistance to Montenegro», that had already been approved and which started in 2010. Thereby these units would meet requirements to become operative.

OBJECTIVE 29: Control audits in audit subjects are efficient; **Measure 65:** Continuously control and comply with recommendations from the findings of State Audit Institution, **Time frame:** Continuous, **Assessment:** Partly completed. In the period July-December 2010, SAI made one 1 control audit, the one in the Employment Agency of MNE. SAI found that most of the recommendations set forth in the audit report for 2008 were implemented, while some of the recommendations were partly implemented and some were not. The financial audit report for 2008 was submitted in the end of July so that objectively the audited entity could not completely implement the recommendations given. **Recommendations: In compliance with the indicators concerning the control of regularity of the procedure of opening accounts of spending units at commercial banks and the regularity of their operations, it is necessary to provide greater number of control audits in the entities which were audited in the previous year so as to follow the observance and implementation of the recommendations given by SAI.**

OBJECTIVE 30: Risk analysis system in public finances is further developed; **Measure 66:** Education of the management staff and civil servants in all spending units to manage risks, **Time frame:** Continuous, **Assessment:** Partly completed. **SAI** delivered trainings on risk management to managerial staff and civil servants in all spending units through HRMA which commissioned members of the SAI's Senate to deliver lectures at seminars. The institution did not make a training plan for educating managerial staff and civil servants in all spending units in risk management. **Recommendations: SAI needs to draw up a plan for trainings in this field and to submit it to HRMA.**

STATE PROPERTY

This chapter has two objectives, each having two measures that have come due and they are being implemented continuously.

OBJECTIVE 31: Further implementation of the Law on State Property and development of secondary legislation governing state property; **Measure 67:** Prepare a six-month report on performance of the Directorate for Property and Protector of Property Law Interests of Montenegro, **Time frame:** Continuous, **Assessment:** Not completed. The drafting of the annual report of the Protector of Property Law Interests of Montenegro is under way (started on April 30, 2010), whereas the Directorate for Property did not report about this measure. **Measure 68:** Prepare secondary legislation needed for implementation of provisions of the Law on State Property, **Time frame:** 2010-11, **Assessment:** Completed. DP adopted its rulebook on internal organization and job description, while MF – its sector for property administration in cooperation with DP, passed 6 by-laws necessary for the implementation of the Law on state Property: Decree on Conditions and Terms of Occupancy of Business Facilities and Premises, Decree on Conditions and Terms of Occupancy of State Reception Facilities, Decree on Conditions and Terms of Using MNE State Owned Vehicles, Decree on Conditions and Terms of Keeping Register and Inventory of Movable and Immovable State Owned Property, Decree on Conditions and Terms for Sale and Lease of State Property, Decree on Conditions and Terms of Delivering Presents that are Part of the State Property at Disposal of Montenegro. The drafting of two decrees is in progress: Decree on Conditions and Terms of Use of Objects of Art and Cultural Heritage and Decree on Conditions and Terms of Occupancy of Apartments for Government Officials.

Recommendations: Adopt a six-month report on the work of DP and Protector of Property Law Interests of MNE and provide the enforcement of legislative acts implementing the provisions of the Law on State Property and possibly make a report on that.

OBJECTIVE 32: Administrative, technical, financial and institutional capacity is developed for an efficient implementation of relevant laws in order to protect state property against all kinds of abuse; **Measure 69:** Staff recruitment in accordance with the Rulebook on internal organization and job descriptions and training of new staff, **Time frame:** 2010, continuous, **Assessment:** Partly completed. DP reported that they did not fill all vacant posts as prescribed by the Rulebook but that it is in progress. The number of employees was increased for one employee in 2010. The Protector of Property Law Interests of MNE specified in its report that the recruitment procedure is under way in order to fill all vacant posts; **Measure 70:** Building technical capacity by defining needs and purchasing necessary equipment; **Time frame:** Continuous, **Assessment:** Partly completed. The Protector of Property Law Interests of MNE reported that they had identified the equipment they needed to purchase and according to that they furnished all offices of the Protector (Podgorica, Bijelo Polje and Kotor) with office stationery, furniture and technical equipment, and they provided 4 vehicles; yet 3 vehicles are needed. DP did not report on this measure. **Recommendations: Vacancies in DP and Protector of Property Law Interests of MNE have to be filled in continuous manner and in accordance with posts that have been envisaged; provide as many trainings for employees as possible and appropriate equipment.**

CAPITAL MARKET

This chapter has 4 objectives with 7 measures, 3 that have come due since they were scheduled for this reporting period, while 4 are to be realized in the period 2011-2012.

OBJECTIVE 33: Legislation in the area of banking, insurance and other financial services is harmonized with international standards; **Measure 71:** Harmonization of national legislation in the field of capital market with the relevant EU Directives – Law on Securities, **Time frame:** 2011-12, **Assessment:** Not completed; **Measure 72:** Law on Investment Funds, **Time frame:** 2011-12, **Assessment:** Not completed; **Measure 73:** Law on Taking over Stock Companies, **Time frame:** 2011-12, **Assessment:** Not completed. **Measure 74:** Law on Voluntary Pension Funds, **Time frame:** 2011-12, **Assessment:** Not completed; **Measure 75:** 75 Insurance Law, **Time frame:** 2011-12, **Assessment:** Not completed. National Insurance Agency reported that activities on harmonization of the Insurance Law with the requirements of the *Acquis communautaire* started, particularly in the field of solvency I; On October 25, 2010, the Agency's Council adopted the Rulebook on the Insurance Societies' Account Framework that will be applied as of January 1, 2011; On December 21, 2010 the Decision on the Evaluation of Insurance Society's Assets. There is a plan to continue with activities on harmonizing regulations with the requirements of the *Acquis communautaire*. **Recommendations:** It is necessary to submit the report on transposition tables for these laws against the *Acquis communautaire* as requested in the indicator.

OBJECTIVE 34: System of registration, clearing and depositories is efficient; **Measure 76:** Development of the institution of depository (custody) of securities in accordance with international standards, **Time frame:** 2012, **Assessment:** Not completed; **Measure 77:** Increased efficiency and certainty of reconciliation and security of data protection, registration and reconciliation of transactions, **Time frame:** 2012, **Assessment:** Not completed.

OBJECTIVE 35: Institutional position of stock exchanges is further strengthened and international cooperation developed; **Measure 78:** Development of information system of participants on the capital market by increasing efficiency and reliability of IT systems of the Securities Commission, CDA and all participants on the capital market; **Time frame:** 2010, continuous, **Assessment:** Partly completed; As a part of upgrading IT system of SCA the implementation of the Document Management System (DMS) is under way and it is envisaged that the system will be put into operation in the end of October 2010, and CDA - Podgorica is upgrading its IT system. After the completion of the merger of Nova berza hartija od vrijednosti CG a.d. - Podgorica (New securities exchange) to Montenegroberza a.d. Podgorica – which is under way - present IT solutions of the stock exchange will be assessed and their possible upgrading considered.

Measure 79: Signing bilateral memoranda of understanding with international partners; **Time frame:** Continuous, **Assessment:** Not completed; **Measure 80:** Signing memorandums of understanding with national institutions and intensifying cooperation under already signed memorandums, **Time frame:** Continuous, **Assessment:** Not completed.

OBJECTIVE 36: Financial reporting of participants in the capital market is improved; **Measure 81:** Improvement of financial reporting of authorized participants (companies, investment funds), establishing public information library, **Time frame:** Continuous, **Assessment:** Partly completed. MF: 79 sanctions for failure to act in compliance with the reporting obligations; SC: Amended Rulebook on contents, deadlines and manner in which securities issuing entities publish their reports, report transcript with more than 8,000 financial reports published.

PRIVATE SECTOR

This chapter has four objectives with 5 measures, and only one has come due.

OBJECTIVE 37: Efficient system of registration, clearing and depository; **Measure 82:** Development of the new Action Plan for the reform of business environment, **Time frame:** IV Q 2010, **Assessment:** Partly completed. Council for regulatory reform and the improvement of business environment reported that - based on the recommendations of WB and representatives of private sector- the draft AP for the reform of ease of doing business was prepared; **Measure 83:** Implementation of the Law on Improvement of Business Environment, **Time frame:** Continuous, **Assessment:** Partly completed. The Council for Regulatory Reform and Improvement of Business Environment through line ministries and initiatives of the private sector undertook activities and measures towards revision of certain pieces of legislation which were deemed to be barrier to business. Based on that the Law on Improvement of Business Environment ("Official Gazette of MNE", No. 40/10) was adopted whereby some laws were annulled and conditions for doing business got improved. The Law covered amendments and supplements of the Law on Business Organizations in terms of abolishing obligation to extend company's registration; Law on Foreign Investments in terms of abolishing the provision on application of more favorable legislative solutions for foreign investments – whereby the status of domestic and foreign investors are put on equal footing. Also, the Law on Environmental Impact Assessment, Patent Law and Law on Electronic Communication were amended and thereby procedures before competent authorities in this field curtailed; the Law on Spatial Planning and Construction of Structures was amended with streamlined procedures of cadastral registration of real estate; the amendments were also made on the Law on Cinematography, Law on Court Fees, Law on Administrative Fees with a view to reduce fees for administrative procedures. Regarding the Law on Roads and Law on Environmental Protection the amendments established procedures in which local taxes shall be determined with prior consent of the Government of Montenegro. At the same time, this Law terminated the validity of the Law on Public Services Enterprises and the Law on Non-Economic Activities. The amendment of these legislations was made with a view to curtailing procedures and the costs of certain administrative procedures. **Recommendations: Draw up the AP for reform of the improvement of business environment relevant to Objective 82 as its adoption is lagging behind. Indicators do not reflect the way in which the Law on Improving Business Environment is implemented and it is necessary to obtain the report of the Council.**

OBJECTIVE 38: The project "Guillotine of Regulations" is successfully implemented; **Measure 84:** Implementation of the Action Plan for Implementation of the Regulatory Reform Strategy, **Time frame:** IQ 2011, **Assessment:** Not completed. This measure did not come due.

OBJECTIVE 39: Public-private partnership is efficient and mutual confidence is developed; **Measure 85:** Sessions of the Council for Regulatory Reform and Improvement of Business Environment are held; Efficient public private partnership through building mutual trust. **Time frame:** Continuous, **Assessment:** Partly completed. In 2010, the Council had 6 sessions. It considered the draft regulation for the consolidation of the company registration procedure, and it considered information on the Global Competitiveness Index for 2010–11 of the World Economic Forum as well as the Report on Economic Freedom of the World of Frazer Institute. MWG prepared amendments and supplements on: spatial development and construction; on electronic communications; on protection and rescue; on waters; on agricultural land and on geological explorations. The reform concerning the issuance of the construction licenses is aimed to simplify/streamline procedures of obtaining construction permits in terms of curtailing the deadlines, cutting back costs for investors and to achieve greater efficiency of the public administration. Also, the Council considered the Information on the findings of Doing Business Report – 2011 and it proposed measures for improvement of those fields in which Montenegro scored badly and in this way it specified priorities. Priority fields that need to be addressed for the sake of improving procedure are: issuance of construction permits, tax payment, execution of contracts and real estate registration. At the same time, the priority for the next period is to adopt draft Law on Execution Procedure and provide for its implementation. In addition, at the same session the Council discussed recommendations for the reform of licensing and inspection system in Montenegro. Following the recommendations of public authorities, private sector and representatives of the WB, the draft amendments to the Law on Administrative Fees was

prepared and its provisions proposed cut back of fees for some administrative procedures. **Recommendations: Submit the report on how were the private sector's recommendations taken.**

OBJECTIVE 40: Fight against corruption in the private sector is more efficient; **Measure 86:** Report on prevention of corporate corruption, **Time frame:** Continuous, **Assessment:** Partly completed. DACI in cooperation with EFM, Business Association from Ulcinj and Business start up center from Bar organized 3 round tables on the topic „Code of Ethics in Companies towards Reducing Corruption“. Lecturers: representatives of DACI, Investment and Development Fund, EFM, CRNVO, Biznis start-UP center from Bar, as well as Ufuk Batur, an international expert from Turkey. The roundtables were attended by representatives of private sector. Also, the plan is to draft a publication on the topics that were discussed at those round tables. DACI representative delivered 3 lectures in the seminar organized by the Institute of Certified Accountants of Montenegro and one lecture at the seminar organized by Biznis start-up center from Bar. In cooperation with DACI, MBA disseminated to its members and other organizations over 500 copies of the publication: „Open your eyes wide – report corruption“. In addition, by means of CCM and MBA's publications, DACI disseminated 1.600 leaflets of the campaign „Open your eyes wide – report corruption“. CCM and DACI signed MoU which envisages tentative modalities of joint actions, conduct of joint surveys on corruption, education – programs of professional advancement, drafting studies, analyses and projects, joint organization and participation in seminars and other forms of cooperation in mutual interest. EFM prepared draft Code of Business Ethics which seeks to raise awareness in the ranks of businesses on how important is bona fides business and thereby their more efficient participation in fight against corruption. The draft comprises general principles of business moral and it is based on the implementation of best business practices and this will be binding for all business organizations.

II. PRIVATIZATION PROCESS

This chapter has three objectives, with 7 measures that are being implemented in continuity.

OBJECTIVE 41: Regulatory and institutional system is established for monitoring the implementation of privatization contracts, while greater transparency of the process is ensured; **Measure 87:** Establish the system for control of investments in privatized companies and fulfillment of contractual obligations, **Time frame:** 2010, **Assessment:** Completed. ME and Privatization Council reported that the system of control of investments and execution of contractual obligations was established in such way that the institution (Consortium headed by School of Economics from Podgorica) that would prepare the report for the Council and the Government was selected after an open call for bids. Also, work teams have been established and they will make control of business organizations that were not covered by the report of the School of Economics; **Measure 88:** Prepare reports on implementation of privatization contracts, **Time frame:** 2010, continuous, **Assessment:** Partly completed. The reports of the Privatization Council were prepared and once the Council adopts them finally, they would be open to public scrutiny on PC's web portal: [www. savjetzaprivatizaciju.me](http://www.savjetzaprivatizaciju.me). **Measure 89:** Ensure access to information on privatization contracts in accordance with the Law on Free Access to Information, **Time frame:** Continuous, **Assessment:** Partly completed. Privatization Council: 170 requests received, 9 denied due to the lack of information, 5 decisions were annulled by the Administrative Court.; Ministry of Economy: 4 requests received, all of them granted. ME released the Contract on Settlement between Aluminum Plant in Podgorica and Bauxite Mine in Nikšić with Russian company CEAC and all annexes to this Agreement. ME released the draft Concession Act, draft Concession Agreement, draft Contract on Sponsorship as well as the instructions for bidders and Analysis of Economic Impact related to the project of building Hydro-electrical power plants on the Morača river. All requests that the public submitted through ME's PR unit were granted. **Measure 90:** Continuous training of persons responsible for rendering decisions on access to information; **Time frame:** Continuous, **Assessment:** Partly completed. The staff of PC and ME who are in charge of implementing the Law participate in organized forms of training provided by HRMA for civil servants. **Measure 91:** Regularly publish press releases and public invitations for tender procedures;

Time frame: Continuous, **Assessment:** Completed. In the period July 29 – December 3, PC announced four public invitation on its web-portal: public tender for selling shares of Montenegro Airlines AD Podgorica, **public call for participating in tender for selling** 56,4806% share capital expressed through 215.954 shares of Institute for Physical Medicine, Rehabilitation and Rheumatology “Dr. S Milošević” AD Igalo, Amendment of public call for taking part in international public tender for long-term lease of „Hotel ”Park” property and Plaža – Bijela, H. Novi with the obligation to invest, modification of public call for participation in tender for selling 56,4806 % capital expressed through 215.954 shares of Institute for Physical Medicine, Rehabilitation and Rheumatology “Dr. S Milošević” AD Igalo. In the same period the Council issued a couple of press releases. **Recommendations: Regarding the Measure 88, submit data in compliance with the indicator of whether the data base on privatized companies was established in compliance with the indicator thereof.**

OBJECTIVE 42: Work of the Committee for Monitoring and Control of the Privatization Process is efficient; **Measure 92:** Regular meetings of the Committee for Monitoring and Control of the Privatization Process, **Time frame:** Continuous, **Assessment:** Partly completed. In 2010 the Committee for Monitoring and Control of the Privatization Process held 3 sessions – 6 meetings, 9 requests were made to institutions and all 9 were answered. Also, there were no consultation and control hearings. The Committee for Monitoring and Control of the Privatization Process reviewed the privatization of the following companies: “Mljekara” A.D. Podgorica; „Livnica“ AD Nikšić; „Elektroprivreda“ A.D. Nikšić; „Željezara“ A.D. Nikšić;“ Kombinat aluminijuma Podgorica“. The Committee did not pass conclusion about the privatizations it reviewed. The representatives of the Government, managers from these companies and NGOs took part in the sessions by invitation. The president of the Committee requested from ME to submit to the Committee’s review the sale contract for shares of Bauxite Mine from Nikšić and 9 Annexes to this Contract. The President of the Commission requested from the Government’s Privatization Council to submit the documents pertaining to the privatization of KAP for inspection. **Recommendations: Submit information on the number of replies from the institutions that received the Committee’s requests for data .**

OBJECTIVE 43: Public participates in designing and implementing privatization strategies for enterprises of special interest to the public, particularly in the area of transport, tourism and energy; **Measure 93:** Organization of public debates on plans and strategies for privatization of enterprises of strategic relevance, especially in the field of energy, transport, tourism and privatization of Public enterprises, **Time frame:** continuous, **Assessment:** Partly completed. The PC reported in cooperation with OSCE it organized II conference at the School of Economics in Podgorica with a view to enhance transparency of the privatization process and more than 100 participants took part. There are ongoing preparations to organize the third conference on enhancing transparency of privatization process in companies that have strategic importance in cooperation with OSCE. Other entities that had to report on this measure did not have any activities. **Recommendations: In compliance with the indicator more trainings need to be provided as well as the reports specifying the number of organized public consultations , number of participants, number of remarks given - both those that were accepted and those turned down respectively - as well as the way in which the participants got feed-back on whether their comments were accepted or not.**

PUBLIC PROCUREMENTS

This chapter has 4 objectives with 12 measures that have not come due (2011-2012), nonetheless competent authorities have started certain activities in this reported period.

OBJECTIVE 44: Legislative framework is enhanced in order to achieve full compliance with European standards in this area and ultimately make public procurement procedure fully efficient, competitive and transparent; **Measure 94:** Law on Public Procurement with incorporated provisions of EU regulations in the part of the sector concerning utility services and the field of the protection of right , **Time frame:** 2011, **Assessment:** Partly completed. The draft of

the new Law on Public Procurement was completed and it incorporated provisions of the EU regulations in the part of the sector concerning utility services and the field of the protection of rights; Public consultations are in progress; **Measure 95:** Secondary legislation and other regulations for implementation and other documents; **Time frame:** 2011, **Assessment:** Not completed. The process of making draft Law is accompanied with drafting of corresponding secondary legislation and forms/templates for public procurement that need to be adopted too within 6 months after the Law is adopted; **Measure 96:** Strategy for the Development of Public Procurement System for the period 2011-2014, **Time frame:** 2011, **Assessment:** Not completed. All activities pertaining to the development of the public procurement system will be listed in the Strategy for the Development of the Public Procurement System in MNE for the period 2011-14. The Strategy will be adopted in 2011. A part of the strategy for public procurements in MNE has already been drafted and it refers to the system of trainings for the period of next four years, it covers basic recommendations for improving legislation in this part, including drafting of by-laws relevant for creating a continuous system of trainings, types of trainings tailor made to the participants, training modules, certificates to be granted after trainings are completed and assessment of knowledge.

OBJECTIVE 45: Administrative capacity of both competent authorities and spending units is developed, particularly in relation to anti-corruption measures and strengthening of integrity; **Measure 97:** New act on internal organization and job descriptions of the Public Procurement Directorate, **Time frame:** 2011, **Assessment:** Not completed. **Measure 98:** New act on internal organization and job descriptions of the Commission for the Control of Public Procurement Procedures, **Time frame:** 2011, **Assessment:** Not completed. The Rulebook on internal organization and job descriptions of the Commission's operational staff provided for 15 posts for civil servants and employees including the Commission's Secretary (31. March 2010). The Commission employs staff of 8, while 7 remain vacant. After the new Law on Public Procurements is adopted, the need to have a new act on internal organization and job descriptions for the operational part of the Commission for the Control of Public Procurement Procedures will be considered; **Measure 99:** List of officers for Public procurement of contracting authorities, **Time frame:** 2011, **Assessment:** Not completed; **Measure 100:** Setting up and start of operation of the Help Desk for advisory and consulting services, **Time frame:** 2011, continuous, **Assessment:** Not completed; **Measure 101:** Setting up a separate group or job position for reporting irregularities; **Time frame:** as of 2011, continuous, **Assessment:** Not completed.

OBJECTIVE 46: Electronic Public procurement system is in place; **Measure 102:** Adopt secondary legislation for setting up the electronic system for Public procurement ; **Time frame:** 2012 **Assessment:** Not completed.

OBJECTIVE 47: Sustainable system of professional training and advancement in the Public procurement field established; **Measure 103:** Adopt regulations and define modules for trainings, **Time frame:** 2011, continuous; **Assessment:** Not completed; **Measure 104:** Regulation on the program and manner of taking exam in the field of Public procurement, **Time frame:** 2011, **Assessment:** Not completed; **Measure 105:** Setting up the Commission for Taking Exams, **Time frame:** As of the second half 2011, continuous, **Assessment:** Not completed.

SPATIAL PLANNING

This chapter has four objectives (48-51) and nine measures. Time frame for the realization of Measure 106, 111 and 113 is 2010 , and other measures are to be completed in a continuous manner.

OBJECTIVE 48: Legal framework governing the issuance of building and occupational permits is improved as well as the transparency of work and access to the information held by cadastral units, **Measure 106:** Amend the Law on Spatial Planning and Construction of Structures, **Time frame:** IV Q 2010 **Assessment:** Not completed. MSPE proposed introduction of one-stop-shop where a client would be relieved of any other procedures regarding technical

conditions requested by competent bodies. **Recommendation: Adopt amendments and supplements to the Law on Spatial Planning and Construction of Structures .**

OBJECTIVE 49: Administrative and human capacity of inspection services is developed, **Measure 107:** Fill envisaged vacancies for inspectors positions, **Time frame:** Continuous **Assessment:** Partly completed. In 2010, three inspectors were hired in the Spatial Protection Inspection and two in the Urban Planning Inspection which does not mean that all described posts for inspectors are filled. New vacancy announcements are in the pipeline. **Measure 108:** Provide incentives for inspectors' work; **Time frame:** Continuous **Assessment:** Completed. Decision on bonus on inspectors' salaries in the amount of 30% - adopted. **Measure 109:** Training of inspectors **Time frame:** Continuous **Assessment:** Completed. In 2010 inspectors attended 16 seminars and trainings. **Measure 110:** Improve working conditions for inspectors and complete the application of information system; **Time frame:** Continuous **Assessment:** Partly completed. Tender for designing of IT system for inspectors is under way and the provision of IT equipment for inspectors' offices is in progress. **Recommendations: Fill all described posts in the Sector so as to improve efficiency of inspection and continue consistent implementation of the decision on inspector's bonuses. Continue training activities and draft reports on the effect of training on improving capacities. Install the software for inspection IT system.**

OBJECTIVE 50: Efficient detection and prosecution of corruption and illegal construction, **Measure 111:** Lay down clear and precise procedures for reporting illegal construction; **Time frame:** 2010. **Assessment:** Completed. Template for reporting illegal construction and pertaining procedures have been designed and they are put on the MSPE's website. An open phone line and e-mail to take reports of cases of illegal construction is operating. **Note:** Within the program of sustainable development MANS formulated procedures for reporting illegal constructions by means of which there were 149 initiatives for starting inspection supervision procedure in total in 2010, and there were 91 complaints to inspection procedure. There were 8 criminal reports and 41 notes of urgency forwarded to the Supreme Court or State Prosecutors; **Measure 112:** Define and publish activities plans of inspections and reports on performance of inspection; **Time frame:** 2010, continuous **Assessment:** Completed. MSPE published its Inspections' consolidated reports and plans on its website. The cumulative reports will be transformed into individual reports that will lend themselves to better insight into the work of inspections and inspectors. In addition, there is a plan to make reports on the outcome of criminal procedures initiated by inspections. **Measure 113:** System of the control of inspectors' performance in place; **Time frame:** 2010. **Assessment:** Not completed. The call for vacancy to fill all posts in this sector is under way. **Recommendation: Continue the practice of publishing reports of the performance of inspectors on the Ministry's website. Advertise vacancies for the posts in the Department for internal control so as to control the performance of inspectors.**

OBJECTIVE 51: Sectoral Action Plan is monitored and is harmonized with the national Action Plan; **Measure 114:** Preparation of the report on implementation of the Action Plan for fight against corruption in the field of spatial planning and construction of structures; **Time frame:** Every six months **Assessment:** Not completed – no activities **Recommendations: Draft a report on the implementation of the Anticorruption AP in the field of spatial planning and construction of structures.**

EDUCATION

This chapter has eight objectives (52-59) and 24 measures. The deadline for completing the measures: 120, 127, 131, 137 i 138 is 2010. Measures 117, 125, and 129 are being implemented in 2011, measures 134 and 135 are to be implemented in 2012, and Measure 136 to be implemented in

2011-12. Measure 118 started as of September 2010 and it would be completed by September 2011. Other measures have been implemented in continuous manner.

OBJECTIVE 52: Recruitment in all educational institutions is based on objective criteria and transparent procedures; **Measure 115:** Reporting on advertised vacancies and reporting on the selection of candidates to the competent professional bodies of educational institutions; **Time frame:** Continuous **Assessment:** Not completed. Consolidated quarterly report of the Education Inspection about all advertised vacancies and recruitments to be submitted to the MES's secretary by the end of January 2011; **Measure 116:** Define clear internal criteria for the selection of candidates during recruitment; **Time frame:** Continuous; **Assessment:** No completed, Educational institutions did not send their reports concerning this measure; **Measure 117:** Define the Code of Ethics **Time frame:** 2011 **Assessment:** Not completed – Time frame for completion of this measure is 2011, National Council for Education has not been established. **Measure 118:** Education of principals on the preparation of criteria for the development of and compliance with the Code of Ethics; **Time frame:** September 2010 – September 2012; **Assessment:** Partly completed. In cooperation with DACI, MES organized a seminar on drafting codes of ethics on December 14, 2010 and 35 principals from educational institutions from the area of capital city Podgorica took part. Three regional seminars are planned for the IQ in 2011 with a view to involving principals of most of educational institutions. **Recommendations: WG for monitoring realization of measures from the AP in its segment on education:** Criteria for teachers and other educators, principals and deputy principals in educational institutions are prescribed by law and therefore internal criteria cannot be defined. **Recommendations: Education Inspection should regularly submit quarterly reports on all vacancy announcements and on all staff to MES. With a view to completing Measure 117 it is necessary to establish the National Council for Education and a WG that will draft the code of ethics. Continue activities of organizing seminars for principals on the implementation of codes of ethics.**

OBJECTIVE 53: Decision making procedures on rights and duties of all actors in education process is transparent and objective, particularly when it comes to decisions on the standard of students at all levels of education, **Measure 119:** Organize lectures, seminars, workshops on the notion of corruption so as to build capacity of Public administration and employees in educational institutions with regard to the notion of corruption; **Time frame:** Continuous, **Assessment:** Partly completed. In cooperation with DACI, MES organized a seminar on designing code of ethics and it was attended by 35 principals from educational institutions from capital city Podgorica. In cooperation with CRNVO, DACI organized lectures at nine faculties where 278 students took part. DACI delivered lectures at seven seminars organized by other public authorities and representatives of private sector. **Measure 120:** Improve criteria for awarding scholarships and credits and admittance of students and pupils to dormitories so as to achieve their full transparency and objectivity; **Time frame:** by the end of 2010 **Assessment:** Partly completed. The new Rules on criteria, terms and conditions and fees for board and lodgings in dormitories, student loans, scholarships and student commuter pass was published; **Measure 121:** Public disclosure of the ranking list on award of pupil and student scholarships, credits and admittance to dormitories; **Time frame:** once a year; September/October, **Assessment:** Completed. Ranking lists on awarded scholarships, credits and admittance to dormitories for students and pupils are published on the web site of MES in journal „Prosvjetni rad“ and in daily newspaper “Pobjeda”. **Recommendation: Recommendation to MES, Education Bureau, Examination Center, Center for Vocational Education, Bureau for Publication of Textbooks and Bureau for International Scientific, Technical and Cultural Cooperation, DACI and HRMA to intensify activities on organizing lectures, seminars and workshops on the topic of corruption.**

OBJECTIVE 54: Teaching process and the knowledge examination and evaluation system for students is of high quality, **Measure 122:** Development of the knowledge standards, at all levels of students' achievement ; **Time frame:** Continuous **Assessment:** Partly completed. Examination catalogues for certifying vocational qualification in 2010/2011 were made. The catalogues cover 13 professional fields, 18 profiles and the total of 54 practical and

theoretical subjects. Examination catalogues made for elementary school–leave examinations. Instruction for State competitions in school year 2010/2011 was published. Training programs to be conducted in 2010 by the Education Bureau adopted. They include: Interactive methods in teaching (E- schools, modular teaching), Appraisal and assessment in teaching, Pedagogical use of ICT, Critical thinking development (RWCT), Training for mentoring teacher trainees, Program of training of managerial staff in educational institutions, Support to in-service teacher training, Interactive training – training for trainers and Training for educators. All information is available on the website: www.zavodzaskolstvo.gov.me. However, none of these standards have been adopted by the National Council for Education . **Measure 123:** Harmonization between grading criteria and education on grading criteria; **Time frame:** Continuous **Assessment:** Partly completed. As a part of their standard teacher training activities to prepare them for novel assessment, examination and evaluation criteria rendered through ongoing education reform , Education Bureau organized 2 seminars attended by 60 teachers. **Measure 124:** Organize seminars and educational workshops for teachers on monitoring the quality of performance, knowledge examination and evaluation system; **Time frame:** Continuous; **Assessment:** Partly completed. As a part of their standard teacher training activities to prepare them for novel assessment, examination and evaluation criteria rendered through ongoing education reform , Education Bureau organized 2 seminars attended by 60 teachers. **Measure 125:** Set up center for quality assurance in every higher education institution; **Time frame:** 2011 **Assessment:** Partly completed. Council for Higher Education through its Center for Study and Quality Assurance in Teaching established an organizational structure with a view to provide quality assurance in teaching in every institution of higher education (Commissions for Managing Quality Assurance at University and network of commissions or offices at faculties) . Also, in every private institution of higher education in Montenegro there are teams that work on quality assurance in teaching as it is one of the main principles generated by the Bologna Declaration. **Measure 126:** Conduct a series of thematic media campaigns with the aim of preventing corruption; **Time frame:** Continuous **Assessment:** No completed. Measure was not complete. **Measure 127:** Setting up a separate phone line for reporting corruption cases; **Time frame:** 2010; **Assessment:** Partly completed. MES introduced a free-toll phone line for reporting corruption in education and it would come into operation as of January 2011; **Measure 128:** Organization of the campaign, printing and promotion of posters, flyers and brochures on objective grading of pupils and students and the possibility of corruption; **Time frame:** Continuous **Assessment:** Not completed. None of public authorities realized this measure. **Recommendations: WG for monitoring of the realization of the education measures of the AP:** Measures 122, 123 and 124 concern regular activities of educational institutions (Education Bureau, Center for Vocational Education, Examination Center) to improve the quality of teaching, drafting and reviewing curricula etc. And it does not need to be realized within the AP for implementation of Anticorruption Strategy. **Recommendations: In order to complete Measure 122 it is necessary to establish National Council for Education. It is necessary to build capacities of the Center for Vocational Education to fulfill measures from the AP. In the upcoming period MES, Examination Center, Education Bureau, Center for Vocational Education, BPT, educational institutions and institutions of higher education need to carry out thematic educational campaigns on prevention of corruption in education and to organize campaigns, publish and promote posters, flyers and brochures on the topic of objectivity of assessment of pupils and students and possibilities of corruption. Also, it is necessary to continue activities on promotion of phone line for reporting corruption.**

OBJECTIVE 55: There is greater participation of parents, teaching staff, and civil society in planning and implementing measures for fight against corruption in education system, **Measure 129:** Carrying out and delivery of surveys on forms, causes and mechanisms of corruption; **Time frame:** 2011; **Assessment:** Not completed. **Measure 130:** Lectures, seminars, educational workshops for parents, teachers and NGO representatives; **Time frame:** Continuous **Assessment:** Not completed. This measure was not completed by any of the authorities; **Measure 131:** Involvement of parents and NGO representatives in monitoring implementation of activities from the Action Plan; **Time frame:** By the end of 2010. **Assessment:** Partly completed. In December 2010 MES published a public call for appointment of one representative of parents and one representative of NGOs to the WG for monitoring of

the implementation of the AP for implementing the Strategy for Fighting Corruption and Organized Crime 2010-2012. MES received proposals/nominations from the Center for Civic Education and Roma Scholarship Foundation for the appointment of NGO sector's representative, while it did not receive any nomination for appointing a representative of parents. **Recommendations:** In 2011 start with activities on delivering lectures, seminars and educational workshops for parents, teachers and NGO representatives. Also, it is necessary to make study of manifestations, causes and mechanisms of corruption in education, and to repeat call for nomination of parents' representative into the WG.

OBJECTIVE 56: Clear procedures are established for accreditation and re-accreditation of educational institutions and for prevention of operation of non-licensed educational institutions; **Measure 132:** Compliance with procedures for accreditation and re-accreditation of educational institutions and curricula under laws in the field of pre-school, elementary, secondary and higher education and rulebooks governing this field; **Time frame:** Continuous **Assessment:** Completed. The Council published 6 Certificates of Accreditation and 23 Licenses and License supplements issued by MES. The Rulebooks that define the details of procedure for establishing institutions and accreditation and reaccreditation procedure for institutions of higher education as well as an updated list of licensed educational institutions and institutions of higher education are published on the web site of MES. The Law on Amendment and Supplement of the Education Law („Official Gazette of MNE“, No. 45/2010), Article 147a stipulated that all public educational institutions which on the day when this law entered into force did not have a license, should be deemed as having it. The Information on licensed private educational institutions is published on the website of ME. The Law and the criteria for accreditation of institutions of higher education are published on the website of MES (ENIC), and the list of licensed institutions of higher education is updated regularly. **Measure 133:** Coordination between competent authorities in preventing non-licensed educational institutions to engage in educational activity; **Time frame:** Continuous **Assessment:** Partly completed. In all its branch offices TA runs a regular control of taxpayers, educational institutions included. The control of educational institutions did not indicate to any irregularities i.e. all controlled educational institutions have licenses for work. The report thereof is submitted on monthly basis as a part of the report of the Inspection Branch. **Recommendations:** Continue publishing rules and updating lists of licensed educational institutions and institutions of higher education. For the purpose of completing Measure 111, submit a report of Education Inspection.

OBJECTIVE 57: Institutional and legal framework for a more effective control of integrity of teaching and administrative staff is strengthened; **Measure 134:** Development of Integrity Plan; **Time frame:** 2012 **Assessment:** Not completed. Council for Higher Education: Effective control of integrity of teaching and administrative staff in the institutions of higher education is made by means of accreditation and re-accreditation procedure for institutions and study programs; **Measure 135:** Reporting on the implementation of measures from Integrity Plans at all levels of education; **Time frame:** 2012; **Assessment:** Not completed.

OBJECTIVE 58: Transparent overall financial and resource operations; **Measure 136:** Submission of annual financial statements of all educational institutions to the Ministry of Finance. **Time frame:** Once a year as of 2011; **Assessment:** Not completed. **Recommendation:** Add MF as a competent authority for realization of this measure.

OBJECTIVE 59: Sectoral Action Plan is monitored and it is harmonized with the national Action Plan, **Measure 137:** Harmonize sectoral AP with the national Action Plan; **Time frame:** By the end of 2010. **Assessment:** Completed. The decision of MES established the WG for harmonization of sectoral and national AP for the implementation of fight against corruption and organized crime for the period 2010-12, and WG completed it in December 2010. **Measure 138:** Reporting on the implementation of AP for fight against corruption in the field of education; **Time frame:** Continuous **Assessment:** Completed. MES prepared the report on the implementation of the AP concerning the realization of the measures 118-121,127,131,132,137 i 138. These

were deemed priority measures since the deadline for their implementation was December 2010. The realization of other measures of the AP will commence in January 2011.

HEALTH

This chapter contains five objectives (60-64) and 11 measures. The time frame for completion of activities from measures 146 and 147 is 2010, for Measure 144 it is 2010-11, while other measures are being implemented in continuous manner.

OBJECTIVE 60: Codes of Ethics are implemented and controlled; **Measure 139:** Organizing periodical trainings on implementation of the provisions of the Code of Ethics; **Time frame:** 2010 - continuous, **Assessment:** Not completed, but in June 2010 the „Code of Ethics and Deontology of Health Workers“, was published by the Chamber of Physicians in circulation of 3.000 copies and it was disseminated to all physicians and dentists in Montenegro; **Measure 140:** Efficient initiation and conducting of disciplinary proceedings due to infringements of the Code of Ethics; **Time frame:** 2010- continuous; **Assessment:** Partly completed. Chamber of Physicians initiated five disciplinary proceedings. **Recommendations:** Start organizing trainings for medical workers in health institutions on implementation of the provisions of the Code of ethics. The Chamber of Physicians to list this activity in the list of its activities.

OBJECTIVE 61: Administrative and institutional capacity of Public health is improved, as well as the quality of health care services, patient safety, and equal access to health care; **Measure 141:** Introduction of information and communication technologies in health care institutions for the purpose of improving and controlling the quality of data and indicators of the quality of performance; **Time frame:** 2010- Continuous **Assessment:** Partly completed. IT support to health sector was implemented in all health care institutions at the levels of primary care and in 7 general hospitals (out of 32 public health institutions, IT system was installed 26). Since three specialized hospitals and Clinical Hospital Center of MNE do not have any IT support, this measure was completed only partly. Owing to WB project the IT system will be installed in these health institutions as well; **Measure 142:** Define procedures and interventions for putting on the waiting lists; **Time frame:** 2010- Continuous **Assessment:** Partly completed. The waiting list for cardiac surgical interventions was defined and it is submitted to MH every month. **Measure 143:** Daily update of waiting lists; **Time frame:** 2010- Continuous **Assessment:** Not completed. It is not possible to make a daily updating of the waiting lists since there is no IT support and there is a lack of data thereof. **Recommendations:** Continue the process of introduction of IT systems in health care institutions. Other institutions should create their waiting lists and publish them on the website of the MH. Provide IT system that will make daily updating of waiting lists possible.

OBJECTIVE 62: Parallel engagement of health workers in both Public and private sectors is restricted and illegal payment for health services suppressed; **Measure 144:** Adoption of secondary legislation for implementation of the Law on Health Care and Law on the Protection of Patients' Rights; **Time frame:** 2010-2011. **Assessment:** Partly completed. The document „Network of Public Health Care Service“ was adopted. MH has prepared the Rules on Additional Engagement of Health Workers in the Network of Public Health Care Service and the Rules on Criteria for Contracting Health Services and Manner of Payment for Health Services. **Measure 145:** Recognition and respect for the rights of patients in the field defined under the law; **Time frame:** 2010 -Continuous, **Assessment:** Partly completed. As a part of the campaign on the rights of patients a considerable number of media events were arranged: TV RTCG (national coverage- public information service) program „CG Uživo“, two articles on the Law on the Rights of Patients (Journal „Medical“ and daily newspaper „Pobjeda“), slots of programme in electronic and printed media on activities, ways and measures for fighting corruption promoting help-line in the MH for reporting suspicion of corruption, the complaint boxes that were placed in all health care institutions and the appointment

of the Protector of patient's right in all health institutions (as of January 2011), and the brochure on the rights of patients that is going to be published. **Measure 146:** National survey on corruption in the health care sector; **Time frame:** 2010; **Assessment:** Partly completed. National survey on the integrity in health system was completed in December 2010. The analysis of collected data is yet to be made and it would be presented in March 2011. **Measure 147:** Development and regulation of professional norms and standards which improve the quality of performance and patient safety; **Time frame:** 2010 **Assessment:** Not completed. Planned to be a part of the project of MH and WB to be carried out by the end of 2012. **Recommendations: Continue adopting bylaws for the implementation of the laws specified. Intensify cooperation of MH with public health institutions, NGOs, Chamber of Physicians and Chamber of Pharmacists with a view to complete Measure 145 and adopt professional norms and standards for the sake of improving the quality of work and safety of patients. Present results and recommendations deriving from the study on integrity of health system.**

OBJECTIVE 63: Public procurement in the health sector is transparent, with an adequate level of control in place; **Measure 148:** Submission of reports on the quality of Public procurement system to the MH ; **Time frame:** 2010 -Continuous **Assessment:** Completed. Public health institutions are bound to apply the Law on Public Procurement and by end of February 2011 they are obliged submit reports to the competent authority about public procurements contracted in the previous year.

OBJECTIVE 64: Sectoral Action Plan is monitored and harmonized with the national Action Plan; **Measure 149:** Report on implementation of measures from the sectoral Action Plan; **Time frame:** 2010 - Continuous **Assessment:** Completed. Six month report on the realization of measures from the sectoral AP submitted to the Secretariat of the NC.

LOCAL SELF-GOVERNMENT

This chapter contains seven objectives (65-71) and 12 measures. The time frame for completing measures 150, 156, 157 and 160 is 2010-11, while other measures are implemented in continuous manner.

Note: The report on the realization of the measures from the AP was not submitted by municipalities Ulcinj, Rožaje, Bijelo Polje, Budva, Bar, Žabljak and Šavnik, while some municipalities submitted incomplete reports as they have missed on some indicators. With a view to evaluate results that have been achieved in relation to the AP measures it is necessary that all reporting entities submit their reports to the secretariat of the NC and to take into consideration the indicators that have been set.

OBJECTIVE 65: Local Action Plans are harmonized with sectoral AP and the Strategy for Fight against Corruption and organized Crime and AP, **Measure 150:** Coordinated work between the Commission for monitoring implementation of AP for fight against corruption at the local level, Union of Municipalities of Montenegro and

presidents of working groups in municipalities in harmonizing local APs; **Time frame:** 2010–11; **Assessment:** Not completed. Union of Municipalities of Montenegro prepared a model AP for fighting corruption in the field of spatial planning and construction of structures which it dispatched to all mayors and presidents of municipal councils in November 2010 so that they can fulfill their obligation to make harmonization of their APs for fight against corruption in local self-governments and to specify authorities in charge. The meeting between the Commission for monitoring implementation of AP for fight against corruption at the local level and presidents of working groups in municipalities was held with a view to harmonize local APs. In municipalities Herceg Novi, Kolašin, Mojkovac and Kotor the workshops were held and their focus was on harmonization of local APs with the sectoral AP and with the Strategy for Fight Against Corruption and Organized Crime and AP, and the drafting of the plan to be harmonized with the quoted acts is under way. Capital city of Podgorica, municipalities Andrijevica, Berane, Danilovgrad, Nikšić, Plav, Plužine and Tivat are yet to harmonize local APs with the quoted acts. Royal

capital Cetinje and municipality Pljevlja did not send their reports about realization of this measure. **Recommendations - Union of Municipalities of Montenegro:** Draw up a model of harmonized AP for fight against corruption both with sectoral AP and with the Strategy for fight against corruption and organized crime as well as with the AP for implementation of the Strategy for the period 2010-12. **Recommendations: In shortest possible time the Union of Municipalities of Montenegro should draft the model of harmonized AP for fight against corruption both with sectoral AP and with the Strategy for fight against corruption and organized crime as well as with the AP for the implementation of the Strategy for the period 2010-12 so that the municipalities can intensify activities on realization of this measure.**

OBJECTIVE 66: Local action plans are monitored; **Measure 151:** Report on implementation of local APs; **Time frame:** Continuous **Assessment:** Partly completed. MIAPA will set up the Commission for monitoring the implementation of AP for fight against corruption at the local level and assign greater competencies than the present commission and the new one is expected to control and supervise the implementation of the local APs (on December 2010 the draft decision on establishing the Commission was defined). Capital city Podgorica, Royal capital Cetinje, municipalities Herceg Novi, Kolašin, Mojkovac, Kotor, Andrijevica, Berane, Danilovgrad, Nikšić, Plužine and Tivat regularly submitted semiannual and annual reports on the realization of APs to the Commission for monitoring the implementation of AP for fight against corruption at the local level - that was established by MIAPA. Municipality Plav did not submit report on the realization of this measure. In their reports municipalities Herceg Novi, Kolašin, Mojkovac and Pljevlja stated that they held a number of press conferences.

OBJECTIVE 67: Level of responsibility and professionalism at local government level is improved, **Measure 152:** Ensure free access to information **Time frame:** Continuous **Assessment:** Partly completed, MIAPA and the Union of Municipalities of Montenegro did not submit their report about realization of this measure. Capital city Podgorica, municipality Danilovgrad, Nikšić, Pljevlja, Plužine and Tivat stressed, among other things, that they drafted guidelines for free access to information, while municipality Berane plans to publish guidelines in 2011. Capital city Podgorica, municipalities Herceg Novi, Nikšić, Pljevlja and Plužine reported that they replied to the requests for free access to information in timely manner, while municipalities Andrijevica (7 requested / 7 granted), Danilovgrad (30/30), Kolašin (15/15), Kotor (117/117), Plav (4/4) and Tivat (90/90), Mojkovac (6/6) quoted the exact number of requests and granted requests for free access to information. Royal capital Cetinje and municipality Berane did not submit information on requests for free access to information. **Recommendations: Municipalities to report to the NC about the number of granted and denied requests for free access to information and the information on whether they publish them on the web pages.**

OBJECTIVE 68: Internal and external control of the work of local government units is strengthened, **Measure 153:** Control by competent working bodies of the Municipal Assembly with regard to budget execution and earmarked spending of funds; **Time frame:** Continuous **Assessment:** Partly completed. Supervision over budget execution and earmarked spending of earmarked budget allocations is made by means of semiannual reports on budget allocation and the final balance of budget account to the Parliament of MNE. Capital city Podgorica, Royal capital Cetinje, municipalities Andrijevica, Mojkovac, Berane, Danilovgrad, Herceg Novi, Kolašin, Kotor, Nikšić, Pljevlja, Plužine and Tivat reported that the competent bodies and the municipal councils reviewed the execution of the budget and earmarked spending of funds. Municipality Plav did not send the report on realization of this measure. Capital city Podgorica by its Decree on the organization and work of the administration of Capital city Podgorica („Official Gazette of MNE / municipal section No. 38/10) established Sector for Internal Audit and they are now preparing conditions for its full operation. **Comment:** Even though Capital city Podgorica, Royal capital Cetinje and 12 municipalities stated in their reports that competent bodies and municipal assemblies reviewed the budget execution and earmarked spending of funds, the reports of municipality Plav and some 7 municipalities are missing. That is why this measure is only partly completed. **Measure 154:** External audit of financial operation of municipalities; **Time frame:** Continuous **Assessment:** Partly completed. Capital city Podgorica, Royal capital

Cetinje, municipalities Andrijevica, Mojkovac, Berane, Danilovgrad, Kotor, Nikšić, Plužine and Tivat reported to the NC that an independent audit agency is making regular audits for them once a year and that the report is submitted to the Parliament for adoption together with the municipality's Final balance of budgetary account. SAI made an audit of the Final balance of budgetary accounts of municipalities Herceg Novi and Kolašin for 2009. Municipalities Plav and Pljevlja did not submit reports on realization of this measure. **Measure 155:** Reporting on performance of the Council for Development and Protection of Local Government; **Time frame:** Continuous **Assessment:** Not completed. Union of Municipalities of Montenegro drafted the Model decision on the Council for Development and Protection of Local Self-government which envisaged that the Council submits report of its work once a year. The Council for Development and Protection of Local Self-government was established in Capital city Podgorica (inaugurated in 2007, submitted its report for 2009), Andrijevica (did not submit report so far), Danilovgrad (not constituted yet), Royal capital Cetinje, Herceg Novi, Kolašin (not constituted yet), Kotor, Nikšić (constituted in 2006, regularly submits reports), Plav, Pljevlja, Tivat (constituted in 2010). In Berane municipality there is no Council for Development and Protection of Local Self-government, while municipalities Plužine and Mojkovac did not submit reports on this measure. **Recommendations: Set up the councils for development and protection of local self-government based on the model provided by the Union of Municipalities of Montenegro, in every municipality that did not do that.**

OBJECTIVE 69: Ethical standards are applied in local government; **Measure 156:** Adoption of Codes of Ethics in assemblies of the local government units (LGU); **Time frame:** 2010–11 **Assessment:** Completed. In its report MIAPA stated that all local self-government units adopted Codes of Ethics for Elected Representatives and Officials in Local Self-governments and Codes of Ethics for Local Civil Servants and Employees in Local Self-government; **Measure 157:** Setting up Ethics Commissions; **Time frame:** 2010–11 **Assessment:** Partly completed. The Assembly of the Union of Municipalities of Montenegro adopted the following models: Codes of Ethics for Elected Representatives and Officials in Local Self-governments and Codes of Ethics for Local Civil Servants and Employees in Local Self-government and drafted two Rules of procedure for the Ethic Commissions. In its report MIAPA stated that most of local self-governments had set up the ethics commissions for the implementation of the codes of ethics. The Council of Capital city Podgorica, Royal capital Cetinje, municipalities Andrijevica, Berane, Danilovgrad, Herceg Novi, Kolašin, Pljevlja and Tivat adopted Decisions on Ethics Commissions for Elected Representatives and Officials and the Decision on Ethics Commission for Local Civil Servants and Employees. In 2011, the call will be announced to nominate and elect members to Ethics commissions based on the Codes of Ethics for Elected Representatives and Officials in Local Self-governments. Municipality Kotor and Nikšić have established their Ethics commissions based on the Codes of Ethics for Elected Representatives and Officials in Local Self-governments and Codes of Ethics for Local Civil Servants and Employees in Local Self-government. Municipalities Plav, Mojkovac and Plužine did not submit reports on realization of this measure.

OBJECTIVE 70: Process of planning, adoption and implementation of regulations is transparent, and the citizen participation principle is observed; **Measure 158:** Organize Public debates and round tables on draft laws and municipal acts; **Time frame:** Continuous **Assessment:** Partly completed. In its report MIAPA reported that there were no public debates and round tables for draft laws. The information on the number of public debates and round tables were not submitted by Capital city Podgorica, municipalities Berane, Nikšić, Plužine, Tivat and Danilovgrad. Royal capital Cetinje, municipality Andrijevica, held two public debates (for adoption of Budget and for the amendment and supplement of the Statute), municipality Plav and Mojkovac two each (for amendment and supplement of the Statute and rulebook and the Statute and Spatial Plan respectively), while municipalities Herceg Novi and Pljevlja organized public debates for all draft decisions that the Council reviewed. Every decision that Municipal council of Kolašin adopted was preceded by a public debate (36 public debates held). Municipality Kotor did not submit report on the realization of this measure; **Measure 159:** Organize Public debates and round tables on draft laws and municipal acts; **Time frame:** Continuous **Assessment:** Partly completed. In its report MIAPA stated that local self-governments in cooperation with Union of Municipalities of Montenegro and CRNVO organize trainings for writing projects. Consequently, municipality

Andrijevica had three day trainings on project design and two trainings on the implementation of granted projects. Two project applications won grants. The representatives of the Capital city attended series of trainings for writing projects by IPA methodology and a training for using IPA II component - cross border cooperation. Municipality Berane has a team for writing projects composed of employees who participated in the seminars on using instruments for pre-accession assistance from the EU funds. Two projects received grants. In Royal capital Cetinje - four persons attended training on writing IPA projects – their projects competed for EU grants and it did not receive any. Five persons attended training within TO which competed with one project for the grant from MC and it won the grant. One representative from the Office for Prevention of Drug Abuse attended training organized by IOM, they competed for project grant and won it. Municipality Danilovgrad set up its team for project management comprising five people who attended several trainings and seminars on writing project. In cooperation with EBRD the funds for realization of one project were provided, and the other funds were provided through its cooperation with the EU Delegation to MNE. Staff from municipality H Novi attended trainings organized by the Union of Municipalities of Montenegro. Municipality Plav had two trainings. Two trainings were organized for the staff of municipality Kolašin. Neither of their two projects got any grants in 2010. Seven trainings were organized for the staff in municipality Pljevlja, four out of eight nominated projects were granted. The team for drafting projects for municipality Tivat applied with eight projects and attended several trainings. Six civil servants from municipality Mojkovac were trained in nine trainings total. In the reported period they applied for grants with three projects. Municipalities Kotor, Nikšić and Plužine did not submit reports on the realization of this measure. In compliance with its Training plan for local self-governments (May-July 2010), Union of Municipalities of Montenegro organized a training on „Project management“ for IPA. As a part of technical support for the reform of local self-government the training on preparation for EU projects was held in July 2010 - Kolašin. The training was attended by 66 participants from 16 municipalities (Andrijevica, Berane, Bijelo Polje, Cetinje, Danilovgrad, Kolašin, Mojkovac, Nikšić, Pljevlja, Plav, Plužine, Rožaje, Žabljak, Šavnik, Ulcinj, Herceg Novi). Publication „Available funds for municipal projects“ was published. Union of Municipalities of Montenegro, MIAPA and HRMA applied with the project „Implementation of National Training Strategy in Local Self-Governments“ that won support by the EU. The project is expected to start in the second half of year 2011. In cooperation with OSCE, HRMA organized a six-day training for municipality Mojkovac. The training was organized on the topic of writing for EU-funded projects and 8 participants were trained in the period October and November 2010. Based on the Program on professional advancement seminars on the topic of the instruments for pre-accession assistance - IPA were organized (November 2010) and Software package for project management - MS Project delivered (October 2010); **Measure 160:** Promote the institute “empty chair” in LGU assemblies; **Time frame:** 2010–11 **Assessment:** Not completed. The rulebooks passed by municipal assemblies of Capital City of Podgorica, municipalities Andrijevica, Berane, Danilovgrad, Kolašin, Nikšić, Pljevlja, Tivat and Plužine define the way in which NGOs participate in the work of local parliament by means of the institute of “Empty Chair”. The local assembly sessions are covered live by local public information service in Berane, Danilovgrad, Tivat so that citizens get informed about the proposed acts that the local parliament is adopting, discussions, positions and proposals made by the councilors or by NGO representatives who sit on the „Empty Chair”. Municipalities H Novi, Kotor, Mojkovac and Plav did not submit information on the realization of this activity, while Royal capital Cetinje did not deliver on this measure. In cooperation with OSCE, Union of Municipalities of Montenegro organized presentation of the 2009 best practices in implementing „Empty Chair” for all local self-governments (November 2010 in Tivat) with a view to promote this institute. The title was „Use of ‘Empty chair’ through the amendment of the Rulebook for municipal assembly”. **Recommendations: Continue with trainings for civil servants on the means and procedures of writing projects and applying for projects and increase the number of projects. Continue the promotion of the „Empty Chair”.**

OBJECTIVE 71: Creating conditions for and encouraging citizens, civil society and private sector to get involved in the fight against corruption at the local level; **Measure 161:** Improve cooperation between citizens and local government bodies; **Time frame:** Continuous **Assessment:** Partly completed. Municipality Andrijevica organized one meeting in the reported period (realization of the Program of Revitalization of Mountain Cottages). Municipalities

Berane, Danilovgrad, Nikšić, Plužine and Tivat with new websites and with guidelines on free access to information for citizens in local self-government managed to considerably facilitate procedure of informing citizens about procedures and about possibility to ask questions, give comments or report irregularities. Municipality H. Novi improved cooperation with citizens by opening a toll-free phone for reporting corruption, opening an internet web site, e-mail and an office for reporting corruption. Municipality Kolašin did so by drafting a brochure and information bulletin for citizens and civil and private sector. Municipalities Kotor, Plav, Pljevlja and Mojkovac did not submit report on realization of this measure while Royal capital Cetinje did not implement this measure. As a part of its project Union of Municipalities of Montenegro published three manuals and held four regional workshops with the representatives of local self governments and NGOs. **Recommendations: Improve cooperation between citizens and local self-governments through joint meetings. Local self-governments should encourage citizens and NGOs to give initiatives.**

CIVIL SOCIETY, MEDIA AND SPORTS

This chapter has six objectives (72-77) and 9 measures. Time frame for the realization of measure 165 is 2010, and for 164 it is 2011. Measure 177 is realized in continuous manner, while the time frame for the realization of other measures is 2010-2012.

OBJECTIVE 72: Efficient cooperation between Public authorities and non-governmental organizations, particularly in the field of implementation of anti-corruption activities, **Measure 162:** Conduct campaigns aimed at achieving greater and more efficient Public involvement in the fight against corruption; **Time frame:** Continuous **Assessment:** Partly completed. In the reported period DACI organized three campaigns with a view to provide greater and more efficient participation of citizens in fight against corruption („Open your eyes wide – report corruption“, „Remove a virus - report corruption“ together with CRNVO, and a campaign in student dormitories during the admission). Office for Cooperation with NGOs did not have any activities on realization of this measure.

OBJECTIVE 73: Financial operation of non-governmental organizations is transparent; **Measure 163:** Publish annual financial statements of NGOs; **Time frame:** Continuous, **Assessment:** Not completed. Commercial Court - CRPS did not report on the realization of this measure; **Measure 164:** Amend legal framework which regulates establishment of NGOs and audit of their financial operations, so as to prevent potential abuse of NGO; **Time frame:** 2011 **Assessment:** Not completed. MIAPA prepared the Inventory of Legislation Related to NGOs that will serve as a basis for drafting a new Law on NGOs. The WG for drafting this law was established. Office for Cooperation with NGOs and MF reported that the Government adopted the Decree on criteria for defining beneficiaries and manner of distribution of revenues generated from chance games in 2010. The Decree improved criteria for distribution of those funds and it spells out principle of monitoring the distribution better. **Recommendations: Adopt the Law on NGOs which would enhance transparency of NGO work. Realization of this measure was also envisaged in AP for monitoring the implementation of the EC's recommendations.**

OBJECTIVE 74: Establish clear criteria and procedures for allocation of funds from the budget to the non-governmental organizations at the central and local level guaranteeing transparency of the procedure, including control of spending donated funds; **Measure 165:** Adopt new decree on criteria for defining beneficiaries and manner of distribution of revenues generated from chance games; **Time frame:** 2010 **Assessment:** Completed. Decree on criteria for defining beneficiaries and manner of distribution of revenues generated from chance games adopted and published in the Official Gazette of

MNE No. 44/10; **Measure 166:** Implementation of the decree; **Time frame:** Continuous ; **Assessment:** Completed: Report (information) on the work of the commission submitted to the MF.

OBJECTIVE 75: Improve investigative journalism and more actively involve media in implementation of anti-corruption campaigns; **Measure 167:** Education of media about corruption, organized crime and investigative journalism; **Time frame:** Continuous **Assessment:** Not completed: Media Institute did not have any activities whatsoever. Since 2009, MANS had conducted a project with a view to improve the quality of reporting about the problem of corruption and organized crime. By May 2010 some 10 investigative journalistic pieces were published in cooperation with the dailies „Vijesti“ and „Dan“ and „MONITOR“ weekly magazine, as well as on the website: www.podlUPom.info. **Recommendation: Intensify activities on educating media about the topic of corruption.**

OBJECTIVE 76: Ensure full freedom of objective reporting on corruption cases, including compliance with regulations and Journalist Code of Ethics; **Measure 168:** Report on implementation of the Journalist Code of Ethics; **Time frame:** Continuous, **Assessment:** Not completed. Journalist self-regulatory Body reported that the measure was not completed. **Measure 169:** Improve cooperation of Public authorities and media and information flow so as to assist more objective informing of the Public in an open and transparent conduct of Public authorities; **Time frame:** Continuous **Assessment:** Partly completed. PR unit of ME timely informed the public of all activities of the Ministry MSPE held about 30 press conferences and issued about 120 press releases. With a view to ensure the transparency of its work, it started publishing and distributing an information newsletter. PD informs public on daily basis by means of press releases on its most important activities including the cases of corruption, too. Last year media published 351 pieces of information about CA. The total time on air was 228,01 minutes, TV stations broadcast 114 information, while printed media published items of 273 information. In addition they organized 4 press conferences. TA's representatives had 46 media appearances in total. They had 5 press conferences and issued 192 press releases. DACI had one thematic TV program and two radio programs per month in which DACI and other public authorities and NGOs informed public about anticorruption activities in Montenegro. DACI's web page scored 7.651 hits. Printed, electronic and on-line media published 321 articles, new items or programs about DACI. Media Institute: Did not have any activities whatsoever (reported orally).

OBJECTIVE 77: Intensify the process of participation of citizens and other stakeholders in Public debates of legal projects; **Measure 170:** Organize Public debates and round tables on draft laws; **Time frame:** Continuous **Assessment:** Partly completed. ME organized public debates relevant to the draft Law on Copy Rights and Related Rights, Bankruptcy Law and the Law on Regional Development; MSDT did that in preparation of the draft Law on Utility Services (October, November and December, 2010). Many remarks presented in these debates were integrated into the draft law that was submitted to the Government of MNE for review, while public debates are scheduled to take place in the beginning of 2011; in November 2010, MTMA organized public debate on draft Law on Protection of Sea from Pollution from Vessels.

PREVENTIVE MECHANISMS FOR THE SUPPRESSION OF CORRUPTION IN JUDICIAL AUTHORITIES

The Chapter contains 5 objectives and 14 measures. The timeframe for implementation of measure 4 is 2010. Three measures are to be completed in 2011, 3 measures in 2012, and 4 measures are to be implemented continuously.

OBJECTIVE 83: Increased citizens' confidence in the work of judicial office holders. **Measure 181:** Hire persons in the Judicial Council, Prosecutorial Council, State Prosecution Office and courts who are responsible for public relations and provide adequate training. **Timeframe:** IV Q 2010. **Assessment:** Partly completed. **Measure 182:** President of the Judicial Council and President of the Prosecutorial Council to hold press conferences every sixth month. **Timeframe:** Continuous. **Assessment:** Completed. **Measure 183:** Publish newsletter of the Supreme Court at least twice a year. **Timeframe:** Continuous.

Assessment: Completed. **Measure 184:** Publish all decisions on the website of the Supreme, Administrative, Appellate and Higher Courts (second-instance chambers). **Timeframe:** Continuous. **Assessment:** Partly completed. **Measure 185:** Organize "Open Door" event in courts and prosecution offices. **Timeframe:** Continuous. **Assessment:** Partly completed. PR officers were assigned at the Supreme Court and Higher Courts in Bijelo Polje and Podgorica; they attended training designed and organized by the OSCE. The Supreme Court PR Officer is authorized to issue announcements also for the Appellate Court. Deputy Supreme Public Prosecutor was assigned PR duties for the State Prosecution Office and Prosecutorial Council. One Deputy and one assistant from the State Prosecution Office completed PR training. SCM organized two press conferences, two "Open Day" events and published one newsletter and booklet; the second newsletter is underway. SPP held one press conference with the Head of the Prosecutorial Council. Characteristic decisions are posted on the websites of Supreme, Appellate and Higher Courts with the aim to ensure case law uniformity and assist lower courts in reaching decisions. All Administrative Court rulings are published on the website of this court. **Recommendations: In the aim of increasing citizens' confidence in the work of judicial office holders, the public needs to be continuously informed about passed judgments in the fields of corruption and organized crime (Measures: 182, 183, 185). Courts and prosecution systems need to enhance their human resources in order to have PR Officers in place (organizing press conferences, preparing newsletters, website updating etc.) at all levels, Measure 181.**

OBJECTIVE 84: Further enhancement of the control function in relation to the work of judicial office holders. **Measure 186:** Every 6 months, the commission of immediately superior court is to carry out control of performance of judges, while immediately superior prosecution office is to carry out control of performance of state prosecutors. **Timeframe:** IV Q 2010. **Assessment:** Partly completed. **Measure 187:** At the beginning of each year the control of the performance of all judges and prosecutors is to be carried out by Judicial and Prosecutorial Council respectively. **Timeframe:** IV Q 2010. **Assessment:** Partly completed. **Measure 188:** Carry out analysis of regulations on disciplinary accountability of judges and prosecutors and initiate amendment to regulations in accordance with the adopted analysis. **Timeframe:** End of 2012. **Assessment:** Partly completed. SCM and Judicial Council carried out control of all courts and individual judges' performance. Draft Law on Courts and Law on Judicial Council developed, concerning a more detailed description of the misconduct that entails disciplinary accountability of judicial office holders; however, in order to synchronize activities with the Government of Montenegro AP for meeting the seven recommendations, public presentation was postponed so as to comply with the proposal of the MJ as the line ministry. SPPO carried out two quarterly controls of the performance of basic and higher state prosecution offices by means of detailed statistical reports on their performance and the performance of individual deputies, and provided recommendations for further work. **Recommendation: In the aim of further strengthening the control function of judicial office holders, biannual and annual controls need to continue (Measures 186 and 187). It is also necessary to focus control results on anti-corruption measures and, in relation to that, accelerate amendment of relevant regulations concerning disciplinary accountability (Measure 188), especially in view of the EC recommendations for opening of accession negotiations.**

OBJECTIVE 85: More efficient control over the implementation of the Codes of Ethics for judicial office holders. **Measure 189:** Carry out analysis of implementation of the Codes of Ethics of judicial office holders. **Timeframe:** I quarter 2011. **Assessment:** Completed. Analysis of implementation of the Codes of Ethics of judicial office holders carried out by the SCM and SPPO.

OBJECTIVE 86: Improved administrative, technical and resource capacity of judicial office holders and judicial administration. **Measure 190:** Normatively regulate and set up central database on recruitment, evaluation, disciplinary sanctions and advancement of judicial office holders. **Timeframe:** IV quarter 2010. **Assessment:** Partly completed. **Measure 191:** Establish transparent procedures for development of programs of education and selection of lecturers. **Timeframe:** 2011. **Assessment:** Partly completed. **Measure 192:** Publish translation of characteristic decisions of the Court of Human Rights in Strasbourg on the website of the Supreme Court of Montenegro and state prosecution office respectively. **Timeframe:** Continuous. **Assessment:** Partly

completed. **Measure 193:** Provide adequate and technically equipped offices for judges. **Timeframe:** 2012. **Assessment:** Partly completed. SPPO set up the database on recruitment, appraisal, disciplinary sanctions and advancement of prosecutors at the Prosecutorial Council. CEJOH issues the Annual Education Program and elaborates it for the period of six months. The Annual Education Program specifies also the number of lecturers per branch of law i.e. for each individual program within the Annual Program. The call for applications for potential Center lecturers is posted on the Center's website. All programs of the Center and the biannual work plans are available on request from the Center or from its website (www.coscg.org). SCM web page contains translated decisions of the European Court of Human Rights in Strasbourg, as well as the ones recommended by the State agent of Montenegro at the Court in Strasbourg. Measures were undertaken for full reconstruction and technical modernization of the courtroom of the specialized department of the Higher Court in Podgorica. Offices of all Higher Court judges and the Court President were reconstructed and their work conditions improved. Project documentation was prepared for the reconstruction and modernization of the main courtroom at the Basic Court in Podgorica as well as total reconstruction of the Higher and Basic Court building in Bijelo Polje; in particular, three courtrooms will be modernized and equipped in order to accelerate court procedures. **Recommendations:** A central database on recruitment, appraisal, disciplinary sanctions and advancement of judges needs to be set up at the Judicial Council (Measure 190). Efforts need to be made to further improve transparency of the criteria for development of the Program of Education for judicial office holders and selection of lecturers (Measure 191). For the purpose of achieving this objective, characteristic decisions of the Court of Human Rights from Strasbourg need to be published also on the SPPO web page (Measure 192), while provision of adequate and modernized work conditions needs to continue (Measure 193).

OBJECTIVE 87: Full implementation of JIS. **Measure 194:** Use of JIS in daily work by judicial office holders and employees at the court and State Prosecution Office. **Timeframe:** 2012. **Assessment:** Partly completed. Currently, there are 560,302 cases in court records, 41,390 cases in prosecution offices, 709, 296 court acts and 55,001 prosecutorial acts, 172, 346 court decisions, 586,117 natural and legal persons involved in cases, 621 active individual sheets for persons serving imprisonment sentences, 2,687 individual history sheets, 2,620 releases from imprisonment etc. **Recommendation:** Full implementation of JIS in daily work, for the sake of better transparency and lower risk of corruption in the work of the judiciary (Measure 194).

CRIMINAL PROSECUTION AND FORFEITURE OF ILLICIT GAINS

The Chapter contains 3 objectives, which comprise 6 measures. The timeframe set for implementation of 2 measures is 2011, while 4 measures are to be implemented continuously.

OBJECTIVE 88: Specialization of the police, public prosecutors and judges regarding the new provisions of the Criminal Procedure Code, in line with the Implementation Plan. **Measure 195:** Carry out fully the Implementation Plan for the Criminal Procedure Code. **Timeframe:** Continuous until 1 September 2011. **Assessment:** Partly completed. In cooperation with the UNDP Office in Montenegro, CEJOH organized an event on "Implementation of the new Criminal Procedure Code, amendments to the Criminal Code and challenges in practice" in September 2010. In cooperation with the UNDP, OSCE, US Embassy in Podgorica and HRMA, a seminar was organized on "Financial investigations, the experience of Italy – Investigating criminal offences of corruption and related matters", as part of the Program of education of judicial office holders on fighting corruption (in the light of the new Criminal Procedure Code). Together with CEDEM, AIRE Centre from London and US Embassy in Podgorica, the Centre organized a seminar on "New Montenegrin CPC and the European Convention on Human Rights – legislation and practice – with emphasis on investigation stage, presumption of innocence and the media". Presentation of the Guide on practical implementation of CPC was also organized. A round table was organized on "Implementation of the new Criminal Procedure Code, amendments to the Criminal Code and challenges in practice". Presentation of the Commentary to the Criminal Code of

Montenegro was organized. Between March and July 2010, PA organized 17 courses on “Implementation of CPC” attended by 346 employees of the Police Directorate. **Recommendations: Continue with training and activities in order to fully accomplish the CPC Implementation Plan.**

OBJECTIVE 89: Efficiency of criminal prosecution and forfeiture of illegal assets. **Measure 196:** Comprehensive training and development of curricula for all key authorities dealing with financial investigations, detection, freezing, confiscation and management of assets gained by the commission of criminal acts. **Timeframe:** 2011. **Assessment:** Partly completed. **Measure 197:** Conducting financial investigations by public authorities responsible for detection and prosecution of criminal perpetrators. **Timeframe:** Continuous. **Assessment:** Partly completed. **Measure 198:** Forfeiture of illicit gains in criminal proceedings. **Timeframe:** Continuous. **Assessment:** Not completed. CEJOH: See Measure 195. PA organized 2 seminars on “Financial investigations”: the first one involved 10 participants – seven from PD, one from DSMLFT and two from the prosecution; the second seminar involved 10 participants – eight from PD and two from the prosecution. During the reporting period, PD initiated 7 financial investigations against 21 persons with the competent prosecutors. SPPO is conducting two financial investigations. One of these investigations involved “frozen” funds in the accounts of natural and legal persons equalling EUR876,403.60 and USD55,054.67. **Recommendations: Design the curricula (Measure 196) for the authorities conducting financial investigations and intensify training in this field for the purpose of efficient implementation of financial investigations. Application of the new CPC and CC started recently, so more concrete results may be expected within the next reporting period (Measures: 197 and 198).**

OBJECTIVE 90: Assessment of the impact of the enforcement of provisions on extended forfeiture of illegal assets. **Measure 199:** Conducting financial investigations for the purpose of extended confiscation of illicit gains by public authorities responsible for detection and prosecution of criminal perpetrators. **Timeframe:** Continuous. **Assessment:** Partly completed. **Measure 200:** Permanent seizure (confiscation) of assets whose legal origin has not been proved in extended confiscation proceedings. **Timeframe:** Continuous. **Assessment:** Not completed. PD is involved in a financial investigation for extended confiscation of illegal assets based on the SPPO – Special Prosecutor request; SPPO is conducting two financial investigations for extended confiscation of illegal assets. **Comment: Application of the new CCP and CC started recently, so more concrete results may be expected within the next reporting period.**

COORDINATION AND DATA EXCHANGE

The Chapter contains 3 objectives and 9 measures. The timeframe for implementation of 3 measures is 2010–12, 3 are to be completed in 2011 and 3 are to be implemented continuously.

OBJECTIVE 91: Efficient cooperation and exchange of data among the prosecution authorities, Police Directorate, Customs Administration, Tax Administration and Directorate for the Prevention of Money Laundering and Financing of Terrorism. **Measure 201:** Establish the system for obligatory submission of statistical data on corruption reporting and further procedures to the Directorate for Anti-Corruption Initiative. **Timeframe:** 2010–12. **Assessment:** Partly completed. **Measure 202:** Develop adequate information system for the submission of data on corruption reporting to DACI. **Timeframe:** I quarter 2011. **Assessment:** Partly completed. **Measure 203:** Consider revision of the existing agreements on cooperation between institutions. **Timeframe:** Not defined. **Assessment:** Partly completed.

DACI defined the list of authorities to submit information on corruption reporting and the Template for submitting information on corruption reporting; other authorities started with submission of corruption reporting to DACI. The IT system is being developed, intended to support the admission and processing of individual reports for reporting under the AP, as well as the process of reporting on corruption reports. Launching of the IT system is envisaged for late February 2011, which corresponds with the timeframe set in the AP (I Q 2011). DACI signed agreements on cooperation with the PD and PPD. Customs

Administration signed agreements on cooperation with DSMLFT, PD and Monstat. Customs Administration also has agreements on cooperation in integrated border management with the MIAPA, PD, Veterinary Directorate and Phytosanitary Directorate. SPPO, PD, TA, DSMLFT and CA signed the Agreement on establishment of Joint Investigative Team, which will act in cases of organized crime and the most severe forms of criminal offences of corruption. Customs Administration signed Agreement on cooperation with TA. **Recommendations: Full implementation of this measure requires all authorities that possess open phone lines for corruption reporting to regularly and in a coordinated manner deliver information on corruption reports and further actions using a uniform format, i.e. the defined Template, through the IT system (Measures 201 and 202). Cooperation of authorities in the activities to fight corruption needs to be improved and formalized.**

OBJECTIVE 92: Gathering, processing and analysis of statistical data on corruption reporting and further actions with a view of stepping up anti-corruption efforts and public information. **Measure 204:** Ensure analytical processing of data on corruption reporting in regular time intervals. **Timeframe:** II Q 2011. **Assessment:** Not completed. **Measure 205:** Analysis of corruption reporting cases which are indicators of vulnerable areas and their use in formulating anti-corruption policies. **Timeframe:** Continuous. **Assessment:** Not completed. **Measure 206:** Inform general and professional public on activities undertaken in relation to monitoring corruption reporting. **Timeframe:** Continuous. **Assessment:** Partly completed. Implementation of Measure 201 is the prerequisite for implementation of Measures 204 and 205. During the reporting period, DACI informed the public about the number and processing of reports on suspected corruption in special programs: 2 programs (TV Atlas and Radio Montenegro) and 2 interviews (CDM and "Dan"); this is DACI's regular activity. At the press conference, DACI also informed the professional and general public about the findings of the Survey on the functioning and integrity of state authorities with recommendations; a number of authorities and working groups received the Survey with the aim to make use of the recommendations.

OBJECTIVE 93: Employees of various authorities who receive and keep records on corruption reporting trained for receiving reports. **Measure 207:** Deliver trainings to police officers who receive reporting of corruption at the central level and local units level. **Timeframe:** 2010 – 2012. **Assessment:** Partly completed. **Measure 208:** Deliver trainings to DACI, PD, CA and PPD officers who receive reporting of corruption. **Timeframe:** 2010 – 2012. **Assessment:** Partly completed. **Measure 209:** Define standardized template for receiving reporting of corruption, to be used by all bodies that have an open phone line for corruption reporting. **Timeframe:** I quarter 2011. **Assessment:** Completed. PD realized three seminars on the following topics: «Receiving and processing reports and protecting whistle blowers», «Rule of law and anti-corruption in public administration» and «Advanced training on investigating criminal offences of corruption and related matters» for 5 employees in total. DACI defined the Template for delivering information on corruption reporting, which will be integrated in the software solution being developed. **Recommendations: The number of training events needs to be increased, so that training takes place - in addition to the central level - also at the level of local units of PD (Measure 207). Increased number of training events for the persons responsible for receiving corruption reports in all authorities that possess open phone lines (Measure 208). An obligation needs to be imposed on the authorities that have open phone lines to use the software solution mentioned above and, once the system is in place, conduct training so that the system is used as standard reporting mechanism (Measure 209).**

INTERNATIONAL COOPERATION

The Chapter contains 1 objective and 9 measures. The timeframe for implementation of one measure is 2010, 6 measures are to be completed in 2011, and 2 measures are to be implemented continuously.

OBJECTIVE 94: Strengthened international and regional cooperation in combating corruption. **Measure 210:** Signing international treaties and agreements: with the EU countries, with third countries, with international organizations. **Timeframe:** Not due - 2011. **Assessment:** Completed. **Measure 211:** Signing

operational agreement on cooperation with Europol. **Timeframe:** 2011. **Assessment:** Not completed. **Measure 212:** Establishment of efficient Unit for coordination of international police cooperation. **Timeframe:** 2011. **Assessment:** Not completed. **Measure 213:** Establishment of internal operating procedures. **Timeframe:** 2011. **Assessment:** Not completed. **Measure 214:** Ensure data protection in the work of organizational unit for international police cooperation. **Timeframe:** 2011. **Assessment:** Partly completed. **Measure 215:** Provision of functional working space. **Timeframe:** 2011. **Assessment:** Partly completed. **Measure 216:** Reporting on results of international cooperation in the fight against corruption. **Timeframe:** Continuous. **Assessment:** Completed. **Measure 217:** Development of annual plans for signing bilateral agreements on cooperation with related institutions. **Timeframe:** By the end of IV quarter 2010. **Assessment:** Partly completed. **Measure 218:** Analysis of the effects of implementation of international treaties and agreements with the neighboring countries, EU countries and international organizations. **Timeframe:** Continuous. **Assessment:** Not completed. SCM signed the Agreement on mutual assistance and cooperation with the Supreme Court of the Russian Federation and established forms of cooperation and assistance with the Supreme Courts of Croatia, Republic of Srpska, Serbia, Macedonia, B&H Federation, Albania and Kosovo. SPPO signed the following: Memorandum of Cooperation with the Republic of Italy National Directorate for combating mafia; amended version of the Memorandum of Understanding under the PROSECO Project, and Agreement with the General Prosecution Office of the Russian Federation. The Ministry of Justice signed the following: Agreement on Amendments to the Agreement on Extradition with the Republic of Serbia, Agreement on Extradition with the Republic of Croatia, Agreement on Legal Assistance in Civil and Criminal Matters with B&H, and Agreement on Mutual Enforcement of Judgments in Criminal Matters. MIAPA signed the Agreement with the Government of Malta in the field of combating illegal drug trafficking, organized crime and international terrorism. Police Directorate signed the Agreement on Police Cooperation between the Government of the Kingdom of Belgium and the Government of Montenegro. Partnership Agreement was signed with the Federal Crime Police of Germany to strengthen PD capacities within IPA 2009 Project. Memorandum of Understanding was signed within the MARRI Initiative on sustainability of established cooperation of border police units at international airport border crossings in member states. Customs Administration cooperates with the customs services of EU countries in line with the Protocol 6 of the Stabilisation and Association Agreement between the European Communities and their Member States on one side and the Republic of Montenegro on the other side (SAA). Protocol provisions have supremacy over the provisions of any bilateral agreement on mutual assistance. CA signed the following: Protocol on electronic data exchange with the Republic of Albania (SEED), Agreement on Customs Cooperation and Mutual Assistance with the Government of the Republic of Serbia, and Agreement on Mutual Assistance in Customs Matters with the Government of Kosovo. DSMLFT signed the Agreement with the respective FIUs of Moldova, San Marino and Israel. In addition, it also innovated the Agreement on Exchange of Financial Intelligence with the Russian Federation, which concerns prevention of terrorism financing. PD is undertaking activities to adopt the amended Rulebook on job classification, which envisages reorganization of NCB Interpol and establishment of Division for international police cooperation. Development of internal work procedures is ongoing. Security Zone 2 was established, with protection features (access control, video surveillance, physical protection). There are ongoing activities to provide adequate boxes for storage of confidential data and to obtain licences for NCB Interpol staff to access confidential data. Functional working space was provided for the purposes of the NCB Interpol. However, expansion has still not been provided for, with regard to setting up Europol office and SIRENE Bureau. PD developed two reports on the results of international cooperation. CA Operation Strategy includes the agreement signing plan. SPPO developed an analysis of the impact of implementation of international treaties and agreements; in cooperation with the countries from the region and the EU, Serbia, Croatia, Russia, B&H and Italy cases were set up in the Division for fighting organized crime, corruption, terrorism and war crimes. MJ is continuously monitoring implementation of international treaties and agreements through statistics (report on the number of cases of international legal assistance). **Recommendations: International cooperation needs to be intensified by implementing the existing and in particular by signing new agreements in line with the authorities' annual plans; regular analysis of the impact of implementation needs to be carried out (Measures: 210, 216, 217 and 218). Activities need to be**

intensified concerning signing of the operational agreement with EUROPOL (Measure 211). PD capacities need to improve for the purpose of efficient international cooperation in combating corruption (Measures: 212, 213, 214 and 215).

IV. ORGANIZED CRIME

SITUATION ANALYSIS

The Chapter contains 2 objectives and 4 measures. The timeframe for implementation of measures 219, 220 and 221 is 2010–11 and the timeframe for implementation of Measure 222 is 2010–2012.

OBJECTIVE 95: Prerequisites in place for preparation of crime mapping in Montenegro. **Measure 219:** . Analysis of the state of crime in Montenegro. **Timeframe:** 2010-11. **Assessment:** Not completed. PD produced the overview of statistics on crime in 2010. **Measure 220:** Identification of vulnerable areas in the system. **Timeframe:** 2010-11. **Assessment:** Partially completed. Vulnerable areas – areas of particular risk in the system - identified: privatization process; public procurement; urban planning; education; health sector; local self-government. **Measure 221:** Setting clear priorities in the field of combating organized crime. **Timeframe:** 2010-11. **Assessment:** Partly completed. PD, together with other authorities, defined the priorities in the Strategy for fighting corruption and organized crime (2010-14). **Recommendations:** Identify the vulnerable areas within organized crime (PD and USPNFT). **Measure 220.** Analytically improve the crime mapping in Montenegro (Measures: 219, 220 i 221).

OBJECTIVE 96: Assessment of the impact of organized and serious crime in the region on the state of crime in Montenegro developed. **Measure 222:** Prepare Analysis of impact of organized and serious crime in the region on the situation in Montenegro in accordance with the EU-OCTA standards. **Timeframe:** 2010-2012. **Assessment:** Not completed. Measure 219 is the prerequisite for this measure. Particular risk is also accessibility of data on organized crime in the countries of the region: since most of such data is in the stage of verification/processing it is mainly data on concluded cases that is available, which renders a realistic assessment of the situation difficult.

PREDOMINANT FORMS

The Chapter contains 4 objectives and 19 measures. The timeframe for implementation of 12 measures is 2010–2011 and the timeframe for implementation of 7 measures is 2011 – 2012.

OBJECTIVE 97: Improved efficiency in conducting financial investigations and increased number of processed financial investigations. **Measure 223:** Increased number of employees working in financial investigations. **Timeframe:** 2010-12. **Assessment:** Partly completed. Draft act on amendments to the Rulebook on internal organization and job descriptions is available, providing formal prerequisites for the number of employees concerned with this matter to increase from 16 to 20. **Measure 224:** Improve inter-agency cooperation through the Special Investigative Team. **Timeframe:** 2010-12. **Assessment:** Partly completed. Agreements on Cooperation signed with the institutions constituting the Special Investigative Team, Tax Administration, Customs Administration and DSMLFT. Agreement on establishment of the Special Investigative Team signed by the Police Directorate, Prosecution Office, Tax Administration, Customs Administration and DSMLFT. **Measure 225:** Delivery of specialized trainings in conducting financial investigations. **Timeframe:** 2010-12. **Assessment:** Partly completed. DSMLFT conducted specialized trainings: seminar on “Investigating criminal offences of corruption and related issues – financial investigations” for 2 representatives; seminar on “Advanced training on investigating corrupt acts and related issues – financial investigation ” for 1 representative; seminar on “EGMONT group training – tactical analysis and training of trainers” for 2 representatives; seminar on “Development of economic /financial strategy ” for 1 representative; seminar on “Cooperation between FIUs and law enforcement agencies in fighting

money laundering and restitution of illegal assets“ for 1 representative. **Recommendations:** In the aim of better efficiency in conducting and processing financial investigations, it is necessary to step up the activities within the Joint Investigative Team for processing of financial investigations.

OBJECTIVE 98: Improved administrative, space and technical capacity of entities involved in combating organized crime. **Measure 226:** Assign two officers who will deal with organized crime related affairs in local units. **Timeframe:** 2011-12. **Assessment:** Not completed. By adopting amendments to the Rulebook, PD will envisage 2 posts (16) in each local unit for the tasks in fighting organized crime and corruption and two posts at the central level. **Measure 227:** Ensure necessary conditions for law enforcement operations and law enforcement intelligence operations in local units. **Timeframe:** 2011-2012. **Assessment:** Partly completed. **Measure 230:** Provision of functional working space for the employees hired to fight against organized crime and corruption in local units. **Timeframe:** 2011-12. **Assessment:** Partly completed. PD provided working space, 1 office at the Herceg Novi local unit. **Measure 228:** Strengthening and improvement of resource basis for carrying out border control (reconstruction and construction of BC, installation of video surveillance on BC, purchase of vehicles, vessels and other technical equipment). **Timeframe:** 2011-12. **Assessment:** Partly completed. During the reporting period a certain number of modern technical devices were obtained for more efficient implementation of tasks in the surveillance of green and blue border and border crossing checks. **Measure 229:** Information networking of the intelligence operations system EGP- IGP – SGP. **Timeframe:** 2011-12. **Assessment:** Partly completed. All BP stations (8) and border crossing points (28) are networked into a single PD information system and have access to the Interpol MIND system. Activities initiated to implement the project of sending intelligence information 4X4 to three border police stations (Bar, Herceg Novi and Nikšić). The stations are included in the PD network and establishment of necessary routing schemes for information delivery is underway. The software is expected to be implemented in all BP stations in 2011. **Measure 231:** Restructuring of the existing Division for Special Checks by introducing new affairs: 1. Establishment of the affairs performed by DESK at the central and local levels; 2. Implementation of the Handbook on Criminal Intelligence Operations. **Timeframe:** 2011-2012. **Assessment:** Partly completed. Proposal of new organization and functioning of PD Division completed, to be completed after the development of the new Rulebook on PD internal organization and job descriptions, following the adoption of the Law on Police. During the reporting period, the complete edition of the Handbook “Criminal Intelligence Led Policing” was developed, printed and distributed. **Measure 232:** Intensive training of the police in relation to implementation of the CPC and conducting investigations by applying SSMs, financial investigations and forfeiture of illicit gains. **Timeframe:** 2011-12. **Assessment:** Partly completed. During the period in question, three training modules were held for undercover investigators, organized by TAIEX for 12 participants.

OBJECTIVE 99: Enhanced operational-tactical, criminal-intelligence and analytical-operational methods for the fight against organized crime. **Measure 233:** Set up a separate fund for intelligence and operational activities. **Timeframe:** 2010-12. **Assessment:** Not completed. PD is implementing activities to consider the possibilities and establish the legal basis in effective regulations for setting up of a separate fund. **Measure 234:** Sustainable development through the purchase of new and maintenance of the existing equipment for conducting investigations and applying SSMs. **Timeframe:** 2010-12. **Assessment: completed.** Within IPA 2007 PD purchased the technical equipment for conducting investigations and applying SSMs. The telecommunications surveillance system was upgraded. **Measure 235:** Implementation of the second phase of the project “Intelligence-Led Policing”. **Timeframe:** 2010-12. **Assessment:** Not completed. In cooperation with the EU Delegation, PD concluded preparation of IPA 2010 project documents; the budget for the project has been secured and a twinning partner from Austria selected. A detailed activity plan has been developed and working teams for project management and implementation established within the PD. **Measure 236:** Train adequate number of operational analysts to carry out activities in relation to serious and organized crime. **Timeframe:** 2010-2012. **Assessment:** Partly completed. PD increased the number of employees trained for operational analysis by 16.

OBJECTIVE 100: Enhanced mechanisms for collection and analysis of data on overall state of play in organized crime as well as collection of statistical data on forms of organized crime. **Measure 237:** Develop guidelines for harmonizing methods for presenting statistical data by the Police Directorate, Prosecution Office and judiciary. **Timeframe:** 2010-12. **Assessment:** Not completed. Instructions for adjusting the methodology for statistical data reporting being drafted. **Measure 238:** Set up criminal intelligence units in local units of the Police Directorate. **Timeframe:** 2010-12. **Assessment:** Not completed. PD developed a proposal for organization of criminal intelligence units in the local units. **Measure 239:** Improve risk analysis system in the Border Police Department. **Timeframe:** 2010-12. **Assessment:** Partly completed. The legal framework was defined by means of adopting the Instructions for development of Risk Analysis in the Border Police Department. Training Plan and Program for implementing Risk Analysis Model were developed. **Measure 240:** Setting up unique database of operational data. **Timeframe:** 2010-12. **Assessment:** Not completed. The unique intelligence database was established in PD. Activities will resume in 2011 under IPA 2010: Further development of software modules for more efficient data exploitation. **Measure 241:** Provide links and connect with databases of providers of telecommunication services in order to collect data in accordance with powers of the police prescribed by CPC. **Timeframe:** 2010-12. **Assessment:** Partly completed. PD established a link to databases of 2 out of 3 providers of telecommunication services. **Recommendations:** Harmonize the methodology for reporting data on the state of organized crime and set up a single database to improve data analysis, in accordance with it.

PREVENTION

The Chapter contains four objectives (101-104) and nine measures. Measure 249 is to be implemented continuously (not completed), measures 245 and 246 during 2010-11, and the rest of the measures during 2010-2012.

OBJECTIVE 101: Specialization for all parties engaged in combating organized crime. **Measure 242:** Implementation of the Training Program through international projects. **Timeframe:** 2010-12. **Assessment:** Partly completed. Through international projects, PD carried out eight training events for 25 employees. CEJOH carried out training under the Program of training of judicial office holders on combating corruption (in the light of the new CPC). A series of seminars were organized within the project Technical Assistance of Luxembourg to Montenegro 2010 – Initial training on EU law for the judiciary (II), as well as a series of seminars on civil law. **Measure 243:** Continuous training and specialization at the Police Academy. **Timeframe:** 2010-12. **Assessment:** Completed. 20 training events were organized at the Police Academy for 293 PD employees. Within IPA 2007 project, three Training of Trainers courses were organized at the Police Academy (for 16 PD employees) and two courses on Training on technical supervision (for 16 PD employees). Within the ILECU project, Police Academy organized six seminars for employees of PD, MIPA, Higher Court, Prosecution Office, Supreme Court, Ministry of Justice, DSMLFT, TA and CA. **Measure 244:** Participation at regional and international seminars and conferences. **Timeframe:** 2010-12. **Assessment:** Partly completed. During the reporting period, PD employees participated at four regional seminars and international conferences, CEJOH staff participated at three international conferences, while MIAPA employees participated at seminars and conferences on implementation of the Convention on Police Cooperation of SEE countries. CEJOH stated finance and human resources as risk factors; MIAPA stated training. **Recommendations:** Organization of specialized training of all relevant entities needs to continue, particularly highlighting analysis of the impact of training on the suppression of organized crime; consistently implement also the relevant measures from the AP for monitoring implementation of recommendations from the EC Opinion. Since MIAPA holds that Measures 242 and 243 do not fall under its competences, reporting entities need to be specified in the coming period.

OBJECTIVE 102: Protection of integrity of those involved in combating organized crime. **Measure 245:** Adoption of Integrity Plan in the Police. **Timeframe:** 2010-11. **Assessment:** Not completed. **Measure 246:** Implementation of the Law Enforcement Code of Ethics: efficient performance of Ethics Committee; development of six-month analyses on implementation of the Code of Ethics; organize periodical trainings on implementation of provisions of the Code of Ethics; training of police officers in implementation of the Guidelines for reporting corruption to the police; **Timeframe:** 2010-11. **Assessment:** Partly completed. The Ethics Committee holds regular meetings at the PD to consider requests for initiation of disciplinary procedures to ascertain infringement of the Code of Ethics. During the reporting period, the Ethics Committee held five meetings to consider 24 cases of individual infringements of the Police Code of Ethics by PD employees. 19 cases were referred to the disciplinary authority for a decision on disciplinary accountability due to established infringement of the provisions from the Code. The Committee established that in four cases there were no grounds to start disciplinary procedures since no infringement of the Code had taken place. One case was referred back to the party that submitted the request for disciplinary procedure for amendment. The Ethics Committee conducts periodical reviews of Code implementation and informs the public about the findings, thus contributing to transparent ethical conduct of PD employees. **Recommendations:** Activities on developing the Police Integrity Plan need to continue in order to enable its adoption by the end of 2011. Periodical training needs to be organized on implementation of the provisions from the Code of Ethics as well as training for the police on implementation of the Guidelines for reporting corruption to the police. In addition, since MIAPA holds that Measure 245 does not fall under its competences, reporting entities need to be specified in the coming period.

OBJECTIVE 103: Introduced mechanisms for administrative approach in the prevention of organized crime. **Measure 247:** Ensure networking of intelligence systems of public administration bodies and links with computer networks and data bases of DSMLFT, TA, CA, Real Estate Administration Directorate, CDA, building inspection, IECS (Institution for the Enforcement of Criminal Sanctions) etc. **Timeframe:** 2010-12. **Assessment:** Partly completed. Tax Information System is linked to the information systems of: MIS, CA, Pension Fund, Health Fund and Employment Office of Montenegro. There is internet link with the Central Population Registry, human resource information system, registry of fines and misdemeanour records of Montenegro. Customs Administration established a direct link with PD and TA. CA IT resources were installed on the central location of TA and applications and reports used by TA developed. A similar activity is expected to follow with PD. DSMLFT did not implement this measure, while READ, CDA, MSTT – building inspectorates and IECS did not report on the implementation of this activity. **PD recommendations:** Signing an agreement on data exchange and technical implementation of data exchange between PD and the rest of the institutions; setting up of an appropriate protected link for data exchange between the organizational unit for international police cooperation at PD and the rest of the law enforcement agencies (CA, TA, DSMLFT, state prosecution offices, courts etc.), based on the Agreement on Cooperation between law enforcement agencies at the national level, signed within ILECU project. **TA recommendations:** Tax information system needs to be linked with other state authorities. **Recommendations:** Continue the activities defined under Measure 247 and involve other mentioned institutions in its implementation.

OBJECTIVE 104: Protection of victims of different forms of organized crime and corruption. **Measure 248:** Improvement of regional cooperation and signing agreements with relevant services of the countries in the region in the field of protection of witnesses who are victims of organized crime. **Timeframe:** 2010-12. **Assessment:** Not completed. Witness Protection Unit at the PD is one of the participants in the project WINPRO (Witness protection in the fight against organized crime and terrorism). The aim of the project is to strengthen cooperation to support the fight against organized crime and terrorism at the regional and European level by encouraging witnesses and informers to testify in criminal proceedings and provide adequate evidence in return for protection from intimidation, coercion, corruption or bodily harm. In the report, PD stated funding and training as risk factors, adding that signing an agreement or joining the existing agreements depended solely on the requests of the national unit for protection for access and approval of other signatories, as well as signing new bilateral and multilateral agreements on cooperation in specific areas as required. **Measure 249:** Delivery of trainings to

the officers in the Witness Protection Unit. **Timeframe:** Continuous. **Assessment:** Not completed. PD did not start implementing Measure 249 and the Police Academy did not report on its implementation. In 2011, training and study visits are anticipated within WINPRO, as well as organization of advanced training of trainers from all PD units involved in the project. **Measure 250:** Purchase of specialized equipment for the Witness Protection Unit. **Timeframe:** 2010-2012. **Assessment:** Not completed. **Recommendations:** Since MIAPA holds that Measure 248 does not fall under its competences, reporting entities should be considered. Activities aimed at improving regional cooperation in this field need to continue. Measures 249 and 250 not completed - therefore, training of Witness Protection Unit staff and purchase of specialized equipment should begin in the coming period.

COOPERATION BETWEEN PUBLIC AUTHORITIES

The Chapter contains objective 105, which comprises two measures. The timeframe for implementation of both measures is 2010-2012.

OBJECTIVE 105: Efficient inter-institutional cooperation of all the stakeholders involved in the efforts to combat organized crime, including team work, specialized and proactive approach. **Measure 251:** Setting up the National Coordination Office. **Timeframe:** 2010-12. **Assessment:** Not completed. **Measure 252:** Creating the conditions and capacity for more efficient performance of the Joint Investigative Team. **Timeframe:** 2010-12. **Assessment:** Partly completed. Joint Investigative Team was provided space, offices and equipment. Since establishment, it handled four cases (preliminary investigation ongoing for two cases; investigation of the criminal offence of corruption is ongoing in one case; indictment brought for the criminal offence from the field of corruption in one case). One financial investigation is being conducted from the field of organized crime and one from the field of corruption. The number of cases where PD was involved increased (implementing activities in the processing of three cases concerning illicit operations of several legal and natural persons). During this period, Tax Administration inspectors participated in joint controls with CA and PD. PD acted upon the requests for control provided by the Supreme Prosecutor and Special Prosecutor, PD and DSMLFT, and informed these authorities on irregularities concerning activity in their respective areas of competence. CA is continuously working on creating the conditions and capacities for more efficient work of the Joint Investigative Team. Joint teams of MJ, PD, SPPO and MSPE and local ad-hoc teams for combating illegal construction were established. SPPO stated there was no risk involved in the implementation of this measure; TA stated funding and human resources as risk factors; MSDT stated administrative capacities and funding. **Recommendations:** IECS staff to participate in the work of the Joint Investigative Team; PD did not deliver the report on the implementation of Measure 251 and MIAPA holds this Measure does not fall under its competencies, so it is necessary to specify the reporting entities in the coming period. Activities need to be implemented to establish the National Coordination Unit. Since DSMLFT and IECS stated that Measure 252 was not completed, while READ and CDA did not deliver report on its implementation, it is assessed that Measure 252 was partly completed. The reports did not contain information on whether the number of investigations and indictments had increased. Activities need to continue and other reporting entities for this Measure need to be involved in the work of the Joint Investigative Team.

REGIONAL AND INTERNATIONAL COOPERATION

The Chapter contains three objectives (106-108) and nine measures. The timeframe for implementation of all measures is 2010-2012.

OBJECTIVE 106: Continuous application of international standards applicable to the fight against organized crime. **Measure 253:** Quality management and application of standards and best practices, control and monitoring. **Timeframe:** 2010-12. **Assessment:** Partly completed. NCB Interpol Podgorica is applying the standards in the fight against organized crime set by the Interpol and Europol. "Intelligence-led policing" model is operational centrally and in Bar and Budva local units. The Handbook on Intelligence- Led Policing was adopted. AP for implementation of phase II of this project was developed; it contains activities related to professional development, further development in the field of IT, and introduction of this model in the remaining six local units of the police. **Recommendations: Implementation of these activities needs to continue for the purpose of quality management and application of international standards and best practices.**

OBJECTIVE 107: Efficient regional and international cooperation aimed towards conducting joint investigations. **Measure 254:** Set up organizational unit for international cooperation as a whole with central management of all key functions of international police cooperation (INTERPOL, EUROPOL, SIRENE; SECI, other international police organizations, liaison officers), **Timeframe:** 2010-2012. **Assessment:** Not completed. Activities are ongoing to adopt the amended Rulebook on job classification in PD, which envisaged reorganization of NCB Interpol and establishment of the Division for International Police Cooperation for the purpose of centralized international operational police cooperation, which implies inclusion of Interpol and Europol cooperation and in the future also cooperation through the SIRENE Bureau. **Measure 255:** Sign bilateral agreements: with the neighboring countries, the EU countries, international organizations. **Timeframe:** 2010-2012. **Assessment:** Not completed. **Measure 256:** Strengthen cooperation with border police of the neighboring countries. **Timeframe:** 2010-2012. **Assessment:** Completed. PD held 16 meetings with the border police of the neighboring countries and conducted 291 joint activities with the border police of Albania (79 patrols, 41 water and 38 land patrols, 500 hours in total), BH (127 patrols, 921 hour), Serbia (78 patrols, 595 hours) and Croatia (7 water patrols). **Measure 257:** Participation of NCB Interpol officers in Interpol's working bodies, groups and projects which are aimed at the fight against organized crime in the region. **Timeframe:** 2010-2012. **Assessment:** Completed. Representatives of the NCB Interpol participated in two working bodies of the Interpol and in four meetings dealing with fighting organized crime in the region. **Measure 258:** Purchase of equipment for work, in accordance with recognized Interpol trends in development of hardware and software communications equipment. **Timeframe:** 2010-2012. **Assessment:** Partly completed. PD, in cooperation with the Interpol General Secretariat is currently implementing activities to purchase computer equipment for the Division for International Police Cooperation. Funds in the amount of EUR20,000 were provided through Interpol and SEPCA, based on the needs analysis and assessment conducted in 2010. Specifications are being drafted for the equipment to be proposed for purchase to Interpol and ILECU's project, based on the 2011 needs analysis. **Measure 259:** Rolling out Interpol services towards border crossings, with the aim of conducting direct search of Interpol bases and checks of persons, travel documents and vehicles on border crossings. **Timeframe:** 2010-2012, **Assessment:** Completed. 8 additional border crossing points were networked with NCB Interpol; thus, at the end of the reporting period, all border crossing points were networked into a single PD information system and Interpol MIND service for direct search of Interpol databases implemented at all border crossing points. **Measure 260:** Training of officers at the National Bureau of Europol to use analytical intelligence Europol programs in data processing. **Timeframe:** 2010-201. **Assessment:** Not completed. During the given period there was no training of NCB Europol offices since the Bureau was not established. **Recommendations: MIAPA holds that Measure 254 does not fall under its competence and did not report on the rest of the measures under Objective 107; it is therefore necessary to specify the reporting entities in the coming period. Since the institutions designated as implementers of Measure 255 did not deliver reports on its implementation, the Measure was assessed as not completed. It is therefore necessary to start with the envisaged activities in the coming period. PD implemented Measures 256 and 257. The activities defined under these measures need to continue. Relevant measures envisaged by the AP for monitoring implementation of recommendations from the EC Opinion need to be consistently implemented.**

OBJECTIVE 108: Enhanced direct contacts between police and judicial authorities in the region and beyond. **Measure 261:** Direct cooperation at the regional level and investigations of criminal offences with elements of organized crime. **Timeframe:** 2010-2012. **Assessment:** Partly completed. PD participated in implementation of six international proactive investigations in the field of general and financial organized crime and held 10 operational meetings concerning investigations of criminal offences of organized crime. In the field of suppression of international drug trafficking, PD participated in four joint international investigations, primarily with DEA. Six additional international consultative meetings were held. Direct cooperation was completed with SPPO and the respective prosecutor's offices of Italy, Croatia, B&H, Serbia and Russia in eight cases in total. Four investigations and two financial investigations were initiated in Montenegro; one judgment was passed in Croatia and one in B&H. State prosecutors had direct contacts with the prosecutors and police of other countries and participated in conferences, seminars and meetings (see the individual SPPO report). **Recommendations:** **Reports on cooperation are missing for the Measure 261 to be marked as completed. SPPO needs to develop the Regional cooperation plan with the prosecutorial authorities of the neighboring countries, which is envisaged by the AP for monitoring implementation of recommendations from the EC Opinion.**

MONITORING

The Chapter contains Objective 109, which includes five measures. The timeframe for implementation of Measures 262 and 263 was 2010, while the rest of the measures are to be implemented continuously.

OBJECTIVE 109: AP Monitoring. **Measure 262:** Preparation of the software solution, methodological instruction and reporting templates with the aim of monitoring implementation of the AP. **Timeframe:** IV Q 2010. **Assessment:** Partly completed. For software development, DACI is using funds from the Norwegian project in line with the Norwegian implementer's (IMG) procedures; this caused a longer tender procedure for the selection of the best company and equipment. In the preparation of the required tender documents, DACI received technical assistance from MIS representatives. DACI developed the Template report on implementation of measures defined by the AP, which was delivered to all reporting entities. Software development is in the final stage and will be applied in the development of the next NC report (January-June 2011). Training for the use of software is envisaged for DACI staff as well as the reporting entities for AP. **Measure 263:** Training for the use of software, reporting in templates. **Timeframe:** IV Q 2010. **Assessment:** Not completed. Development of software solution for reporting is in the final stage. Risk factors: administrative capacities, funding and human resources. **Measure 264:** Submission of six-month reports by entities under an obligation to report according to the AP. **Timeframe:** Continuous. **Assessment:** None. Out of 93 reporting entities for the AP, 74 delivered their reports within the set timeframe. **Measure 265:** Preparation of the six-month report by the National Commission. **Timeframe:** Continuous. **Assessment:** None. Based on individual reports of institutions reporting for the AP, DACI drafted the first NC report for 29 July – 31 December 2010. **Measure 266:** Regular updating of NC website (DACI sub-website). **Timeframe:** Continuous. **Assessment:** Completed. All information on NC establishment and activities posted on the website www.antikorupcija.me (National Commission subpage). DACI subpage contains strategic anti-corruption documents (Strategy for fighting corruption and organized crime 2010-2014 and Action Plan for implementation of the Strategy 2010-2012, Book of Procedures, Decree on the establishment of NC, and five communications concerning the work of the NC). **Recommendations:** **Since software development and methodological instruction for monitoring AP implementation were not finalized by the end of the reporting period (hence no training was organized on how to use the software), but the Reporting Template was prepared, it is necessary to complete the software solution and methodological instruction and to organize training on the use of software and reporting in templates.**

IV. CONCLUSION

The First report on the degree of realization of the Action Plan for implementation of the Strategy for fighting corruption and organized crime encompassed the results and review of activities for the period 31 July - 31 December 2010 i.e. from the time of adoption of strategic documents in the fields of fight against corruption and organized crime until the end of 2010. The reporting entities were invited to report on the activities, if any, under individual measures also for the period 1 January – 31 July 2010; these were also included in the present Report.

The Action Plan contains 266 measures in total: 180 due for the reporting period January-December 2010. The overall statistics was processed for 264 measures, hence the Report includes 178 due measures and 86 that were not due.

15 due measures were completed (8.4%), while 16 measures (9%) are continuously implemented. In other words, the sum total of completed measures and those implemented continuously is 31 for the given period, which makes up 17.4% of the total number of due measures. At the same time, there were 93 measures which were partly completed or partly completed continuous ones (52.3%) and 54 measures which were not completed (30.3%).

We wish to highlight that a large number of measures are due from 2011 until the end of 2012 and that some of those measures were completed during 2010, so that 4.7% of the measures due in 2011-2012 were completed, 34.9% partly completed, and 60.5 % not completed.

Broken down by fields, majority of partly completed measures that were not due pertained to **organized crime**: 85.7%.

The most important results in implementation of the AP in 2010 concern the following:

PRIORITIES IN THE SUPPRESSION OF CORRUPTION AT THE POLITICAL AND INTERNATIONAL LEVEL

- Recommendations for amendments to the Law on the Prevention of Conflict of Interest were defined by the authority in charge of implementation of the given Law;
- Recommendations were defined which will serve as the basis for improving lawful, quality, non-partisan and professional performance of public administration employees, as well as their advancement, professional development and the legal status of employees of state authorities by means of development of the new Law on Civil Servants and State Employees; this is of particular importance for complying with the EC recommendations and obtaining the date for negotiations on accession to the EU;
- Training on implementation of the Law on Free Access to Information was continuously carried out and resulted in a certain drop in the number of complaints and appeals to acts issued by first-instance bodies; therefore, it is necessary to continue enhancing the awareness of representatives of state authorities on the need to implement this Law;
- Briefing was prepared on improving the legislative framework concerning the protection of whistleblowers, which was forwarded to competent sectors for the purpose of proposing innovated legal provisions;
- Working Group was established and tasked with reviewing EC recommendations and proposing possible solutions for the purpose of developing amendments to the Law on State Audit Institution;
- 18 entities subject to audit established special internal audit units which are currently being staffed;
- Activities were initiated to align the Law on Insurance with the requirements from the *acquis communautaire*, in particular in the area of solvency;

- Proposal of the AP for business environment reform was prepared and the Law on Improvement of Business Environment adopted.

AREAS OF PARTICULAR RISK

The system for supervision of investment in privatized companies and compliance with contractual obligations was established (consortium led by the Faculty of Economics);

- Draft of the new Law on Public Procurement was prepared and development of secondary legislation in this field started;
- Ministry of Sustainable Development and Tourism reported that its legal predecessor, the Ministry of Spatial Planning and Environment, had strengthened the administrative capacities and human resources of the inspectorates, set up a phone line for reporting illegal construction, and developed a template for reporting illegal construction, which is available at the Ministry web page together with description of the reporting procedure;
- Innovated Rulebook on the criteria, method, requirements and amount of funding for the exercise of the right to accommodation and meals in student dormitories, student loans, scholarships and transport subsidies, and the Ranking of secondary school and university students awarded scholarships, loans and accommodation in student dormitories were posted on the web page. The Council for Higher Education, through the Center for studies and quality control, set up the organizational structure (Committees for quality assurance management at the University and network of commissions-offices at individual faculties) aiming at quality assurance at all higher education institutions. Likewise, there are teams concerned with quality assurance in teaching at each private higher education institution in Montenegro.
- IT support in the health care system was implemented in all primary health care institutions and 7 general hospitals (out of 32 public health institutions, 26 introduced the IT system). National Survey on Integrity in Health Care Sector was completed. Public presentation of its findings and recommendations is expected to follow.
- Ethical standards were implemented in local self-governments by means of adoption of Codes of ethics and establishment of Ethics Committees. Free access to information was provided. Training was organized for representatives of local self-governments units, project management teams, percentage of approved projects high.
- New Decree on the criteria for identification of beneficiaries and method of distribution of revenues from the games of chance was adopted.

PREVENTION OF CORRUPTION IN LAW ENFORCEMENT AGENCIES

- Strategy of Development and Functioning of the Police for the period 2011-13 and the Decree on standards and requirements to be met by the Border Police were adopted. Equipment was provided for conducting investigations and implementing secret surveillance measures, and funds were obtained for the purchase of computer equipment;
- Drafts of the Law on Courts and Law on Judicial Council were prepared, with detailed description of the offences that provide grounds for disciplinary accountability of holders of judicial office;
- Review was conducted of implementation of the Codes of Ethics of judicial office holders;
- Central database on recruitment, appraisal, disciplinary sanctions and advancement of judicial office holders was set up at the SPPO;

- Police Directorate initiated 7 financial investigations; it is involved in 1 financial investigation for extended confiscation of illegal assets, while SPPO is conducting 2 financial investigations for extended confiscation of illegal assets;
- DACI is in the final stage of developing the software solution for automated exchange of data on corruption reporting;
- Police Directorate developed the proposal for establishment of the Division for International police Cooperation.

ORGANIZED CRIME

- PD, SSPO, TA, CA and DSMLFT signed the Agreement on establishment of Special Investigative Team aimed at efficient inter-agency cooperation; initial results available;
- Police Directorate drafted new organization of the Division for Special Checks, introducing new jobs, and increased the number of employees trained in operational analysis by 16;
- Activities on networking the intelligence systems of public administration authorities for the purpose of more efficient prevention of organized crime continued;
- Successful regional and international cooperation in fighting organized crime continued;
- DACI started performing the tasks of NC Secretariat and drafted, based on individual reports of the reporting entities for the AP, the First NC Report according to new strategic documents. Development of software solution is in the final stage; the software will be applied in developing the next NC Report.

Annex to the First Report of the National Commission (Report of the Tripartite Commission)

REPORT OF THE TRIPARTITE COMMISSION FOR REVIEW OF CASES FROM THE FIELDS OF CORRUPTION AND ORGANIZED CRIME FOR 2010

Podgorica, March 2011

INTRODUCTION

The Tripartite Commission for the review of cases from the field of corruption and organized crime and for reporting and development of unified methodology of statistical indicators in the field of corruption and organized crime was established pursuant to the Decision of the Head of the National Commission no. 03-1493 of 16 February 2011.

The Tripartite Commission is tasked with the following: defining a unified methodology of statistical indicators used by the police, prosecution and courts as grounds for monitoring and action upon criminal reports and criminal cases; conducting statistical and analytical processing of data on the number of criminal reports and cases from the field of corruption and organized crime which are being processed or were effectively concluded, with particular emphasis on the breakdown of perpetrators and fields in which such acts are committed, and for reporting according to the set methodology and providing recommendations to the National Commission with the aim to improve the efficiency of the judiciary.

Based on the data obtained from the police, prosecution and courts, the Report shows the statistical overview of the number of persons against whom criminal proceedings were instigated for criminal offences with elements of corruption and organized crime, the breakdown of perpetrators of such offences, the fields in which such offences are committed, accompanied by recommendations to the National Commission as to how to improve efficiency of the judiciary.

Criminal offences with elements of corruption

The present Report includes the following corrupt criminal offences:

- Money laundering from Article 268 of the Criminal Code;
- Violation of equality in the conduct of business activities from Article 269 of the Criminal Code;
- Causing bankruptcy from Article 273 of the Criminal Code;
- Causing false bankruptcy from Article 274 of the Criminal Code;
- Abuse of authorizations in economy from Article 276 of the Criminal Code;
- False balance from Article 278 of the Criminal Code;
- Abuse of appraisal from Article 279 of the Criminal Code;
- Disclosure of business secret from Article 280 of the Criminal Code;
- Disclosing and using stock-exchange secrets from Article 281 of the Criminal Code;
- Abuse of an official position from Article 416 of the Criminal Code;
- Unconscientious performance of office from Article 417;
- Trading in influence from Article 422 of the Criminal Code;
- Passive bribery from Article 423 of the Criminal Code;
- Active bribery from Article 424 of the Criminal Code;
- Disclosure of an official secret from Article 425 of the Criminal Code;
- Abuse of monopolistic position from Article 270 of the Criminal Code;
- Abuse of position in business operations from Article 272 of the Criminal Code;
- Fraud in the conduct of an official duty from Article 419 of the Criminal Code.

In 2010, the Supreme Public Prosecutor's Office of Montenegro-Division for the suppression of organized crime, corruption, terrorism and war crimes received in total 15 criminal reports against 75 persons in the field of corruption. Out of this number, the Police Directorate submitted 6 criminal reports against 38 persons, while other authorities submitted 9 criminal reports against 37 persons.

In processing the criminal reports, the prosecutor's office rejected 5 criminal reports against 18 persons submitted by other authorities, as no reasonable doubt was ascertained, upon completion of preliminary investigation, as to either the reported criminal offence or another criminal offence which is prosecuted *ex officio*.

Ten criminal reports against 57 persons were processed by initiating investigations for 31 persons; indictments were brought against 22 persons; investigations were halted for 2 persons, and preliminary investigations are ongoing for 2 persons.

The breakdown of reported persons in 10 criminal reports against 57 persons included 18 responsible persons in business organizations, 10 customs officers, 4 police officers, 1 civil servant in administrative body, 3 inspectors, 1 person in official position – mayor, 1 person in official position – deputy mayor, 1 MP and 1 doctor, and 17 other persons.

The breakdown of criminal offences included criminal reports against 7 persons for the criminal offence of passive bribery from Article 423 of the CC, 7 persons for the criminal offence of active bribery from Article 424 of the CC, 18 persons for the criminal offence of abuse of authorization in economy from Article 276 of the CC, and 25 persons for the criminal offence of abuse of official position from Article 416 of the CC.

In 2010, the Supreme Public Prosecutor's Office of Montenegro-Division for the suppression of organized crime, corruption, terrorism and war crimes received in total 7 criminal reports against 51 persons in the field of organized crime. The criminal reports in this field were submitted by the Police Directorate.

In deciding on the criminal reports, investigation was initiated against 19 persons, indictment brought against 30 persons, and the report against 2 persons is undergoing preliminary investigation.

In the breakdown of criminal offences, criminal reports were submitted against 16 persons for the criminal offence of trafficking in human beings from Article 444 of the Criminal Code, and against 35 persons for the criminal offence of unauthorized production, keeping and releasing into circulation of narcotic drugs from Article 300 of the Criminal Code.

In the cases from the field of organized crime dating from previous years and handled in 2010, financial investigation was conducted against 34 persons for the purpose of gathering evidence on assets and proceeds of the suspects i.e. accused, their legal successors or persons to whom assets obtained in the commission of criminal offence were transferred. Decisions on provisional security measure – injunction on disposing with or encumbrance on property, stocks, share in a company or money in the account - were issued for 46 persons; 15 kg of cocaine was seized from 2 persons, and 450 gr of heroin and 11 kg of marijuana-skunk from 5 persons.

In 2010, higher courts in Montenegro received 13 requests for investigation against 53 persons in the field of fighting corruption.

Out of the given number, investigation concluded in 7 cases against 27 persons. Investigation is not concluded in 6 cases against 26 persons.

70 criminal cases from the field of corruption against 283 persons were handled based on indictments from 2010 and previous years. Out of this number, 47 cases were concluded against 139 persons.

Court decisions were issued in 14 cases: 1 judgment rejecting the charges, acquittals for 5 persons, convictions for 8 persons, namely imprisonment sentence for 7 and probation for 1 persons, which are not final yet.

Decisions were final in 33 cases against 55 persons, out of which dismissals for 13 persons, acquittals for 10 persons, indictment dismissed for 4, criminal proceedings suspended against 1 person, and convictions issued against 28, namely imprisonment sentences for 22 and probation for 6.

23 cases against 144 persons are pending.

There were 6 requests for investigation against 50 persons in the field of organized crime. All investigations concluded in 2010.

Based on indictments dating from 2010 and previous years, 27 cases were handled in the field of organized crime, against 219 persons; 12 cases were resolved against 61 persons.

Court decisions that are not final were issued in 5 cases, namely acquittals for 10 persons and convictions – imprisonment sentences - for 17 persons.

Decisions are final in 7 cases against 41 persons, namely rejection of charges for 9 persons, acquittals for 4 persons and convictions – imprisonment sentences – for 28 persons.

15 cases against 158 persons are pending.

The amount of EUR3,624,53 and 276 bottles of whiskey were seized pursuant to final judgments from the field of corruption; the amount of EUR 161,065.00 was seized pursuant to judgments that are not final.

The amount of EUR1,220.00 was seized pursuant to final judgments from the field of organized crime, along with 2 Mercedes PMVs, 3 Range Rover PMVs, 1 Porsche PMV, 1 BMW PMV, 4 mobile phones, 50.09 g of cocaine and 0.9 g of marijuana, 1 hand grenade, 3 charges of explosives, 1 revolver, 175 bullets, USD20.00, 25,000 Iraqi dinars, 20 Kuwaiti dinars; 28.5 tons of cigarettes, two vessels and 3 trucks were seized pursuant to judgments that are not final.

Perpetrators of the criminal offences from the field of corruption were mainly managers and responsible persons in business organizations, finance officers and accountants in business organizations, entrepreneurs, bank personnel, broker dealers, customs, tax and police officers, judicial office holders, civil servants and state employees from the Real Estate Administration Directorate, inspectors, civil servants and state employees from public administration and local self-governments and the rest.

Predominant criminal offences from the field of corruption were: passive bribery, active bribery, abuse of official position, abuse of authorization in economy, unconscientious conduct in business activities and false balance.

Criminal offences from the field of corruption were committed mainly in business organizations, joint stock companies, public enterprises, public institutions, Customs Administration, Real Estate Administration Directorate, Police Directorate, judicial authorities, public administration and local self-government.

Most frequent criminal offences from the field of organized crime were: criminal association, unauthorized production, keeping and releasing into circulation of narcotic drugs, trafficking in human beings, human smuggling, smuggling, mediation in prostitution, abuse of official position, aggravated theft, aggravated murder, money counterfeiting, document counterfeiting, money laundering, fraud, illegal border crossing, and unauthorized possession of weapons and explosives.

The breakdown of criminal offences from the fields of corruption and organized crime, the perpetrators and the fields where such offences are committed are shown in more detail in the table of all resolved and pending cases which is included in this Report.

The Commission assessed that progress had been achieved in resolving the cases in the fields of corruption and organized crime.

In order to achieve even greater efficiency and timeliness in resolving the cases from the fields of corruption and organized crime, competent court experts need to be provided in all areas and education all entities involved in detection, prosecution and adjudication of such cases needs to be continued.

In particular, capacities of the state prosecution office need to be enhanced by employing the required number of assistants and experts from a variety of fields.

THE TRIPARTITE COMMISSION

Radule Kojović, Judge of the Supreme Court of Montenegro

Veselin Vučković, Deputy Supreme Public Prosecutor of Montenegro

Olivera Popović, Police Analyst, Department for Planning, Development and Analytics, Police Directorate

ABBREVIATIONS

AP	Action Plan	NCE	National Council for Education
BP	Border Police	NGOs	Non-Governmental Organizations
BISTCC	Bureau for International Scientific -Technical and Cultural Cooperation	PA	Police Academy
BPT	Bureau for Publication of Textbooks	PD	Police Directorate
BT TA	Bureau for Textbooks and Teaching Aids	PHI	Public Health Institutions
CA	Customs Administration	PPC	Public Procurement Commission
CC	Criminal Code	PPD	Public Procurement Directorate
CCM	Chamber of Commerce of Montenegro	RACI	Regional Anti-Corruption Initiative
CDA	Central Depository Agency	SAI	State Audit Institution
CEJOH	Center for Education of Judicial Office Holders	SC	Securities Commission
COE	Council of Europe	SCM	Supreme Court of Montenegro
CP	Chamber of Physicians	SEC	State Election Commission
CPC	Criminal Procedure Code	SPPO	Supreme Public Prosecutor` s Office

CPCI	Commission for the Prevention of Conflict of Interests	SSM	Secret Surveillance Measures
CRPS	Central Register of the Commercial Court (in Podgorica)	TA	Tax Administration
DACI	Directorate for Anti-Corruption Initiative	UN	United Nations
DP	Directorate for Property	UNTOC	United Nations Convention against Transnational Organized Crime
DSMLFT	Directorate for the Suppression of Money Laundering and Financing of Terrorism	VEC	Vocational Education Center
EB	Education Bureau	WHO	World Health Organization
EC	Examination Center	MES	Ministry of Education and Science
EFM	Employers' Federation of Montenegro	MESp	Ministry of Education and Sports
EU	European Union	MF	Ministry of Finance
GRECO	Group of States of the Council of Europe against Corruption	MH	Ministry of Health
HIF	Health Insurance Fund	MIS	Ministry of Information Society
HRMA	Human Resources Management Authority	MIA	Ministry of International Affairs
IECS	Institution for the Enforcement of Criminal Sanctions	MIAPA	Ministry of Internal Affairs and Public Administration
IPA	Instrument for Pre-Accession Assistance	MJ	Ministry of Justice
IT	Information Technologies	MLSW	Ministry of Labor and Social Welfare
LGU	Local Government Units	MOSDT	Ministry of Sustainable Development and Tourism
MBA	Montenegro Business Alliance	MSPE	Ministry of Spatial Planning and Environment
MCM	Ministry of Culture and Media	MTMA	Ministry of Transport and Maritime Affairs
ME	Ministry of Economy	NCB	National Central Bureau
MEI	Ministry of European Integration		

List of Reporting Entities

1. Administrative Court

48. Ministry of Interior Affairs

2. Appellate Court
3. Bureau for Education
4. Bureau for International Scientific-Technical and Cultural Cooperation
5. Bureau for Textbooks and Teaching Aids
6. Building Inspectorate
7. Center for Education of Judicial Office Holders
8. Center for Democracy (CEDEM)
9. Center for Democratic Transition (CDT)
10. Center for Development of NGOs (CRNVO)
11. Center for Election Monitoring (CEMI)
12. Central Depository Agency
13. Chamber of Commerce of Montenegro Gore
14. Chamber of Physicians
15. Civic Education Center (CGO)
16. Commercial Court of Montenegro
17. Commission for Distribution of Funds from the Games of Chance
18. Commission for Monitoring and Control of the Privatization Process
19. Commissions for Monitoring Implementation of Action Plans at the level of Local Self-Government
20. Commission for the Control of Public Procurement Procedure
21. Commission for the Prevention of Conflict of Interest
22. Council for Regulatory Reform and Improvement of Business Environment
49. Ministry of Justice
50. Ministry of Labour and Social Welfare
51. Ministry of Science
52. Ministry of Sustainable Development and Tourism
53. Ministry of Transport and Maritime Affairs
54. Montenegro Business Alliance
55. Municipality of Andrijevica
56. Municipality of Bar
57. Municipality of Berane
58. Municipality of Bijelo Polje
59. Municipality of Budva
60. Municipality of Cetinje
61. Municipality of Danilovgrad
62. Municipality of Herceg Novi
63. Municipality of Kolašin
64. Municipality of Kotor
65. Municipality of Mojkovac
66. Municipality of Nikšić
67. Municipality of Plav
68. Municipality of Plužine
69. Municipality of Pljevlja
70. Municipality of Podgorica
71. Municipality of Rožaje
72. Municipality of Šavnik
73. Municipality of Tivat

23. Council for Privatization
24. Council for Higher Education
25. Customs Administration
26. Directorate for Anti-Corruption Initiative
27. Directorate for Prevention of Money Laundering and Fighting Terrorism
28. Directorate for Property
29. Education Inspectorate
30. Employers' Federation of Montenegro
31. Examination Center
32. Government of Montenegro
33. Health Insurance Fund
34. Higher Court in Bijelo Polje
35. Higher Court in Podgorica
36. Human Resources Management Authority
37. Institution for the Enforcement of Criminal Sanctions
38. Insurance Supervision Agency
39. Judicial Council
40. Media Institute
41. Ministry of Agriculture and Rural Development
42. Ministry of Culture
43. Ministry of Economy
44. Ministry of Education and Sport
45. Ministry of Finance
46. Ministry of Foreign Affairs and European Integration
74. Municipality of Ulcinj
75. Municipality of Žabljak
76. National Council for Education
77. Network for Affirmation of NGO Sector (MANS)
78. Office for the Cooperation between Government and NGOs
79. Parliament of Montenegro
80. Police Academy
81. Police Directorate
82. Prosecutorial Council
83. Protector of Property Legal Interests of Montenegro
84. Public Procurement Directorate
85. Real Estate Administration Directorate
86. Securities Commission
87. State Audit Institution
88. State Election Commission
89. Supreme Public Prosecutor's Office
90. Supreme Court of Montenegro
91. Tax Administration
92. Union of Montenegrin Municipalities
93. Vocational Education Center

47. Ministry of Health

PRIORITY 3: ESTABLISHMENT OF A SOUND MECHANISM FOR MONITORING THE RESULTS IN THE AREA OF INVESTIGATION, PROSECUTION AND ENFORCEABLE JUDGEMENTS, AT ALL LEVELS

Measure 3: Based on the methodology adopted , prepare an analytical report with the processed data on investigation, charging and judgements in the area of corruption, with a special emphasis put on the profile of perpetrators and the area in which the offences are committed

As of 1 January 2011, court hearings for the following cases of **organised crime** have been so far completed **at the High Court in Podgorica**:

1. “Golubovi”, case against Fran Marinaj, a national of Albania on the run, and 35 more defendants, for the offence of criminal association, unauthorised production, possession and circulation of narcotic drugs, in an organised manner. The court hearings have been completed;
2. Case against Pepaj Sanader, a national of Albania on the run, and seven more defendants, for the criminal offence of unauthorised production and circulation of narcotic drugs. The court hearings have been completed;
3. Case against Saša Boreta, and nine more persons, for the offence of criminal association, document counterfeiting, money laundering, extortion, general threat causing and murder (murder of Slavoljub Šćekić, senior official of the MI of Montenegro).

Court hearings for the **criminal offence of corruption** have been completed against:

1. Vuksan Cemović, bachelor of inter business management, and four more persons, for the criminal offence of abuse of office, unauthorised production and circulation of narcotic drugs, evasion of taxes and contributions, in an organised manner. The sentence has been pronounced.
2. Radivoje Bakić, graduate in economics (one of the co-owners of the joint stock company AD Impek), and 11 more persons, for the criminal offence of money laundering, document counterfeiting, abuse of office and evasion of taxes and contributions. The main hearing has been completed.
3. Nenad Vukčević (Clinical Centre of Montenegro) for the criminal offence of bribe taking. The sentence has been pronounced.
4. Dragan Tomanović, bachelor of law (authorised officer of the Real Estate Administration – Podgorica), and one more person, for the criminal offence of abuse of office. The sentence has been pronounced.
5. Vesko Jovičević, director of Kotor Cadastre, and eight more persons, for the criminal offence of bribe taking and abuse of office.
6. Pavle Brisković, construction engineer, and three more persons, for the criminal offence of bribe taking and abuse of office. The main hearing has been completed.

At the High Court in Bijelo Polje, a condemnatory sentence has been pronounced in the case of **organised crime** against Bekim Tabaković and nine more persons for the offence of criminal association, unauthorised production, possession and circulation of narcotic drugs.

Review of work in all courts for 2010 regarding all types of cases

Court	Unsolved on 01.01.2010.	Received in 2010	Total in process in 2010	Solved until 31.12.2010.	Unsolved on 31.12.2010	% unsolved
Basic courts	33,851	68,817	102,668	68,710	33,958	31.66
High courts	3,217	17,030	20,265	18,868	1,397	6.89
Commercial courts	1,778	36,652	38,430	35,766	2,664	6.93
Administrative Court	1,283	3,799	5,082	3,862	1,220	24.01
Appellate Court	490	2,213	2,703	2,494	209	7.73
Supreme Court of MNE	147	2689	2836	2734	102	3.60
Total:	40,766	131,200	171,966	132,434	39,550	22.41

Number of received cases in Montenegrin courts, regarding all types of complex cases, at annual level amounted to 131,200 cases. In 2010, there were 132.434 solved cases or 100.94 % of total number of cases in 2010 (171,966). Number of received cases in 2010 was significantly higher then in 2009, enlarged by 13.052 cases or 11.05%. Number of solved cases in this year was higher comparing to 2009 for 6.648 cases or 5.29%.

Average inflow of cases in all courts amounted to 10.933,33 cases.

Review of work in basic courts for 2010 regarding all types of cases

BASIC COURT	Unsolved on 01.01.2010.	Received in 2010	Total in process in 2010	Solved until 31.12.2010.	Unsolved on 31.12.2010	% unsolved
Herceg Novi	1709	2871	4580	2952	1628	35.55
Bijelo Polje	1527	5666	7193	5513	1680	23.36
Cetinje	1119	1635	2754	1577	1177	42.74
Ulcinj	1465	1965	3430	1896	1534	44.72
Rožaje	458	2511	2969	2480	489	16.47
Pljevlja	545	7944	8489	7935	554	17.32
Žabljak	77	685	762	682	80	10.50
Plav	218	1059	1277	1136	141	11.04
Berane	1199	4762	5961	4592	1369	22.96
Kolašin	474	916	1390	1037	353	25.40
Bar	2207	4660	6867	4877	1990	28.98
Nikšić	2681	6431	9112	6440	2672	29.32
Danilovgrad	1108	1656	2764	1806	958	34.66
Kotor	3187	4634	7821	4632	3189	40.77
Podgorica	15877	21422	37299	21155	15499	41.55
Total:	33851	68817	102668	68710	33958	34.70

In the period between 1 January 2010 and 31 December 2010, total number of received cases in basic courts in Montenegro totalled 68.817 cases. Total number of solved cases in 2010 amounts to 68.710 cases or 99.84% of the received.

NUMBER OF PROCESSED CASES PER JUDGE IN BASIC COURTS (WORKLOAD)

BASIC COURT	Unsolved on 01.01.2010.	Received in 2010	Total in process in 2010	Number of judges with assigned cases	Average cases workload per judge	Average solved per judge	Average unsolved per judge
Herceg Novi	1709	2871	4580	9	508.89	328.00	180
Bijelo Polje	1527	5666	7193	13	553.31	424.00	129
Cetinje	1119	1635	2754	6	459.00	262.83	196
Ulcinj	1465	1965	3430	5	686.00	379.20	307
Rožaje	458	2511	2969	5	593.80	496.00	98
Pljevlja	545	7944	8489	8	1061.13	991.88	69
Žabljak	77	685	762	3	254.00	227.33	27
Plav	218	1059	1277	3	425.67	378.67	47
Berane	1199	4762	5961	11	541.91	417.45	124
Kolašin	474	916	1390	4	347.50	259.25	88
Bar	2207	4660	6867	11	624.27	443.36	181
Nikšić	2681	6431	9112	17	536.00	378.82	157
Danilovgrad	1108	1656	2764	5	552.80	361.20	192
Kotor	3187	4634	7821	13	601.62	356.31	245
Podgorica	15877	21422	37299	38	981.55	556.71	408
Total:	33851	68817	102668	151	679.92	455	244.89

Review of work in high courts in 2010 regarding all types of cases

HIGH COURT	Unsolved on 01.01.2010.	Received in 2010	Total in process in 2010	Solved until 31.12.2010.	Unsolved on 31.12.2010	% unsolved
Podgorica	3101	12387	15488	14205	1283	8.28
Bijelo Polje	134	4643	4777	4663	114	2.39
Total:	3235	17030	20265	18868	1397	6.89

In the period between 1 January 2010 and 31 December 2010, total number of received cases in high courts in Montenegro totalled 17.030 cases. Total number of solved cases in 2010 amounts to 818.868, or 110.79% of the received.

Number of processed cases per judge (workload)

HIGH COURT	Unsolved on 01.01.2010.	Received in 2010	Total in process in 2010	Number of judges with assigned cases	Average cases workload per judge	Average solved per judge	Average unsolved per judge
Podgorica	3101	12387	15488	36	430.22	395	36
Bijelo Polje	134	4643	4777	20	238.85	233	6
Total:	3235	17030	20265	56	361.88	337	25

Review of work in commercial courts in 2010 regarding all types of cases

COMMERCIAL COURT	Unsolved on 01.01.2010.	Received in 2010	Total in process in 2010	Solved until 31.12.2010.	Unsolved on 31.12.2010	% unsolved
Podgorica	1,729	33,283	35,012	33,090	1,922	5.49
Bijelo Polje	98	3,369	3,467	3,378	89	2.57
Total:	1,827	36,652	38,479	36,468	2,011	5.23

In the period between 1 January 2010 and 31 December 2010, total number of received cases in commercial courts in Montenegro totalled 36.652 cases. Total number of solved cases in 2010 amounts to 36.468 or 99.50% of the received.

COMMERCIAL COURT	Unsolved on 01.01.2010.	Received in 2010	Total in process in 2010	Number of judges with assigned cases	Average cases workload per judge	Average solved per judge	Average unsolved per judge
Bijelo Polje	82	2,666	2,748	5	549.6	535	101
Podgorica	1,729	33,283	35,012	19	1842	1741	15
Total:	1,811	35,949	37,760	24	1573.33	1490.25	83

Review of work of Administrative Court in 2010 regarding all types of cases

Administrative Court total						
ADMINISTRATIVE COURT	Unsolved on 01.01.2010.	Received in 2010	Total in process in 2010	Solved until 31.12.2010.	Unsolved on 31.12.2010	% unsolved
U-administrative dispute	1282	3733	5015	3795	1220	24.00
UPV-extraordinary legal remedy against decision in misdemeanour procedure	0	12	12	12	0	0
UPZ- extraordinary legal remedy against decision in misdemeanour procedure	1	1	2	2	0	0
UR- various administrative cases	0	2	2	2	0	0
UPM- provisional measure	0	41	41	41	0	0
RR- trial within a reasonable time	0	10	10	10	0	0
Total:	1283	3799	5082	3862	1220	24,00

In the period between 1 January 2010 and 31 December 2010, total number of received cases in the Administrative Court of Montenegro totalled 3799 cases. Total number of solved cases in 2010 amounted to 3862, or 101.66% of the received.

	Unsolved on 01.01.2010.	Received in 2010	Total in process in 2010	Number of judges with assigned cases	Average cases workload per judge	Average solved per judge	Average unsolved per judge
Administrative Court	1283	3799	5082	9	564.6	429	135.56
Total:	1283	3799	5082	9	564.6	429	135.56

Review of work of the Appellate Court in 2010 regarding all types of cases

Review of work of the Appellate Court						
CASE TYPE	Unsolved on 01.01.2010.	Received in 2010	Total in process in 2010	Solved until 31.12.2010.	Unsolved on 31.12.2010	% unsolved
Kž- second instance criminal cases	262	968	1230	1109	121	10
Kžm-second instance criminal cases– juveniles	0	8	8	7	1	13
Ksž- criminal special cases	13	34	47	45	2	4
Kr- various criminal matters	0	8	8	7	1	13
Pž- second instance civil cases in commercial disputes	215	1185	1400	1316	84	6
Gž- civil cases- upon appeal	0	0	0	0	0	0
R- various civil and criminal matters	0	9	9	9	0	0

Pkž- second instance commercial cases	0	1	1	1	0	0
Total:	490	2213	2703	2494	209	8

In the period between 1 January 2010 and 31 December 2010, total number of received cases in the Appellate Court of Montenegro totalled 2213 cases. Total number of solved cases in 2010 amounted to 2494 or 112.70% of the received.

Number of cases per judge (workload)							
	Unsolved on 01.01.2010.	Received in 2010	Total in process in 2010	Number of judges with assigned cases	Average cases workload per judge	Average solved per judge	Average unsolved per judge
Appellate Court	490	2213	2703	11	246	226	19

REVIEW OF WORK OF THE SUPREME COURT IN 2010

SUPREME COURT	Unsolved on 01.01.2010.	Received in 2010	Total in process in 2010	Solved until 31.12.2010.	Unsolved on 31.12.2010	% unsolved
KŽ- third instance criminal cases	0	67	67	67	0	0.00
Kzp- request for examination of legality of final judgment in criminal procedure	0	170	170	170	0	0.00
Kzu- request for extraordinary mitigation of punishment	0	65	65	65	0	0.00

Kzz- request for protection of legality in criminal procedure	0	21	21	21	0	0.00
Kr- various criminal matters	0	90	90	90	0	0.00
Kr I- various criminal matters	0	0	0	0	0	0.00
Kr-S-criminal special cases	0	8	8	8	0	0.00
Rev- revision	129	1693	1822	1728	94	5.16
Rev I P –revision	18	110	128	124	4	3.13
Gzz- request for protection of legality	0	0	0	0	0	0.00
R-various civil matters	0	90	90	90	0	0.00
R I – civil delegation	0	0	0	0	0	0.00
Pzz- request for protection of legality in commercial procedure	0	0	0	0	0	0.00
Uvp- request for extraordinary examination of court decision in administrative dispute	0	344	344	340	4	1.16
Ur- various administrative matters	0	17	17	17	0	0.00
Tpz- appeal for just satisfaction	0	14	14	14	0	0.00
Total	147	2689	2836	2734	102	3.60

In the period between 1 January 2010 and 31 December 2010, total number of received cases in the Supreme Court of Montenegro totalled 2689 cases. Total number of solved cases in 2010 amounted to 2734 or 101.67% of the received.

PRIORITY 3: ESTABLISHMENT OF A SOUND MECHANISM FOR MONITORING THE RESULTS IN THE AREA OF INVESTIGATION, PROSECUTION AND ENFORCEABLE JUDGEMENTS, AT ALL LEVELS

Measure 3: Analytical report with processed data

REVIEW OF COURT BACKLOGS FROM 2010 AND PREVIOUS YEARS ON 30 JUNE 2011

TABLE FOR ALL COURTS AND ALL TYPES OF CASES

ALL CASES	2001 and earlier		2002		2003		2004		2005		2006		2007		2008		2009		2010		TOTAL on 30.06.2011		
	S	U	S	U	S	U	S	U	S	U	S	U	S	U	S	U	S	U	S	U	S	U	%
BERANE	0	0	0	0	0	0	0	0	0	0	0	0	1	1	16	14	120	75	740	439	877	486	64,34
ŽABLJAK	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3	0	31	16	34	16	68,00
ROŽAJE	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	14	0	367	107	382	107	75
PLAV	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	4	8	81	102	85	110	43,58
BC BP	0	0	0	0	0	0	0	0	0	0	3	0	2	0	19	0	112	0	889	655	1025	655	61,01
KOLAŠIN	0	0	0	0	0	0	0	0	13	21	5	7	16	21	17	33	31	33	126	88	208	203	50,60
CETINJE	0	0	0	0	0	0	0	0	1	0	4	15	11	15	50	38	160	164	330	394	556	620	47,27
BAR	3	1	1	0	0	0	3	2	3	3	3	12	12	19	29	60	125	188	822	611	1001	896	52,76
ULCINJ	0	0	0	0	0	0	0	0	0	0	0	0	85	0	36	0	101	0	540	785	762	785	49,25
HERCEG NOVI	8	0	1	0	5	0	7	0	11	0	15	0	23	0	46	0	166	0	595	674	877	674	56,54
NIKŠIĆ	0	0	0	0	0	0	0	0	0	0	6	12	5	9	36	43	245	166	1365	786	1657	1017	61,96
PLJEVLJA	0	0	0	0	0	0	0	0	5	0	3	2	5	2	47	11	67	42	231	147	360	177	64,03
DANILOVGRAD	0	0	0	0	0	0	0	0	0	0	17	69	10	27	27	54	82	163	279	223	415	536	43,63
KOTOR	0	0	0	0	2	3	4	3	2	5	9	11	46	79	84	152	260	393	1154	986	1561	1632	48,88
BC PG	0	0	0	0	0	0	0	0	428	381	210	366	218	392	346	724	848	2477	4177	4723	6222	9064	40,70
HC PG	0	0	0	0	0	0	0	0	0	0	0	0	11	0	14	0	19	0	1018	221	1062	221	82,77
HC BP	0	0	0	0	0	0	0	0	0	0	1	0	1	0	0	0	3	0	83	26	88	26	77,19
APPELLATE COURT	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	209	0	209	0	100
CC PG	0	0	0	0	0	0	0	0	0	0	3	19	9	12	17	21	60	61	962	514	1048	628	62,52
CC BP	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	1	0	46	32	48	32	60,00

ADMINISTRATIVE COURT	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1220	0	1220	0	100
SUPREME COURT	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	100	2	100	2	98,03
TOTAL	11	1	2	0	7	3	14	5	463	410	279	513	456	577	785	1150	2421	3770	15365	11531	19797	17887	52,53

S – Solved cases

N – Unsolved cases

BC PG – Basic Court in Podgorica

BC BP – Basic Court in Bijelo Polje

CC PG – Commercial Court in Podgorica

CC BP – Commercial Court in Bijelo Polje

HC PG – High Court in Podgorica

HC BP – High Court in Bijelo Polje

Gž – cases decided upon in second instance against decisions passed in civil, probate, extrajudicial, executive and land title cases

GŽ	2001 and earlier		2002		2003		2004		2005		2006		2007		2008		2009		2010		TOTAL on 30.06.2011		
	S	U	S	U	S	U	S	U	S	U	S	U	S	U	S	U	S	U	S	U	S	U	%
HC PG	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	570	20	570	20	96,61
HC BP	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	570	20	570	20	96,61

KIS – request of authorised prosecutor for investigation in cases involving corruption, organised crime, terrorism and war crimes

KIS	2001 and earlier		2002		2003		2004		2005		2006		2007		2008		2009		2010		TOTAL on 30.06.2011		
	S	U	S	U	S	U	S	U	S	U	S	U	S	U	S	U	S	U	S	U	S	U	%
VS PG	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3	3	3	3	50
VS BP	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3	3	3	3	50

KŽM- juvenile criminal cases decided upon appeal in second instance proceedings

KŽM	2001 and earlier		2002		2003		2004		2005		2006		2007		2008		2009		2010		TOTAL on 30.06.2011		
	S	U	S	U	S	U	S	U	S	U	S	U	S	U	S	U	S	U	S	U	S	U	%
HC PG	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	1	0	100
HC BP	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	7	0	7	0	100
TOTAL	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	8	0	8	0	100

KS – criminal cases processed by high courts in the area of corruption, organised crime, terrorism and war crimes

KS	2001 and earlier		2002		2003		2004		2005		2006		2007		2008		2009		2010		TOTAL on 30.06.2011		
	S	U	S	U	S	U	S	U	S	U	S	U	S	U	S	U	S	U	S	U	S	U	%
HC PG	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	5	0	6	13	11	13	45,83
HC BP	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	1	8	2	8	20
TOTAL	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	6	0	7	21	13	21	54,16

POM - legal assistance cases

POM	2001 and earlier		2002		2003		2004		2005		2006		2007		2008		2009		2010		TOTAL on 30.06.2011		
	S	U	S	U	S	U	S	U	S	U	S	U	S	U	S	U	S	U	S	U	S	U	%
HC PG	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
HC BP	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	19	3	19	3	86,4
TOTAL	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	19	3	19	3	86,4

I – cases of execution in basic and commercial courts

I	2001 and earlier		2002		2003		2004		2005		2006		2007		2008		2009		2010		TOTAL on 30.06.2011		
	S	U	S	U	S	U	S	U	S	U	S	U	S	U	S	U	S	U	S	U	S	U	%
BERANE	0	0	0	0	0	0	0	0	0	0	0	0	1	1	12	0	59	18	147	127	219	146	60,00
ŽABLJAK	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3	0	9	6	12	6	66,66
ROŽAJE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3	0	35	9	38	9	80,85
PLAV	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3	4	8	49	11	53	17,18
BC BP	0	0	0	0	0	0	0	0	0	0	1	0	0	0	6	0	26	0	28	175	61	173	26,06
KOLAŠIN	0	0	0	0	0	0	0	0	0	2	0	1	1	1	3	4	8	7	9	9	21	24	46,66
CETINJE	0	0	0	0	0	0	0	0	0	0	1	4	3	6	8	10	17	65	18	101	52	176	22,80
BAR	1	0	0	0	0	0	2	0	0	0	0	0	0	0	3	2	22	18	95	109	123	129	48,80
ULCINJ	0	0	0	0	0	0	0	0	0	0	0	0	55	0	10	0	36	0	58	251	159	251	38,78
H. NOVI	2	0	0	0	0	0	0	0	2	0	2	0	5	0	5	0	19	0	67	66	102	66	60,71
NIKŠIĆ	0	0	0	0	0	0	0	0	0	0	1	0	1	3	1	2	106	27	250	156	359	188	65,63
PLJEVLJA	0	0	0	0	0	0	0	0	5	0	3	2	5	2	45	10	65	35	44	60	169	109	60,80
DANILOVGRAD	0	0	0	0	0	0	0	0	0	0	14	66	10	26	16	47	28	105	26	86	94	330	22,16
KOTOR	0	0	0	0	0	0	0	0	0	0	0	0	2	0	2	1	20	7	126	32	150	42	78,13
BC PG	0	0	0	0	0	0	0	0	395	308	184	331	167	328	180	580	214	1892	333	1427	1472	4866	23,22
CC PG	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	459	110	459	110	80,66
CC BP	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	7	0	8	0	100
TOTAL	3	0	0	0	0	0	2	0	402	310	206	404	250	367	291	656	630	2178	1719	2773	3509	6678	34,44

IKS – cases of persons sentenced to imprisonment that are called from the state of freedom to serve the prison term or that are committed to prison from detention

IKS	2001 and earlier		2002		2003		2004		2005		2006		2007		2008		2009		2010		TOTAL on 30.06.2011		
	S	U	S	U	S	U	S	U	S	U	S	U	S	U	S	U	S	U	S	U	S	U	%
BERANE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	5	5	11	16	58	22	39	36,06
ŽABLJAK	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	1	0	100
ROŽAJE	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	27	0	28	41	40,57
PLAV	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	7	2	7	22,22
BC BP	0	0	0	0	0	0	0	0	0	0	1	0	2	0	1	0	16	0	48	123	68	123	35,60
KOLAŠIN	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	0	0	4	2	4	4	50,00
CETINJE	0	0	0	0	0	0	0	0	0	0	0	1	0	3	0	0	4	2	18	10	22	16	57,89
BAR	1	0	1	0	0	0	0	0	0	0	0	0	3	3	2	10	5	40	34	19	46	72	38,98
ULCINJ	0	0	0	0	0	0	0	0	0	0	0	0	7	0	4	0	4	0	29	68	44	68	39,28

H. NOVI	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
NIKŠIĆ	0	0	0	0	0	0	0	0	0	0	1	8	0	3	1	13	17	25	40	46	59	95	38,31
PLJEVLJA	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	1	2	6	4	6	8	13	38,10
DANILOVGRAD	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	1	1	5	6	7	7	14	33,33
KOTOR	0	0	0	0	0	0	0	0	0	0	0	1	15	6	3	27	8	53	17	40	43	128	25,15
BC PG	0	0	0	0	0	0	0	0	3	15	1	11	11	7	5	23	23	68	133	181	176	305	36,59
Total	1	0	1	0	0	0	0	0	3	15	3	22	39	22	19	82	85	210	379	567	530	925	36,42

K – criminal cases on the guilt of adults decided upon by basic and high courts in first instance

K	2001 and earlier		2002		2003		2004		2005		2006		2007		2008		2009		2010		TOTAL on 30.06.2011		
	S	U	S	U	S	U	S	U	S	U	S	U	S	U	S	U	S	U	S	U	S	U	%
BERANE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	1	10	6	144	48	156	55	73,93
ŽABLJAK	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	5	0	5	0	100
ROŽAJE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	63	8	63	8	88,73
PLAV	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	7	2	7	2	77,77
BC BP	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	7	0	173	38	180	38	82,56
KOLAŠIN	0	0	0	0	0	0	0	0	1	2	1	0	3	1	0	8	8	9	40	25	53	45	54,08
CETINJE	0	0	0	0	0	0	0	0	0	0	0	0	1	2	5	5	20	35	49	22	75	64	53,95
BAR	0	0	0	0	0	0	0	0	0	0	0	0	1	0	1	7	9	24	173	106	184	137	57,32
ULCINJ	0	0	0	0	0	0	0	0	0	0	0	0	3	0	9	0	10	0	96	96	118	96	55,14
H. NOVI	0	0	0	0	0	0	1	0	0	0	0	0	0	0	5	0	20	0	117	31	143	31	82,18
NIKŠIĆ	0	0	0	0	0	0	0	0	0	0	2	3	2	1	24	20	32	39	154	70	214	133	61,67
PLJEVLJA	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	10	08	10	9	52,60
DANILOVGRAD	0	0	0	0	0	0	0	0	0	0	3	2	0	0	5	6	25	39	30	32	63	79	44,36
KOTOR	0	0	0	0	0	0	0	0	0	0	0	0	0	0	4	3	26	16	180	70	219	89	70,23
BC PG	0	0	0	0	0	0	0	0	8	3	4	5	5	11	16	15	43	60	311	230	387	324	54,43
HC PG	0	0	0	0	0	0	0	0	0	0	0	0	11	0	12	0	11	0	80	97	114	97	54,02
HC BP	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	0	14	13	16	13	55,17
TOTAL	0	0	0	0	0	0	1	0	9	5	10	10	26	15	83	65	223	229	1646	896	2007	1220	62,19

KI – request of authorised prosecutor for investigation against adults

KI	2001 and earlier		2002		2003		2004		2005		2006		2007		2008		2009		2010		TOTAL on 30.06.2011		
	S	U	S	U	S	U	S	U	S	U	S	U	S	U	S	U	S	U	S	U	S	U	%
BERANE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	0	2	0	100
ŽABLJAK	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	0	2	0	100
ROŽAJE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	100
PLAV	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
BC BP	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	0	60	10	62	10	86,11
KOLAŠIN	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3	0	3	0	100
CETINJE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	1	5	1	28	27	35	29	54,68
BAR	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	7	4	51	27	59	31	65,55
ULCINJ	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	6	0	34	17	40	17	70,17
H. NOVI	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	20	0	21	0	100
NIKŠIĆ	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3	6	55	21	58	27	68,23
PLJEVLJA	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	5	1	5	1	83,30
DANILOVGRAD	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	2	2	2	50
KOTOR	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	117	13	117	13	90
BC PG	0	0	0	0	0	0	0	0	0	3	0	0	0	0	1	0	29	7	116	93	141	83	62,94
HC PG	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	2	0	33	6	36	6	85,71
HC BP	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	14	0	15	0	100
TOTAL	0	0	0	0	0	0	0	0	0	3	0	0	1	0	5	1	55	18	542	217	598	219	73,19

KIM - request for preliminary proceedings for juveniles

KIM	2001 and earlier		2002		2003		2004		2005		2006		2007		2008		2009		2010		TOTAL on 30.06.2011		
	S	U	S	U	S	U	S	U	S	U	S	U	S	U	S	U	S	U	S	U	S	U	%
BERANE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
ŽABLJAK	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
ROŽAJE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
PLAV	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

BC BP	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	0	2	0	100	
KOLAŠIN	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
CETINJE	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	1	1	0	2	1	66,6	
BAR	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	6	2	6	2	75	
ULCINJ	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	5	0	1	7	6	7	46,2
H. NOVI	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
NIKŠIĆ	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
PLJEVLJA	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
DANILOVGRAD	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
KOTOR	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
BC PG	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	26	1	26	1	96,3	
HC PG	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	2	1	2	33	
HC BP	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	1	2	1	66,6	
TOTAL	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	5	1	39	13	45	14	76,3

KM – criminal cases involving juveniles decided upon by basic and high courts

KM	2001 and earlier		2002		2003		2004		2005		2006		2007		2008		2009		2010		TOTAL on 30.06.2011		
	S	U	S	U	S	U	S	U	S	U	S	U	S	U	S	U	S	U	S	U	S	U	%
BERANE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
ŽABLJAK	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	1	0	100
ROŽAJE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	1	0	100
PLAV	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
BC BP	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3	0	3	0	100
KOLAŠIN	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
CETINJE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
BAR	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	2	8	11	9	13	40,90
ULCINJ	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
H. NOVI	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	1	0	100
NIKŠIĆ	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	1	0
PLJEVLJA	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
DANILOVGRAD	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	4	0	4	0	100
KOTOR	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

BC PG	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	10	3	10	4	71,42
HC PG	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	2	1	2	33,33	
HC BP	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	1	1	2	1	66,66	
TOTAL	0	0	0	0	0	0	0	0	0	1	1	0	0	0	0	1	1	2	30	17	32	21	60,37

KP – request for pardon of convicted persons

KP	2001 and earlier		2002		2003		2004		2005		2006		2007		2008		2009		2010		TOTAL on 30.06.2011		
	S	U	S	U	S	U	S	U	S	U	S	U	S	U	S	U	S	U	S	U	S	U	%
BC BP	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
HC PG	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	17	2	17	2	89,5
HC BP	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	1	0	100
TOTAL	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	18	2	18	2	90

KR – petition relating to criminal proceedings that are not entered in other registers

KR	2001 and earlier		2002		2003		2004		2005		2006		2007		2008		2009		2010		TOTAL on 30.06.2011		
	S	U	S	U	S	U	S	U	S	U	S	U	S	U	S	U	S	U	S	U	S	U	%
BC BP	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
HC PG	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	1	0	100
HC BP	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	1	0	100

KRI – cases of investigative actions

KRI	2001 and earlier		2002		2003		2004		2005		2006		2007		2008		2009		2010		TOTAL on 30.06.2011		
	S	U	S	U	S	U	S	U	S	U	S	U	S	U	S	U	S	U	S	U	S	U	%
BERANE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	1	0	100

ŽABLJAK	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	1	0	100
ROŽAJE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
PLAV	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
BC BP	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	0	61	33	63	33	65,62
KOLAŠIN	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	1	2	1	66,66
CETINJE	0	0	0	0	0	0	0	0	0	0	1	6	0	0	10	6	38	11	84	59	133	82	61,86
BAR	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	3	73	105	75	108	40,98
ULCINJ	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	4	0	50	9	54	9	85,71
H. NOVI	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	13	1	13	1	92,85
NIKŠIĆ	0	0	0	0	0	0	0	0	0	0	0	0	0	0	6	0	13	1	175	48	194	49	79,83
PLJEVLJA	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3	3	3	3	50
DANILOVGR AD	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	12	2	12	2	85,71
KOTOR	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	100	4	101	4	96,19
BC PG	0	0	0	0	0	0	0	0	0	7	0	1	0	0	11	4	15	12	424	161	450	185	70,86
HC PG	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	1	0	56	54	58	54	51,78
HC BP	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	22	0	22	0	100
TOTAL	0	0	0	0	0	0	0	0	0	7	1	7	0	0	28	10	76	27	1077	480	1182	531	68,28

KV – cases decided upon by criminal panels outside the main hearing, unless registered under "Kž" or "Kp"

KV	2001 and earlier		2002		2003		2004		2005		2006		2007		2008		2009		2010		TOTAL on 30.06.2011		
	S	U	S	U	S	U	S	U	S	U	S	U	S	U	S	U	S	U	S	U	S	U	%
BC BP	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	6	0	6	0	100
KOTOR	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
H. NOVI	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	5	0	5	0	100
HC PG	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	65	7	65	7	90,27
HC BP	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	0	2	0	100
TOTAL	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	78	7	78	7	91,76

KŽ – criminal cases decided upon appeal in second instance proceedings

KŽ	2001 and earlier		2002		2003		2004		2005		2006		2007		2008		2009		2010		TOTAL on 30.06.2011		
	S	U	S	U	S	U	S	U	S	U	S	U	S	U	S	U	S	U	S	U	S	U	%
HC PG	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	184	15	184	15	92,46
HC BP	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
APPELLATE COURT	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	121	0	121	0	100
TOTAL	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	305	15	305	15	95,31

KSŽ – criminal cases decided upon appeal in second instance proceedings in cases involving corruption, organised crime, terrorism and war crimes

KSŽ	2001 and earlier		2002		2003		2004		2005		2006		2007		2008		2009		2010		TOTAL on 30.06.2011		
	S	U	S	U	S	U	S	U	S	U	S	U	S	U	S	U	S	U	S	U	S	U	%
APPELLATE COURT	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	4	0	4	0	100
TOTAL	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	4	0	4	0	100

PŽ – cases decided by the Appellate Court upon appeals filed against judgments and other rulings issued by commercial court

PŽ	2001 and earlier		2002		2003		2004		2005		2006		2007		2008		2009		2010		TOTAL on 30.06.2011		
	S	U	S	U	S	U	S	U	S	U	S	U	S	U	S	U	S	U	S	U	S	U	%
APPELLATE COURT	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	84	0	84	0	100
TOTAL	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	84	0	84	0	100

L - motions for instituting liquidation procedure in companies

L	2001 and earlier		2002		2003		2004		2005		2006		2007		2008		2009		2010		TOTAL on 30.06.2011		
	S	U	S	U	S	U	S	U	S	U	S	U	S	U	S	U	S	U	S	U	S	U	%
CC PG	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	10	7	11	7	61,11
CC BP	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	2	1	2	33,33
TOTAL	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	0	0	0	10	9	12	9	42,85

ST - motions for instituting bankruptcy procedure

St	2001 and earlier		2002		2003		2004		2005		2006		2007		2008		2009		2010		TOTAL on 30.06.2011		
	S	U	S	U	S	U	S	U	S	U	S	U	S	U	S	U	S	U	S	U	S	U	%
CC PG	0	0	0	0	0	0	0	0	0	0	3	19	1	1	3	3	6	9	71	48	84	80	51,2
CC BP	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	5	26	5	26	16,12
TOTAL	0	0	0	0	0	0	0	0	0	0	3	19	1	1	3	3	6	9	76	74	89	106	45,64

O - probate proceedings cases

O	2001 and earlier		2002		2003		2004		2005		2006		2007		2008		2009		2010		TOTAL on 30.06.2011		
	S	U	S	U	S	U	S	U	S	U	S	U	S	U	S	U	S	U	S	U	S	U	%
BERANE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	14	13	34	28	48	41	53,93
ŽABLJAK	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
ROŽAJE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3	0	4	23	7	23	23,33
PLAV	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	4	1	18	2	22	4,16
BC BP	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	42	17	43	17	71,66
KOLAŠIN	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	1	4	21	6	23	11	67,64
CETINJE	0	0	0	0	0	0	0	0	0	0	0	0	2	0	1	2	5	4	17	12	25	18	58,13
BAR	1	0	0	0	0	0	0	0	0	0	1	3	1	8	4	13	7	36	88	91	102	151	40,31
ULCINJ	0	0	0	0	0	0	0	0	0	0	0	0	9	0	4	0	9	0	60	134	82	134	37,96
H. NOVI	4	0	0	0	2	0	1	0	1	0	4	0	2	0	8	0	7	0	72	36	101	36	73,72
NIKŠIĆ	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	7	2	72	21	80	24	76,92

PLJEVLJA	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	16	1	16	1	94,11	
DANILOVGRAD	0	0	0	0	0	0	0	0	0	0	0	0	1	2	0	0	2	12	17	14	20	41,17	
KOTOR	0	0	0	0	0	0	0	0	0	0	0	0	0	1	2	20	21	86	33	107	56	65,64	
BC PG	0	0	0	0	0	0	0	0	2	2	1	1	6	3	13	9	32	21	533	156	587	192	75,35
TOTAL	5	0	0	0	2	0	1	0	3	2	6	4	20	12	36	28	106	107	1058	593	1237	746	62,38

P – civil cases

P	2001 and earlier		2002		2003		2004		2005		2006		2007		2008		2009		2010		TOTAL on 30.06.2011		
	S	U	S	U	S	U	S	U	S	U	S	U	S	U	S	U	S	U	S	U	S	U	%
BERANE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	32	27	360	161	393	188	66,49
ŽABLJAK	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	12	10	12	10	54,54
ROŽAJE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	7	0	115	23	122	23	84,13
PLAV	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	57	25	57	25	69,51
BC BP	0	0	0	0	0	0	0	0	0	0	1	0	0	0	11	0	57	0	414	247	483	247	66,16
KOLAŠIN	0	0	0	0	0	0	0	0	12	17	4	6	12	18	13	18	13	13	40	45	94	117	44,54
CETINJE	0	0	0	0	0	0	0	0	1	0	1	1	4	4	22	13	60	47	107	151	195	215	47,56
BAR	0	0	0	0	0	0	2	0	0	0	0	0	0	0	3	2	22	17	95	96	120	117	50,63
ULCINJ	0	0	0	0	0	0	0	0	0	0	0	0	11	0	8	0	23	0	171	181	213	181	54,06
H. NOVI	1	0	0	0	2	0	5	0	8	0	9	0	13	0	19	0	100	0	224	479	381	479	44,30
NIKŠIĆ	0	0	0	0	0	0	0	0	0	0	1	1	2	3	2	7	60	63	542	399	607	473	56,20
PLJEVLJA	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	145	38	145	38	79,23
DANILOVGRAD	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3	0	28	12	164	72	195	84	69,89
KOTOR	0	0	0	0	2	2	4	3	2	5	9	10	27	73	67	117	157	276	443	745	711	1231	36,61
BC PG	0	0	0	0	0	0	0	0	18	40	18	16	26	42	110	86	434	374	1898	2197	2504	2755	47,61
CC PG	0	0	0	0	0	0	0	0	0	0	0	0	5	11	13	19	54	52	422	349	494	431	53,40
CC BP	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	41	4	42	4	91,30
TOTAL	1	0	0	0	4	2	11	3	41	62	43	34	100	151	272	262	1048	881	5250	5222	6768	6618	50,56

PMAL – civil cases of small value

PMAL	2001 and earlier		2002		2003		2004		2005		2006		2007		2008		2009		2010		TOTAL on 30.06.2011		
	S	U	S	U	S	U	S	U	S	U	S	U	S	U	S	U	S	U	S	U	S	U	%
BERANE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	31	3	31	3	91,17
ŽABLJAK	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
ROŽAJE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	122	0	122	0	100
PLAV	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
BC BP	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	24	4	24	4	85,71
KOLAŠIN	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
CETINJE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
BAR	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	24	6	24	6	80
ULCINJ	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	25	3	25	3	89,28
H. NOVI	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3	0	29	9	32	9	78,04
NIKŠIĆ	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	65	11	66	11	85,71
PLJEVLJA	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
DANILOVGRAD	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	16	4	16	4	80,00
KOTOR	0	0	0	0	0	0	0	0	0	0	0	0	2	0	4	1	11	5	32	0	49	6	89,09
BC PG	0	0	0	0	0	0	0	0	2	1	2	0	2	1	8	3	43	27	262	232	319	264	54,71
CC PG	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
CC BP	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	14	0	14	0	100
TOTAL	0	0	0	0	0	0	0	0	2	1	2	0	4	1	12	4	58	32	644	272	722	310	69,96

R – various non-contentious proceedings

R	2001 and earlier		2002		2003		2004		2005		2006		2007		2008		2009		2010		TOTAL on 30.06.2011		
	S	U	S	U	S	U	S	U	S	U	S	U	S	U	S	U	S	U	S	U	S	U	%
BERANE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
ŽABLJAK	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
ROŽAJE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
PLAV	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	1	0	100

BC BP	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	1	0	100
KOLAŠIN	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
CETINJE	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	1	0	0	1	1	50
BAR	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	1	0	2	0	100
ULCINJ	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	3	3	4	3	57,14
H. NOVI	0	0	0	0	0	0	0	0	0	0	0	0	3	0	6	0	5	0	20	21	34	21	61,81
NIKŠIĆ	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
PLJEVLJA	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
DANILOVGRAD	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
KOTOR	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	9	0	10	1	90,91
BC PG	0	0	0	0	0	0	0	0	0	0	0	0	1	1	0	0	0	0	29	3	30	4	88,23
TOTAL	0	0	0	0	0	0	0	0	0	0	0	0	5	1	6	0	8	2	64	27	83	30	73,45

REV – cases decided by the Supreme Court of Montenegro upon revision

REV	2001 and earlier		2002		2003		2004		2005		2006		2007		2008		2009		2010		TOTAL on 30.06.2011		
	S	U	S	U	S	U	S	U	S	U	S	U	S	U	S	U	S	U	S	U	S	U	%
SUPREME COURT	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	93	1	93	1	98,93
TOTAL	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	93	1	93	1	98,93

REVIP – revision cases in commercial courts

REVIP	2001		2002		2003		2004		2005		2006		2007		2008		2009		2010		TOTAL on 30.06.2011		
	S	U	S	U	S	U	S	U	S	U	S	U	S	U	S	U	S	U	S	U	S	U	%
SUPREME COURT	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3	1	3	1	75
TOTAL	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3	1	3	1	75

U – administrative dispute cases

U	2001		2002		2003		2004		2005		2006		2007		2008		2009		2010		TOTAL on 30.06.2011		
	S	U	S	U	S	U	S	U	S	U	S	U	S	U	S	U	S	U	S	U	S	U	%
ADMINISTRATIVE COURT	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1220	0	1220	0	100
TOTAL	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1220	0	1220	0	100

RS – complex non-contentious proceedings

RS	2001 and earlier		2002		2003		2004		2005		2006		2007		2008		2009		2010		TOTAL on 30.06.2011		
	S	U	S	U	S	U	S	U	S	U	S	U	S	U	S	U	S	U	S	U	S	U	%
BERANE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	5	14	5	14	26,31
ŽABLJAK	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
ROŽAJE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	1	0	100
PLAV	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	5	1	5	1	83,33
BC BP	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	0	27	10	29	10	74,36
KOLAŠIN	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	1	0	7	0	8	1	88,88
CETINJE	0	0	0	0	0	0	0	0	0	0	0	3	0	0	2	1	5	3	8	12	16	18	47,05
BAR	0	0	0	0	0	0	0	0	0	0	0	0	1	1	0	0	2	6	25	17	28	24	53,84
ULCINJ	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	3	0	13	16	17	16	51,51
H. NOVI	1	0	1	0	1	0	0	0	0	0	0	0	0	0	3	0	11	0	27	31	44	31	58,66
NIKŠIĆ	0	0	0	0	0	0	0	0	0	0	1	0	0	0	1	0	6	3	12	14	20	17	54,05
PLJEVLJA	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	4	3	4	3	57,14
DANILOVGRAD	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	7	1	8	1	88,88
KOTOR	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3	1	16	14	40	47	59	62	48,76
BC PG	0	0	0	0	0	0	0	0	0	1	0	1	1	0	2	4	15	16	102	59	120	81	59,70
TOTAL	1	0	1	0	1	0	0	0	0	1	1	4	2	2	13	6	62	42	282	225	364	279	56,60

5. ACTION PLAN FOR THE FIGHT AGAINST ORGANISED CRIME

PRIORITY 4: DEVELOPMENT OF SOLID MECHANISM FOR MONITORING THE RESULTS IN THIS AREA

Measure 2: Preparation of analytical report

REPORT ON COMPLETED HEARINGS FOR CASES OF ORGANISED CRIME

As of 1 January 2011, court hearings for the following cases of **organised crime** have been so far completed **at the High Court in Podgorica**:

1. “Golubovi”, case against Fran Marinaj, a national of Albania on the run, and 35 more defendants, for the offence of criminal association, unauthorised production, possession and circulation of narcotic drugs, in an organised manner. The court hearings have been completed;
2. Case against Pepaj Sanader, a national of Albania on the run, and seven more defendants, for the criminal offence of unauthorised production and circulation of narcotic drugs. The court hearings have been completed;
3. Case against Saša Boreta, and nine more persons, for the offence of criminal association, document counterfeiting, money laundering, extortion, general threat causing and murder (murder of Slavoljub Šćekić, senior official of the MI of Montenegro).

Court hearings for the **criminal offence of corruption** have been completed against:

1. Vuksan Cemović, bachelor of inter business management, and four more persons, for the criminal offence of abuse of office, unauthorised production and circulation of narcotic drugs, evasion of taxes and contributions, in an organised manner. The sentence has been pronounced.
2. Radivoje Bakić, graduate in economics (one of the co-owners of the joint stock company AD Impek), and 11 more persons, for the criminal offence of money laundering, document counterfeiting, abuse of office and evasion of taxes and contributions. The main hearing has been completed.
3. Nenad Vukčević (Clinical Centre of Montenegro) for the criminal offence of bribe taking. The sentence has been pronounced.
4. Dragan Tomanović, bachelor of law (authorised officer of the Real Estate Administration – Podgorica), and one more person, for the criminal offence of abuse of office. The sentence has been pronounced.
5. Vesko Jovičević, director of Kotor Cadastre, and eight more persons, for the criminal offence of bribe taking and abuse of office.
6. Pavle Brisković, construction engineer, and three more persons, for the criminal offence of bribe taking and abuse of office. The main hearing has been completed.

At the High Court in Bijelo Polje, a condemnatory sentence has been pronounced in the case of **organised crime** against Bekim Tabaković and nine more persons for the offence of criminal association, unauthorised production, possession and circulation of narcotic drugs.

6. ACTION PLAN FOR MEDIA

PRIORITY 1: IMPROVEMENT OF MEDIA FREEDOMS, PARTICULARLY THROUGH ALIGNMENT OF LEGISLATION WITH THE CASE LAW OF THE EUROPEAN COURT OF HUMAN RIGHTS WITH REGARDS TO DEFAMATION AND STRENGTHENING OF COOPERATION WITH CSOS

Measure 2: Acceptance of the European Court of Human Rights case law in awarding non-pecuniary compensation for damages to honour and reputation imposed through media

LEGAL POSITION IN PRINCIPLE- ACCEPTANCE OF THE EUROPEAN COURT OF HUMAN RIGHTS CASE LAW IN AWARDING NON-PECUNIARY COMPENSATION FOR DAMAGES TO HONOUR AND REPUTATION IMPOSED THROUGH MEDIA

Pursuant to the Article 28 of the Law on Courts (Official Gazette of the Republic of Montenegro 5/02, 49/04 and the Official Gazette of Montenegro 28/08), on 29 March 2011 the General Session of the Supreme Court adopted the following

LEGAL POSITION IN PRINCIPLE

If the court finds that the basis for journalist and media responsibility exist, it defines the amount of fair fine for harm inflicted to personality rights (reputation, honour etc.) taking into account all circumstances of the concrete case especially: significance of harmed value and subsequent consequences, duration of mental distress, purpose of non pecuniary fine and alignment of this fine with the case law of the European Court for Human Rights and taking into account not to impose amount of fine which would discourage journalists and the media in performance of their role in keeping democratic values of the society.

Explanation

Article 206 of the Law on Obligations (Official Gazette of Montenegro 47/2008) stipulates that in the event of breaching personality rights the court may order publication of the judgment i.e. corrigendum at the expense of injurer or order for the injurer to withdraw statement that has inflicted harm or something else that might realise purpose obtained by the fine.

Article 207 paragraph 1 of the same Law envisage the possibility of awarding fair pecuniary fine for inflicted harm to reputation, honour or personality rights to injured party if the court finds the circumstance justified and especially the intensity of distress and its duration.

Article 20 paragraph 1 of the Law on Media (Official Gazette of the Republic of Montenegro 51/02, 62/02 and Official Gazette of Montenegro 46/10) stipulate that the founder of media is responsible for programme contents unless otherwise provided by this Law. The same legal provision stipulates in paragraph 2 that interested party shall have right of appeal in competent court for indemnity against authors and the media founder if the media contains programme disturbing legally protected interest of persons to whom the information relates to or which insults honour or integrity of individual, disclosing or communicating untrue statements of their life, knowledge and skills.

Provisions of Article 26 of the mentioned Law provide for that a natural and legal person is entitled to corrigendum and response within the defined deadline when s/he believes that some of his/her constitutional or legally defined rights have been violated by the published programme contents, with the obligation of stating programme contents that the corrigendum and response relate to, date of its publishing as well as that the correction and response are published with no compensation.

If s/he believes that sanctions referred to in Article 206 of the Law on Obligations and in Article 26 of the Law on Media provide no satisfaction to him/her, the injured is entitled to indemnity in accordance with Article 207, paragraph 1 of the Law on Obligations.

The main characteristic of non-pecuniary damage is that it cannot be compensated by returning to the previous conditions. Therefore, indemnity for such damage represents satisfaction to the injured party.

Cumulation of sanctions is allowed having in mind that the Law does not forbid it.

The court determines the amount of the fair indemnity for violation of the personality rights (reputation, honour and other personality rights) taking into account all circumstances of the concrete case, particularly the importance of the violated right and caused consequences, duration of mental distress, purpose of the non-pecuniary fine, adjustment of the approved indemnity with the case law of the European Court of Human Rights as well as that the approved indemnity would not discourage journalists and the media in performance of their role in keeping democratic values of the society.

It should be emphasized that limitation of the indemnity amount in advance by the Supreme Court or any court in general would be contrary to the principle of proportionality as the fundamental principle of European law, stipulating that measures proportional to objectives defined by legislation should be applied to concrete subjects, concrete circumstances and facts.

President of the Court,
Vesna Medenica

PRIORITY 1: IMPROVEMENT OF MEDIA FREEDOMS, PARTICULARLY THROUGH ALIGNMENT OF LEGISLATION WITH THE CASE LAW OF THE EUROPEAN COURT OF HUMAN RIGHTS WITH REGARDS TO DEFAMATION AND STRENGTHENING OF COOPERATION WITH CSOS

Measure 2: Acceptance of the European Court of Human Rights case law in awarding non-pecuniary compensation for damages to honour and reputation imposed through media

General position in principle of the Supreme Court Bench of 29 March 2011 **has been implemented in judgement of this Court Rev. br. 594/11 of 25 May 2011**, issued upon filed revision of plaintiff against legally binding and enforceable judgement in case of the Basic Court in Podgorica, designation P. br. 3003/09. Proceedings in the mentioned case is conducted upon complaint of plaintiff Srđa Trifković from Chicago against defendants: PG "Žurnal" LLC - founder of the magazine "Nedjeljni žurnal", Aleksandar Eraković - chief editor of the magazine and the State of Montenegro for non-pecuniary compensation for damages for suffered mental distress inflicted by damaged reputation and suffered fear, as a consequence of the text published on 8 July 2005 in the abovementioned magazine No. 6 , under the headline „Death Treats to Prime Minister“. Legally binding judgement of the Basic Court in Podgorica P. br. 3003/11 of 21 October 2010 rejecting the request towards the mentioned publisher and chief editor of the magazine, in the part in which the revision was rejected by the Supreme Court by virtue of the mentioned judgement whereas the proceedings against the State is still ongoing. Furthermore, the request refers to the total amount of €25,500. Courts find that the programme content has character of information, given in good faith and that it is of general and public character, that the first and second defendant, as founder and editor, have acted in compliance with founding principles of media work, defined national regulation, European Convention for the Protection of Human Rights and Basic Freedoms and the case law of the European Court of Human Rights. Decision took into account the position of the European Court of Human Rights in judgements in cases *Lingens* from 1986 and case *Bladet Tromsø and Stensås* of May 1999.

Judgement of the Supreme Court of Montenegro, mentioned designation of 25 May 2011, rejected the revision of the plaintiff declared against judgement of the High Court in Podgorica Gž. br. 5641/10 of 25 February 2011 rejecting the appeal filed by plaintiff and verifying the judgment of the Basic Court in Podgorica P. br. 3003/09 of 21 October 2009 in relation to the first and the second defendant.

PRIORITY 1: IMPROVEMENT OF MEDIA FREEDOMS, PARTICULARLY THROUGH ALIGNMENT OF LEGISLATION WITH THE CASE LAW OF THE EUROPEAN COURT OF HUMAN RIGHTS WITH REGARDS TO DEFAMATION AND STRENGTHENING OF COOPERATION WITH CSOS

Measure 4: Report on investigations and violence against journalists – processed cases; status of pending cases

REPORT ON THE CASES PENDING BEFORE THE COURTS IN MONTENEGRO, RELATING TO CRIMINAL CASES FOR THE CRIMINAL OFFENCES WITH THE ELEMENTS OF VIOLENCE AGAINST JOURNALISTS

SUPREME COURT OF MONTENEGRO: Report on the cases pending before the courts in Montenegro, relating to criminal cases for the criminal offences with the elements of violence against journalists

Status of criminal cases

Breakdown of cases of the Basic Court in Podgorica: Kri. br. 119/10, Ki. br. 09/314 and K. br. 11/125

Kri. br. 119/10: On 29.01.2010 a case Kri br. 119/10 was formed to take investigative actions against the accused Zoran Tajić, for the criminal offence of torture and abuse referred to in Article 167 paragraph 3 in conjunction with paragraph 2 of the Criminal Code. The injured party in this case is Boris Pejović, photojournalist of "Republika" Daily. After the investigative actions had been completed on 14.10.2010, the Basic Public Prosecution Office in Podgorica filed a motion to take further investigative actions (interrogation of four new witnesses) on 1.11.2010, following which the witnesses proposed were interrogated and the case files were returned to the Basic Public Prosecution Office in Podgorica on 20.12.2010 to take actions falling within its jurisdiction. On 15.02.2011, the Public Prosecution Office returned the case files again to the Basic Court with a motion to interrogate the victim Boris Pejović again in the capacity of a witness. On 19.02.2011, investigating judge expressed disagreement with the mentioned motion and forwarded the case files to the criminal review panel of the Court to take decision. The panel upheld disagreement of the investigating judge, by way of the ruling Kv. br. 11/170 of 07.03.2011, and the case files were returned to the Basic Public Prosecution Office in Podgorica to take actions falling within its jurisdiction.

The Basic State Prosecutor's Office in Podgorica rejected criminal charges against Zoran Tajić by virtue of decision Kt. br. 1744/09 of 13.05.2011.

Ki. br. 09/314: In the investigation case Ki. br. 09/314, Mihailo Jovović, a journalist in "Vijesti" Daily, is the accused charged with the criminal offence of serious bodily injury referred to in Article 151 paragraph 2 of the Criminal Code, while Miljan Mugoša is the second accused, charged with the criminal offence of serious bodily injury referred to in Article 151 paragraph 1 of the Criminal Code, that was inflicted on the first accused Mihailo Jovović. To that effect, Mihailo Jovović could be considered the injured party although in this case Jovović also has the status of the accused, as according to the provisions of the Criminal Procedure Code one person cannot have two procedural statuses in the same proceedings. The case was received on 07.08.2009; the order to conduct investigation was made on 20.08.2009, and after the investigation had been completed the case files were delivered to the Basic Public Prosecution Office in Podgorica on 09.09.2009 to take actions falling within its jurisdiction. The Basic Public Prosecution Office brought indictment against the accused Mihailo Jovović and Miljan Mugoša for the mentioned criminal offences on 06.10.2009. When deciding on the objection of the defence counsel of the accused Jovović, the Criminal Chamber of the Basic Court, by way of the ruling Kv. br. 09/963 of 11.11.2009, returned the case to the investigation stage to conduct certain investigative actions. Acting upon the order of the Criminal Chamber, the Basic Public Prosecution Office in Podgorica filed a

motion seeking supplementary investigation on 18.11.2009. Dragana Čukić, MD, a forensic medical expert witness, together with Dragoslav Nenezić, MD, a radiology specialist, made supplementary report and opinion on 19.12.2009. Having examined the case files, the Basic Public Prosecution Office filed a motion on 28.12.2009 to repeat forensic examination of injuries sustained by the victim Dragan Radonjić. By the court order of 19.01.2010, it was ordered that the forensic examination be conducted by the Institute of Forensic Medicine at the Faculty of Medicine in Belgrade. Accordingly, the case files were delivered to the Institute through the Ministry of Justice by way of letter rogatory. The Institute of Forensic Medicine delivered the report and opinion together with the case files to the Court on 16.07.2010. On 04.08.2010, the Basic Public Prosecution Office in Podgorica filed a new motion seeking supplementary investigation; accordingly, on 20.09.2010 the Basic Court ordered supplementary forensic examination to be conducted by the Institute of Forensic Medicine at the Faculty of Medicine in Belgrade, and the case files were sent to the Institute by way of letter rogatory. The Institute of Forensic Medicine of the Faculty of Medicine in Belgrade delivered the case files together with supplementary report, through the Ministry of Justice of the Government of Montenegro, to the Basic Court on 21.04.2011. **Investigation files were delivered to the competent Basic Public Prosecution Office in Podgorica on 27.04.2011. On 12.05.2011, the Basic Public Prosecutor brought indictment against Miljan Mugoša for the criminal offence of serious bodily injury referred to in Article 151 paragraph 1 of the Criminal Code and against Mihailo Jovović for the criminal offence of light bodily injury referred to in Article 152 paragraph 2 in conjunction with paragraph 1 of the Criminal Code. The indictment has not yet taken effect. The proceedings have been initiated in the case (by bringing indictment), and it now bears designation K. 386/11. After the indictment takes effect, the conditions to schedule the main hearing will be fulfilled.**

On 20 May 2011, defendant Mihailo Jovović filed complaint to the indictment, upon which case files Kv. Br. 452/11 have been formed. The Court's criminal panel rejected the complaint as unfounded by virtue of decision Kv. Br. 452/11 of 07.06.2011. Main hearing in this criminal case is scheduled for 07.09.2011.

K. br. 11/125: In 2011, one case was prosecuted in which the injured party is Olivera Lakić, the journalist of "Vijesti" Independent Daily. It is the case K br. 11/125 in which, on 16.02.2011, the Basic Public Prosecution Office filed the bill of indictment against the accused Slavko Musić, for the continuing criminal offence of endangering safety referred to in Article 168 paragraph 2 in conjunction with paragraph 1 of the Criminal Code read together with Article 49 of the Criminal Code, and against the accused Marko Piper, for the criminal offence of endangering safety referred to in Article 168 paragraph 1 of the Criminal Code. In this case, investigative actions had been conducted on a motion from the Basic Public Prosecution Office in Podgorica of 07.02.2011, and the case files were delivered to the competent prosecution office on 15.02.2011. Main hearing in this case had been scheduled to take place on 14.03.2011 and 14.04.2011, but it was adjourned because the accused Marko Piper did not appear before the court. The next main hearing is scheduled for 26.05.2011, and the warrant of compulsory apprehension of the accused Marko Piper was issued. **On 29.04.2010, the Basic Public Prosecutor filed a motion to try Marko Piper in absentia, and on 14.05.2011 the Criminal Chamber of the Basic Court in Podgorica made a ruling to try Marko Piper in absentia** (the hearing is scheduled to take place on 26.05.2011, as mentioned above). **Additional clarification:** The Criminal Chamber of the Basic Court made a ruling to try the accused Marko Piper in absentia, because upon finding out that he will be tried, Marko Piper went to Australia (of which he is national). According to the Criminal Procedure Code of Montenegro currently in force, a wanted person's notice cannot be issued for the offence referred to in Article 168 paragraph 1, since to issue a wanted person's notice it is necessary that the offence in question be punishable by imprisonment of three years or longer. The criminal offence the accused Piper is charged with is punishable by imprisonment not exceeding one year or by a fine according to the national Criminal Procedure Code.

Main hearing scheduled for 26.05.2011 was postponed for 21.06.2011. The hearing was not held on this date since Zoran Piperovic and Dragana Vojinovic, barristers of the defendant Slavko Music, did not appear before the court. The barristers of the defendant Music have been charged € 500 as fine for non-appearance on the particular date. The next hearing is scheduled for 21.07.2011.

PRIORITY 1: IMPROVEMENT OF MEDIA FREEDOMS, PARTICULARLY THROUGH ALIGNMENT OF LEGISLATION WITH THE CASE LAW OF THE EUROPEAN COURT OF HUMAN RIGHTS WITH REGARDS TO DEFAMATION AND STRENGTHENING OF COOPERATION WITH CSOS

Measure 4: Report on investigations and violence against journalists – processed cases; status of processed cases, proposal for measures

SUPREME COURT OF MONTENEGRO: OVERVIEW OF STATUS OF CASES OF COMPENSATION FOR DAMAGES TO HONOUR, REPUTATION OR PERSONALITY RIGHTS IMPOSED THROUGH MEDIA, PROCESSED IN COURTS IN 2010 AND 2011

Basic Court in Podgorica

P.973/10	PLAINTIFF	DEFENDANT	PHASE OF PROCEEDINGS	OUTCOME OF DISPUTE	AMOUNT OF CLAIM
	Zvezdan Radojević	"JU MEDIA MONT"	Judgement of 20 June 2011 is not legally binding and enforceable	Claim rejected	€20,000
P. br. 1439/09	PLAINTIFF	DEFENDANT			
	Desanka Matijević	"JU MEDIA MONT"	Judgement of 09 July 2010. Legally binding and enforceable.	Claim rejected	€35,000
P. 3192/10	PLAINTIFF	DEFENDANT			
(repealed P. 3235/06)	Zlatko Zlatičanin	LLC "Milenijum"	Judgement of 22 November 2010 is legally binding and enforceable.	Partly granted claim to pay €3,500	€50,000
P. 4070/10	PLAINTIFF	DEFENDANT			
	Duško Knežević	"Monitor"	Hearing scheduled for 29 September 2011.		€40,000
P. 4384/10	PLAINTIFF	DEFENDANT			
	Ranko Mujović and Bojana Lakićević	"Daily Press" and Slavko Radulović		Decision on withdrawal of lawsuit of 16 June 2011.	€40,000
P. 5530/10	PLAINTIFF	DEFENDANT			
	Dragan Šakotić	Daily "Dan" and Vujadin Radošević	Hearing scheduled for 06 October 2011.		€10,000
P. 2561/10	PLAINTIFF	DEFENDANT			

	Čedomir Janjević	"Monitor"	Proceedings upon appeal is ongoing before High Court in Bijelo Polje	Partly granted claim to pay €4,000	€10,000
P. br. 2566/10	PLAINTIFF	DEFENDANT			
	Čedomir Janjević	"JUMEDIA MONT"	Appeal filed on 11 May 2011. Proceedings for delegating second instance jurisdiction is ongoing.	Partly granted claim to pay €3,000	€10,000
P. 859/11	PLAINTIFF	DEFENDANT			
(repealed P. 2363/08)	Safet Kalić	"Monitor"	Judgement of 07 July 2011 is not legally binding and enforceable	Claim rejected	€30,000
P. br. 1189/11 (former designation P.1113/10)	PLAINTIFF	DEFENDANT			
	Zvezdan Radojević	Company "Novosti"	Hearing scheduled for 26 September 2011	Decision on withdrawal of complaint - Restitutio in integrum granted	€12,000
P. br. 1250/11	PLAINTIFF	DEFENDANT			
	Veselin Veljović	"DailyPress" and Nebojša Medojević	Pending-not scheduled		€100,000
P. br. 1469/11	PLAINTIFF	DEFENDANT			
	Hamdo Murić	Daily "Dan"	Hearing scheduled for 22 September 2011.		€20,000
P. br. 1470/11	PLAINTIFF	DEFENDANT			
	Rešad Kalač	Daily "Dan"	Hearing scheduled for 29 September 2011.		€20,000
P. br. 1508/11	PLAINTIFF	DEFENDANT			
	Božidar Vračar	Independent Daily "Vijesti"	Hearing scheduled for 20 September 2011. .		€5,000
P. br. 1696/11	PLAINTIFF	DEFENDANT			
	Hamdo Murić	Daily "Dan"	Hearing scheduled for 27 September 2011.		€20,000
P. br. 2688/11	PLAINTIFF	DEFENDANT			
	Marko Šaranović and Jelena Vukašinović	Daily "Dan" and Mladen Milutinović	Pending-not scheduled		€40,000

P. br. 2698/11	PLAINTIFF	DEFENDANT			
	Marko Šaranović and Jelena Vukašinović	Independent Daily "Vijesti" and Mihailo Jovović	Pending- not scheduled		€40,000

Basic Court in Kolašin

CASE NUMBER	PLAINTIFF	DEFENDANT	PHASE OF PROCEEDINGS	OUTCOME OF DISPUTE	AMOUNT OF CLAIM
P. br. 263/09 -	Slavko Perović from Cetinje	LLC "Monitor" from Podgorica and Veseljko Koprivica from Podgorica		Judgement of the Basic Court in Kolašin P. br. 263/09-08 of 5 July 2010 rejected the claim and the mentioned judgement was verified by judgement of the High Court in Bijelo Polje Gž. br. 1653/10 of 5 November 2010. Plaintiff filed revision against second-instance judgement which was rejected as impermissible by the Supreme Court of Montenegro by virtue of decision Rev. br. 318/11 of 22 March 2011.	€10,000
P. br. 153/09	Vukota Pejović from Podgorica	"Daily press" from Podgorica		Judgement of the Basic Court in Kolašin P. br. 153/09 of 01 February 2010 rejected the claim. The judgement was verified by judgement of High Court in Bijelo Polje Gž. br. 725/10 of 18 May 2010.	€5,000

Basic Court in Danilovgrad

CASE NUMBER	PLAINTIFF	DEFENDANT	PHASE OF PROCEEDINGS	OUTCOME OF DISPUTE	AMOUNT OF CLAIM
P. br. 363/10 (former designation P. br. 237/08)	Rajko Mijušković from Cetinje	"JUMEDIA MONT" LLC Podgorica	Basic Court in Danilovgrad decided in dispute and issued judgement P. br. 237/08 of 29 December 2008 (awarded €500) – challenged by the judgement of High Court in Podgorica Gž. br. 681/09 of 23 October 2009, rejecting the claim as a whole. However, upon filed revision of the plaintiff, Supreme Court rejected both lower-instance judgements due to processing reasons, by virtue of Decision Rev. br. 601/10 of 5 October 2010. In repeated proceedings, first-instance court issued judgement on 24 June		€13,000

			2011., partly granting the claim - awarded €2,500. Legal deadline for filing an appeal is ongoing.		
P. br. 278/09	Većislav Bojović from Nikšić	"JUMEDIA MONT" LLC Podgorica			€100,000
P. br. 278/09	Većislav Bojović from Nikšić	Police Administration from Podgorica, "JUMEDIA MONT" LLC Podgorica and "Daily press" from Podgorica		Judgment issued by the Basic Court in Danilovgrad P. br. 278/09 of 26 November 2010 partly granted the claim – for the amount €3,000. Upon the filed appeal, mentioned judgement was challenged by the judgement of High Court in Podgorica Gž. br. 1174/11 of 24 March 2011(claim rejected as a whole). Revision has not been filed.	€5,000

Basic Court in Cetinje

CASE NUMBER	PLAINTIFF	DEFENDANT	PHASE OF PROCEEDINGS	OUTCOME OF DISPUTE	AMOUNT OF CLAIM
P. br. 160/09	Miško Djukić from Podgorica	Milovan Janković from Cetinje		Procedural decision was issued in dispute - withdrawal of complaint was established by virtue of decision of first instance court of 14 September 2010.	€5,000
P. br. 166/09	Ivan Delić from Budva	Daily Press" from Podgorica	Judgement of the Basic Court in Cetinje P. br. 166/09 of 30 December 2010, claim was rejected. Appeal was lodged against first-instance judgement. Case file was submitted to the High Court in Podgorica to take actions falling within its jurisdiction on 18 April 2011.		€1,500

Basic Court in Kotor

Case number	PLAINTIFF	DEFENDANT	PHASE OF PROCEEDINGS	OUTCOME OF DISPUTE	AMOUNT OF CLAIM
P. br.	"Šimrak" LLC	Jovan Pejović, from		Appeal was filed to the Basic Court in Herceg Novi on 31	€45,000

722/07	Herceg Novi	Herceg Novi, Zdravko Šakotić from Herceg Novi and "JU Media Mont" LLC Podgorica		August 2004. Upon decision R. br. 51/07 of 3 July 2007 made by the Supreme Court of Montenegro, case files were forwarded to the Basic Court in Kotor to take actions falling within its jurisdiction. Proceedings upon the appeal before the first instance court were completed by passing the legally binding and enforceable judgment P. br. 722/07 of 4 October 2010 (confirmed by the judgment Gž. br. 5987/10-07 of 21 January 2011 made by the High Court in Podgorica). Deciding upon the request for revision filed by the plaintiff against the second instance judgment, the Supreme Court of Montenegro rejected the request for revision as ungrounded in its judgment Rev. br. 451/11 of 19 April 2011.	

Basic Court in Berane

Case number	PLAINTIFF	DEFENDANT	PHASE OF PROCEEDINGS	OUTCOME OF DISPUTE	AMOUNT OF CLAIM
P. br. 1365/10	Veselin Radenović, from Andrijevisa	Newspapers publishing company "Pobjeda", from Podgorica	Hearing before the first instance court was completed on 1 June 2011. Period envisaged for passing a judgment is under way.		€12,000
P. br. 859/10	Veselin Bakić, Milovan Ćulafić and Goran Stojanović	Newspapers publishing company "Pobjeda", from Podgorica	Hearing before the first instance court was completed on 16 May 2011. The judgment rejecting the claim was passed on 15 June 2011. Period envisaged for filing appeal is under way.		€45,000
P. br. 783/09	Bogić Vujović from Berane	"JU Media Mont" LCC Podgorica		The Basic Court in Bijelo Polje passed the judgment P. br. 783/09 of 12 July 2010, partially granting the claim, i.e. granting the amount of €6,000 to pay to the plaintiff, whereas the claim for the remaining amount was rejected. The plaintiff has filed an appeal against this judgment, but the High Court in Bijelo Polje rejected it and confirmed the first instance judgment in its judgment Gž. br. 478/11 of	€12,000

			12 April 2011.	

Basic Court in Rožaje

Case number	PLAINTIFF	DEFENDANT	PHASE OF PROCEEDINGS	OUTCOME OF DISPUTE	AMOUNT OF CLAIM
P. br. 182 /11	Rešad Kalač from Rožaje	Daily "Dan" and Police Administration	Proceedings is under way. At the preparatory hearing held on 16 June 2011, the plaintiff identified "JU Media Mont" LCC Podgorica as first defendant. Upon the objection made by defendants regarding the territorial jurisdiction of the Basic Court in Rožaje, the Court passed the decision P. br. 182/11 of 16 June 2011, stating that the concerned case falls out of the Court's territorial jurisdiction as well as that the case files are to be forwarded to the Basic Court in Podgorica upon the decision becomes legally binding and enforceable. Case files have been forwarded to the competent court and it has been given the following designation P.br.1470/11. Hearing is scheduled for 29 September 2011.		€20,000

Note: There were no civil cases of this type in other basic courts in Montenegro

High Court in Podgorica

Gž. br. 2283/10 – In its judgment Gž. br. 2283/10 of 30 June 2010, the High Court in Podgorica repealed the judgment P. br. 3235/06 of 23 June 2007 passed by the Basic Court in Podgorica. In the mentioned judgment, the Court rejected the request made by Zlatko Zlatičanin, as plaintiff, to oblige "Milenijum" LLC, as defendant, to pay him the amount of €35,000 as compensation for non-pecuniary damage. In the repeated proceedings, the plaintiff raised its claim to €50,000. In its judgment P.br.3192/10 of 22 November 2010, the Basic Court in Podgorica partially granted the claim – to pay €3,500 to the plaintiff. The judgment is legally binding and enforceable.

Gž. br. 3891/10-04 – In its judgment Gž. br. 3891/10-04 of 17 December 2010, the High Court in Podgorica rejected the appeal filed by plaintiff and confirmed the judgment P. br. 1439/09 of 9 July 2010 passed by the Basic Court in Podgorica. In the mentioned judgment, the Basic Court rejected the appeal of Desanka Matijević, as plaintiff, against "JU MEDIA MONT" LLC, as defendant, for compensation of non-pecuniary damage (for more details, please see the report of the Basic Court in Podgorica given in this document).

Gž. br. 5265/10 – In its administrative act Gž. br. 5265/10 of 16 November 2010, the High Court in Podgorica returned to the Basic Court in Podgorica the unconsidered case file P. br. 1113/10 of the Basic Court (upon appeal filed by Zvezdan Radojević, as plaintiff, against "Novosti" Company, as defendant), submitted upon the appeal filed against first instance decision of 5 October 2010, in which the complaint was withdrawn. The file was returned due to the fact that the appeal simultaneously represented a proposal for *restitutio in integrum*, as stated in the appeal itself. Therefore, the second instance court ordered the first instance court to consider the appeal as proposal for *restitutio in integrum* and to act upon it accordingly. Subsequently, the Basic Court in Podgorica passed the decision P. br. 1113/10 of 5 January 2011, granting *restitutio in integrum* and repealing its former decision of 5 October 2010. In the

proceedings upon the appeal, the mentioned first instance decision was confirmed by the High Court in Podgorica in its decision Gž. br 1286/11 of 17 March 2011, implying that the repeated proceedings is under way before the first instance court – hearing is scheduled for 26 September 2011, as already presented in the report of the Basic Court in Podgorica (P.br.1189/11).

Gž. br. 5987/10-07 – In its judgment Gž. br. 5987/10-07 of 21 January 2011, the High Court in Podgorica rejected the appeal filed by plaintiff and confirmed the judgment P. br. 722/07 of 4 October 2010 passed by the Basic Court in Kotor. The Supreme Court in Podgorica rejected the plaintiff's request for revision in its judgment Rev. br. 451/11 of 19 April 2011.

Gž. br. 6003/10 – In its judgment Gž. br. 6003/10 of 22 February 2011, the High Court in Podgorica repealed the ruling issued by the Basic Court in Podgorica in the case P. br. 2363/08 (upon complaint filed by Safet Kalić, as plaintiff, against "Monitor", as defendant) and returned the case to repeated proceedings. The proceedings before the Basic Court in Podgorica (P. br. 859/11) is currently in the phase presented above.

Gž. br. 2094/11 – Upon the appeal filed by the plaintiff against the judgment passed by the Basic Court in Cetinje in the case P. br. 166/09 (upon complaint filed by Ivan DeliĆ from Budva, as plaintiff, against "Daily Press" from Podgorica, as defendant), case files were submitted to the High Court in Podgorica on 18 April 2011 to take actions falling within its jurisdiction. The proceedings is under way.

Gž.br. 3575/11 – Upon the appeal filed by the defendant against the judgment passed by the Basic Court in Podgorica in the case P. br. 2566/10 (upon complaint filed by Čedomir Janjević, as plaintiff, against "JU MEDIA MONT" LLC Podgorica, as defendant), case files were submitted to the High Court in Podgorica to take actions falling within its jurisdiction on 27 June 2011.

Note: In the concerned proceedings, as well as in the case P. br. 2561/10 of the Basic Court in Podgorica, the plaintiff is the judge of the High Court in Podgorica. Therefore, the High Court in Podgorica (in this case, just like the Basic Court in Podgorica in the case P. br. 2561/10) submitted a request to the Supreme Court of Montenegro for delegating the proceedings to other competent court. The request for delegating, accompanied by files of the case P. br. 2561/10, was submitted to the Supreme Court on 11 July 2011.

High Court in Bijelo Polje

Gž. br. 478/11 – In its judgment Gž. br. 478/11 of 12 April 2011, the High Court in Bijelo Polje rejected the appeal filed by the plaintiff and confirmed the judgment in the rejecting part passed by the Basic Court on Berane in the case P. br. 783/09 (upon the complaint filed by Bogić Vujović, as plaintiff, against "JU MEDIA MONT" LLC Podgorica, as defendant), as already explained.

Note: The mentioned ruling was passed after the Supreme Court of Montenegro adopted its legal position on 29 March 2011, and since the defendant did not filed appeal, the second instance court did not review the first instance judgment in the granting part.

Gž. br. 1653/10 – In its judgment Gž. br. 1653/10 of 5 November 2010, the High Court in Bijelo Polje confirmed the judgment P. br. 263/09 of 5 July 2010 made by the Basic Court in Kolašin, rejecting the claim for compensation of non-pecuniary damage filed by Slavko Perović, as plaintiff, against "Monitor" LLC and Veseljko Koprivica, as defendants.

Gž. br. 725/10 – In its judgment Gž. br. 725/10 of 18 May 2010, the High Court in Bijelo Polje confirmed the judgment P. br. 153/09 of 1 February 2010, rejecting the claim for compensation of non-pecuniary damage filed by Vukota Pejović, as plaintiff, against “Daily Press” from Podgorica and Ljubiša Mitrović from Podgorica, as defendants.

Gž. br. 1272/11 – In the case P. br. 2561/10 of the Basic Court in Podgorica (upon complaint filed by Čedomir Janjević, as plaintiff, against “Monitor”, as defendant), the Supreme Court of Montenegro in its decision R. br. 23/11 of 25 May 2011 delegated the case to the High Court for further proceedings, upon the appeal filed by the defendant against the first instance judgment passed in the concerned case. Case files were submitted to the High Court in Bijelo Polje on 7 June 2011 to take actions falling within its jurisdiction. The proceedings is under way.

Supreme Court of Montenegro

Rev. br. 601/10 – In its decision Rev. br. 601/10 of 5 October 2010, the Supreme Court of Montenegro repealed (on procedural grounds) the judgment Gž. br. 681/09 of 23 October 2009 passed by the High Court in Podgorica as well as the judgment P.br.237/08 of 29 December 2008 passed by the Basic Court in Danilovgrad (upon complaint filed by Rajko Mijušković, as plaintiff, against “JU MEDIA MONT”, as defendant), and returned the latter case to the first instance court for repeated proceedings. The repeated proceedings was completed in the Basic Court in Danilovgrad (designation P. br. 363/10), as it is already presented in the report of the Basic Court in Danilovgrad given above.

Rev. br. 975/10 – In its judgment Rev. br. 975/10 of 1 July 2010, the Supreme Court of Montenegro rejected as ungrounded the request for revision filed by the plaintiff against the judgment Gž. br. 3688/2009 of 2 March 2010 passed by the High Court in Podgorica, in which the High Court rejected the appeal and confirmed the judgment P. br. 496/2009 of 21 July 2009 passed by the Basic Court in Podgorica. In the mentioned judgment, the first instance court rejected the request made by Milorad Todorović from Podgorica, as plaintiff, to oblige “Daily Press” from Podgorica, as defendant, to pay him the amount of €20,000 as compensation for non-pecuniary damage for mental distress suffered for offending his honour, reputation and personal dignity.

Rev. br. 338/11 – In its judgment Rev. br. 338/11 of 23 March 2011, the Supreme Court of Montenegro rejected the request for revision filed by the plaintiff against the judgment Gž. br. 3891/10-04 of 17 December 2010 passed by the High Court in Podgorica and confirmed the judgment P. br. 1439/09 of 9 July 2010 passed by the Basic Court in Podgorica. In the mentioned decision, the first instance court rejected as ungrounded the request made by Desanka Matijević from Kotor, as plaintiff, to oblige “JU MEDIA MONT” LLC Podgorica, as defendant, to pay her the amount of €35,000 as compensation for non-pecuniary damage for mental distress suffered for offending her honour and reputation by publishing untruthful information.

Rev. br. 451/11 – In its judgment Rev. br. 451/11 of 19 April 2011, the Supreme Court of Montenegro rejected the request for revision filed by “Šimrak” LLC Herceg Novi, as plaintiff, against the judgment Gž. br. 5987/10-07 of 21 January 2011 passed by the High Court in Podgorica. In the mentioned judgment, the High Court in Podgorica rejected the appeal and confirmed the judgment P. br. 722/07 of 4 October 2010 passed by the Basic Court in Kotor, the contents of which was already presented in this report above (Basic Court in Kotor – P. br. 722/07).

Data updating is still in progress, and any possible changes will be presented in the following reports.

7. ACTION PLAN FOR CIVIL SOCIETY

PRIORITY 1: IMPROVEMENT OF COOPERATION BETWEEN THE GOVERNMENT AND NGOS

Measure 1: ESTABLISHING OF THE COUNCIL FOR COOPERATION BETWEEN THE GOVERNMENT AND NON-GOVERNMENTAL ORGANISATIONS

THE OFFICE FOR COOPERATION WITH NON-GOVERNMENTAL ORGANIZATIONS:

REPORT ON THE PROCEDURE OF NOMINATING CANDIDATES FROM NON-GOVERNMENTAL ORGANIZATIONS FOR MEMBERS OF THE COUNCIL FOR COOPERATION OF THE GOVERNMENT WITH NON-GOVERNMENTAL ORGANIZATIONS AND WORK OF THE COMMISSION FOR ESTABLISHING THE LIST OF CANDIDATES

The Office for Cooperation with Non-Governmental Organizations has, in accordance with its authorizations from the Articles 8 and 9 of the Decision on Constituting the Council for Cooperation of the Government of Montenegro with Non-Governmental Organizations (Official Gazette of Montenegro 28/10 and www.gov.me/biblioteka/odluke), carried out the procedure of nominating candidates for members of the Council, in accordance with the structure determined in Articles 5, 6 and 7 of the Decision.

In the edition of daily "Pobjeda" from 4 June 2010, (number 15976), as well as on the website www.gov.me/biblioteka/oqlasi, a Public Invitation was announced to non-governmental organizations to nominate their candidates for members of the Council for Cooperation of the Government of Montenegro with Non-Governmental Organizations with the deadline for submitting proposals until 10 July this year, while at the address www.gov.me/biblioteka/obraci, a form for nominating candidates was made available.

Meanwhile, the abovementioned deadline was prolonged to **17 July 2010**. The notice on extension of the deadline for nominating candidates was published in the edition of daily "Pobjeda" from 9 July 2010, (number 16011), and placed on the same webpage where the Public Invitation was announced.

Completeness and validity of the submitted proposals and documentation (evidence) was assessed by the **Commission for Determining the List of Candidates**, consisting of: **Danka Latković**, Chief of the Office for Cooperation with Non-Governmental Organizations - the president, **Lav Lajović**, Adviser to the Vice-President for political systems, domestic and foreign policy - a member, and **Biljana Pejović**, independent adviser I in the Office for Cooperation with Non-Governmental Organizations – a member.

Within the set deadline, 74 proposals were received, out of which 58 met the requirements - criteria established by the Decision, i.e. the Public Invitation, while 16 proposals included incomplete or uncertified documents, which is the reason why they were not taken into consideration.

Out of the 58 proposals that were submitted in accordance with the Decision, the Commission made a List, on the basis of the field of operation, with the names of non-governmental organizations which proposed candidates.

On the basis of paragraph 1, Article 12 of the Decision on Constituting the Council for Cooperation of the Government of Montenegro with Non-Governmental Organizations, the Office for Cooperation with Non-Governmental Organizations, on 26 July this year, released the **List of candidates** for members of the Council, which were, in accordance with the Public Invitation, proposed by non-governmental organizations. The List was placed on the website of the Government of Montenegro on 26 July 2010, at www.gov.me/biblioteka/izvjestaji together with the corresponding statement on the front page of the website of the Government, while a more detailed statement was submitted to written and electronic media, out of which today, on 28 July, only the daily "Vijesti" published the said information.

Thus, for 12 members – NGOs' representatives within the Council, under the first Public Invitation from June, valid proposals were received for seven members, for the following fields: 1) democratization and development of society, 2) the care of persons with disabilities, 3) youth activities and protection of children, 4) environmental protection, 5) agriculture and rural development, 6) culture and information, and 7) European and Euro-Atlantic integration.

The Commission had certain doubts over two nominations, but after repeated verification of documentation, it decided that they meet the formal requirements and should therefore, be on the List. These were the following nominations:

- AMER RAMUSOVIĆ, vice president of NGO "Spona", proposed by the NGO "Spona" (Berane) for the field of culture and information, due to the fact that he is an employee of the Health Care Fund. As he is formally and legally not considered a civil servant / state employee, his nomination was considered valid.
- SUAD PILICA, president of the Montenegrin Pigeon Association, proposed by Democratic Center (Bijelo Polje) for the field of European and Euro-Atlantic integration, on the basis of his experience and activities in the field for which he is nominated as a candidate. As this person graduated from the School of European Integration, was active in many associations and was proposed by an NGO registered in the field of European and Euro-Atlantic integration which signed a Memorandum of Cooperation with the Ministry of European Integration, it was assessed that the above-named should be included in the List of candidates.

For the remaining five fields, for which there were no candidates nominated or the proposals submitted were not complete / certified, namely: 1) protection and promotion of human rights, 2) the rule of law, 3) gender equality and protecting women's rights, 4) education and lifelong learning, 5) health and social care, in accordance with Article 13 of the Decision, the procedure for nomination of candidates will be repeated.

A new Public Invitation will be announced on Friday, 30 July 2010, in the daily "Pobjeda" and on the website of the Government of Montenegro at www.gov.me/biblioteka/oglasj.

The Commission has also reviewed several warnings of NGOs submitted during the nomination procedure in relation to possible "conflict of interest" of a proposed candidate, due to his membership in a similar advisory body to the Parliament of Montenegro. However, it was a misunderstanding and it was determined that there are no grounds for "conflict of interest" because it was a membership in a working group established to prepare a Memorandum of Cooperation with the Parliament of Montenegro within the CRNVO (Center for Development of Non-Governmental Organizations) project "*Strengthening Cooperation between Civil Society Organizations and the Parliament of Montenegro*".

The Commission has also considered a complaint of an NGO in relation to the requirement that Board members may not be civil servants and state employees, because, in their opinion, this was a very limiting factor which is why it was suggested that the same is reviewed, the Council nomination

postponed and the decision promptly amended in that regard. The issue of the manner of verifying the accuracy of statements which, in accordance with the Decision, should be submitted as evidence of certain criteria, was also reviewed.

In relation to the above, the Commission concluded that, despite the fact that maybe there are many NGOs which in their management bodies have civil servants and state employees, this criterion should be retained and the process of constituting the Council continued, and that the Chief of the Office will, at the first meeting, introduce the Council with these initiatives and objections. Also, it was found that neither the Office nor the Commission should deal with checking the "accuracy of statements filed", unless an actual official and well-founded appeal is filed, which would then be forwarded to the relevant authorities for verification. However, the view was taken that it was necessary to consider the referrals, and, as a rule, respond to them with a view to avoid potential objections such as "silence of administration".

The Office has responded to NGOs which addressed it in writing so far, stating its opinions - views of these warnings and initiatives.

The Commission eventually concluded that overall, there were little nominations submitted. However, **attendance on the website with the List, on the day of 28 July (for only two days) exceeded the number of nominations by almost 50%: 103 compared to 74.** The Commission is satisfied with the attendance on the websites at which the documents relating to the Council were published, which is a confirmation of transparency in this respect: **The decision has been downloaded 149 times, the Public Invitation 240 times, the notice of extension of the deadline for nominating candidates 115 times, and the nomination form 156 times.**

Due to the holiday season, the Commission will meet again in early September and consider any potential objections and suggestions received in the meantime, and a consensus was reached that the same Commission should consider and review nominations submitted under the repeated Public Invitation.

Podgorica, 28 July 2010

Concordant:

Lav Lajović _____

Biljana Pejović _____

CHIEF OF THE OFFICE

Danka Latković

SECOND REPORT ON THE PROCEDURE OF NOMINATING CANDIDATES FROM NON-GOVERNMENTAL ORGANIZATIONS FOR MEMBERS OF THE COUNCIL FOR COOPERATION OF THE GOVERNMENT WITH NON-GOVERNMENTAL ORGANIZATIONS UNDER THE REPEATED PUBLIC INVITATION

The Office for Cooperation with Non-Governmental Organizations has, in accordance with its authorizations from the Articles 8 and 9 of the Decision on Constituting the Council for Cooperation of the Government of Montenegro with Non-Governmental Organizations (Official Gazette of Montenegro 28/10

and www.gov.me/biblioteka/odluke), carried out the procedure of nominating candidates for members of the Council, in accordance with the structure determined in Articles 5, 6 and 7 of the Decision.

In the edition of daily "Pobjeda" from 30 July 2010, (number 16031), as well as on the website www.gov.me/biblioteka/oqlasi, a Public Invitation was re-announced to non-governmental organizations to nominate their candidates for members of the Council for Cooperation of the Government of Montenegro with Non-Governmental Organizations for five fields for which, under the previous Public Invitation from 4 July 2010, there were no candidates nominated in accordance with the Decision. The deadline for nominations was **17 September this year**, and it was meanwhile extended to **30 September 2010**. The notice on extension of the deadline for nominating candidates was published in the edition of daily "Pobjeda" from 17 September 2010, (number 16080), and placed on the same webpage where the Public Invitation was announced.

Completeness and formal-legal validity of the submitted proposals and documentation (evidence) was assessed by the **Commission for Determining the List of Candidates**, consisting of: **Danka Latković**, Chief of the Office for Cooperation with Non-Governmental Organizations - the president, **Lav Lajović**, Adviser to the Vice-President for political systems, domestic and foreign policy - a member, and **Biljana Pejović**, independent adviser I in the Office for Cooperation with Non-Governmental Organizations – a member.

There were 37 proposals for 5 members – NGOs' representatives within the Council, for the following fields of operation: 1) protection and promotion of human rights, 2) the rule of law, 3) gender equality and protecting women's rights, 4) education and lifelong learning, 5) health and social care, which were submitted within the set deadline, out of which **25** met the requirements – criteria established by the Decision, i.e. the Public Invitation, while 12 proposals were not in accordance with these acts.

On the basis of proposals submitted in accordance with the Decision, the Commission made the List with the names of NGOs which proposed candidates, according to the field of operation.

On the basis of paragraph 1, Article 12 of the Decision on Constituting the Council for Cooperation of the Government of Montenegro with Non-Governmental Organizations, the Office for Cooperation with Non-Governmental Organizations, on 11 October this year, released the **List of candidates** (under the repeated Public Invitation) for members of the Council, which were, in accordance with the repeated Public Invitation, proposed by non-governmental organizations. The List was placed on the website of the Government of Montenegro at the address www.gov.me/biblioteka/izvještaji together with the corresponding statement on the front page of the website.

Thus, **for 12 members – NGOs' representatives within the Council**, under the **first Public Invitation** from June, valid proposals were received for **seven members**, for the following fields: 1) democratization and development of society, 2) the care of persons with disabilities, 3) youth activities and protection of children, 4) environmental protection, 5) agriculture and rural development, 6) culture and information, and 7) European and Euro-Atlantic integration, while there were valid proposals received for **five members** under the **repeated Public Invitation** from July, for the following areas: 1) protection and promotion of human rights, 2) the rule of law, 3) gender equality and protecting women's rights, 4) education and lifelong learning, 5) health and social care.

In relation to establishing the List of candidates under the repeated Public Invitation, we would also like to mention that:

1. for the field - health and social care, five non-governmental organizations have proposed Slobodan Vuković, a member of the NGO "Association of Parents of Children with Special Needs" from Bar, who is already on the List of candidates for the field - the care of persons with disabilities, which is the reason why he was not included in the List;

2. seven NGOs which, under the previous Public Invitation, proposed Milan Šaranović, for the field of care of persons with disabilities, have, after the withdrawal of M. Šaranović from the candidacy, withdrew those proposals for him, and then, for the field of health and social care, proposed Svetlana Dujović, from the NGO “Zračak nade”.

The Commission eventually concluded that overall, under both Invitations, there were little nominations submitted, much less than expected, but that the attendance on the websites with the Decision, Invitations, Form and Lists was at the level expected.

Podgorica, 15 October 2010

Concordant:

Lav Lajović _____

Biljana Pejović _____

CHIEF OF THE OFFICE

Danka Latković

PRIORITY 1: Improvement of cooperation between the Government and NGOs

Measure 1: Establishing of the Council for Cooperation between the Government and Non-Governmental Organisations

On basis of the Article 19 of the Decree on Government of Montenegro (Official Gazette of Montenegro 80/08) and Article 26 of the Rules of Procedure of the Government of Montenegro (Official Gazette of Montenegro 48/09), the Government of Montenegro, at its session held on 15 April 2010, adopted the following:

DECISION ON ESTABLISHMENT OF THE COUNCIL FOR COOPERATION BETWEEN THE GOVERNMENT OF MONTENEGRO AND NON-GOVERNMENTAL ORGANISATIONS

Article 1

The Council for Cooperation between the Government of Montenegro and Non-governmental organizations (hereinafter referred to as the “Council”) shall be established as advisory body to the Government of Montenegro.

Article 2

The Council:

- Follows the realization of the Strategy for cooperation between the Government of Montenegro and non-governmental organisations (hereinafter referred to as the “Strategy”) as well as results of activities defined by the Action Plan for realization of the Strategy for the period 2009-2011 (hereinafter referred to as the “Action Plan”);

- Promotes the development of relations and cooperation between the Government of Montenegro (hereinafter referred to as the “Government”) and non-governmental institutions with the view to improving life quality and work of citizens;
- Influences the improvement of complementarity and to intensifying mutual relations in defining national public policies and their implementation
- Provides opinions to the Government on draft regulations which influence the institutional and normative work framework of non-governmental organizations in Montenegro for creation of fostering environment for their work and development;
- Initiates the adoption of new and amendment of regulations in force for creation of better normative and institutional framework for work of non-governmental organisations and achievement of other goals set by the Strategy
- Supports the involvement of relevant non-governmental organisations in the process of defining and implementation of public policies, that is participation on non-governmental organisations in debates on regulations, strategies and programmes
- Fosters the cooperation between the Government and state authorities with non-governmental organisations in country and abroad as well as with the relevant actors in international community in defining and realization of international and inter-sectoral cooperation
- Considers the periodic and annual reports of state authorities on cooperation with non-governmental organisations in certain areas and awarded financial resources for NGO projects and reports to the Government on level of cooperation realization
- Initiates the elimination of possible obstacles for enabling the realization of certain activities set in the Action Plan.
- Considers other matters and documents related to the realization of the Strategy and activities defined by the Action Plan.

Ministries and other state authorities are obliged to submit to the Council semi-annual and annual reports on cooperation with non-governmental organizations, with data on financing the projects of non-governmental organizations, signed memoranda on cooperation and other matters and activities realized with non-governmental organizations active in the area which is under the competence of the state authority.

Article 3

The Council has the president and 24 members.

President of the Council is the president of the Government.

President of the Council has the deputy who is, at his proposal, elected by the Council.

Article 4

Presidents and members of the Council are appointed by the Government for the period of three years.

Article 5

Members of the Council are 11 Government representatives, head of the Office for Cooperation with Non-governmental Organizations and twelve representatives of non-governmental organizations.

Article 6

Representatives of the Government in the Council are appointed upon the proposal of the Ministry, namely:

- Ministry of Human and Minority Rights
- Ministry of Justice
- Ministry of Foreign Affairs
- Ministry of Spatial Planning and Environmental Protection
- Ministry of Culture
- Ministry of Agriculture, Forestry and Water Management

- Ministry of Education and Science
- Ministry of Health
- Ministry of Labour and Social Welfare
- Ministry of Interior and Public Administration
- Ministry of European Integration

Article 7

Representatives of non- governmental organizations in the Council are appointed upon the proposal of non/governmental organizations active in the following area:

- Protection and promotion of human rights
- Rule of law
- Democratization and society development
- Taking care of disabled persons
- Youth actions and protection of children
- Gender equality and protection of women' rights
- Education and lifelong learning
- Environmental protection
- Culture and informing
- European and Euro-Atlantic Integration

One member is appointed for each area.

Article 8

Procedure for nominating the candidates for the Council members, according to structure defined in Articles 5, 6 and 7 of this Decision is performed by the Office for Cooperation with Non-governmental Organizations (hereinafter referred to as the "Office"), in accordance with this Decision.

Article 9

Procedure for nominating the representatives of the non-governmental organizations starts with public call, announced in at least one printed media published in Montenegro as well as on the Government's web site.

Public call referred to in paragraph 1 of this Article includes the criteria for non-governmental organizations, criteria for candidates, documentation enclosed to the proposal of the candidate for the member of the Council as well as the deadline and venue for nomination submission.

Deadline for the submission referred to in paragraph 2 of this Article may not shorter than 15 days following the day of publishment of public call.

Article 10

Only one representative of a non-governmental organisation can be elected to the Council.

A non-governmental organisation can propose only one candidate for membership in the Council.

A non-governmental organisation can propose a candidate for membership in the Council only if:

- the organisation is registered in the non-governmental organisations registry for at least one year before announcement of an open call;
- the establishment act or statute defines activities and objectives falling under the scope of activities referred to in Article 7 of this Decision;

- during the previous year, it realised one or more projects falling under the scope of activities referred to in Article 7 of this Decision, as a rule, to the amount of EUR 2,000 or participated in one large campaign or realised at least two one-time actions;
- members of managing bodies of the non-governmental organisation are not members of political parties' bodies, state or public officials, or heads or civil servants or public officials in state administration bodies.

The non-governmental organisation referred to in paragraph 3 of this Article shall, along with the proposal for the candidate for membership in the Council, submit:

- certified copy of the decision on entry into the registry of a state administration body competent for registration and keeping records on non-governmental organisations;
- certified copies of the establishment act and statute;
- overview of realised projects and activities in the previous year;
- certified copy of the final statement (balance sheet and profit and loss account) for the previous year, financing contracts, newspapers articles, etc.;
- statement of the person authorised for representation of the non-governmental organisation confirming that members of the managing bodies of the non-governmental organisation are not members of political parties' bodies, state or public officials, or heads or civil servants or public officials in state administration bodies.

Article 11

A non-governmental organisation's candidate for membership in the Council can be a person meeting the following criteria:

- he/she is Montenegrin national with residence in Montenegro;
- he/she has necessary experience in the areas falling under the scope of activities referred to in Article 7 of this Decision that he/she candidates for;
- he/she is not a member of a political party's body, state or public official, or head or civil servant or public official in a state administration body;
- he/she has completed, at least, post-secondary education.

The non-governmental organisation proposing a candidate for membership in the Council shall, apart from the documents referred to in Article 10 paragraph 4 of this Decision, submit the following documents as well:

- certified copy of ID card or other document used for proving the candidate's identity;
- certified copy of a diploma confirming his/her professional qualification;
- the candidate's CV with data on his/her experience in the non-governmental sector in the area that he/she candidates for;
- the candidate's statement that he/she is not a member of a political party's body, state or public official, or head or civil servant or public official in a state administration body;
- the candidate's statement confirming that he/she accepts candidacy for membership in the Council.

Article 12

The Office shall, within seven days from the expiry of the deadline referred to in Article 9 paragraph 3 of this Decision, publish the list of candidates, on the Government's website, proposed for membership in the Council in line with this Decision, along with the names of non-governmental organisations that proposed them.

Within 30 days from the day of publishing the list referred to in paragraph 1 of this Article, the Office shall submit to the Government a proposal for the act on appointing the president and members of the Council.

The Office shall, for the representative of non-governmental organisations in the Council, propose the candidate nominated by the greatest number of non-governmental organisations from the adequate area of activities referred to in Article 7 of this Decision.

Article 13

If for certain areas of activities referred to in Article 7 of this Decision there are no proposed candidates or the candidates are not proposed in line with this Decision, the Office shall repeat the procedure for proposing candidates for that particular area of activity, within 7 days from the day of publishing the list referred to in Article 12 paragraph 1 of this Decision.

Article 14

Mandate of a Council's member shall terminate before the expiry of the term that he/she is appointed for:

- by resignation, on which he/she informs the Council and the entities that had proposed him/her;
- if there is a final decision of the court sentencing the candidate to imprisonment of at least six months;
- if there is a final decision depriving the candidate of the capacity to contract;
- if the circumstances referred to in Article 11 paragraph 1 of this Decision have been changed.

Article 15

The Government shall dismiss a member of the Council:

- if it is established that he/she presented inaccurate data about himself/herself in the procedure of appointment, or that he/she failed to present data and circumstances of importance for his/her appointment for the member of the Council;
- if he/she unjustifiably fails to attend meetings of the Council twice in a row.

The Government shall dismiss the member of the Council coming from the Government if so requested by the authorised proposer referred to in Article 6 of this Decision.

The Government shall dismiss the member of the Council coming from non-governmental organisations if he/she is not any longer supported by the majority of entities referred to in Article 7 of this Decision.

Article 16

The procedure for dismissal of a member of the Council shall be launched by the Council upon the proposal of the entities referred to in Articles 6 and 7 of this Decision or upon the initiative of the Council itself.

Article 17

In cases referred to in Articles 14 and 15 of this Decision, the Office shall, within 15 days from the day of expiry of mandate or dismissal by the Council, launch the procedure for proposing candidates for a new member of the Council in line with this Decision.

Article 18

For the purpose of considering the matters falling under its competences, the Council can establish working groups. Experts from various fields can, at invitation, participate in the work of the Council.

The manner of work of the Council and its working groups shall be regulated by the Council's Rules of Procedure.

Article 19

In the procedure of monitoring implementation of the Strategy, the Council can initiate and support establishment of similar councils at the municipal level.

Article 20

The Council shall inform the Government on its work at least once a year.

Article 21

The Office shall perform administrative and technical affairs for the needs of the Council.
Head of the Office shall act as the secretary of the Council.

Article 22

Resources needed for operation of the Council shall be allocated from the funds assigned to the General Secretariat of the Government.

Article 23

In line with this Decision, the president and members of the Council shall be appointed within 90 days from the day of entry into force of this Decision.

Article 24

This Decision shall enter into force on the eighth day following that of its publication in the Official Gazette of Montenegro.

Podgorica, 15 April 2010-06-18

Government of Montenegro
Prime Minister
Milo Đukanović

PRIORITY 1: Improvement of cooperation between the Government and NGOs

Measure 1: Establishing of the Council for Cooperation between the Government and Non-Governmental Organisations

Pursuant to Article 18, paragraph 3 of the Decision establishing the Council for Cooperation between the Government of Montenegro and Non-Governmental Organisations (Official Gazette of Montenegro 28/10), the Council for Cooperation between the Government of Montenegro and Non-Governmental Organisations in its session held on 25 January 2011 adopted the following

RULES OF PROCEDURE OF THE COUNCIL FOR COOPERATION BETWEEN THE GOVERNMENT OF MONTENEGRO AND NON-GOVERNMENTAL ORGANISATIONS

I GENERAL PROVISIONS

Article 1

These Rules of Procedure regulate the method of functioning and decision-making of the Council for Cooperation between the Government of Montenegro and Non-Governmental Organisations (hereinafter referred to as: "the Council") and working group established by the Council, rights and obligations of members to the Council, as well as other issues relevant for functioning of the Council. Issues that are not regulated by these Rules of Procedure can be regulated by a separate decision or conclusion adopted by the Council, in accordance with provisions of these Rules of Procedure.

Article 2

Provisions of these Rules of Procedure shall be binding upon members of the Council as well as upon other persons participating in the work of the Council and its working groups.

II RIGHTS AND OBLIGATIONS OF MEMBERS OF THE COUNCIL

Article 3

Member of the Council shall attend the sessions of the Council and shall be entitled to participate in its work and decision-making.

Member of the Council shall conscientiously perform his/her tasks in the Council.

If a member of the Council is indisposed to attend the session, he/she shall inform the President and the Secretary of the Council thereof, whereas the President shall inform the Council at the beginning of the session. In that case, member of the Council can deliver his/her opinion on particular items on the agenda of the session that he/she does not attend.

Article 4

Member of the Council shall be informed on all matters that the Council considers and decides upon and shall have the right to initiate discussion on particular matters under the competence of the Council, to suggest measures for improved enforcement of the Action Plan on Implementation of the Strategy for Cooperation between the Government of Montenegro and Non-Governmental Organisations 2009-2011, as well as to vote upon proposals for decisions, opinions or other acts.

Article 5

Upon the proposal of the President, the Council shall elect the Deputy President by simple majority of the total number of members in the Council, as a rule, in the first session of the Council.

III CONVENING OF SESSIONS AND METHOD OF OPERATION OF THE COUNCIL

Article 6

The Council shall operate and make decisions in the sessions, convened and chaired by the President of the Council, or by the Deputy President, if the President is indisposed to attend the session.

Professional, administrative and technical tasks related to preparation and scheduling of sessions of the Council and its working groups shall be performed by the Office for Cooperation with Non-Governmental Organisations of the General Secretariat of the Government of Montenegro (hereinafter referred to as: "the Office").

The Office shall collect information and compile materials required for decision-making in the Council and consolidate other documentation required for performing the Council's tasks and implementing the Council's conclusions and decision.

Article 7

Sessions of the Council shall be held when necessary, at least once in six months. The initiative for convening a session of the Council can be submitted by the Government of Montenegro and by at least one third of the total number of members in the Council. In that case, the President shall convene the session not later than 15 days as of the day of receipt of the written request.

For valid decision/making in the Council, the session shall be attended by more than a half of the total number of members. The chairperson shall establish whether the session is attended by the required number of members of the Council.

If it is established that the session is not attended by the required number of members, the chairperson shall postpone the session and schedule the date of the next session.

Article 8

Invitation to the session, along with the draft agenda, accompanying material and minutes from the previous session, shall be delivered to all members of the Council, not later than fifteen days prior to the date of the scheduled session.

The Council can establish working groups in charge of preparing particular items on the agenda, or invite experts for particular areas to attend the meeting without the right to vote.

The President of the Council shall propose agenda for a session of the Council, ensure compliance with the Rules of Procedure and the adopted agenda, define timetables for reporting and discussing particular matters, give floor to participants in the session and prepare proposals for conclusions and decisions put to voting.

Article 9

Prior to proceeding in line with the adopted agenda, the minutes from the previous session shall be considered.

The minutes shall contain the following data: ordinal number of the session; date and time of the session beginning and end; name of the chairperson and present and absent members of the Council; names of other present persons; agenda of the session; adopted proposals, decisions, opinions, recommendations and conclusions; results of voting; and other data important for operation of the Council.

Member of the Council shall be entitled to make remarks on the minutes, and groundedness of the made remarks shall be discussed on the session.

At the request of the member of the Council that expressed his/her opinion on a particular subject, the minutes shall register who expressed the opinion and the reasons for such opinion.

The minutes that no remarks were made against, or the minutes that were modified in accordance with the accepted remarks, shall be considered adopted. Proposal and adoption of remarks i.e. statement that the minute has been adopted without remarks shall be incorporated in the minutes of the Council's session.

Secretary of the Council shall be in charge of preparing the minutes.

Adopted minutes shall be signed by the President and the Secretary of the Council.

IV ADOPTION OF DECISIONS

Article 10

The Council shall adopt decisions in the session, by public voting.

The decision is deemed adopted if more than half of all members of the Council voted in favour.

Article 11

Acts adopted by the Council shall be signed by the President of the Council and verified by the Government's seal.

Article 12

Adopted minutes with all materials from the session shall be consolidated into one file, submitted to the Office's archives for keeping and published on the web site of the General Secretariat of the Government.

Article 13

At least once a year, the Council shall submit the report to the Government of Montenegro on adopted conclusions, decisions, opinions, recommendations etc.

Report referred to in paragraph 1 hereof shall be prepared by the Secretary of the Council.

Article 14

The Council shall adopt Annual Report on the Council's Work and the Council's Work Programme for the following year.

Acts referred to in paragraph 1 hereof shall be adopted by the Council in closing annual session of the Council.

V WORKING GROUPS OF THE COUNCIL

Article 15

For the purpose of examination and consideration of certain matters and materials i.e. recommendations and proposals under its competence, the Council may form working groups.

Working groups shall be established by virtue of the Council's decision and persons who are not members of the Council may participate in its work. Proposal for establishing the working group for consideration of matters under the competence of the Council may be submitted by any member of the Council.

Coordinator of the working group shall be appointed among members of the Council taking into account the he/she has professional references in the area addressed by the forming working group.

Working group may decide to engage in its work, as contracted associates, the representatives of national and international organisations and institutions with the seat in Montenegro, national and foreign experts if it deems that their engagement would improve the work of the working group.

Article 16

Decision on establishment of working group defines: composition of the working group taking into account equal representation of social structures in the Council; tasks; timeframes; obligation to submit reports to the Council and other matters important for the work of the working group.

VI FINANCING THE WORK OF THE COUNCIL

Article 17

Members of the Council who live outside of Podgorica shall be entitled to compensation of transport costs as well as the daily allowance for attending the Council's sessions and the costs for business trips related to the work of the Council (travel, accommodation, conference fees, daily allowances and the like).

Members of the working groups (experts in certain fields, representatives of social partners and members of the Council) may be entitled to fee for this work, in accordance with current regulations.

VII AMENDMENTS TO THE RULES OF PROCEDURE

Article 18

The Rulebook shall be amended by the virtue of the decision.

Proposal for the decision on amendments to the Rules of Procedure may be submitted by the President or certain members of the Council.

Proposal referred to in paragraph 2 hereof shall be submitted in the form in which it is adopted and shall be explained.

VIII FINAL PROVISION

Article 19

This Rules of Procedure shall enter into force on the day of its adoption.

Number:

Podgorica, 25 January 2011

PRESIDENT OF THE COUNCIL
Mirsad Bibović

PRIORITY 3: IMPROVEMENT OF NORMATIVE, LEGAL AND INSTITUTIONAL FRAMEWORKS FOR OPERATION OF NGOS

Measure 4: Complete the procedure for designating contact persons in state administration bodies responsible for cooperation with NGOs

LIST OF CIVIL SERVANTS AND STATE EMPLOYEES RESPONSIBLE FOR COOPERATION WITH NGOS

I – Ministries

1. MINISTRY OF ECONOMY Bogdan Bojović Tel: +382 20 482 191 fax: +382 20 234 576 Mob: +382 67 220 012 E-mail: bogdan.bojovic@gov.me	2. MINISTRY OF TRANSPORT, MARITIME AFFAIRS Maja Milić Tel: +382 20 482 335 Mob: +382 69 087 367 E-mail: maja.mijuskovic@gov.me ; majamps@gmail.com	3. MINISTRY OF FINANCE Maja Jovanović Mob: +382 63 209 000 E-mail: maja.jovanovic@mis.gov.me
4. MINISTRY OF SUSTAINABLE DEVELOPMENT AND TOURISM Marina Mišković Tel: +382 20 482 336; fax: +382 20 234 131 E-mail: marina.miskovic@gov.me	5. MINISTRY OF FOREIGN AFFAIRS Bogoljub Jegdić Tel: +382 20 248 644 Mob: +382 67 254 192 E-mail: bogoljub.jegdic@gov.me	6. MINISTRY OF CULTURE Danica Bogojević Tel: +382 41 232 571 E-mail: kabinet.kultura@gov.me
7. MINISTRY OF DEFENSE Tamara Popović Tel: +382 20 241 375 E-mail: tamara.popovic@mod.gov.me	8. MINISTRY OF AGRICULTURE, FORESTRY AND WATER MANAGEMENT Danijela Stolica Mob: +382 67 601 279 E-mail: danijela.stolica@gov.me	9. MINISTRY OF JUSTICE Zorica Petrović, Senior Adviser Tel: +382 20 407 507, fax: +382 20 407 515 Mob: +382 69 062 470 E-mail: zorica.petrovic@gov.me
10. MINISTRY OF EDUCATION AND SPORTS Branka Kankaraš, Senior Adviser Tel: +382 20 410 113 Mob: +382 67 285 631 E-mail: branka.kankaras@gov.me	11. MINISTRY OF INTERIOR Ivan Šikmanović Tel: +382 20 242 341 Mob: +382 67 784 117 E-mail: ivan.sikmanovic@gov.me	12. MINISTRY FOR PROTECTION OF HUMAN AND MINORITY RIGHTS Orhan Šahmanović, Secretary Tel: +382 20 482 127, fax: +382 20 234 198 Mob: +382 69 018 029 E-mail: orhans.sahmanovic@gov.me
13. GENDER EQUALITY SECTION Igor Vučinić Tel: +382 20 244 145, fax: +382 20 244 149 E-mail: igor.vucinic@gov.me	14. MINISTRY OF HEALTH Tatjana Bulatović, Senior Adviser Tel/fax: +382 20 242 276 Mob: +382 67 248 908 E-mail: tatjana.bulatovic@mzd.gov.me	15. MINISTRY OF TOURISM (NEW MINISTRY) Olga Pejović Tel: +382 20 242 276 Mob: +382 67 323 850 E-mail: olga.pejovic@gov.com
16. EUROPEAN INTEGRATION (NEW MINISTRY) Nada Vojvodić, Senior Adviser Tel: +382 20 224-859, fax: +382 20 225 591	17. MINISTRY FOR INFORMATION SOCIETY AND TELECOMMUNICATIONS Ljiljana Novović Tel: +382 20 482 479;	18. MINISTRY OF LABOUR AND SOCIAL WELFARE Snežana Mijušković, Assistant Minister Tel: +382 20 482 447

Mob: +382 67 396 589 E-mail: nada.vojvodic@gov.me	fax: +382 20 234 943 Mob: +382 67 239 253 E-mail: liljana.novovic@gov.me	Mob: +382 67 312 940 E-mail: snezana.mijuskovic@gov.me
19. MINISTRY OF SCIENCE – new ministry, no contacts provided!		

II – Other state administration bodies

20. SECRETARIAT FOR LEGISLATION Kača Rajović , Senior Adviser Tel: +382 20 231 612, fax: +382 20 231 593 E-mail: kaca.rajovic@gov.me	21. INSTITUTION FOR ENFORCEMENT OF CRIMINAL SANCTIONS Jadranka Vojčić Tel: +382 20 241 469 (lok.128) Mob: +382 67 817 846 E-mail: jadranka.vojcic@ziks.gov.me j.vojcic@gmail.com	22. POLICE ADMINISTRATION Tamara Popović Ralević , Spokesperson Tel: +382 20 242 228 Mob: +382 67 284 809 E-mail: uprava.policija@t-com.me
23. HUMAN RESOURCES ADMINISTRATION Aleksandra Cerović , State Employee Tel: +382 20 202 290, fax: +382 20 202 290 Mob: +382 69 300 003 E-mail: aleksandra.cerovic@uzk.co.me	24. TAX ADMINISTRATION Suzana Đžekić , Senior Adviser Tel: +382 20 448 206, fax: +382 20 448 211 Mob: +382 67 533 440 E-mail: gordana.stajcic@tax.gov.me	25. REAL ESTATE ADMINISTRATION Vesna Milić Tel: +382 20 444 009, fax: +382 20 444 036 Mob: +382 67 330 225 E-mail: nekretnine@t-com.me vemilic@gmail.com
26. CUSTOMS ADMINISTRATION Marija Jovović Tel: +382 20 442 009 Mob: +382 67 809 765 E-mail: marija.jovovic@carina.gov.me	27. ADMINISTRATION FOR ANTI-CORRUPTION INITIATIVE Goran Durutović Tel: +382 20 482 234; fax: +382 20 234 082 E-mail: goran.durutovic@daci.gov.me	28. ADMINISTRATION FOR PREVENTION OF MONEY LAUNDERING AND TERRORISM FINANCING Biljana Petrović Nedović , Adviser Tel: +382 20 210 025, fax: +382 20 210 086 Mob: +382 67 336 333 E-mail: biljana.nedovic@uspnft.gov.me
29. STATISTICAL OFFICE Ana Vasiljević , Senior Adviser Tel: +382 20 248 804, fax: +382 20 230 773 Mob: +382 69 095 621 E-mail: ana.vasiljevic@monstat.org contact@monstat.org	30. PUBLIC PROPERTY ADMINISTRATION Nevenka Šoć , Lawyer Tel. +382 20 231 569	31. OFFICE FOR INTERNATIONAL COOPERATION Boris Jovanović Kastel , General Affairs Officer Tel: +382 20 665 424, fax: +382 20 665 421, E-mail: zamtes@gov.me ; boris.jovanovic@zamtes.gov.me ;

		boriskastel@hotmail.com
32. STATE ARCHIVES OF MONTENEGRO Ljiljana Ševaljević , Senior State Employee Tel: +382 41 231 045, fax: +382 41 230 226 Mob: +382 69 687 987 E-mail: dacq@t-com.me	33. EDUCATION OFFICE Danijela Dalas Tel: +382 20 408 939 Mob: +382 69 093 041 E-mail: danijela.dalas@zds.gov.me	34. SEISMOLOGICAL OFFICE Nada Hajduković , Technical Secretary Tel: +382 20 648 980, fax: +382 20 648 146 Mob: +382 69 301 333 E-mail: hajdukovic@seismo.co.me
35. METROLOGY OFFICE Milomir Filipović Tel: +382 20 238 230; Mob: +382 67 283 658 E-mail: milomir.filipovic@metrologija.gov.me	36. PUBLIC WORKS DIRECTORATE Milica Bakić Tel: +382 20 230 227, fax: +382 20 230 227 Mob: +382 69 329 942 E-mail: milica.bakic@dj.gov.me	37. DIRECTORATE FOR DEVELOPMENT OF SMALL AND MEDIUM-SIZED ENTERPRISES Ivan Radojević Tel: +382 20 406 325, fax: +382 20 406 323 E-mail: ivan.radojicic@nasme.me
38. PUBLIC PROCUREMENT DIRECTORATE Zilha Bralić , Adviser Tel: +382 20 665 769, Mob: +382 67 838 626 E-mail: zilha.bralic@dj.gov.me	39. MARITIME SAFETY ADMINISTRATION Čazim Alković , Senior Adviser Tel: +382 30 313 274, fax: +382 30 313 240 Mob: +382 69 039 143 E-mail: cazim.alkovic@msd-ups.org	40. CIVIL AVIATION ADMINISTRATION No contact person
41. TRANSPORT DIRECTORATE Jelica Bošković , Senior Adviser Tel: +382 20 665 364 Mob: +382 69 589 253 E-mail: jelica.boskovic@dzs.gov.me	42. VETERINARY ADMINISTRATION Dijana Čavić Tel: +382 20 201 945, fax: +382 20 201 945 Mob: +382 67 331 666 E-mail: dijana.cavic@vu.gov.me	43. FOREST ADMINISTRATION Danko Milikić , Senior Adviser Tel: +382 52 323 578, fax: +382 52 323 730 E-mail: cgsu.me@t-com.me
44. WATER ADMINISTRATION Ana Lješević Tel: +382 20 224 593 Mob: +382 69 550 013 E-mail: analj@t-com.me	45. TOBACCO AGENCY Jelica Gogić Tel: +382 20 244 930 Mob: +382 67 511 611 E-mail: jelica.gogic@aduvan.me	46. HYDROMETEOROLOGICAL OFFICE Ivana Pavićević , Biologist Tel: +382 20 655 548 Mob: +382 67 899 995 E-mail: ivana.pavicevic@meteo.com.me
47. ADMINISTRATION FOR PHARMACEUTICALS AND MEDICAL DEVICES		

8. ACTION PLAN FOR HUMAN RIGHTS

PRIORITY 1: IMPROVEMENT OF LEGAL AND INSTITUTIONAL FRAMEWORK FOR PROTECTION OF HUMAN RIGHTS AND FREEDOMS

MEASURE 2: BUILDING CAPACITIES OF THE INSTITUTION OF PROTECTOR OF HUMAN RIGHTS AND FREEDOMS

SPECIAL REPORT ON THE EXERCISE OF THE RIGHT TO RESTITUTION OF PROPERTY RIGHT AND COMPENSATION (March 2011)

I INTRODUCTION

1. Confiscation, sequestration, nationalization and expropriation of private property of physical persons in the period since 1944, have represented legal instruments for implementation of Communist party ideology in Yugoslavia. Property was confiscated exclusively for ideology reasons – nobody could have more than the Communist party determined and nobody could have “assets for work” and “capital”.

The stated measures, ideologically consistent, completely eradicated private property over assets for work and created voluntary and enormous sector of the state, and later social ownership over capital and property.

Political reasons for return of private property arise from the very basis of the democratic state. Modern civil state proclaims political competition (multiparty) system, free market, privatization and universal human rights and liberties. The central place in such a state belongs to the citizen with the rights and obligations and protection of his/her private property.

Therefore, return of private property (denationalization) represents a crucial step in that direction. Denationalization is not just a legal procedure. It is a process, a new philosophy that is supposed to reshape the understanding of the term property and to put private property to the position naturally belonging to it. It is a multi-pole process dealing, regarding material goods, with goods of general and common interest – agricultural land, forests and forest land, construction land, as well as structures which are in state ownership, and natural resources. That is why it is an issue reaching to deep roots of economic and legal system because, to some extent, it also drives redistribution of a part of economic and social power.

Transformation of ownership relations in Montenegro started by opening of the process of ownership and management transformation, among other through adoption of the Law on Ownership and Management Transformation, the Law on Return of Agricultural Land from Social Ownership to Previous Owners and the Law on the Manner and Terms of Return of the Property acquired through work and business of agricultural cooperatives and cooperative members, after July 1, 1953.

Through adopting of the Constitution in 1992 the economic order is in principle set on a new basis. The Constitution, within the economic order guarantees the freedom of work and economy and ownership, and those determinants represent the basic presumption for introduction of free market and market economy. Namely, ownership represents the grounds for the entire economic relations in conditions of market economy.

Therefore, the constitutional changes in the field of economy system, transfer to market economy, ownership reform conducted through transformation and privatization of the state capital and the changed position of enterprises and other legal entities, imposed the need for accession to the legal regulation of

return (restitution) of private property confiscated after the World War 2. Thus it is provided, apart from the realization of the total reform flows and meeting the requests expressed for return of the confiscated property to previous owners, in the ambience of privatization and determining of the known owner of the property, and with the aim of correcting of injustice done by confiscation of the property, to have constitution of the rights of the previous owners over the property that was confiscated from them through application of the so called "historical laws", or adequate compensation, when it is not possible to return the confiscated property in kind.

2. At the first session of the first regular meeting in 2004, on March 23, 2004, the Parliament of the Republic of Montenegro passed the Law on Restitution of Property Rights and Compensation ("Official Gazette of the Republic of Montenegro", no. 21/04), amended by the Law amending the Law on Restitution of Property Rights and Compensation, passed by the Constitutional Parliament of the Republic of Montenegro, at the second session of the first regular meeting in 2007, on July 25, 2007 ("Official Gazette of the Republic of Montenegro", no. 49/07).

This law stipulates the conditions, the manner and the procedure of restitution of property rights and other ownership rights and compensation for the previous owners for the rights deprived for the benefit of general public, state, social or cooperative property.

3. A significant number of complaints to the work of commissions for restitution and compensation were filed to the institution of the Protector of Human Rights and Liberties during the six-year existence and work. In those complaints the applicants pointed out to long duration of the procedures for the restitution property rights and compensation and other violations of their rights in those procedures, or the problems and difficulties in exercising the right to restitution of property right and other property rights and compensation as previous owners and their legal heirs.

The Protector informed the competent commissions of those complaints, violations of the rights of the applicants and difficulties in exercising the right to restitution and compensation in its acts and the Parliament of Montenegro through annual reports on the work of the Protector of Human Rights and Liberties.

With regard to the significance of the right to restitution of property rights and compensation, the observations on the previous work upon complaints of the citizens and the conclusion of the Parliament of Montenegro SU-SK number 01-266/7, of 27.07.2010, the Protector of Human Rights and Liberties of Montenegro opted to compose this special report for the purpose of comprehensive overview of the situation in the field of restitution of property rights and compensation in Montenegro.

II NORMATIVE FRAMEWORK

The Constitution of Montenegro stipulates: that Montenegro guarantees and protects rights and liberties; that the rights and liberties are inviolable and that everyone is obliged to respect the rights and liberties of others (Article 6); that the ratified and published international agreements and generally accepted rules of international law make an integral part of the internal legal order, that they have the supremacy over the national legislation and are directly applicable when they regulate the relations differently from the internal legislation (Article 9); that the law, in accordance with the Constitution, regulates the manner of exercise of human rights and liberties, when this is necessary for their exercise and other matters of interest for Montenegro (Article 16 items 1 and 5); that all are deemed equal before the law, regardless of any particularity or personal feature (Article 17 paragraph 2); that property rights are guarantees and that no one will be deprived of or restricted in property rights, unless when so required by the public interest, with rightful compensation (Article 58 paragraphs 1 and 2); that the Protector of human rights and liberties of Montenegro is independent and autonomous authority that takes measures to protect human rights and liberties and that the Protector of human rights and liberties exercises duties on the basis of the Constitution, the law and the confirmed international agreements, observing also the principles of justice and fairness (Article 81 paragraphs 1 and 2).

The European Convention for Protection of Human Rights and Fundamental Freedoms stipulates: that any physical and legal person has the right to undisturbed enjoyment of their property and that nobody can be deprived of their property, unless it is in public interest and under the conditions stipulated by law and general principles of international law (Article 1 of the Protocol to the Convention).

The Law on Restitution of Property Rights and Compensation ("Official Gazette of the Republic of Montenegro", no. 21/04, 49/07 and 60/07) stipulates: that former owners are entitled to request restitution or compensation in accordance with this Law, if their property rights were taken away for the benefit of public, state, social, or cooperative property, except in the cases referred to under Article 7 of this Law; that former owners who restored their taken away property rights based on a legal transaction with compensation before the entry into force of this Law are also entitled to compensation (Article 3); that the Law on General Administrative Procedure will apply to procedures for exercising the rights under this Law, unless otherwise prescribed by this Law (Article 4 paragraph 2); that former owners - natural persons are entitled to restitution or compensation in accordance with this Law; that legal entities referred to in Article 8 of this Law are also entitled to restitution or compensation under the provisions of this Law (Article 6); that pious endowments and other non-commercial legal entities also have the right to restitution or compensation, under this Law; that a special law will regulate the conditions, manner and procedure for restitution of taken away property rights to religious organizations (Article 8); that persons or their legal heirs, whose property was taken away on the basis of the Law on Crimes against the People and the State (Official Gazette of the FPRY, No 59/46), Law on Confiscation and Confiscation Enforcement (Official Gazette of the DFY, No 40/45 and 70/45) and the Law ratifying and amending the Law on Confiscation and Confiscation Enforcement (Official Gazette of the FPRY, No 61/46), and the taking away thereof was the consequence of political and ideological reasons, shall also be entitled to restitution and compensation (Article 8b); that obligors of the restitution of property and rights shall be natural persons or legal entities owning them, at the time of the entry into force of this Law, unless such persons have acquired the ownership right in accordance with law (Article 9); that the Republic of Montenegro shall be the obligor of compensation of former owners, which will provide the funds in the Compensation Fund, unless otherwise prescribed by this Law (Article 10); that a former owner shall have the right to demand restitution of the taken away property and rights, unless otherwise stipulated under this Law; that a former owner shall be entitled to compensation in the case when taken away property and rights, under Article 12 of this Law, are not subject to restitution (Article 11 paragraphs 1 and 2); that a former owner not entitled to restitution of taken away property rights, in accordance with this Law, can exercise the right to compensation in the form of: - monetary funds paid out of the Compensation Fund to claimants, on a pro rata basis of the claim relative to the aggregate of claims against the Compensation Fund; - Bonds, in accordance with this Law; that the amount of total compensation paid to the former owners annually cannot exceed 0.5% of the gross domestic product (GDP) realized in the previous year, for which is officially known based on the data of the institution competent for statistics; that the total amount of compensation under this Law cannot exceed 10% of the GDP for the period of application of this Law; that the Compensation Fund may offer to former owners, if so possible, movable or immovable property in ownership of the Compensation Fund, as the compensation for taken away property rights (Article 22 paragraphs 1, 2, 3 and 6); that the value of taken away property or rights shall be established in accordance with the condition of the property at the time of taking away, and pursuant to the Decree on Appraising the Value and Determining Compensation for Taken Away Property (Article 23); that Parties to the procedure may lodge an objection to the amount of appraised property with the Commission for Restitution and Compensation (hereinafter referred to as: the Commission) within eight days as of the day of submission of the minutes; that the Commission shall be obliged to consider the objection within eight days and if grounded to make an appropriate change of data, and issue a decision and inform the parties thereon; In the case the objection is not adopted, the Commission shall adopt a decision on rejecting the objection and submit it to the person who has lodged the objection (Article 24); that a former owner will initiate the procedure for restitution of property right or compensation by submitting a request to the Commission at the latest within 18 months as of the day of the establishment of the Commission in a municipality where the property is located; that the procedure for restitution or compensation may be initiated by a competent state authority when it

determines that there is a public interest to do so (Article 27 paragraphs 1 and 3); that the Commission for Restitution and Compensation shall continue the procedures initiated upon requests of former owners, and so as follows:

- 1) Commission for Restitution and Compensation in Podgorica for the territory of municipalities of Podgorica, Danilovgrad, Nikšić, Šavnik, Plužine, and Cetinje;
- 2) Commission for Restitution and Compensation in Bar for the territory of municipalities of Budva, Herceg Novi, Tivat, Kotor, Bar, and Ulcinj;
- 3) Commission for Restitution and Compensation in Bijelo Polje for the territory of municipalities of Bijelo Polje, Berane, Kolašin, Andrijevica, Plav, Rožaje, Mojkovac, Pljevlja, and Žabljak:

That the commissions referred to in paragraph 1 of this Article shall have three members each, appointed by the Minister of Finance, within 60 days as of the day of entry into force of this Law (the Law amending the Law on Restitution of Property Rights and Compensation, published in "Official Gazette of the Republic of Montenegro", no. 49/07 of August 10, 2007); that a graduated jurist who passed a bar examination and has five years of working experience is appointed as a chairperson of the Commission, and a graduated jurist and one person with a geodetic or civil engineering and economic background are appointed as members; that the members of the Commission shall have the status of officials and shall be authorized to conduct the procedure and perform other activities as part of the procedure; that the Commission referred to in paragraph 1 shall take over the documentation from the chief administrators of municipalities from the territories of municipalities that it is established for, within 30 days as of the day of adoption of the decision on its appointment, with the status as of the day of entry into force of this Law, along with the minutes on taking over the documentation; that the Ministry of Finance shall provide for the performance of technical and administrative activities for the needs of the commissions referred to in paragraph 1 of this Article; that former owners, in municipalities where the deadline for submission of requests has not expired, may submit the requests to the Ministry of Finance until the establishment of the Commission referred to in paragraph 1 of this Article (Article 28); that the parties to the procedure for restitution or compensation shall include the former owner, the obligor of restitution, the obligor of compensation, the Compensation Fund, as well as other legal entity or natural person, who, in order to protect proper rights or legal interests, has the right to participate in the procedure (Article 31); that all interested parties shall give the statement regarding the request for restitution or compensation, within the deadline determined by the Commission, on which it shall be obliged to inform them in a timely and an appropriate manner; that all interested parties shall have the right to submit evidence at the hearing; that the authorities having the data and keeping official records (Cadastre of Immovable Property, the Archive, and similar) shall be obliged to urgently respond to the request of the obligor, former owner and the authority conducting the procedure (Article 33 paragraphs 1, 2 and 4); that within 30 days following the completion of the hearing, the Commission shall adopt a first-instance decision on the request for restitution or compensation; that, in the decision on restitution of property rights, the Commission shall order to the authorized authorities to enforce the decision, as well as possible deletion of encumbrances, and it shall decide on costs of the procedure; that a final decision shall be submitted ex officio to an authority competent for the immovable property cadastre (Article 34 paragraphs 1, 4 and 5); that the decision on restitution of property rights or compensation shall be submitted to parties to the procedure within 15 days as of the day of its adoption; that a first instance and second instance authority shall submit the decision to the State Prosecutor of the Republic of Montenegro within 15 days as of the day of its adoption and that The State Prosecutor shall be obliged to submit an appeal for cancellation of the decision adopted contrary to regulations (Article 35); that any party may lodge an appeal against the decision on restitution and compensation to the Appellate Commission within 15 days as of the day of receiving the decision (Article 36); that the Appellate Commission shall have three members; that the Government shall appoint and revoke a chairperson and members of the Appellate Commission, at the proposal of the Ministry of Finance and that a party may initiate administrative dispute against the decision of the Appellate Commission within 30 days as of the day of receiving the decision (Article 36a paragraphs 1, 2 and 9); that the Commissions referred to in Article 28 shall adopt a decision upon obtaining the consent from the Commission for Standardizing of Procedure; that the Minister of finance

shall appoint the Commission for Standardizing of Procedure, within 60 days as of the day of entry into force of this Law (the Law amending the Law on Restitution of Property Rights and Compensation) and that, if the Commission referred to in paragraph 2 of this Article does not give its prior consent to the decision of the Commission referred to in Article 28 of this Law, it shall be obliged to explain the reasons for denying the consent, in writing, with the instruction on how to proceed, and the first-instance commission shall be obliged to comply with such instruction (Article 36b paragraphs 1, 2 and 3); that the administrative authority competent for cadastre affairs shall execute a final decision on restitution of immovable property; that the Compensation Fund shall execute a final decision on compensation; that the State of Montenegro, the Development Fund of the Republic of Montenegro, the Republic Pension and Disability Insurance Fund and the Employment Bureau, shall execute a final decision on compensation in shares, under Article 21 of this Law, in accordance with law; that the Fund shall execute the decision referred to in paragraph 2 of this Article in the cases referred to in Article 40 of this Law based on the final and binding decision of the competent court on distribution of the subsequently found property (Article 37); that, in order to provide the funds for compensation, the Government shall establish the Compensation Fund (Article 44 paragraph 1); that the Compensation Fund shall keep the records on adopted decisions on payment of monetary funds, issued certificates for acquiring bonds, sold bonds, as well as on executed payments (Article 45 paragraph 3); that the Commissions referred to in Article 28 of this Law shall keep the records on submitted requests and legal and binding decisions on restitution and compensation; that the records referred to in paragraph 1 of this Article shall contain the data on: the date of receiving the request, the reference number of the decision, the name and family name of the former owner or the heir, the type (movable, immovable) and the area of returned property, the revaluation amount, the compensation amount, the type and area of the property being compensated; that the Commission shall submit to the Ministry of Finance the monthly report based on the data from the records referred to under paragraphs 1 and 2 of this Article (Article 45 a).

The Law on Restitution of Property Rights and Compensation ("Official Gazette of the Republic of Montenegro", no. 21/04) had stipulated: that a former owner shall initiate the procedure for restitution of property right or compensation by submitting a request to the Commission at the latest within 18 months as of the day of the establishment of the Commission in a municipality where the property is located (Article 27 paragraph 1); that the Assembly of the Municipality will establish the Commission and appoint its members within 60 days as of the day of entry into force of this Law; that the Commission will have five members, as follows: a graduated jurist who passed a bar examination (the chairperson of the Commission), a representative of the local Real Estate Administration office, a representative of the local government authority competent for financial affairs; a representative of citizens proposed by associations for protection of private property, who may not be a holder of a right according to this law, or his/her heir and a member of the Assembly of the municipality; that the Assembly of the municipality may establish several commissions; that a joint commission may be established for more municipalities for the reasons of cost/efficiency or other reasons (Article 28 paragraphs 1, 3 and 4); that the parties to the procedure for restitution or compensation shall include the former owner, the obligor of restitution, as well as other legal entity or natural person, who, in order to protect proper rights or legal interests, has the right to participate in the procedure (Article 31 paragraph 1); that, within 30 days as of the day of accepting the request for restitution or compensation, the Commission will inform all interested parties on the date of giving the statement regarding the request; that the statement will be given at latest 90 days as of the day of submitting a proper request; that all interested parties are entitled to submit evidence at the hearing (Article 33 paragraphs 1, 2 and 3); that Within 30 days following the completion of the hearing, the Commission shall adopt a first-instance decision on the request for restitution or compensation; that In the decision on restitution of property rights, the Commission shall order to the authorized authorities to enforce the decision, as well as possible deletion of encumbrances, and it shall decide on costs of the procedure; that A final decision shall be submitted ex officio to an authority competent for the immovable property cadastre (Article 34 paragraphs 1, 5 and 6); that the decision on restitution of property rights and compensation is passed and submitted to the former owner at latest within six months as of the day of establishing the Compensation Fund; that decision on restitution of property rights or compensation for requests submitted upon expiry of paragraph 1 of this Article will be passed within six months as of the day of submitting a duly

composed request (Article 35 paragraphs 1 and 2); that an interested party may lodge an appeal against the decision on restitution or compensation to the Ministry of Finance within 15 days as of the day of delivering the decision (Article 36).

The Law amending the Law on Restitution of Property Rights and Compensation ("Official Gazette of the Republic of Montenegro", no. 49/07) stipulates: that municipal commissions will cease to operate on the effective day of this Law; that, on the day of ceasing to operate, the commissions referred to in paragraph 1 of this Article are obliged to transfer the documentation to the Chief Administrator of the municipality, and prepare the minutes on the transfer (Article 30) and that provisions of this Law will apply to cases initiated prior to the effective day of this Law, unless the procedure is finally concluded (Article 31).

III INFORMATION ON THE WORK OF THE COMMISSIONS

1. Having in mind the above stated normative decisions, the position, the competences and authorizations of the Protector of Human Rights and Liberties of Montenegro we asked from the commissions for restitution and compensation, in our act number 244/10, of July 6, 2010, to inform us on the following:

1. How many requests for restitution and compensation were received by the (municipal) commissions for restitution and compensation whose cases you took over (individually per municipality);
2. How many decisions resolving requests for restitution or compensation were passed by the (municipal) commissions for restitution and compensation as on the day of cessation of their work, how many of those decisions became final, how many of them were executed, and how many cancelled upon appeal (individually per municipality);
3. How many final decisions on restitution and compensation passed by the (municipal) commissions remained unexecuted as on the day of coming into effect of the Law amending the Law on Restitution of Property Rights and Compensation ("Official Gazette of Montenegro", no. 49/07);
4. How many cases did you take over from the chief administrators of the municipalities for whose territories the Commission was established and provide an overview of the status of those cases (per municipality) on the day of coming into effect on the Law amending the Law on Restitution of Property Rights and Compensation;
5. How many decisions did the Commission for restitution and compensation pass deciding on requests for restitution and compensation as of the day of takeover of the documentation from the chief administrators of the municipalities for whose territories it was established (per year and per municipality);
6. How many of those decisions became final, or executable, and how many of them were opposed by a complaint or an appeal (individually per municipality);
7. How many of the final decisions were executed and how many of them are in the execution procedure (per municipality);
8. In how many cases is the procedure for restitution and compensation ended during the calendar year (provide an overview per year and municipality);
9. How much time, on average, does the procedure last in one case;
10. By what time, according to your estimate, will the procedures upon all requests for restitution and compensation initiated with that commission, be finalized;
11. How many state servants and employees are performing the professional and administrative duties for the needs of the Commission and can timely work of the Commission be ensured with the existing staff or should the number of those employees be increased and by how many so as the Commission can perform its duties in a reasonable time period.

2. Acting upon our request, **the Commission for Restitution and Compensation in Bijelo Polje** in its act of July 27, 2010 submitted the following data and notifications, as follows:

The total number of the requests received by the municipal commissions for restitution and compensation:

1. Pljevlja.....	1425	requests
2. Plav.....	238	"
3. Mojkovac.....	132	"
4. Andrijevica.....	193	"
5. Bijelo Polje.....	650	"
6. Berane.....	1420	"
7. Žabljak.....	189	"
8. Kolašin.....	94	"
9. Rožaje.....	260	"
<u>Total</u>	<u>4601</u>	

When we add to this number 5 requests received by this Commission and which were rejected by a conclusion as untimely, because they were submitted upon expiry of the deadline stipulated under Art. 27. paragraph 1. of the Law on Restitution of Property Rights and Compensation, this Commission has worked on a **total of 4606 cases.**

Municipal commissions for restitution and compensation passed the total of **555** decisions, as follows:

1. Pljevlja.....	235
2. Plav.....	10
3. Mojkovac.....	1
4. Andrijevica.....	11
5. Bijelo Polje.....	64
6. Berane.....	165
7. Žabljak.....	35
8. Kolašin.....	5
9. Rožaje.....	9

This Commission, from the establishment to the day of composing the report, passed the total of **233** decisions, which comprises together with **555** decisions passed by the afore mentioned municipal commissions **(555+233) 788 decisions.**

Of that number: 25 - decisions on restitution of property; 462 - decisions on compensation; 164 - decisions on denial of request and 137 - decisions on refusal of request.

The total area of the restituted property amounts in m²: 1.662.962 m²

The total compensation amount is: 53.277.488,66 €

Therefore, on the day of composing the report the Commission worked on a total of (4603-788) **3815 cases**.

The Commission could not state how many of the final decisions on restitution of property rights and compensation remained unexecuted, because they are not aware of the data. Namely, the Commission for Restitution and Compensation, as they point out, does not execute its decisions or receive information on their execution from the competent authorities, and they suggested that we address the Compensation Fund regarding the information with a view of execution of decisions on compensation for taken away property, which performs changes in the cadastral operate based on the executive decisions of the commissions.

The Compensation Commission in Bijelo Polje has taken over from the chief administrators of the afore mentioned nine municipalities from the north of Montenegro all unresolved as well as resolved cases, the total of (4598 + 555) **5153 cases**. Five requests received by the Commission after expiry of the deadline under Article 27 paragraph 1 of the Law on Restitution of Property Rights and Compensation should be added to this figure, and the total number of the requests is **(5153+5) 5158**. (We believe that these figures were not counted properly, because the total number of the requests received is (4601+5) 4606).

We did not receive an answer to the question how many decisions became final, or executive and how many were opposed by a complaint or an appeal (individually per municipality), because, as they point out, they do not have enough time, not only because of the deadline for submitting the report to us, but also because of the duties they perform every day. Namely, the requested data is not found in the lists and other records submitted to the Commission by the municipal commissions through chief administrators, and therefore, as they state, they would have to check each resolved case individually per municipality, as well as the cases resolved by that commission.

We did not receive an answer to the question how many decisions became final, or executive, and how many of them were opposed by a complaint or an appeal with the Administrative Court (individually per year), because the commissions do not execute their decisions or receive notifications on their execution by the Compensation Fund and the local office of the Real Estate Administration.

The commissions, both the municipal ones and the regional one, resolved on average **150 cases a year**, from which we can conclude, in their opinion, that the procedure per one case lasts about two days.

However, they could not provide a precise answer to the question how much time, on average, lasts the procedure in one case, because, as they point out, there are cases with full documentation for which the procedure lasts significantly less and also there are cases for which the procedure lasts significantly longer, not only due to acquiring of the documentation, but also the findings and opinions of experts. Namely, experts in the field of land survey have not been submitting reports with sketches and requested documentation from the cadastral operate for years in some cases, while experts in the field of civil engineering and economy do so in the determined deadline. Along with that, they note that the Commission is obliged to submit photocopies of the case files to the Compensation Fund and the Protector of property legal interests of Montenegro, for declaration and possible objections to the findings and opinions of experts, and other documentation. All that affects the total duration of the procedures.

Having in mind the number of cases in process, the number of the Commission members and the number of employees performing the administrative duties for the Commission, 10 years time is necessary for completion of the procedures in all submitted requests for restitution and compensation, according to the Commission's opinion.

Namely, in this Commission, apart from the chairperson and two members, the duties are performed by another three administrative employees, as follows: one expert assistant – graduated jurist, one typist and one archive officer. They could not answer how many servants it would be necessary for timely performance of all duties and tasks in the Commission, because they consider that it should be estimated by the Ministry of Finance, which appoints and hires them for the duties.

They point out that the Commission, after receiving requests, under Article 33 of the Law on Restitution of Property Rights and Compensation, is obliged to take a statement from the applicant and ask for the necessary documentation – document on ownership, taking away of the property, determination of compensation and other necessary documents, in order to complete the case files, and in case when the applicant does not collect and submit it in the given deadline, to ask it from: the Public Archive in Cetinje, their local units in the municipalities, the Real Estate Administration– local unit in the municipality and the Archive of the municipality in whose territory the taken away immovable property is situated; to make photocopies of the case files with the necessary documentation and submit them to the experts in the field of land survey, civil engineering and economy so they can provide their findings and opinions on the case; to make a photocopy of the request, documentation and the findings of the experts and submit them to the Compensation Fund and the Protector for property legal interests and after that to schedule a public hearing for the case. Apart from that, the Commission submits each decision to the Commission for procedure harmonization in the Ministry of Finance of the Government of Montenegro, for the reason of procedure harmonization, which contributes to making the decisions of the Regional commissions harmonized and based on the Law. After returning of the files by the Commission for procedure harmonization, the Commission acts upon possible objections and delivers the decision to the parties, on which the parties are entitled to file a complaint to the Commission for complaints for restitution and compensation in the Ministry of Finance of the Government of Montenegro.

At the end of January 2011, we found out from the media that the Commission for Restitution and Compensation in Bijelo Polje had a two-month delay in work due to lack of adequate premises. Therefore, on January 26 of the current year a press conference was organized with the aim of finding a solution for the occurred situation, so that the Commission could continue its work.

3. The Commission for Restitution and Compensation in Podgorica, after our request for urgent reply, in its act number 07-1-01-79/1-10, of September 22, 2010, delivered to us on October 1, 2010, submitted the following data and notifications, as follows:

The total number of requests received by municipal commissions for restitution and compensation:

• Podgorica.....	1252
• Danilovgrad.....	667
• Cetinje.....	130
• Nikšić.....	1443
• Šavnik.....	34
• Plužine.....	77
<u>Total:</u>	<u>3603</u>

The Commission for restitution in Podgorica, therefore, took over **3603 cases** from the chief administrators of the afore mentioned six municipalities in Montenegro.

When 66 requests, received by this Commission, are added to this number this Commission worked on **3669 cases**.

Municipal commissions for restitution and compensation passed the total of 772 decisions, as follows:

- Podgorica.....409
- Danilovgrad.....156
- Cetinje.....18
- Nikšić.....155
- Šavnik..... 6
- Plužine..... 28

This commission passed 756 decisions from its establishment to the day of composing of its report, so that in total (772+756) **1528 decisions** were passed.

Of that number, the following was resolved:

- 43 - decisions on restitution of property
- 483 – decisions on compensation
- 591 – decisions on denial of request
- 411 – decisions on rejection of request

The total area of the restituted property amounts in m²: 504.696 m²

The total compensation amount is: 121.955.740,05 €

On the day of composing the report the Commission worked on a total of (3669-1528) **2141 cases**.

The Commission could not provide us with the data on the number of the final decisions on restitution of property rights and compensation which remained unexecuted, because, as they state, they are not aware of the data. This is for the reason that the Commission for Restitution and Compensation does not execute its decisions, or receive information on their execution. Therefore they suggested that we address the Compensation Fund regarding the information with a view of execution of decisions on compensation, and the Real Estate Administration regarding the restitution of taken away property, which performs changes in the cadastral operate based on the decisions of the commission.

We did not receive data on the number of the decisions that became final, or executive, and information on how many of them were opposed by a complaint or an appeal (individually per municipality and per year), because, as they stated, they do not have enough time, not only because of the deadline for submitting the report to us, but also because of the duties they perform. Namely, the requested data is not found in the lists and other records submitted to the Commission by the municipal commissions through chief administrators, and therefore, as they state, they would have to check each resolved case individually. As a reason for that they also stated the fact that the commissions do not execute their decisions, or receive notifications of their execution by the Compensation Fund and the local units of the Real Estate Administration.

The commissions, both the municipal ones and the regional one, resolved on average 250 cases during one calendar year.

However, they could not provide a precise answer to the question how much time, on average, the procedure in one case lasts, because, as they point out, there are cases with full documentation for which the procedure lasts significantly less and also there are cases for which the procedure lasts significantly longer, not only due to acquiring of the documentation, but also the findings and opinions of experts, because experts in the field of land survey have not been submitting reports with sketches and requested documentation from the cadastral operate for years in some cases, while experts in the field of civil engineering and economy do so in the determined deadline. Along with that, they note that the Commission is obliged to submit photocopies of the case files to the Compensation Fund and the Protector of property legal interests of Montenegro, for declaration and possible objections to the findings and opinions of experts, and other documentation. All that affects the total duration of the procedures.

Having in mind the number of cases in process, the number of the Commission members and the number of administrative employees, 10 years time is necessary for completion of the procedures in all submitted requests for restitution and compensation.

Namely, in this Commission, apart from the chairperson and two members, the duties are performed by another three administrative employees, as follows: one expert assistant – graduated jurist, one typist and one archive officer. They could not answer how many servants it would be necessary for timely performance of all duties and tasks in the Commission, because they consider that it should be estimated by the Ministry of Finance, which appoints and hires them for the duties.

They point out that the Commission, after receiving requests, under Article 33 of the Law on Restitution of Property Rights and Compensation, is obliged to take a statement from the applicant and ask for the necessary documentation – document on ownership, taking away of the property, determination of compensation and other necessary documents, in order to complete the case files, and in case when the applicant does not collect and submit it in the given deadline, to ask it from: the Public Archive in Cetinje, their local units in the municipalities, the Real Estate Administration– local unit in the municipality and the Archive of the municipality in whose territory the taken away immovable property is situated; to make photocopies of the case files with the necessary documentation and submit them to the experts in the field of land survey, civil engineering and economy so they can provide their findings and opinions on the case; to make a photocopy of the request, documentation and the findings of the experts and submit them to the Compensation Fund and the Protector for property legal interests and after that to schedule a public hearing for the case. Apart from that, the Commission submits each decision to the Commission for procedure harmonization in the Ministry of Finance of the Government of Montenegro, for the reason of procedure harmonization. The Commission acts upon possible objections and delivers the decision to the parties, on which the parties are entitled to file a complaint to the Commission for complaints for restitution and compensation.

4. The Commission for Restitution and Compensation in Bar did not, even after our request for urgent reply, submit the requested data and notifications, because its chairperson resigned on the duty earlier, and the members of the Commission are not authorized to sign acts for which only the Commission chairperson is authorized to sign. Therefore two representatives of the institution of the Protector of Human Rights and Liberties, on October 14, 2010, met in the premises of the Regional Commission for Restitution and Compensation in Bar with Milica Ulićević, a member of the commission. In the conversation, conducted on the occasion, we were informed that since April 2010, i.e. resigning of the chairperson, the commission with two members, without a chairperson, cannot conduct procedures and pass final decisions; that the total of **2522** requests were submitted to the municipal commissions for restitution and compensation in six coastal municipalities of Montenegro and to the regional commission until July 26, 2010, as follows:

- in Ulcinj 705 requests;
- in Bar 482 requests;
- in Budva 368 requests;

- in Tivat 217 requests;
- in Kotor 463 requests and
- in Herceg Novi 287 requests;

that of the total number of the submitted requests **461 requests** were resolved, of which **190 requests** resolved by the municipal commissions and **271 requests** by the Regional commission; that of the total number of the resolved requests 124 were positively resolved (adopted requests), 211 requests were denied, and 126 requests were rejected; that within 124 positively resolved cases there were 74 decisions on restitution of property and 50 decisions on compensation; that the area of the total restituted immovable property is 722.324 m².

The Commission member pointed out that upon expiry of the deadlines stipulated under the Law there were **123 requests** submitted for restitution and compensation, which were rejected as untimely by a conclusion from the Commission for restitution and compensation.

She also pointed out that the Commission directed 107 draft decisions to the Commission for procedure harmonization in 2010, which were composed in the form of a decision and submitted to the parties with the note on the right to file a complaint to the Complaint commission after obtaining consent for them.

Apart from the stated decisions the Commission for restitution and compensation in Bar passed, as the Commission member pointed out, a large number of conclusions on amendment to the conclusion, conclusions on entry of restitution register, on suspension of procedure due to withdrawal of the party's request, on joining of cases, on rejecting of requests due to jurisdiction, on cessation of procedure, on determining expertise on experts in the field of land survey, civil engineering and finance, so that there were over 700 cases in the processing procedure on July 26, 2010.

She also pointed out that the Commission for restitution and compensation in Bar in 2010, until July 26, resolved **87 requests**. Of that number 67 requests were denied (as unfounded), 12 requests were resolved positively (10 decisions on restitution and two decisions on compensation were passed), three decisions on rejecting of requests were passed due to withdrawal of the party's request, as well as three conclusions on rejecting of request due to not being timely.

From the report of the Commission for restitution and compensation in Bar of October 14, 2008, with the status on September 30, 2008, it can be concluded that, until that day, the commission passed 41 decisions for restitution of land, 49 decisions for compensation, 79 decisions denying request as unfounded and 104 decisions rejecting request due to not being timely.

For detailed consideration we present an overview per municipality, as follows:

The number of final decisions passed for restitution of land per municipality with area of the land whose restitution was executed:

- Ulcinj - 3 decisions - 11.719 m²
- Bar - 21 decisions - 94.149 m²
- Budva - 2 decisions - 1.695 m²
- Tivat - 11 decisions - 7.714 m²
- Kotor - 0 decisions
- H. Novi - 4 decisions 1.860 m²

The number of final decisions for compensations passed with the compensation amount and revalorized debt:

- Ulcinj - 43 decisions: Compensation - 5.237.762,35 €; Revalorized debt - 37.407, 59 €
- Bar - 2 decisions: Compensation - 649.071,07 €
- Budva - 2 decisions: Compensation - 845.924,73 €
- Tivat - 2 decisions: Compensation - 238.788,33 €
- Kotor - no final decisions
- Herceg Novi – no final decisions
- Total compensation - 6.971.546,48 €; Total revalor.debt - 37.407,59 €

The number of decisions rejecting request as unfounded, per municipality:

- Ulcinj - 2 decisions
- Bar - 15 decisions
- Budva - 20 decisions
- Tivat - 34 decisions
- Kotor - 6 decisions
- Herceg Novi - 2 decisions

The number of conclusions rejecting request due to not being timely, per municipality

- Ulcinj - 50
- Bar - 14
- Budva - 14
- Tivat - 13
- Kotor - 8
- Herceg Novi - 5

There were 63 decisions opposed by filing a complaint until the stipulated date, relating to requests from the following municipalities, as follows:

- Ulcinj - 26
- Bar - 6
- Budva - 10
- Tivat - 7
- Kotor - 9
- Herceg Novi - 5

Administrative dispute before the Administrative Court was initiated against 50 decisions, relating to requests from the following municipalities, as follows:

- Ulcinj - 39
- Bar - 5
- Budva - 2
- Tivat - 1
- Kotor - 2

5. The commissions for restitution and compensation, therefore, gave us answers to most questions asked, but they could not provide answers to questions relating to the number of final, or executed decisions, as well as the number of final decisions which are in execution procedure. It was pointed out that they do not have the data, because they do not execute their decisions, or receive information on their execution. They consider that the Compensation Fund and Real Estate Administration have the information, as well as the authorities executing decisions on restitution of property rights and compensation.

Having that in mind, in our act no. 244/10, of November 1, 2010, we requested from the Director of the Real Estate Administration of Montenegro to submit to us the information: how many decisions on restitution of property rights were executed until the day of cessation of work of municipal commissions; how many final decisions on restitution of property rights passed by the municipal commissions remained unexecuted until the day of coming into effect of the Law amending the Law on Restitution of Property Rights and Compensation ("Official Gazette of Montenegro", no. 49/07); how many decisions on restitution of property rights passed by the regional commissions were executed (per municipality); how many decisions on restitution of property rights were executed in total, and how many of them is in the execution procedure (per municipality). As the stated information was not submitted to us in the determined deadline, on November 23, 2010 we sent a request for urgent reply to the director of the Real Estate Administration.

However, the requested information was not submitted to this institution, both in the determined deadline and after the request for urgent reply of November 23, 2010, and there were no stated reasons due to which they did not act upon our request, according to Article 40 paragraph 2 of the Law on the Protector of Human Rights and Liberties.

Having that in mind and the authorizations of the Protector contained in the provisions under Article 40 paragraph 4 of the Law on the Protector of Human Rights and Liberties, in our act of December 9, 2010 we notified the Minister of finance that the Director of the Real Estate Administration of Montenegro did not act upon the request of the Protector, or stated the reasons for not acting upon the request. Also, having in mind that, pursuant to the Decree on Organization and the Manner of Work of Public Administration, the Ministry of Finance performs supervision over lawfulness and effectiveness of the work of Real Estate Administration of Montenegro, we asked from the Minister, according to the authorizations, to take adequate measures so that the Director of the Real Estate Administration of Montenegro submits the requested information without further delay.

After that, in the act of the Real Estate Administration, number 02-8942/5, of December 30 2010, we were informed that the Real Estate Administration does not dispose with the requested information and that it falls under jurisdiction of regional commissions for restitution and compensation in Podgorica, Bar and Bijelo Polje, which were established by the Ministry of Finance.

We requested from the Compensation Fund of Montenegro, in our act of November 1, 2010, to submit the following information: how many decisions on compensation became final until the day of cessation of work of municipal commissions; how many were executed and how many cancelled upon appeal; how many final decisions on compensation passed by the municipal commissions remained unexecuted until the day of coming into effect of the Law amending the Law on Restitution and Compensation; how many decisions on compensation passed by the regional commissions became final, or executed, and how many were opposed by a complaint or an appeal (per municipality) and how many final decisions on compensation were executed in total, and how many are in execution procedure (per municipality).

The Compensation Fund, in the act number 01-362/1, of November 11, 2010, notified us: that the total of 1094 final decisions were received by the Fund until then determining for former owners or their heirs the right to compensation in the total amount of 184.351.005,08 €; that of this number, after coming into force of the amendments to the Law on Restitution of Property Rights and Compensation ("Official Gazette of Montenegro", no. 49/07), the Fund

received from the regional commissions 168 final decisions for compensation, of which 161 decisions were delivered by the Commission in Podgorica, 5 decisions by the Commission in Bijelo Polje and 2 decisions by the Commission in Bar; that all final decisions delivered to the Fund until December 31, 2009 are in execution procedure through payment of cash installments; that, in accordance with Article 25 of the Law, former owners can exercise their right by taking over bonds regardless of when the final decisions were delivered to the Compensation Fund and that the Compensation Fund, as a party in the procedure, in its previous work filed 35 complaints against decisions of the regional commissions, and 18 appeals against final decisions.

They also pointed out that the right to compensation is exercised in cash assets paid out from the Compensation Fund to the applicants in proportion to the amounts of requests compared to the total claims towards the Compensation Fund and in bonds in accordance with the Law. Compensation is paid out to the applicants in annual installments, whose payment is made on July 15 every year according to final decisions delivered to the Compensation Fund until December 31 of the previous year according to the funds available in the Compensation Fund, until their full payment. The dynamics of compensation payment is determined by the Government of Montenegro.

IV PREVIOUS OBSERVATIONS AND ACTIVITIES OF THE PROTECTOR

The Law on Restitution of Property Rights and Compensation stipulates the conditions, the manner and the procedure of restitution of ownership rights and other property rights and compensations of the former owners for the rights taken away for the benefit of public, state, social or cooperative property. Former owners (physical or legal persons who were owners of property or holder of the right at the time when that matter was transferred to public, state, social or cooperative property and their legal heir or legal successor) are given the right to demand restitution or compensation in accordance with the Law, if their rights are taken for the benefit of public, state, social or cooperative property. Exceptions when former owners do not have the right to restitution or compensation are defined by provisions under Article 7 of the Law. The right to restitution or compensation, under this Law, belongs to pious endowments and other non-commercial legal persons, as well as persons, or their legal successors whose property was taken away based on the Law on Crimes against the People and the State ("Official Gazette of FPRY", no. 59/46), the Law on Confiscation and Execution of Confiscation ("Official Gazette of DFY", no. 40/45 and 70/45) and the Law ratifying and amending the Law on Confiscation and Execution of Confiscation ("Official Gazette of FPRY", number 61/46), whose taking away was a consequence of political and ideological reasons. The Law defines restitutable property, as well as property rights and non-restitutable property. Former owners who are not entitled to restitution of taken away property rights in accordance with the Law can become entitled to compensation in cash assets paid out from the Compensation Fund to applicants, proportionally to the amounts of the requests compared to the total claims towards the Compensation Fund, as well as bonds, in accordance with the Law.

The procedure for restitution of property right or compensation is initiated by the former owner through a request submitted to the commission for restitution and compensation. Deadline for submitting of requests for restitution of property right and compensation was 18 months as of the day of establishment of the commission in the municipality in whose territory the property is situated. The right to initiate restitution or compensation procedure is also given to the competent state authority when it determines that it is of public interest.

Originally the Law imposed obligation on the assemblies of municipalities to establish commissions for the territory of their municipality or to establish a joint commission for several municipalities, for the reason of cost-efficiency and other reasons, within 60 days as of the day of coming into effect of the Law. The commissions had to have five members each, as follows: a graduated jurist with passed state exam – the chairperson of the commission; a representative of the local unit of the Real Estate Administration; a representative of the local government unit competent for financial matters; a representative of citizens proposed by unions for protection of private property, who could not be a holder of the right according to this Law, or an heir and a member of the assembly of the municipality. According to our knowledge, or impressions, the assemblies of the municipalities started quite unwillingly with execution of this

legal obligation. This is primarily for the reason that the Law did not provide for the issue of financing of the commissions, and the issue of their working premises, or placement. Therefore, certain commissions were not established within the legal deadline, and where they were established they did not submit requests for entry of restitution into records to the competent services in a timely manner and, in general, they conducted procedure upon requests in a very slow manner, which resulted in preventing the citizens to exercise their right to restitution of property or compensation provided for under the law. This created among the citizens a lack of confidence in publically proclaimed readiness of the state and its authorities to correct the injustice made to them by taking away of their property for the benefit of public, state, social or cooperative property.

Reacting to those omissions and irregularities the Protector of Human Rights and Liberties directed certain recommendations and pleaded that the state authorities, in accordance with their authorizations, take measures and activities in the municipalities where the commissions were not established and did not initiate their work to establish them and initiate their work immediately, to conduct the procedure of resolving the requests in a manner and within the deadlines stipulated, and to prevent abuse by the local government authorities, to which the citizens pointed out in their complaints.

The citizens, namely, pointed out in their complaints that certain municipalities intend to sell the land which is a subject of a request for restitution prior to making of the final decision on those requests. In that way, in the Protector's opinion, the rights of applicants of the requests for restitution or compensation stipulated under the law could be violated. Namely, by selling of the urban construction land by the local government authorities, in order to use it for the purpose in accordance with the applicable urbanism plans, or through construction of residential or commercial buildings, in case when a decision for restitution or compensation is passed, the applicants may be disabled or made difficult to exercise their right to restitution or compensation. Construction of buildings absolutely unable restitution of land, which shares the legal destiny of the building, and the right to compensation depends on the financial power and will of the new owner. On the other hand, according to the Protector's opinion, the rights of the new owner could be violated, since he/she is not aware at the moment of obtaining the ownership right over certain land that he/she is at the same time taking over the burden of the obligation of restitution or compensation of the former owner. Therefore the Protector directed recommendations to the competent authorities in the local governments in Rožaje and Podgorica to take all the necessary measures and activities in order to cease transfer of the ownership rights in a construction land, whose restitution is requested by the applicants, until final completion of procedures upon their requests.

The Protector, also, pointed out that the Law on Restitution of Property Rights and Compensation did not provide for the conditions, the manner and the procedure of restitution of taken away property rights to religious communities, and that they should be regulated under the law. The Law amending that law only provides churches and religious communities the right to submit application to register the property which was taken away from them in the territory of Montenegro for the benefit of public, state, social or cooperative property without righteous or market compensation. In that way, the application does not represent a request for exercising of the right based on which restitution of taken away property or compensation may be executed. Thus, in the Protector's opinion, religious communities were put in an unequal position compared to all other entities who are provided with entitlement to restitution and compensation of property rights. Therefore the Protector considers, and has pointed out previously, that it is necessary to conduct activities for normative regulation of restitution of property which was once taken away from religious communities as soon as possible.

Regarding the form of denationalization, the Law gives priority to natural restitution, and only if this is not possible the former owner becomes entitled to compensation. However, as we pointed out previously, the units of local government conducted sale of property which at the moment of coming into effect of the Law was not put into use, and which had to be a subject of restitution according to the Law. In that way the local government units disabled restitution in kind in cases when it was possible and on the other hand they increased the obligations of the state to a large extent regarding compensations for former owners. With the aim of avoiding such behaviour and abuse of law, and thus creating new obligations for the state regarding compensation, on July 25,

2007, amendments to the Law on Restitution or Property Rights and Compensation were adopted. Those amendments to the Law, among other, determined three regional Commissions for restitution and compensation and the Commission for procedure harmonization, whose members are appointed by the Minister of finance, as well as the Complaints Commission, appointed by the Government of Montenegro.

V ANALYSIS OF INFORMATION ON THE WORK OF COMMISSIONS

1. The Law on Restitution of Property Rights and Compensation was published in "Official Gazette of the Republic of Montenegro", number 21/2004 of March 31, 2004, and it became effective as of the eighth day from the day of publishing, i.e. April 8, 2004.

The first municipal commission was established in June 2004. the legal deadline for submission of requests for restitution and compensation was 18 months as of the day of forming the commission in the municipality in whose territory the property is situated. Since the municipal commissions were not established at the same time in all municipalities thus the deadlines for submitting the requests expired depending on the date of establishment of the commission. The owners of property rights in the territory of the municipality of Žabljak were provided with the longest period for submission of requests for restitution and compensation, since that municipality established the commission much later than the other municipalities.

The first final decisions were passed at the end of November 2005 (four in total). In 2006 and in the first two months in 2007 the municipal commissions passed 562 decisions, which, with the four decisions in 2005, makes the total of 566 final decisions. Of that number 489 decisions relate to compensation and 77 decisions to restitution of property.

The stated 566 final decisions were passed by the municipal commissions in the following municipalities, as follows:

- Pljevlja	- 150 decisions on compensation and 3 decisions on restitution;
- Podgorca	- 85 decisions on compensation;
- Danilovgrad	- 85 decisions on compensation;
- Nikšić	- 62 decisions on compensation and 27 decisions on restitution;
- Ulcinj	- 40 decisions on compensation and 3 decisions on restitution;
- Bijelo Polje	- 25 decisions on compensation and 1 decision on restitution;
- Berane	- 23 decisions on compensation;
- Cetinje	- 22 decisions on compensation;
- Plav	- 21 decisions on restitution;
- Tivat	- 11 decisions on restitution;
- Kotor	- 8 decisions on restitution;
- Rožaje	- 4 decisions on compensation;
- Bar	- 2 decisions on compensation and 3 decisions on restitution;
- Budva	- 1 decision on compensation.

It is evident from the afore listed data that the municipal commissions, although the basic deliberation of the Law was restitution of property, passed 6.35 times more decisions on compensation than decisions on restitution.

Pursuant to the Law amending the Law on Restitution of Property Rights and Compensation, instead of municipal commissions, three regional commissions were established, as follows: in Bijelo Polje, Podgorica and Bar, whose data we presented.

2. We can conclude from the presented data of the **Commission for restitution and compensation in Bijelo Polje** that the municipal commissions from the territory covered by it received 4601 requests for restitution and compensation and that they passed 555 decisions, i.e. final decisions. When we add to this number 233 final decisions passed by the (regional) Commission for restitution and compensation in Bijelo Polje we can conclude that there was a total of 788 resolved requests for restitution and compensation. Of that number there were 487 positively resolved requests (25 decisions on restitution and 462 decisions on compensation), and 302 negatively resolved request (164 decisions on denial of request and 137 on rejection of request). From this data we note that a significantly (18.48 times) higher number of decisions on compensation was passed in comparison to the number of decisions on restitution. This fact gives way for conclusion that the commissions give priority to requests for compensation in comparison to the requests for restitution, because it is not realistic to assume that the share of requests for restitution in the total number of requests is over 18 times lower than the number of requests for compensation. On the other hand, the Law amending the Law on Restitution of Property Rights and Compensation provides for the mechanisms which unable awarding compensations in cases where restitution is possible.

When we add to the total number of requests received by nine municipal commissions for restitution and compensation (4601) five requests received by the regional commission for restitution and compensation in Bijelo Polje, and we subtract from the sum of those figures (4601+5) 788 resolved requests, we can conclude that on the day of composing the report the commission was working on the total of (4606-788) 3818 cases. If six years passed from the beginning of application of the Law (June 2004) to the day of composing of the report of the Commission and during that time only 788 requests were resolved, or on average 131 requests a year, there is a question how much time will it be necessary to resolve the remaining 3818 cases. We also need to have in mind that in one period the requests were resolved by nine municipal commissions with five members each and now it is done by one commission with three members.

We get the answer to the question asked when we divide the remaining number of the requests (3818) with the average annual number of resolved cases (131), and that is 29. A more favourable result is achieved when the remaining number of cases (3818) is divided by the average of 150 cases, as they stated they resolve, and that is 25.45. Therefore, according to the previous dynamics of work, we can conclude that the remaining cases will be resolved by the Commission in 25 to 29 years, which is unacceptable, and even intolerable, both from the point of applicant, and we believe, from the point of the state.

3. We can conclude from the presented data of the **Commission for restitution and compensation in Podgorica** that the municipal commissions from the territory covered by it received 3603 requests for restitution and compensation. When we add to this number 66 requests received by the (regional) Commission for restitution and compensation in Podgorica we can conclude that there was a total of 3669 cases worked on in the central region of Montenegro, or 937 requests less than the number of requests submitted in the northern part of Montenegro. However, a lower number of requests and lower number of municipal commissions (6) did not result in a lower number of resolved cases. To the contrary, the municipal commissions resolved 722 requests – cases, and the (regional) Commission for restitution and compensation 756 requests – cases, which amounts to the total of 1528 requests – cases. Therefore, for the period of their terms of office the municipal commissions in Podgorica, Nikšić, Cetinje, Danilovgrad, Šavnik and Plužine and the (regional) Commission for restitution and compensation in Podgorica passed decisions on 1528 requests for restitution and compensation, which is almost double more than the commission in the north of Montenegro.

Of 1528 resolved requests, there were 526 positively resolved requests, and 1002 negatively resolved requests. Positively resolved requests consist of 43 decisions on restitution and 483 decisions on compensation, from which we can conclude that in this part of Montenegro there were significantly more

decisions on compensation than decisions on restitution, or 11.23 times more. Therefore, it seems that in the central part of Montenegro they also give priority to requests for compensation in comparison to requests for restitution.

However, when we compare the data on the number of negatively resolved requests it is evident that the commissions in the central region of Montenegro passed significantly more decisions on denial and rejection of requests (1002) than the commissions in the northern part of Montenegro.

The Commission for restitution and compensation in Podgorica on the day of composing its report was working on 2141 cases. When we divide the number of resolved cases (1528) with the number of the years of application of the law (6) we can conclude that the commissions resolved an average of 254 cases a year. When the number of the cases that are being worked on (2141) is divided with this number we get the number of years necessary for resolving of the remaining requests (cases), and that is a bit more than eight years (8.42). Therefore, according to the previous work dynamics, the Commission for restitution and compensation in Podgorica needs eight and a half more years to finalize the procedures for the remaining requests, which is a much shorter period compared to the assumed period for the commission for restitution and compensation in Bijelo Polje.

4. We can conclude from the presented data of the **Commission for restitution and compensation in Bar** that the municipal commissions for restitution and compensation in the coastal area of Montenegro received 2522 requests, or 2084 requests less than in the northern part of Montenegro, or 1147 requests less than the number of requests submitted in the central part of Montenegro.

Of 2522 received requests there were 461 resolved requests, of which 190 requests resolved by the municipal commissions and 271 requests by the regional commission for restitution and compensation. There were 124 positively resolved requests and 237 negatively resolved requests (211 denied requests and 126 rejected requests).

Thus, the commissions in the southern region of Montenegro as well as the commissions in the northern part of Montenegro passed more decisions on denial and rejection than decisions on accepting of the request.

To the contrary, the commissions in the north of Montenegro passed more decisions on restitution and compensation than decisions on denial and rejection of requests.

However, regarding the positively resolved requests, the commissions for restitution and compensation in the coastal part of Montenegro, contrary to the commissions in the northern and central part of Montenegro, passed more decisions on restitution of property than decisions on compensation. Namely, the commissions in Ulcinj, Bar, Budva, Tivat, Kotor and Herceg Novi passed 74 decisions on restitution of property and 50 decisions on compensation.

Since, according to the data, there were 461 resolved requests from 2522 requests received thus the Commission for restitution and compensation in Bar is working on 2061 requests, i.e. cases. If there were 461 requests resolved in six years of application of the law, or an average of 77 requests a year, we can conclude that 26 years will be necessary to resolve the remaining 2061 requests, which is unacceptable and intolerable, as in the case of the commission for restitution and compensation in Bijelo Polje.

5. The Compensation Fund executes the final decisions on compensation and keeps records on the decisions passed on payment of cash assets, issued confirmations for obtaining bonds, on the bonds sold and payments made.

According to the data of the Compensation Fund the commissions passed 1094 final decisions, determining for the former owners the right to compensation in the total amount of 184.351.005,08 €. It is indicative that of 1094 final decisions for compensation the regional commission for restitution and

compensation delivered only 168 final decisions, of which 161 decision delivered by the commission for restitution and compensation in Podgorica, while the commission in Bijelo Polje delivered only five decision and the commission in Bar only two decisions. This data, in our opinion, add to the inactivity of the commissions in Bijelo Polje and Bar.

Decisions on restitution of property determined the right to restitution of 2.889.982 m² of immovable property. We did not receive information on execution of these decisions from the commissions, because, as they point out, they do not execute their decisions, or receive information on their execution. We did not receive the information from the Real Estate Administration of Montenegro either, as the authority competent for registering the right over real estate. Namely, they consider that it falls under jurisdiction of regional commissions in Podgorica, Bar and Bijelo Polje.

Pursuant to the provisions of the Law on restitution of Property Rights and Compensation the commissions are obliged to keep records on the submitted requests and final decisions for restitution and compensation. The records should contain: the date of receiving the request, the reference number of the decision, the name of the former owner or the heirs, the type (movable, immovable) and the area of the restituted land, the revalorization amount, the compensation amount, the type and area of the property compensated. The commissions are, therefore, obliged to keep records on the type and area of the restituted property, and not also on execution of decisions determining the right to restitution of property.

The final decisions on restitution of immovables are executed by the administration authority competent for cadastral matters, pursuant to the Law on State Surveying and Cadastre of Immovable Property ("Official Gazette of the Republic of Montenegro", no. 29/07). That law stipulates that the registering of rights, among other, is done based on the final decision of the competent authority. In the specific case that is the final decision of the commission on restitution of property. However, this law, and also the Law on Restitution of Property Rights and Compensation do not establish the obligation of keeping separate records on registering of rights based on final decisions on restitution of property passed by the commissions for restitution and compensation. Thus, and having in mind that the authority executing final decisions on compensation keeps records on execution of those decisions, our opinion is that the authority executing decisions on restitution of property should also keep records on execution of those decisions. In that way it would be ensured that the authority executing decisions on restitution of property has information on the restituted properties, which will be necessary for monitoring and assessment of law execution.

We have not received from the commissions the data on the total number of decisions opposed by a complaint or an appeal with the Administrative Court, and on the number of those decisions per municipality. We have asked this in order to view the level of effect of complaint and appeal procedures to the timeliness of the work of both municipal and regional commissions. The reports of the two regional commissions pointed out that they do not have enough time to determine the data. However, we can conclude from the report of the Commission for restitution and compensation in Bar of October 14, 2008 that the commission also stated in periodical (monthly) reports submitted to the Ministry of Finance the data on the number of decisions opposed by complaint, as well as the number of decisions against which an administrative dispute was initiated, per municipality. We can conclude from the data that of the 273 decisions passed by the Commission until September 30, 2008, 63 decisions were opposed by a complaint and 50 decisions by an appeal before the Administrative Court of Montenegro. We can assume that the commissions in Bijelo Polje and Podgorica also submitted the data on the number of opposed decisions to the Ministry of Finance. But, even if they did not already have the data, we believe that a lot of time and effort was not necessary for their determination, having in mind the total number of decisions passed, or the resolved requests. Therefore, we believe that the commissions could, with a bit of good will, submit the requested data to the Protector. The data would also show us the quality of the work of the commissions.

To the question when the procedures upon all requests for restitution and compensation being processed will be finalized the commissions responded that, in their opinion, it would take 10 years. Having in mind the number of cases being processed and the number of finalized procedures upon submitted

requests of former owners, or their legal heirs and legal successors, we consider that the stated estimate is unrealistic regarding the commissions for restitution and compensation in Bijelo Polje and Bar. Namely, the Commission for restitution and compensation in Bijelo Polje was working on 3815 cases on the day of composing its report. Only 788 cases were finalized until then, or 131 case on average per year. If this dynamics would continue, it would take them 29 years to finalize the procedures upon all the remaining cases, as we pointed out previously. If this commission would resolve 150 cases a year on average, as they state they do, it would take them 25 years to finalize the procedures for the cases being processed. The situation is similar for the commission for restitution and compensation in Bar. Although they have significantly less cases in progress than the Commission in Bijelo Polje, it would take the commission for restitution and compensation in Bar about 26 years to finalize the procedures for those cases, according to the previous work dynamics.

Therefore, if the work of these commissions does not speed up significantly, it will not be realistically to expect that they finalize the work vested upon them in the following 10 years, as they estimated themselves. According to the work so far and the number of cases in progress, that could be realized only by the Commission for restitution and compensation in Podgorica, which has resolved about 250 requests – cases a year on average.

A question is raised why the commissions with the same number of members and the same number of persons performing legal and administrative duties for the needs of these commissions are not resolving approximately the same number of requests at annual level.

The answer to this question, in our opinion, should be provided by the Ministry of Finance which provides performing of expert and administrative duties for the needs of the commissions, or the Minister of finance appointing the members of the commissions.

VI OPINION OF THE PROTECTOR

It is evident from the above stated that the process of restitution of property rights and compensations is very slow. Namely, the commissions for restitution and compensation, for the six years of application of the Law, have resolved only 2,777 requests of 10797 received requests for restitution of property rights and compensation, which is 25.72%, or an average of 463 requests a year, or 4.28%. Also, the process of restitution of property rights and compensation is significantly slower in the south and north of Montenegro, while the process is faster in the central region of Montenegro. As we pointed out previously, the commissions for restitution and compensation in the southern region of Montenegro have resolved the total of 461 request, comprising 18.27% of the total of received requests in that area, or on average 77 requests a year, or 3.05%, and the commissions in the northern region the total of 788 requests, comprising 16.89% of received requests in that area or 131 request a year, or 2.84% of the requests received. The commissions of the central region of Montenegro have resolved more requests than the commissions in the southern and northern region of Montenegro together, i.e. they resolved 1528 requests, comprising 42.40% requests they received, or 254 requests a year, i.e. 7.04% of the requests received. This further means that the applicants of the requests for restitution and compensation in the central region of Montenegro are in a more favourable situation than the applicants in the southern and northern region of Montenegro, because, having in mind the work dynamics so far, we can expect that the Commission for restitution and compensation in Podgorica will finalize the procedures upon all submitted requests significantly before the commissions in Bar and Bijelo Polje. In that way the applicants of the requests for restitution and compensation were put into an unequal position before the law. However, in our opinion, the rights of the applicants are not violated only by putting them into an unequal position before the law since the requests of some will be resolved earlier than the requests of other applicants, but also because the procedures upon their requests are prolonged, i.e. because the procedures upon their requests last too long without proper justification. The Protector understands that all requests for restitution and compensation cannot be finalized at the same time or in a short period of time,

having in mind the number of requests, the number of commission members, the number of expert associates and financial power of the state, regarding compensation.

However, the Protector believes that long duration of the procedures for restitution of property rights and compensation disables the citizens to exercise their right to restitution and compensation provided for under the Law. Thus at the same time the citizens entitled to restitution are disabled to obtain the right to ownership over immovable property which is a subject of restitution, and also exercise of the rights comprising that right (use, harvesting and disposal). On the other hand, the citizens entitled to compensation are disabled to exercise the right to compensation in a reasonable deadline. Finally, the applicants of the requests for restitution and compensation whose requests will be denied or rejected are kept in legal uncertainty, or disabled to use adequate legal means to protect their rights. In fact, all applicants of requests for restitution and compensation with procedures upon their requests lasting too long without proper justification are in legal uncertainty and unable to use adequate legal means. Therefore, by adopting adequate decisions in reasonable deadline the commissions for restitution and compensation would end the uncertainty they are in with regard to exercising of their rights not only for the applicants of the requests for restitution and compensation, but also the restitution and compensation obligors. In that way the commissions would also enable general legal security of the participants in the procedure. Finally, this is of significance for effectiveness and credibility of the commissions as the authorities deciding on restitution of property rights and compensation, and also the state itself on whose behalf they perform the duties vested upon them under the Law.

The Protector, also, noted that in forming of the regional commissions for restitution and compensation attention was not paid to the necessary number of expert associates based on the number of requests received by the municipal commissions in the areas for which those regional commissions were formed. Namely, all three regional commissions for restitution and compensation have three members and one expert associate each, although they have significantly different number of cases – requests being processed. Thus for example the Commission for restitution and compensation in Bijelo Polje was working on almost double number of cases compared to the commission for restitution and compensation in Bar. The proportion is similar regarding the requests received or taken over. Further, the Commission for restitution and compensation in Podgorica took over from the municipal commissions and received itself the total of 3669 requests, which is 937 requests less than the Commission in Bijelo Polje, or 1147 requests more than the Commission in Bar. Therefore, differences in the number of requests received are not minor, and, in our opinion, this should have been paid attention to when determining the number of expert associates performing duties for the needs of the commissions. Namely, we believe that the number of expert associates should have been determined according to the number of requests - cases received, or, now, according to the number of requests – cases being processed. Furthermore, long duration of procedures for restitution and compensation, in our opinion, imposes the need for increasing the number of expert associates in all commissions, proportionally to the number of cases being processed, and professionalization of the work of the commissions. We consider that in that way the procedures upon unresolved requests would speed up and their applicants would be provided with the right to obtain decisions on those requests. Alternatively, we would have the situation of several years of “silence of administration” on many requests for restitution and compensation.

It is also evident that the commissions for restitution and compensation in Bar and Bijelo Polje have interruptions in their work in a longer time period due to not having elected a new chairperson, instead of the previous one who resigned, and due to lack of spatial conditions for work. This, in the Protector's opinion, has significant affect on the timeliness of the work of those commissions and exercising of the rights of applicants of requests for restitution and compensation. Therefore, the Protector considers that the competent authorities in such and similar situations must react urgently and enable the commissions to perform their work continuously, i.e. without interruptions due to lack of staff, spatial or material working conditions.

VII RECOMMENDATIONS

Based on the above stated, the Protector recommends the following:

- That the competent authorities take all the necessary activities and measures for continuous functioning of the commissions for restitution and compensation;
- That the Ministry of Finance provides adequate number of experts associated for timely performance of expert duties for the needs of the commissions, proportional to the number of cases being processed;
- That the Ministry of Finance considers the need for professionalization of the commissions for restitution and compensation, for timely performance of the duties vested on them;
- That the commissions speed up their work on the remaining cases;
- That the commissions resolve the remaining requests in the order of receipt;
- That the Real Estate Administration of Montenegro, as the authority executing decisions on restitution of property, commits to keeping records on executed restitutions of property.

SPECIAL REPORT ON THE STATUS OF THE HUMAN RIGHTS OF THE PERSONS WITH MENTAL HEALTH PROBLEMS PLACED IN INSTITUTIONS (March 2011)

I INTRODUCTION

The institution of the Protector of Human Rights and Liberties of Montenegro has had in the past three years a minor number of complaints referring to the exercise of the rights of persons with mental health problems and children with mental development disabilities. Acting upon these complaints, a number of recommendations were directed to the competent institutions, because it was observed that there are difficulties in the exercise of the rights of persons with mental health problems.

Having in mind the given recommendations and the basic principles of human rights that all human beings are free and equal, with full consideration of all the principles of UN Convention on the Rights of the Child, the Protector of Human Rights and Liberties of Montenegro estimated as necessary to conduct assessment of the conditions in the institutions where the persons with mental health problems and children with mental development disabilities are placed. Having in mind the conditions found in these institutions as well as the need for wider overview of the problem and intervention of the competent authorities, pursuant to Article 47 of the Law on the Protector of Human Rights and Liberties of Montenegro ("Official Gazette of the Republic of Montenegro" no. 41/03), the Protector has composed this Special Report.

Acknowledging the significance of ensuring the exercise of the rights of the persons with mental health problems, the Protector opted to found this research primarily on overview of the conditions in place, which included forming of a special team comprised of: the Protector Šučko Baković, Deputy for the Rights of the Child Nevenka Stanković, advisors Milica Kovačević and Nerma Dobardžić, associates Saša Čubranović and Duška Šljivančanin. Having in mind the delicate nature of the problem, it was also necessary to engage experts in the field of medicine who contributed with their expert opinion to the

comprehensive overview of the position of the persons with mental health problems in institutions. The engaged experts are prim Zorica Barac Otašević, MD PhD neuropsychiatrist and Borivoje Mitrić, MD PhD neuropsychiatrist.

Through visits to the institution we conducted direct insight into the conditions of the buildings and the environment where the persons with mental health problems live, as well as insight into the structure of the employees in the institutions. Special attention was paid to protection from all forms of discrimination, the accomodation conditions and the mechanisms for supervision and monitoring, with a view of the standards applied in the institutions.

The representatives of the institution of the Protector of Human Rights and Liberties visited the institutions where the persons with mental health problems are placed:

1. PI Institute "Komanski most" Podgorica
2. PI Center for Education and Vocational Training "1. jun" Podgorica
3. PI Children's Home "Mladost" in Bijela
4. HI Special Psychiatrist Hospital in Dobrota

Visit and direct contact with the staff clearly provided a wide picture and variety of conditions and standards of living provided by these institutions. The situation in the field confirmed existence of inconsistent practice of ensuring placement and living of these persons and absence of minimum common standards in providing the stated service, which undoubtedly directly affects the quality of their life particularly through limitations in acquiring various skills, knowledge and overall capacities for independent and dignified life.

The Protector observes that the conditions found indicate difficult exercise of some guaranteed rights of children with mental development disabilities which reflects their further development, more quality and fulfilled life as well as a certain degree of independence.

II INTERNATIONAL STANDARDS AND NATIONAL LEGISLATION

The rights of the persons with mental health problems and their placement into institutions are regulated under many international documents on human rights and national legislation.

2.1 International standards

International documents protecting human rights start from the basic principle that every person has inherent, equal, unalienable rights arising from the dignity of all human beings.¹²

The right to social protection is determined under the following UN documents:

1. The Universal Declaration on Human Rights (UDHR)

¹² The Preamble to the UN Universal Declaration of Human Rights, passed on 10.12.1948 states:

« Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world...», and Article 2. of the Universal Declaration: «Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status».

2. The International Covenant on Civil and Political Rights (1966) (ICCPR)
3. The International Covenant on Economic, Social and Cultural Rights (1966) (ICESCR)
4. The Convention of the Rights of the Child (1989) (CRC)
5. The Convention on the Elimination of all Forms of Discrimination against Women (1979) (CEDAW)
6. The Convention on the Elimination of all Forms of Racial Discrimination (1966) (CERD)
7. The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984) (CAT)

The list of economic and social rights according to the international standards is very long, but with the aim of acquiring knowledge on the dimension of the obligation of the state to ensure the rights of the persons with mental health problems we will point out only to some of the social rights exercise of which was the subject of assessment by the Protector of Human Rights and Liberties of Montenegro during the visits to the institutions:

- Everyone has the right to economic, social and cultural rights providing dignity and freedom and development of an individual (UDHR 22; CEDAW 11:1 e; CERD 5e; CRC 27);
- Everyone has the right to adequate living standard, including food, clothes, housing and health care (ICESCR 11; CEDAW 14h; CERD 5e, III, CRC 27:1)
- Parents have the primary responsibility to secure an adequate standard of living to the child, and the state has the duty to assist because it is responsible for exercise of this right (CRC 27:2,3)
- Everyone has the right to social security (UDHR 22; ICESCR 9; CEDAW 11:1 e, 14C, 13a; CERD 5e, iv; CRC 26)
- Everyone has the right to social services and security in the event of sickness, war or other circumstances, including the child (UDHR 25; CEDAW 11:2c; CERD 5e, iv; CRC 18:2,3)

2.1.1 UN Universal Declaration of Human Rights

Article 1

"All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood."

Article 2

"Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty."

2.1.2 European Convention for the Protection of Human Rights and Fundamental Freedoms

Article 3

"No one shall be subjected to torture or to inhuman or degrading treatment or punishment."

Article 6 paragraph 1

"In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. Judgment shall be pronounced publicly but the press and public may be excluded from all or part of the trial in the interests of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice."

Article 8

"1. Everyone has the right to respect for his private and family life, his home and his correspondence.

2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others."

Article 13

"Everyone whose rights and freedoms as set forth in this Convention are violated shall have an effective remedy before a national authority notwithstanding that the violation has been committed by persons acting in an official capacity."

Article 14

"The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status."

2.1.3 Protocol 1 to the Convention for the Protection of Human Rights and Fundamental Freedoms

Article 1

"Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law."

The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties."

Article 2

"No person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religions and philosophical convictions."

2.1.4. Protocol number 12 to the Convention on Protection of Human Rights and Fundamental Freedoms

Article 1

General prohibition of discrimination

"1. The enjoyment of any right set forth by law shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status."

2.1.5 Convention on the Rights of Persons with Disabilities

The basic purpose of the Convention is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, including children.

Article 1

"The purpose of the present Convention is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity.

Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others".

Article 5

"1. States Parties recognize that all persons are equal before and under the law and are entitled without any discrimination to the equal protection and equal benefit of the law.

2. States Parties shall prohibit all discrimination on the basis of disability and guarantee to persons with disabilities equal and effective legal protection against discrimination on all grounds.

3. In order to promote equality and eliminate discrimination, States Parties shall take all appropriate steps to ensure that reasonable accommodation is provided.

4. Specific measures which are necessary to accelerate or achieve de facto equality of persons with disabilities shall not be considered discrimination under the terms of the present Convention."

Article 7

"1. States Parties shall take all necessary measures to ensure the full enjoyment by children with disabilities of all human rights and fundamental freedoms on an equal basis with other children.

2. In all actions concerning children with disabilities, the best interests of the child shall be a primary consideration.

3. States Parties shall ensure that children with disabilities have the right to express their views freely on all matters affecting them, their views being given due weight in accordance with their age and maturity, on an equal basis with other children, and to be provided with disability and age-appropriate assistance to realize that right."

Article 8

"1. States Parties undertake to adopt immediate, effective and appropriate measures:

- a. To raise awareness throughout society, including at the family level, regarding persons with disabilities, and to foster respect for the rights and dignity of persons with disabilities;
- b. To combat stereotypes, prejudices and harmful practices relating to persons with disabilities, including those based on sex and age, in all areas of life;
- c. To promote awareness of the capabilities and contributions of persons with disabilities.

2. Measures to this end include:

Initiating and maintaining effective public awareness campaigns designed:

- I. To nurture receptiveness to the rights of persons with disabilities;
- II. To promote positive perceptions and greater social awareness towards persons with disabilities;
- III. To promote recognition of the skills, merits and abilities of persons with disabilities, and of their contributions to the workplace and the labour market."

2.1.6 UN Convention on the Rights of the Child

Relevant articles of the Convention on the Rights of the Child relating to the rights of the child with special needs for health and health care are the following:

- Article 3: the best interests of the child,
- Article 6: the right to life,
- Article 23: the right of disabled children to dignified life,
- Article 24: the right to health and treatment,
- Article 25: obligation of supervision for protection and care of physical or mental health of the child,
- Article 26: the right to social security,
- Article 27: the right to a standard of living adequate for the child's physical, mental, spiritual and moral development, and
- Article 28: the right to education based on equal opportunities.

Article 3

"1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

2. States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.

3. States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision."

Article 6

"1. States Parties recognize that every child has the inherent right to life.

2. States Parties shall ensure to the maximum extent possible the survival and development of the child."

Article 23

"1. States Parties recognize that a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community.

2. States Parties recognize the right of the disabled child to special care and shall encourage and ensure the extension, subject to available resources, to the eligible child and those responsible for his or her care, of assistance for which application is made and which is appropriate to the child's condition and to the circumstances of the parents or others caring for the child.

3. Recognizing the special needs of a disabled child, assistance extended in accordance with paragraph 2 of the present article shall be provided free of charge, whenever possible, taking into account the financial resources of the parents or others caring for the child, and shall be designed to ensure that the

disabled child has effective access to and receives education, training, health care services, rehabilitation services, preparation for employment and recreation opportunities in a manner conducive to the child's achieving the fullest possible social integration and individual development, including his or her cultural and spiritual development.

4. States Parties shall promote, in the spirit of international cooperation, the exchange of appropriate information in the field of preventive health care and of medical, psychological and functional treatment of disabled children, including dissemination of and access to information concerning methods of rehabilitation, education and vocational services, with the aim of enabling States Parties to improve their capabilities and skills and to widen their experience in these areas. In this regard, particular account shall be taken of the needs of developing countries."

Article 24

"1. States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health.

2. States Parties shall pursue full implementation of this right and, in particular, shall take appropriate measures:

- (a) To diminish infant and child mortality;
- (b) To ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care;
- (c) To combat disease and malnutrition, including within the framework of primary health care, through, inter alia, the application of readily available technology and through the provision of adequate nutritious foods and clean drinking-water, taking into consideration the dangers and risks of environmental pollution;
- (d) To ensure appropriate pre-natal and post-natal health care for mothers;
- (e) To ensure that all segments of society, in particular parents and children, are informed, have access to education and are supported in the use of basic knowledge of child health and nutrition, the advantages of breastfeeding, hygiene and environmental sanitation and the prevention of accidents;
- (f) To develop preventive health care, guidance for parents and family planning education and services.

3. States Parties shall take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children.

4. States Parties undertake to promote and encourage international co-operation with a view to achieving progressively the full realization of the right recognized in the present article. In this regard, particular account shall be taken of the needs of developing countries."

Article 25

"States Parties recognize the right of a child who has been placed by the competent authorities for the purposes of care, protection or treatment of his or her physical or mental health, to a periodic review of the treatment provided to the child and all other circumstances relevant to his or her placement."

Article 26

"1. States Parties shall recognize for every child the right to benefit from social security, including social insurance, and shall take the necessary measures to achieve the full realization of this right in accordance with their national law.

2. The benefits should, where appropriate, be granted, taking into account the resources and the circumstances of the child and persons having responsibility for the maintenance of the child, as well as any other consideration relevant to an application for benefits made by or on behalf of the child."

Article 27

"1. States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.

2. The parent(s) or others responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child's development.

3. States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing.

4. States Parties shall take all appropriate measures to secure the recovery of maintenance for the child from the parents or other persons having financial responsibility for the child, both within the State Party and from abroad. In particular, where the person having financial responsibility for the child lives in a State different from that of the child, States Parties shall promote the accession to international agreements or the conclusion of such agreements, as well as the making of other appropriate arrangements."

Article 28

"1. States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:

(a) Make primary education compulsory and available free to all;

(b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;

(c) Make higher education accessible to all on the basis of capacity by every appropriate means;

(d) Make educational and vocational information and guidance available and accessible to all children;

(e) Take measures to encourage regular attendance at schools and the reduction of drop-out rates.

2. States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention.

3. States Parties shall promote and encourage international cooperation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries."

2.1.7 UN Standard Rules on the Equalization of Opportunities for Persons with Disabilities

Persons with disabilities are entitled to all those rights guaranteed to all human beings under general international legal acts. In order to exercise the rights guaranteed to them the organizations of the persons with disabilities initiated a campaign for passing the document under the protectorate of the United Nations which would ensure equality of persons with disabilities. At the end of 1993 the UN General Assembly passed the UN Standard Rules on the Equalization of Opportunities for Persons with Disabilities. The UN Standard Rules were accepted in March 1995 by the Government of the Federal Republic of Yugoslavia.

Having in mind that most countries have included these rules into their legal system, they became with time, although legally not binding, internationally accepted standards in the protection of persons with disabilities.

2.1.7.1 Purpose and content of the Standard Rules

The Standard Rules on the Equalization of Opportunities for Persons with Disabilities have been developed on the basis of the experience gained during the "United Nations Decade of Persons with Disabilities (1983-1992)", in accordance with the international corpus of human rights guaranteed under the General Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women, as well as the World Programme of Action concerning Disabled Persons, constitute the political and moral foundation for the Rules.

Although the Rules are not compulsory, they can become international common rules when they are applied by a great number of States with the intention of respecting them as a part of international law. The rules imply a strong moral and political commitment by the States in taking action for the equalization of opportunities for persons with disabilities. They indicate to important principles of responsibility, action and cooperation. They point out to areas of key importance for the quality of life and for the achievement of full participation and equality. The Rules offer an instrument for policy-making and action to persons with disabilities and their organizations. They provide a basis for expert and economic cooperation among states, the United Nations and other international organizations.

The purpose of the Rules is to ensure that girls, boys, women and men with disabilities, as members of their societies, may exercise the same rights and obligations as others. In all societies of the world there are still obstacles preventing persons with disabilities from exercising their rights and freedoms and making it difficult for them to participate fully in the activities of their societies. It is the responsibility of States to take appropriate action to remove such obstacles. Persons with disabilities and their organizations should play an active role as partners in this process. The equalization of opportunities for persons with disabilities is an essential contribution in the general and worldwide effort to mobilize human resources. Special attention may need to be directed towards groups such as women, children, the elderly, the poor, migrant workers, persons with dual or multiple disabilities.

2.2 National legislation

2.2.1 The Constitution of Montenegro (Official Gazette of Montenegro 1/2007)

Article 8

"Direct or indirect discrimination on any grounds shall be prohibited.

Regulations and introduction of special measures aimed at creating the conditions for the exercise of national, gender and overall equality and protection of persons who are in an unequal position on any grounds shall not be considered discrimination.

Special measures may only be applied until the achievement of the aims for which they were undertaken."

Article 68

"Special protection of the persons with disability shall be guaranteed."

Article 69

"Everyone shall have the right to health protection.

A child, a pregnant woman, an elderly person and a person with disability shall have the right to health protection from public revenues, if they do not exercise this right on some other grounds."

2.2.2 Law on Prohibition of Discrimination (Official Gazette of Montenegro 46/2010)

Article 2

"Any form of discrimination, on any grounds shall be prohibited.

Discrimination is any unjustified legal or physical, direct or indirect distinction or unequal treatment, or non-treatment of a person or a group of persons in comparison to other persons, as well as exclusion, restriction or giving preference to a person in comparison to other persons, based on race, colour of skin, national affiliation, social or ethnic origin, affiliation to minority nation or minority national community, language, religion or belief, political or other opinion, sex, gender identity, sexual orientation, health conditions, disability, age, material status, marital or family status, membership in a group or assumed membership in a group, a political party or other organization, as well as other personal characteristics."

Article 9

"Segregation represents any separation of persons or a group of persons on any of the grounds referred to in Article 2 paragraph 2 of this Law, except in cases when the separation is objective and justified, and the manner for reaching that aim is necessary and proportional."

Article 12

"Disabling, restricting or making difficult for a person to work, to get education or any other unjustified distinction or unequal treatment of a person or a group of persons, on the grounds of health condition, shall be deemed to be discrimination."

Article 18

"The following shall, in particular, be deemed to constitute discrimination of a person with disability: preventing or making difficult the access to health care i.e. denial of the right to health care, regular medical treatment and medicines, rehabilitation means and measures, denial of the rights to attending school, or education, denial of the right to work and the rights related to employment relations, in accordance with the person's needs; denial of the right to marry, form a family and other rights from the field of marital and family relations.

Unavailability of access to buildings and areas for public use for persons with limited mobility and persons with disability, or disabling, limiting or complicating use of the stated buildings, in a manner which is not an disproportional burden for a legal or physical person who is obliged to provide it, shall be deemed to be discrimination under paragraph 1 of this Article.

Discrimination of the persons with disabilities also exists in case when the necessary measures to remedy restrictions, or unequal position of the persons are not taken."

2.2.3 Law on Exercise of the Rights of the Persons with mental health problems (Official Gazette of the Republic of Montenegro 32/05)

The Law regulates the manner of providing protection and exercise of the rights of the persons with mental health problems, organization and implementation of the protection, as well as creating conditions for application of the measures for protection of those persons against discrimination.

Article 2

"The persons with mental health problems shall be provided with exercise of the rights and freedoms in accordance with the international documents and general ruled of international law."

Article 3

"Discrimination against the persons with mental health problems is prohibited.

Discrimination, according to the paragraph 1 of this Article, does not imply special measures that are undertaken in order to protect health or safety of the persons with mental health problems, i.e. to provide improvement of their health.

No one should regard a person as a person with mental health problems or point in any other way to his/her mental disorder, except if the purpose of it is to undertake the measures of protection of this person pursuant to the law. "

Article 4

"No person can be forced to be medically examined with the aim of determining if there is a mental disorder, except in the cases and according to the procedure prescribed by the law.

Persons with mental illness have the right to:

Accessible and efficient care of the mental health and accessible basic psychotropic drugs, under equal conditions;

Health and social care that respond to the needs and treatment under equal conditions and in line with equal standards as all other persons that are being treated in the health care institutions;

Protection against economic, sexual and other forms of exploitation, physical or other abuse, every form of maltreatment, humiliation and any other form of violating the personal dignity and creating unpleasant, aggressive, humiliating or insulted state;

Protection of personal dignity, humane treatment and respect of his/her personality and privacy. "

Article 5 paragraph 2

"Psychiatrists and other health care workers are obliged to carry out treatments of the persons with mental health problems in a way that the patients' freedoms and rights are limited as little as possible taking care not to cause physical or psychic uneasiness that insult their personality and human dignity."

Article 8

"Whether a person suffers from a mental disorder and behavioral disorder is determined in compliance with the internationally recognized standards.

Persons with mental health problems person has the right to be treated in the least restrictive environment and with the least restrictive, imposing and forceful methods.

Treatment and care of the persons with mental health problems person must be based upon individually set plan, which is introduced to this person and on which his/her opinion is listened to.

In the process of setting up the plan from paragraph 3 of this article, it is necessary to include members of the family or a legal guardian of the persons with mental health problems person. "

Article 10

"Juvenile persons with mental health problems persons enjoy special care pursuant to this law."

Article 20

"Treatment of the juvenile persons with mental health problems persons in a psychiatric institution is carried out separately from the treatment of adult persons with mental health problems persons."

2.2.4 Law on Health Care (Official Gazette of Montenegro [39/2004](#) and [14/2010](#))

Article 43 paragraphs 1, 2, 4, 8 and 9

"The hospital is a health institution that performs hospital activities. (paragraph 1)

The hospital activity includes - diagnostics, medical treatment, and medical rehabilitation. During hospital treatment, citizens shall be provided with accommodation, food, and appropriate health care. (paragraph 2)

Hospitals can be general and special. Particular forms of specialist health care can be performed in the day-hospital, too. (**paragraph 4**)

Special hospital is a health institution on secondary health care level that performs specialist consultative and highly specialized health activity through a panel of doctors and hospital treatment for certain types of diseases and adequate medical rehabilitation. (**paragraph 8**)

A special hospital must have the adequate number of beds according to its purpose, diagnostic and other specific conditions for performing activities in a specific branch of health care that it administers. (**paragraph 9**)"

2.2.5 Law on Social and Child Welfare (Official Gazette of Montenegro 78/2005)

Article 3 paragraphs 1 and 2 point 1

" Social and child welfare activities shall be activities of public interest. (**paragraph 1**)

Social and child welfare is based on the principles of: (**paragraph 2**)

respect for the dignity of the beneficiaries in the field of social and child welfare. (**point 1**)"

Article 4 paragraphs 1 and 2

" The objective of social and child welfare shall be to provide care for the individual, the family and children who are at risk, in social need and excluded. (**paragraph 1**)

In fulfilling the objectives under paragraph 1 of this Article, care shall particularly be afforded to: (**paragraph 2**)

- persons incapacitated for work and lacking financial means;
- children without parental care;
- children with physical, mental and sensory impairment;
- persons with disabilities; "

Article 25

"The entitlement to be placed in an institution shall belong to:

- 1) a child without parental care and a child whose development is impaired by family circumstances, until the completion of its regular secondary school education, and not more than six months upon completion of its education;
- 2) disabled children and youth;
- 3) a child with social behaviour problems;
- 4) a person with physical, mental or sensory impediments who cannot be provided with care in any other manner, due to housing, health, social or family conditions;

5) an adult disabled person and an elderly person who cannot be provided care in any other manner, due to housing, health, social or family conditions."

III CONDITIONS IN INSTITUTIONS FOR PLACEMENT OF THE PERSONS WITH MENTAL HEALTH PROBLEMS

As stated in the introduction of this Report the institution of the Protector of Human Rights and Liberties of Montenegro has based its research and analysis of the status of human rights and liberties of the persons with mental health problems placed in institutions on the visits to the institutions. The visits included:

- Interview with the management and employees in the institution;
- Interview with the beneficiaries, in accordance with their possibilities and capacities for communication;
- Interview with parents and representatives of the associations of parents with children with mental development disabilities;
- Visits to all premises where persons placed in an institution reside;

During the visits the representatives of the institution of the Protector focused on the issues of the working and accommodation conditions where beneficiaries reside, the problems present in ensuring protection of their rights, issues of health care, nutrition, work and occupation therapies, cases of possible abuse of beneficiaries - proteges by the staff and mutual relations between beneficiaries - proteges, as well as hygiene conditions in which the beneficiaries live.

3.1 PI Institute "Komanski most" Podgorica

3.1.1 Introduction

PI Institute "Komanski most" started operating in 1976 as an institution for children and youth with moderate, severe and profound disabilities in intellectual development.

Gradually the number of children in the Institute decreased, resulting in transformation of the Institute into an institution for placement of adults with serious limitations in social functioning due to mental disabilities, or other combined developmental disabilities.

According to the Decision on establishment of the public institution for placement of persons with special needs, of February 2, 2006, the Public institution - Institute "Komanski Most" was organized as a public institution for placement of persons with mental disabilities.

The Institute has about 3 hectares of land with three pavilions for accommodation of beneficiaries, a workshop for work and occupational engagement of the beneficiaries, a dining room with a kitchen, a laundry room and an administrative building. The total area of the building is 2623m².

Working assets for PI Institute "Komanski most" and salaries for the employees are provided for in the Budget of Montenegro from the position of the Ministry of Labour and Social Welfare.

3.1.2 Meeting the basic needs of the beneficiaries - proteges

Observations and statements presented in this report are the result of continuous work of the Protector of Human Rights and Liberties in the past several years. Namely, acting upon complaints relating to the exercise of the rights of children with mental disabilities the Protector visited the institution on several occasions and provided opinions with recommendations for taking activities and measures with the aim of improvement of the living conditions of the beneficiaries in PI Institute "Komanski most".

At the time of the first visit (July 2008) to PI Institute "Komanski most" there were 131 beneficiaries staying in the institution, of which 74 male and 57 female beneficiaries. Of the total number of the beneficiaries there were 10 children or 7.63%, 43 beneficiaries under the age of 27 or 32.82% and other beneficiaries were older persons.

The Institute accommodates persons with profound mental retardation and practically no capacity of self-protection, or very limited, without communication and mobility. Their mental development in adult life corresponds to persons under the age of three and they comprise about 30% of the beneficiaries in the Institute. The other beneficiaries (70%) have severe mental retardation. At the time of the visit the largest number of the beneficiaries that were in the Institute were mixed persons of different gender (male and female) and various age (old, young and children). It was concluded that the conditions of placement were not decent for people to stay in those facilities and that it was necessary to take measures to adapt the facilities where the proteges reside, to increase the hygiene level and that it was necessary to increase supervision and control over the proteges.

In the Report on the Work of the Protector of Human Rights and Liberties of Montenegro for 2008 the Parliament of Montenegro was informed of the conditions in PI Institute "Komanski most" and on that occasion it was recommended that certain measures are taken, in order to improve the conditions for placement of the proteges in the institution Komanski most as follows: to conduct division of proteges according to their age and gender and to separate children from adults and to provide sufficient number of employees to provide care to the proteges. Apart from that, it was pointed out that the proteges should be provided with adequate health care, exercise of the right to contact with the family, the right to protection of privacy of identity, the right to education and vocational training.

During 2009 and 2010 monitoring of the conditions and work of PI Institute "Komanski most" was continued. The representatives of the institution Nevenka Stanković, Deputy Protector with associates Milica Kovačević and Saša Čubranović and Zorica Barac, MD PhD neuropsychiatrist, engaged as an expert, visited the institution in April 2010 and stated on that occasion that activities were taken on improvement of conditions for accommodation and stay of the beneficiaries in PI Institute "Komanski most".

The department intended for children was completely separated and adapted in accordance with the recommended standards. They created individual work programme for each child, and children were included into education system in accordance with the remaining mental capacities. Programmes focused on interactive work were included in the work with the children.

In the Institute fixation is used only as protection from self-harming in cases of extremely aggressive patients. Six beneficiaries were indicated with fixation according to the Protocol on the procedure in the event of extreme anxiety and aggression of the beneficiaries – through application of leather fixations on which records are duly kept in the monitoring list for the patients and the fixations are temporary and adjusted to the given moment. Thus the isolation room was not needed.

Also, it was stated that adult proteges were separated according to gender and age but the accommodation conditions do not correspond to the standards stipulated for work of such institution, and the hygiene level was not satisfactory. Namely, there was a lack of hygiene in the facilities where adult proteges with severe disabilities were placed. We noted insufficient number of staff present, only four workers were engaged in maintaining hygiene. The Institute

does not have a sufficient number of experts. Continuous educations for the employees on new approaches and methods in treatment of the persons with mental health problems do not exist and until that moment only training for new methods of interactive work with children in cooperation with the representatives of UNICEF was conducted.

Most proteges do not have contact with the closest relatives which has a particularly negative effect on development of children placed in the Institute.

The conditions found in PI Institute "Komanski most" was the reason for the Protector to direct a final opinion with recommendations on April 27, 2010 also to the Ministry of Labour and Social Welfare, and with the aim of providing conditions for decent life of the proteges of the Institute.

THE MINISTRY OF LABOUR AND SOCIAL WELFARE was recommended the following:

- To take all the necessary measures for provision of financial means for adaptation – reconstruction and equipment of the facilities in PI Institute "Komanski most" where adult proteges are placed, with the aim of improving of the conditions of stay and the quality of life;
- To take measures to increase the number of employees in the Institute, and particularly employees which are in direct contact with the proteges (nurses, day-care teachers, caretakers, experts for work therapy, social workers), proportional to the number of proteges and in accordance with the standards of the European Committee for Prevention of Torture, Inhuman or Degrading Treatment or Punishment (CPT);
- To initiate passing of regulations to determine the standards and procedures, as well as mechanisms of control for referring of the persons with mental health problems into institutions of such type;
- To consider, having in mind the difficult conditions of work in the Institute, the possibility of increasing salaries for the employees in the institution, in order to increase motivating for employment and keeping employees in the institution.

PI INSTITUTE "KOMANSKI MOST" was recommended:

- To conduct division of adults according to gender – placement in separate pavilions, as well as according to age and level of their remaining capacities (division within the same pavilion);
- Immediately to take all the necessary measures for improvement of the hygiene level for adult proteges and premises where they reside;
- To compose informative brochure on the conditions of reception, stay and release of proteges in the institution and their rights and to make it available to the proteges, their parents, or guardians, experts and other public;
- To compose the plan for cooperation of the Institute with NGOs, volunteers and others, with the aim of fostering contact between the proteges and external world;
- To provide conducting of individual treatment and rehabilitation and inclusion of all proteges in the activities adjusted to their needs and capacities;
- To take measures to protect the privacy of the proteges in the Institute;
- To take the necessary measures for motivating parents, or guardians, to maintain regular contacts with the proteges and to visit them;
- To conduct continuous aducation of the employees in the Institute.

The Protector of Human Rights and Liberties, Šučko Baković, on October 25, 2010 together with the members of the Parliament - members of the Board for Human Rights and Liberties, and the Minister of labour and social welfare visited PI Institute "Komanski most" in order to view the results of the actions and measures taken with the aim of implementing recommendations.

On that occasion he stated that the conditions in PI Institute "Komanski most" were significantly improved.

Reconstruction was carried out on the building of the Institute, video supervision was installed, heating for all premises was provided and street lighting was placed. Reconstruction of the Pavilion „A“, was carried out which was intended for placement of adult male beneficiaries. Facilities in Pavilion „A“ were completely adjusted to the needs of the beneficiaries, conditions were created for positive therapy environment, protection of the privacy of the beneficiaries, thus improving the conditions for stay and improving the quality of life.

In 2010 five nurses were and eight caretakers were employed.

3.1.3 The present conditions in PI Institute "Komanski most"

For the needs of composing this Report, the representatives of the institution of the Protector of Human Rights and Liberties at the beginning of 2011 conducted interviews with the director of the Institute with the aim of having an overview of the present conditions in that institution.

Based on the activities so far, visits and conducted interviews the Protector of Human Rights and Liberties observed as follows:

3.1.3.1 Accomodation

In PI Institute "Komanski most" there are 131 beneficiaries, of which 74 male and 57 female beneficiaries. Of the total number of the beneficiaries there were 10 children or 7.63%, 43 beneficiaries under the age of 27 or 32.82% and other beneficiaries are older persons.

PI Institute "Komanski most" has three pavilions "A", "B" and "C" intended for separated placement of male, female and underaged beneficiaries.

The pavilion where children are placed was separated and renovated and it meets in full the standards for placement of children. In the children pavilion there is a special part for the living room, equipped with new inventory adjusted for children and a separate sleeping room, a dining room and a small kitchen, a bathroom, and a hall where children can have recreation and spend their free time. The hygiene is at a high level and two day-care teachers and one caretaker provide care for the children, who are very dedicated to their work.

Also, reconstruction of pavilion "A" was carried out which was intended for placement of adult male beneficiaries. The beneficiaries are placed according to the degree of their remaining capacity and age. The rooms are equipped with special medical beds with hydraulic drive, and the premises for living room are equipped with elements which will largely improve organizing of free time.

There are no adequate conditions for accomodation of adult female beneficiaries – proteges, because the premises of pavilion "B" do not meet the minimum standards for decent life of the beneficiaries - proteges.

Also the building where the kitchen and the dining room are situated is not adjusted to the needs of the beneficiaries, because the inventory is old and worn out which affects the quality of provision of services.

There are no adequate courtyard areas in the Institute for free activites and recreation of children.

The Institute is equipped with video surveillance and reconstruction of the heating system, lighting and access roads was carried out.

3.1.3.2 Health care

Health protection for the proteges is organized in the form of health care, provided by six nurses employed by the Institute and their work is organized in twelve-hour shifts. With the aim of providing comprehensive health care the Institute hires external expert associates, as follows: 1 general practitioner for general health problems, one specialist neuropsychiatrist for mental health problems and a dentist for the health problems of mouth and teeth. Health care covers all the proteges of the Institute, i.e. 131 beneficiaries, as follows:

- 10 proteges under the age of 18;
- 43 proteges from 18-27;
- 78 other proteges in the category of adults with special needs.

The proteges are divided into disability categories:

- LMR 1 protege (mild mental retardation);
- UMR -53 proteges (moderate mental retardation) or 41.08 %;
- severe mental retardation 31 proteges, or 24.03 %
- profound mental retardation – 44 proteges, or 34.10 %;

the most common health problem of the proteges are disinhibitory behaviour problems, self-aggression and hetero-aggression. The female proteges are protected with contraception in the reproductive period – applied spiral. In the Institute, at the time of the visit, there were 13 completely immobile proteges and four blind proteges.

At annual level, the engaged doctors perform systematic check-ups of all proteges and medical documentation is duly kept. Each protege has a health care file with listed check-ups and suggestions for therapy, and also with the suggestions of the neuropsychiatrist on individual inclusion of the proteges in some occupational activity or an advice for further conducting of stimulative treatment.

3.1.3.3 Education and occupational therapies

At the time of the visit, three children continuously and two children occasionally attended classes at the Center for Education and Vocational Training "1. Jun", in accordance with the decision of the Commission for referral of children. Two children are acquiring education in the Institute for Rehabilitation of Children and Youth with Disabilities due to the problem they have with physical disability. Other children do not have working capacity, and thus are not capable of acquiring basic knowledge in the field of education but they are included in occupational therapy. All children are covered by individual programmes, composed in cooperation with the Centers for Social Work.

Individual programmes are not conducted in work with the adult proteges, but occupational therapy is conducted over one part of the proteges, in accordance with their capacities, and within the Institute there is a workshop (manufacture of carton packaging) where a certain number of adult proteges are engaged in work.

During the year the proteges are provided with the stay in the mountains and at the seaside with the aim of rest and recreation.

3.1.3.1 Visits

Quite a small number of parents or relatives visit and maintain contact with the beneficiaries (less than 15%) although visits are allowed as any other form of contact. It was observed that the management of the Institute and the centers for social work are not sufficiently engaged in motivating families in order to establish and maintain contact.

3.1.3.5 Staff

About 50 employees are providing care for the beneficiaries of which 11 nurses, 19 caretakers, 6 defectologist, 3 work therapists, 1 social worker and 4 hygiene workers, while the other employees are day-care teachers, trainers, administrative and technical staff. For provision of health care there are three doctors engaged on contractual basis, as follows: a psychiatrist, a labour medicine specialist and a dentist.

Having in mind the number of proteges, PI Institute "Komanski most" does not have sufficient number of employed staff and in particular experts.

It was observed that although the employees in the Institute are expected to be highly engaged in performing their duties there are no incentives, benefits and special programmes for protection with the aim of preservation of working capacity of the employees. Continuous education of the employees on new approaches and methods in treatment of the persons with mental health problems were initiated in 2010, and training for new methods of interactive work with children are conducted in cooperation with the representatives of UNICEF.

3.1.3.6 Cooperation with other entities

The web site of the Institute was designed, where all events and information are regularly presented with the aim of introducing the public to the work of the institution and the services it provides.

Cooperation with the line ministries, centers for social work, the Faculty of Medicine and NGO sector was established. The Institute receives specific purpose donations from international organizations.

3.1.3.7 Assessment of the conditions

We can state with pleasure that after the recommendations were given by the Protector, certain measures and activities were taken which lead to changes in the institution itself and improvement of the quality of living conditions and the services provided to the beneficiaries. Accommodation conditions in the institution for children and male proteges were significantly improved. Children pavilion meets in full all the standards for the stay of children. A very significant change was inclusion of children into education system, as well as creation of individual work programmes for children. However, there is no area for free activities and recreation of children. Also, contact between children and adult proteges is not entirely prevented, which can lead to incidents between the proteges and abuse of children.

Through construction of a new pavilion "A" adequate accommodation conditions were ensured for adult male beneficiaries. Also, division of proteges according to the degree of the remaining capacity and age was conducted. However, there are no individual work programmes for adult male proteges, or areas for free activities and recreation, which aggravates their further rehabilitation.

By passing the Protocol on the procedure in the event of extreme aggression and anxiety of the beneficiaries, and by replacement of fixations (chains and ropes) by leather fixations and keeping of duly records on the use, significant progress was reached regarding the use of means for restricting freedom of movement.

The problem of placement of female population is evident because they are not provided with adequate living conditions. In pavilion where women are placed the hygiene level was improved, but the premises themselves and the inventory is worn out. The conditions where female population is placed are under the stipulated standards and they raise a question of exercising the right to decent life, respect of personality and protection of privacy.

Also, the procedures of referring the proteges in the institution are not clear. Decisions based on which the proteges are referred do not provide for time limits of the stay in the institution. The representatives of the institution of the Protector could not get the information whether the decisions are reviewed and by which authority.

It is necessary to increase the number of the present staff working effectively (nurses, caretakers, day-care teachers), since a large number of the employees are often on sickness leave. Namely, it is necessary to provide the presence of an adequate number of the staff at any moment, including the period during the night, during the weekends and holidays. Having in mind the difficult nature of their work, it is of great importance that the staff working with the proteges is carefully selected and provided with adequate training, both prior to starting the duty, and at the beginning of work, as well as to be adequately paid for the work under difficult conditions.

Regarding the relations of the proteges and their families it was observed that a very small number of proteges has contact with the family. Since, for now, only 15% of the proteges has visits of the family it is necessary to develop a service program of various social services at the local level in order to enable the parents to participate actively in the rehabilitation of the proteges.

3.3 Center for Education and Vocational Training "1. jun" Podgorica

With the aim of viewing the state and conditions of education and placement of proteges, the representatives of the institution the Protector Šučko Baković, the Deputy Protector for the rights of the child Nevenka Stanković and associate Duška Šljivančanin, on 24.12.2010, visited the Center for Education and

Vocational Training "1. jun". During their visit the representatives of the institution checked all the premises in the institution and spoke to the director of the Center, the employees, the president of the Parents' Council and the proteges.

Center for Education and Vocational Training "1. jun" was founded in 1967. It provides preschool, primary and secondary education for children with mild disabilities and autistic children. Apart from special education the Center also provides social and professional training in the interest of including the students into work and social life, upon completed education. As extended stay, the Center provides rehabilitation, education and work training and refers to further education, in accordance with their capabilities.

The students are provided with accommodation and food, partly with clothes and shoes, medical care, textbooks and study materials and cultural and entertainment programmes and excursions. The Center for Education and Vocational Training "1. jun" is financed from the Budget of Montenegro.

3.3.1 Accommodation

The Center for Education and Vocational Training "1. jun" within its institution has a separate and organized space for carrying out of education programme and boarding school for accommodation and stay of children.

At the beginning of school year 2010/2011, 150 students were enrolled divided into 24 classes. The area where classes are carried out is organized in 14 classrooms, one specialized classroom, 3 school workshops and a gym. All premises are considerably equipped and adjusted to the needs of this category of children.

In the boarding school there are 62 students divided into 8 study groups.

Spatial capacity of the boarding school and the special purpose premises can not meet the needs of the beneficiaries in full. An additional problem is heating of these rooms due to worn out devices and installations.

The boarding school of the Center for Education and Vocational Training "1. jun" has 20 sleeping rooms equipped with four beds each, wardrobes and desks. As premises for special purpose the following are separated: autism rooms (three), room for extended stay, classrooms for preschool education (two), specialized classrooms (three), library, playrooms (two) and four rooms for family living room. The boarding school has one medical office.

In the boarding school there is a considerably equipped kitchen and a joint dining room adjusted to the needs of the beneficiaries as well as 12 bathrooms.

The proteges stay in the boarding school 24h a day, during the school year, and during the winter and summer holidays, as well as during the state and religious holidays they go to their parents/guardians. An exception are children without parental care, who spend their school holidays, state and religious holidays in the Children's Home "Mladost", as their main institution.

Whole-day stay of children in the boarding school (24 hours) are monitored and supervised by day/care teachers who work in three shifts. During the night there is a nurse and a night guard with the children. The other staff (caretakers, cleaners, laundry workers and kitchen staff) work until 20 h.

3.3.2 Health care

There is a medical office within the boarding school of the Center "1. jun". In the medical office there is staff on duty 24 h, so that the proteges can be provided with the necessary medical care at any moment.

The proteges have their elected doctors in the towns where they live, and nurses take care of the therapy they are prescribed, during the time spent in the boarding school, who take them to scheduled examinations or when necessary they make appointments with a specialist doctor themselves.

Regarding the problems of mouth and teeth disease the proteges of the Center "1. jun" are not provided with adequate health care. The Center does not have its dentist's office, and there is a very small number of child dentists in Montenegro specialized to work with this category of children.

3.3.3 Education

Within PI Center for Education and Vocational Training "1. jun" there is a nine-grade elementary school where children are educated according to the programme for I and II cycle, and from the sixth grade according to non-reformed programme while the students who start their education according to that programme do not finish it.

There is also organized secondary vocational school with three years duration (II degree vocational education) autism class, preschool class, class for children with moderate disabilities and extended stay.

Within the institution there is a shoemaker's and metal workshop with practical classes for the students trained for assistant shoemaker and assistant locksmith. In CTS "Spasoje Raspopović" in Podgorica they organized practical classes for assistant hairdresser, in SS "Sergej Stanić" in Podgorica for assistant chef, and with private entrepreneurs for assistant baker and assistant car mechanic.

Within the boarding school there is a well equipped hair salone, where students are taught hairstyling.

3.3.4 Referral and placement of proteges

According to previous legal regulations proposals for referral of children were provided by the Republic Commission for Examination of children with disabilities in physical or mental development, and the decisions were passed by the Ministry of Education and Science.

Now in every municipality there are commissions for referral of children with special educational needs upon whose proposal the competent Secretariat passes a decision on referral of children. Review of the decision on referral into a specific education programme is conducted upon a proposal of parents or upon a proposal of PI Center for Education and Vocational Training "1. jun". Decision on referral for placement into the boarding school of the Center is passed by the centers for social work in the competent municipalities, and the costs are borne by the Ministry of Labour and Social welfare.

Regarding the procedure of referral and directing of children by the local commissions it was stated that there are no common and compulsory periodical reviews and monitoring of children.

3.3.5 Visits

A number of children keeps regular contacts with their relatives and they spend almost every weekend at home. Telephone contact of parents and children as well as teachers, management and parents is provided and available daily. Parents and family, coming to visit a child, with a permission from the day care teachers can take the child out of the boarding school. Children who are able to travel on their own in agreement with the teacher, and previous consultation with parents/guardians, are given the permission to leave.

Contact of children and their family is provided for at any moment, but many families do not visit proteges and they spend their weekends and days off during the holidays in the boarding school.

3.3.6 Staff

There are 74 employees in the institution.

Of that number there are six class teachers, 10 elementary education teachers, six secondary education teachers, two practical training teachers, 12 day care teachers, one day care teacher in preschool education, one day care teacher, one in autism.

Day care teachers have the following qualifications and professional education: two graduated defektologa VII degree, six with specialist degree in preschool education VII degree, one physical education teacher VII degree, one mother tongue teacher VII degree, one arts teacher VII degree, six teachers in preschool education VI degree.

The Center employs one psychologist, two speech therapists, six nurses and three caretakers.

Other employees comprise the management, guards, drivers, cleaners and other.

3.3.7 Assessment of the conditions

PI Center for Educaiton and Vocational Training "1. jun" was founded as educational institution - school. However, the Protector believes that its social segment must not be left out, since the Center accomodates children with mental disabilities for the purpose of education who could not be included into regular education system. In the Center there are children from the whole territory of Montenegro, since it is the only institution providing special education to children with mild and moderate disabilities and autism. It was noted that the Center also provides training for children with combined disabilities, although this degree of disability can not be qualified into the category of mild or moderate mental disability. Such structure of beneficiaries largely aggravates the work and functioning of this institution.

Work with autistic children requires special conditions and highly specialized staff. Their expert training requires engagement of a wide variety of specialized experts in various fields: psychology, pedagogy, sociology and other which is not provided for in the Center. A number of engaged day care teachers are qualified as subject teachers, while the professional staff includes one psychologist and two speech therapist and two defectologists.

Non existence of a sufficient number of experts particularly affects the autistic children. It raises the question of the quality of the services provided, since there is no system of medical and social services for persons in autistic spectrum in Montenegro, so there is a lack of supervision, control and work monitoring mechanisms.

Referral of children into institution is done based on the decision of the centers for social work. Decision on referral of children is passed by a local commission. These decisions in most cases are not subject to review. Review is conducted only upon a request from the institution or parents if estimated that referral is not adequate for the needs of the child. There are no regular and compulsory periodical reviews and monitoring of the child. The commissions which conducted the referral do not keep track of the status and possible progress in development of the child. And the standards applied in assessment and referral, and in determining of the composition of the commissions, are not clear enough.

During the visit to the boarding school it was stated that accomodation capacities were overloaded, because there were four persons staying in each sleeping room, and the international standards recommend provision of 4m² per beneficiary. It was also observed that the heating for the premises where children reside is not provided for in an adequate manner. The hygiene and nutrition in the boarding school is at a satisfactory level.

General health care of the beneficiaries in the Center is at a satisfactory level, but the worrying fact is that it is difficult to provide quality interventions regarding the health of mouth and teeth. The biggest problem regarding provision of adequate dental service for the children with mental health problems is in the fact that the dentists refuse to render repairs of teeth without anesthetics, and with children with mental health problems that may cause other consequences, particularly in case of Down syndrome. In such cases of intellectual defect it is necessary to work in specially equipped offices which are not available to the beneficiaries of the Center.

The basic task of the Center "1. jun" is professional training of the children and acquiring skills for independent life. However, it was noted that the proteges of the Center visit the Center even after the completed education and spend time there which implies that integration of these persons in the society was not achieved and that most of them, after completed education, can not find employment. Within the activities conducted in the Center, former proteges are provided with occupational work therapy, although there are not special workshops in the Center where these persons could be professionally engaged. The problem of professional engagement represents a large obstacle for their further socialization and integration. The Center has a concept design for construction of workshops for manufacture of souvenirs and decorative packages. The management of the Center believes that it could be one way to provide care and professional engagement of the children who are professionally trained.

The management of the Center is significantly engaged in integration of their students and proteges in all spheres of the society. Within the school engagement a bulletin was launched edited by the children themselves with assistance from the teachers. Student parliament was also formed whose representatives, in accordance with their capacities, participate in all manifestations for children. Active participation of children was observed in many sports events. The management regularly organize recreational excursions and visits to cultural and historical sights.

Regarding the relation between the parents and children placed in the boarding school of the Center, it was stated that a certain number of children does not have regular contacts with the family, or spend days off in their homes (weekends and holidays). The management of the Center and the employees take significant activities in order to motivate the parents and introduce them to the importance of family environment and support in acquiring education and training.

The problem of adequate compensation for the employees in the Center, which would include certain benefits and incentives due to difficulty of the job, is not resolved. Despite that fact, we observed high professional and personal engagement and dedication to the proteges.

3.4 Children's Home "Mladost" Bijela

Within the regular activities of the institution of the Protector of Human Rights and Liberties, the Deputy Protector for the rights of the child Nevenka Stanković with associates Saša Čubranović and Nerma Dobardžić, visited, on July 23, 2010, PI Children's Home "Mladost" in Bijela.

PI Children's Home "Mladost" in Bijela is an institution of a social type dealing with care for children without parental care and children with development disabilities due to family situation. PI Children's Home "Mladost" is the only institution of such type in the territory of Montenegro.

PI Children's Home in Bijela was founded in 1946. the building, which is operating today, was constructed and occupied in 1980, with total area of 4.072 m², and with accommodation capacities of 200 beds.

During the long period, from its foundation until today about 2000 children went through this institution. At the moment there are about 160 children in the institution aged from one month to the legal age.

3.4.1 Accomodation

It was stated that about 150 children aged from 0-18 are staying in the Children's Home. The children are divided into eight groups of minimum 12 children of the same age in each. Each age group has its family day-care teacher and two main day-care teachers.

During the visit about 20 children with developmental disabilities were staying in the Home, of which 12 children with severe mental retardation, and others with autism and Down syndrome. These children attend classes during the year and stay in the Center for Education and Vocational Training "1. jun", and they spend holidays and days off in the Children's Home.

Accommodation capacities, the hygiene level and nutrition in the Children's Home are at a satisfactory level. The Children's Home does not have adequate spatial and accommodation capacities for stay of children with developmental disabilities, since there are no access points and lifts which would provide access and movement of persons with limited mobility. Also, there are no individual work programmes for children with developmental disabilities as well as rules and procedures for acting in cases of children expressing aggression as a consequence of diagnosed mental condition.

According to decisions of the Center for social work children without parental care with developmental disabilities are placed in PI Children's Home "Mladost" in Bijela, because that is the only way to provide them with care although the institution is not adjusted to placement and work with that category of children.

3.4.2 Health

Children with developmental disabilities without parental care spend most of the year in the Center for Education and Vocational Training "1. jun", where they are provided with health care. They have their elected doctor in the primary health care center in Bijela - Herceg Novi as well as a specialist doctor monitoring the health of the children.

In the Children's Home there are 25 employed nurses, providing the necessary care to the children, and a defectologist, a psychologist and a neuropsychologist are also engaged.

3.4.3 Education

Children with developmental disabilities due to mental health problem could not be included into regular education system, and they are referred to the Center for Education and Vocational Training "1. jun" where they are staying during the school year. There are not engaged special staff in the Children's Home to work with these children.

3.4.4 Staff

In the Children's Home "Mladost" there are 24 day-care teachers employed of which 9 preschool day-care teachers, 25 nurses, two social workers, and a defectologist, a psychologist and a neuropsychologist are engaged for a specific period on contractual basis. Other employees consist of administrative and assisting staff.

3.4.5 Assessment of the conditions

Based on the results of the visit it was stated that adequate conditions for stay and work with children with developmental disabilities were not provided in the Children's Home "Mladost" in Bijela. Namely, at the moment there are twenty children with severe and profound mental retardation (12 children with severe mental retardation, and others have Down syndrome and autism). Work with those children is not specially organized and adjusted to their mental and physical capacities, there are no individual work programmes for children with developmental disabilities. Children with developmental disabilities are placed in age groups with minimum 12 children, which is not in accordance with the international standards stipulating work in smaller groups. Groups organized in such manner do not enable successful conducting of daily activities according to the determined schedule, since the children with developmental disabilities are not able to participate equally with other children and to meet the determined activities in full. The premises where children are staying are not architecturally adjusted for movement and access for persons with limited mobility.

In the Children's Home there is not a sufficient number of expert persons working and providing care for these children. At the moment there are 24 vaspitača employed, of which nine pre-school day-care teachers, and others are subject teachers; 25 nurses and engaged on contractual basis a defectologist, a psychologist and a neuropsychologist. Children with developmental disabilities do not have constant supervision and care by expert and qualified persons, since these persons come in the event of need and upon a call.

3.5 HI Special Psychiatric Hospital - Dobrota

For the needs of composing of this report the representatives of the institution, the Deputy Protector for the rights of the child Nevenka Stanković with associate Nerma Dobardžić, and Borislav Mitrić, MD PhD neuropsychiatrist, visited the Special Psychiatric Hospital in order to assess the adequacy of the health institution for treatment of mental disorders, possible problems and the needs of the institution. During the visit an interview was conducted with the director of the institution, Tomčuk Aleksandar, PhD, the employees and the patients.

The hospital is the only institution of such type in Montenegro and it admits patients from the entire country. It provides services in the sense of treatment of mental disorders, rehabilitation and resocialization of persons with mental health problems.

The institution was founded in 1952 in one of the most beautiful areas in the Boka Bay, Dobrota, in the land plot of about 22200 m².

The institution is financed from the Budget of Montenegro.

3.5.1 Accomodation

The hospital is organized in nine wards placed in five buildings of pavilion type. Apart from the mentioned buildings there is an administration building and two buildings where therapy procedures are conducted. There is also a hospital area with the court for sports. There is a total of 241 beds, and there are

about 262 patients treated at the moment. The hospital is organized in: emergency ward, acute ward, social rehabilitation wards, addiction illness ward and judicial (forensic) ward.

Ward for addiction illnesses has the capacity of 21 hospital beds, of which 12 were determined for treatment of alcoholics, and 9 beds for treatment of drug addicts. In the ward there are 7 patients with imposed measure for treatment of drug addiction, having a prison sentence.

Judicial forensic ward was founded in 2005 and it has the capacity of 21 hospital beds. The patients with imposed measure of compulsory psychiatric treatment and safeguarding in health care institution are placed there. Most patients are of schizophrenia psychosis type.

During the visit, it was stated that the hospital is included in the protection of the rights of mental patients and in that sense there is a Council for protection of the rights of mental patients with 5 members (2 employed in the hospital, and 3 from the social environment) and ethics committee (organized in the same manner).

There is also an organized council for the patients in treatment. This council consists of the patients themselves who elect their members among themselves. In every ward there is a box for objections, complaints and suggestions. In the hospital in accordance with the Law on the Protection of the Rights of the Persons with Mental Health Problems there is an appointed Protector for the rights of the patients.

During the visit it was stated that there are 22 patients with imposed measure of compulsory psychiatric treatment who are waiting for admittance. The patients are aged from 25 to 45, there were no patients found in the hospital under the age of 18.

In the hospital the hygiene as well as nutrition is at a satisfactory level and in the wards the space is used to the maximum. The patients had no remarks regarding the behaviour of the staff and no requests.

3.5.2 Staff

The expert staff of the hospital consists of: a neuropsychiatrist (7), a psychiatrist (5), doctors in specialization (2), a psychologist in specialization, psychologists (2), defectologists (2), social workers (3), senior medical technician (3), intermediate level medical technicians (10).

The total of expert employees is 34, and the remaining 40 are administrative workers, technical staff and the security service.

3.5.3 Health care

Special hospital for psychiatry provides services of treatment of mental disorders, rehabilitation and resocialization of the persons with mental health problems using the following procedures:

Diagnostic procedure for determining the precise diagnosis. To that purpose there is a good expert team with all types of patient consultations available and who are provided with use of all additional diagnostic methods, with their own EEG room, and other services are provided from other health care institutions in Montenegro. The highest percentage of diagnosis is among schizophrenic psychosis comprising about 80%

The therapy protocol represents: biological therapy, social therapy within the therapy community, work therapy, occupational therapy, sports and recreational therapy.

For biological therapy there is a set of all medicines as well as the most modern medicines from the field of mental health. Working therapy is rendered by the work therapist who is also a social worker, and it also includes a defectologist, as a therapist. Social therapy is rendered under the supervision of a

specialist, and assisted with work with the family in the form of provision of support for treatment, family therapy, communicating of the health condition of the patient, and counselling for continued treatment upon release from the hospital, in outpatient clinics. Occupational therapy and a part of rehabilitation therapy is rendered under the supervision of a defectologist. Sports and recreational therapy is rendered under the supervision of medical technicians.

The patients in the ward for addiction illnesses are divided in the following diagnoses: F10 Mental disorder and behaviour disorder caused by abuse of alcohol; F19 Mental disorder and behaviour disorder caused by abuse of a number of psychoactive substances and other drugs; F60 Specific personality disorder, representing comorbidity with basic diagnosis.

Care for the patients is provided by a neuropsychiatrist, psychiatrist, psychologist, social worker, senior medical technician and 10 intermediate level medical technicians.

3.5.4 Visits

There are no restrictions regarding visits. Telephone contact is allowed and enabled at any moment and patients may also use mobile phones. However, despite the fact that there are no restrictions of contact quite a small number of the patients are visited by their relatives.

3.5.5 Assessment of the conditions

During the visit to HI Special Psychiatric Hospital Dobrota it was stated that the accommodation conditions are at a very high level. All wards were light, aired and clean. Activities were taken in personalizing the living area and adjusting it to the individual. The premises were painted in light colours, apart from a bed and a wardrobe in the rooms there are also TVs, and certain patients were seen in using virtual games (Sony PlayStation) and other. Within the hospital there is a gym, sports courts, as well as separate rooms for working and occupational therapy, among other also an Internet room. Working therapy consists of pottery, painting, tapestry and hand made crafts. Therapy is intended for all patients, but only about 35% of the patients take part in the activities, due to a lack in staff.

The hospital does not have enough medical staff, and the problem is particularly expressed in insufficient number of engaged medical technicians and nurses. There is quite a small number of nurses providing care for the patients, which reduces their chances for adequate psychosocial treatment and practice of the patients in the open space with escort. Overload and lack of staff is solved by providing therapeutic weekends or weekends off. However, in this way the efficiency in treatment is reduced due to often aggravation of the illness.

Work with persons with mental health problems requires high professional engagement and high dedication to the patients. However, despite of all the specifics of this job and very difficult working conditions, the staff in the hospital does not have special benefits and stimulus, and there are no special programmes for protection of the employees.

It was also stated that the capacities of the hospital are overloaded. The psychiatric hospital is overloaded with patients who do not need hospital treatment, but keeping and care in the family or a social institution. Most of the social patients were hospitalized based on the requests from the center for social work. According to the statements of the management of this institution for these patients there are statements of accepting voluntary treatment, of which duly records are kept.

Overload with social cases representing a significant percentage of 30% to 35% in the hospital is unacceptable in mental health institutions. These persons do not need intensive hospital treatment, but other form of help and social protection. It is not clear which criteria and standards is monitoring and assessment of keeping the “social patients” in the hospital based on.

The ward for addiction illnesses has the capacity of 21 hospital beds. At the time of the visit to the ward there were eight patients with imposed measure for treatment of alcoholism and seven patients with imposed measure for treatment of drug addiction who also have a prison sentence. 22 persons who had an imposed measure of compulsory treatment were waiting for admittance to the hospital.

It was observed that in this ward the patients are kept longer than it is necessary. The imposed measures of compulsory treatment in most cases were not strictly timely limited and formulation “for the duration of the need for treatment” is used. According to the statements of the management, judges do not conduct periodical visits with the aim of verification of justifiability of further application of the imposed measure, although the regularly receive expert opinions on the condition of the patients and suggestions for alteration of the measure through passing of a new decision.

It is unacceptable to keep the patients longer than the duration of the intensive procedure which is based on establishing the abstinence and education on addiction illness, since further care of these patients should be taken over by rehabilitation centers, and as appropriate prison institutions and services for outpatients treatment of persons with mental health problems.

During the visit, it was stated that there is no security staff provided in the ward for addiction illnesses taking care of the safety of the patients.

For the needs of providing security for the judicial (forensic) ward the staff of a private company dealing with protection of property and persons is engaged. In this ward sleeping rooms are equipped with grid gates, locked after 22 h. A question is raised whether such type of security is adequate for a neuropsychiatric hospital. Namely, it is very important that the staff in charge of security in the hospital is carefully selected and trained for this type of work and under constant control of the medical staff.

The status of the judicial (forensic) ward is not clearly determined, due to a lack in clear procedures by the Ministry of Justice and the Ministry of Health. There are no rules in the hospital regarding organization and management of this ward. According to the statements of the management, assistance from the line ministries was requested on several occasions regarding organization and provision of conditions for the work of the ward.

To that regard, the Protector reminds that judicial (forensic) wards are separated from the neuropsychiatric hospitals and in all countries in the region they are placed in prison institutions.

The representatives of the institution of the Protector did not find any evidence of excessive use of means for limitation of the freedom of movement. There are two rooms in the hospital for isolation placed away from the view of other patients. In the event of extreme aggression of patients, leather fixations are used and records are duly kept on all the used means for limitation of freedom of movement.

Great efforts are made in the hospital to inform the patients on their rights and treatment procedure. In all wards there are boxes for complaints of the patients. In the hospital itself there is an organized Council for protection of patients. The Council is composed of five members, a psychiatrist, a psychologist, a social worker, an employee of the hospital, a sociologist from the Public Health Institute in Podgorica and one lawyer. The Council monitors implementation of the law, and particularly compliance with the procedures regarding admittance and release of the patients, notifies the competent authorities on violations of the rights of the patients and acts upon complaints of the patients submitted to the Protector of the rights of the patients.

During the visit it was stated that a very small number of patients has visits from the relatives. It is evident that the families of the patients do not participate sufficiently in their treatment, recovery and rehabilitation. Lack of care from the families is particularly expressed with “social patients“ who are forgotten by their families.

There were not any underaged persons hospitalized in the hospital. We note that in Montenegro there are no services for protection of mental health of children and youth. Having in mind the fact that the hospital in Dobrota is the only institution for treatment of mental disorders a question is raised whether the care and treatment of children and the youth with mental health problems is adequate.

IV RECOMMENDATIONS

Visits to institutions, direct contact with the staff and the beneficiaries pointed out to certain problems and shortcomings in the work of the institutions, directly affecting exercise of human rights and liberties of the beneficiaries.

In all institutions there was an observed lack of sufficient number of employees and particularly expert staff. Having in mind inadequate compensations and lack of incentives and benefits a small number of experts opt for work under such conditions. Also there is insufficient work done on promotion of knowledge and skills of the employees in the form of organizing additional education.

The quality of carrying out work and occupational therapy is questionable in all institutions. In the Institute "Komanski most" there are no individual work programmes with adult proteges, while in the Children's Home "Mladost" there is no specialized staff, and thus, no individual work programme with these children. In other institutions occupational work therapies do not cover all beneficiaries, due to a lack in staff.

There are no precise procedures of referral and keeping of beneficiaries, which is caused by a lack of mechanisms for supervision and control. Such situation results in unnecessary keeping of beneficiaries in institutions and inefficient procedure during treatment and rehabilitation. This particularly affects children, since there is no regular assessment and monitoring of the condition in possible progress and development of a child.

In all institutions contact and visits of family and relatives are enabled, without limitations. The importance of participation of family in rehabilitation and recovery of these persons is of invaluable significance. However, regardless of all measures taken, the institutions have not succeeded to include relatives of beneficiaries in certain phases of therapy and recovery in an adequate manner. This is also supported by the attitude, based on prejudices, of the society that persons with mental disabilities can not be equal and useful members of the community. Lack of various services of social and health care (counseling, mental outpatients clinics, day care centers..), which would provide assistance and support to families of the persons with mental health problems, makes these institution the only and necessary method of care. Such situation leads to neglect and lack of any care and responsibility of family of persons with mental disabilities.

In certain institutions there are no adequate conditions for placement of all proteges. The problem of adequate accommodation and care for female beneficiaries is notable in the Institute "Komanski most", while in Children's Home "Mladost" there are no conditions for accommodation and stay of children with developmental disabilities. Insufficient spatial capacities as well as inadequate heating of the rooms represent problems raising a question over the conditions of stay and life of the beneficiaries in the Center for Education and Vocational Training "1. jun".

Special Psychiatric Hospital Dobrota is overloaded with patients that do not need intensive hospital treatment. The problem is too long keeping of “social patients” and patients treated from addition illnesses as well as organization of the work of judicial (forensic) ward within the hospital.

The noted shortcomings in the accommodation conditions, treatment procedures and the manner of work with the persons with mental health problems in PI Institute "Komanski most", PI Center for Education and Vocational Training "1. jun", PI Children's Home "Mladost" and HI Special Psychiatric Hospital in Dobrota, point out to inability of consistent exercise of certain rights of the beneficiaries – proteges which are guaranteed under international and national regulations, which requires taking certain actions and measures by the competent authorities. Therefore the Protector of Human Rights and Liberties

RECOMMENDS TO THE MINISTRY OF LABOUR AND SOCIAL WELFARE AND THE MINISTRY OF HEALTH

- To take all the necessary measures to provide sufficient number of specialized staff and employees who are in direct contact with the proteges (nurses, day care teachers, caretakers, work therapy experts, social workers), as well as assisting staff;
- To take all the necessary measures to conduct continuous education of the employees in the institutions;
- Having in mind the difficult conditions in the institutions, to consider the possibilities of raising the salaries for the employees in the institutions, in order to increase motivation for employment and remaining of the employees in the institutions;
- To take all the necessary measures to establish mechanisms of control and supervision of work of these institutions, as well as unique standards for provision of services to the beneficiaries;
- To take all the necessary measures to establish and develop various services of support for the families of the persons with mental health problems, at the local level;
- To take all the necessary measures to motivate the parents - guardians and families, with the aim of maintaining regular contacts with the proteges and active participation in the process of treatment and rehabilitation;
- To take all the necessary activities of informing the broader public with the aim of eliminating prejudices towards persons with mental health problems;

TO THE MINISTRY OF LABOUR AND SOCIAL WELFARE AND PI INSTITUTE "KOMANSKI MOST"

- To take all the necessary measures to provide adaptation – reconstruction and equipping of female pavilion in PI Institute "Komanski most" with the aim of promoting the conditions of stay and quality of life;
- To take all the necessary measures to adapt the dining room and kitchen in PI Institute "Komanski most" in order to adjust them to the needs of the beneficiaries - proteges;
- To take all the necessary measures to create individual work programmes for all adult beneficiaries of the Institute "Komanski most" and their inclusion into work and occupational therapies;
- To take all the necessary measures to provide full separation of children from the adult beneficiaries in the Institute "Komanski most" through construction of an isolated courtyard area;

TO THE MINISTRY OF LABOUR AND SOCIAL WELFARE AND PI CHILDREN'S HOME "MLADOST"

- To take all the necessary measures to provide adequate spatial and architectural conditions for undisturbed movement and access to persons with reduced movement capacity in PI Children's Home "Mladost";
- To provide conducting of individual treatment and rehabilitation and inclusion of all proteges, PI Children's Home "Mladost", in activities adjusted to their needs and capacities;

TO THE MINISTRY OF LABOUR AND SOCIAL WELFARE AND PI CENTER FOR EDUCATION AND VOCATIONAL TRAINING "1. JUN"

- To take all the necessary measures to expand spatial capacities of the boarding school of the Center for Education and Vocational Training "1. jun", so that the conditions of accomodation and stay would meet the determined standards;
- To take all the necessary measures to provide conditions for working engagement of the trained beneficiaries of the Center for Education and Vocational Training "1. jun";

TO THE MINISTRY OF HEALTH AND HI SPECIAL PSYCHIATRIC HOSPITAL DOBROTA

- To take all the necessary measures to in accordance with the regulations to estimate justification of further stay of the patients in the social rehabilitation and department for addiction illnesses in the Special Psychiatric Hospital Dobrota;

TO THE MINISTRY OF HEALTH AND THE MINISTRY OF JUSTICE

- To take all the necessary measures to relocate the judicial (forensic) ward from the Special Psychiatric Hospital Dobrota;

TO THE MINISTRY OF HEALTH

- To take all the necessary measures to provide protection of mental health of children and adolescents as well as their accomodation for hospital (stationary) treatment;
- To take all the necessary measures to provide conditions for provision of dental interventions for the beneficiaries of the Center for Education and Vocational Training "1. jun";

PRIORITY 2: RAISING AWARENESS ON SIGNIFICANCE OF PREVENTION, REPORTING AND SANCTIONING OF ALL FORMS OF DISCRIMINATION

Measure 2: Opinion polls regarding the most vulnerable groups

SURVEY: DISCRIMINATION AGAINST MINORITIES AND MARGINALIZED SOCIAL GROUPS (June 2011)

About the survey

The survey was carried out in the period from 01 June to 10 June 2011. **The main goal of the survey was to measure the attitudes of citizens of Montenegro on the discrimination against minorities and marginalized social groups.** The specific goals of the survey included the following:

- A general assessment of the level of discrimination
- Measuring social distance
- Assessment of discrimination in employment
- Assessment of discrimination in availability of health care
- Assessment of discrimination in availability of education process
- Assessment of discrimination in equality in terms of the legal protection
- Assessment of effectiveness of the state in terms of protecting the rights of discriminated groups
- Assessment of the degree of activism of political parties, media and non-governmental organizations in terms of protecting the rights of discriminated groups
- Citizens' attitudes about the cancelled pride parade
- Personal experience with discrimination

With a view to realization of the goals of the survey, an opinion poll method was used, while a questionnaire has been used as an instrument, which was especially designed for achieving the goals of the survey. To construct the instrument, we used the internationally standardized scale to measure social distance (Bogardus scale – one item). The survey sample was double-stratified with a random selection of respondents within the defined survey targets. A total number of respondents amounted to 1040, which provides for a standard error of measurement of +/- 3% for phenomena with the incidence of 50%.

Finally, the design of the survey was aimed at measuring the degree of discrimination with regard to the following groups:

- Women
- Homosexuals
- Members of national minorities
- Elderly persons
- Roma
- Persons with disabilities

For each of the individual groups, we separately measured the perception of discrimination at the general level as well as at individual levels we specified.

Basic characteristics of the samples

Basic characteristics of the samples are shown in Figures 1 - 5:

Figure 1. Municipality %

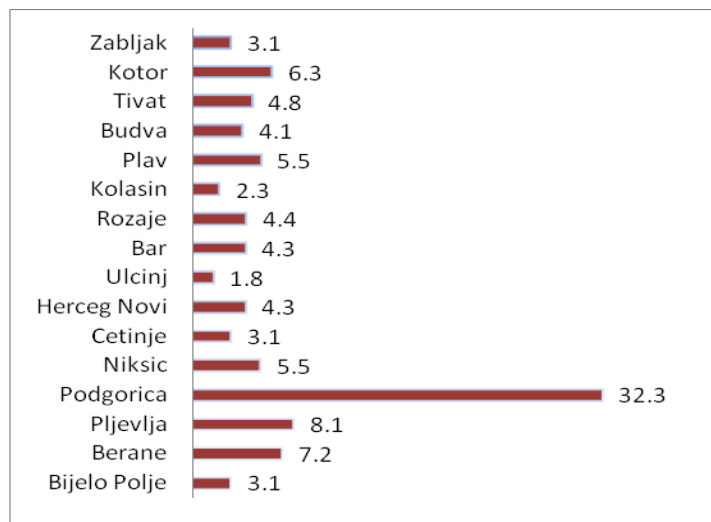


Figure 2. Gender/Sex

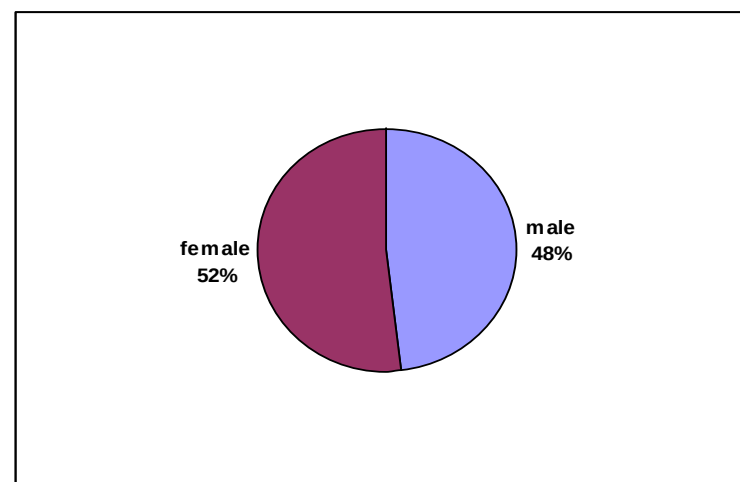


Figure 3. Age of respondents

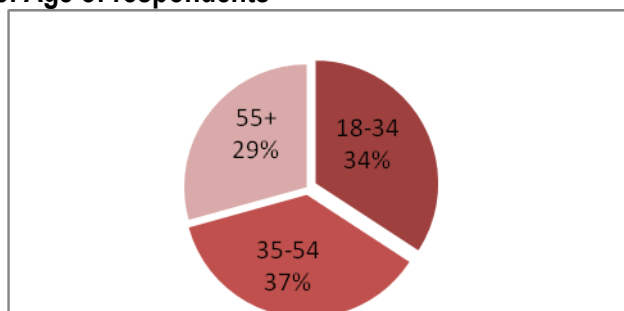


Figure 4. Sector of employment

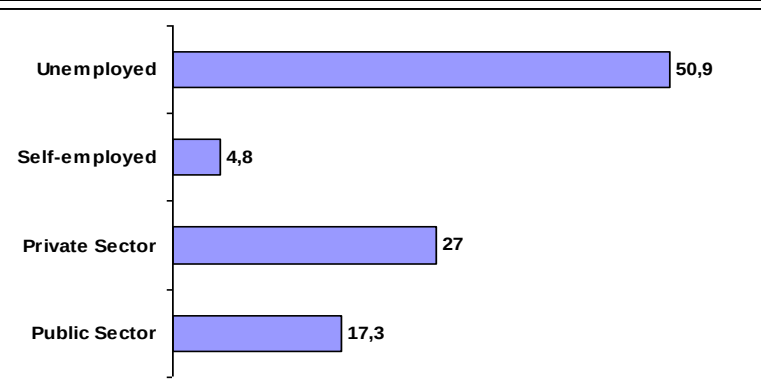
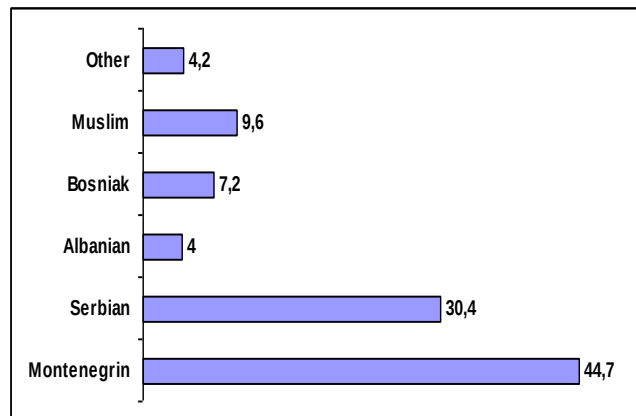


Figure 5. Nationality



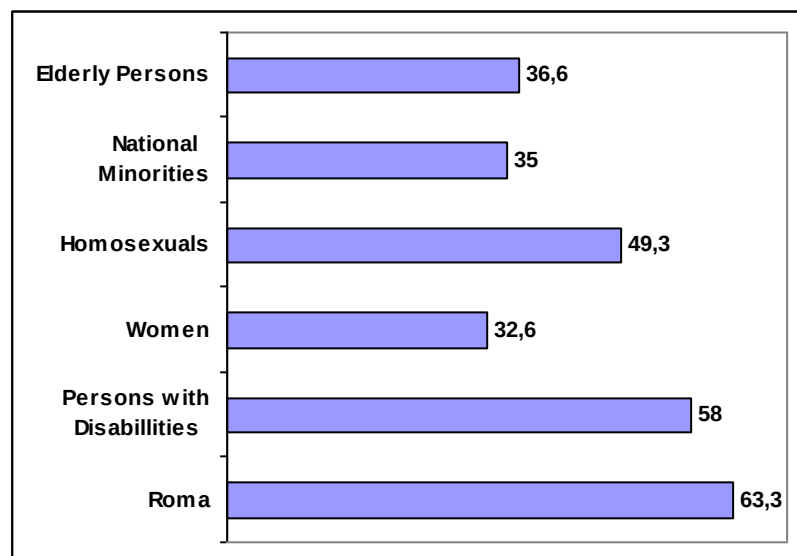
Key findings

Firstly, we have identified a general assessment of the degree of discrimination (Figure 6 and Figure 7). The data suggests that when it comes to the highest degree of discrimination (very present), the highest level is measured with regard to homosexuals (26.1%). The interesting fact, however, is that a large number (22.7%) of citizens did not want to answer this question which is significantly higher than in the case of all other groups. It is obvious that the issue of homosexuality is one of the issues that citizens are reluctant to express their view. Cumulatively (Figure 7), it is primarily important to note that, regardless of the considerable differences between the groups, the assessed degree of discrimination is relatively high when it comes to any of the particular groups concerned. Thus, the lowest assessed level of discrimination is present with regard to women, namely, every third citizen of Montenegro believes that the discrimination against women exists, to a greater or lesser extent. However, although this figure is lower than the one in case of other groups, it is still as such, individually, at a relatively high level. However, it is certain that citizens believe that the Roma people are most affected by discrimination, followed by persons with disabilities and homosexuals. These three groups are, therefore, at the level of general assessment, the groups that are discriminated the most.

Figure 6. What is, in your opinion, the degree of discrimination present in Montenegro against the following groups? %

	Very present	Mainly present	Mainly not present	Not present at all	I do not know, I have no opinion
Roma	25.4	37.9	19.3	6.6	10.9
Persons with disabilities	20.8	37.2	22.8	8.4	10.8
Women	14.7	17.9	31.8	26.0	9.6
Homosexuals	26.1	23.2	15.5	12.6	22.7
National minorities	11.8	23.2	32.2	19.3	13.5
Elderly persons	14.9	21.7	31.3	20.7	11.4

Figure 7. Discrimination against reference groups – SUM: Discrimination is very and mainly present %

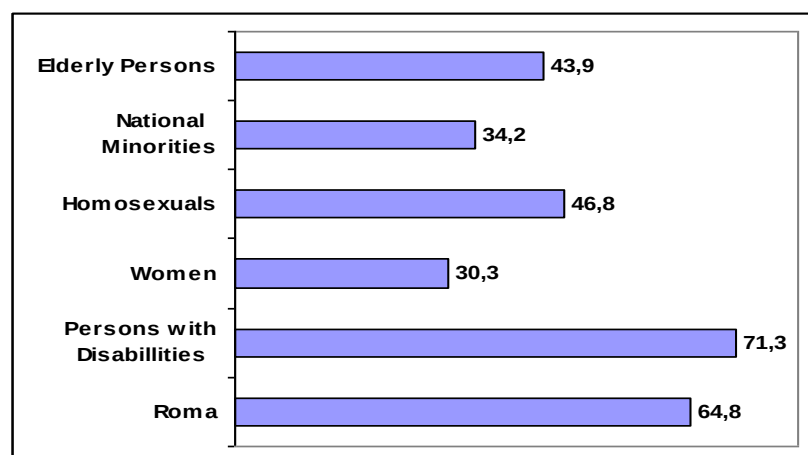


The general assessment of discrimination was also measured through the use of projective techniques, in such a manner that we asked citizens to what extent, in their opinion, it is difficult to be a member of the reference groups (Figure 8 and Figure 9). In this case, it is also indicative that the largest number of respondents (26.3%) expressed their view in the modality of “very difficult” with regard to homosexuals. And again, with regard to this group, one in four citizens did not want to express his view. Cumulatively, the greatest degree of self-identification was measured for people with disabilities, Roma people, and homosexuals. However, in this respect it should be noted that the assessment of negative self-identification was expressed with regard to other reference groups that were the subject of the survey as well.

Figure 8. To what extent, in your opinion, it is difficult being the following in Montenegro: %

	Very difficult	Mainly difficult	Mainly not difficult	Not difficult at all	I do not know, I have no opinion
Roma	28.9	35.9	18.1	7.9	9.3
Persons with disabilities	34.4	36.9	14.8	5.4	8.5
Women	13.4	16.9	30.3	30.7	8.7
Homosexuals	26.3	20.5	17.4	11.8	24.0
Members of national minorities	12.5	21.7	30.5	22.1	13.0
Elderly persons	18.1	25.8	29.3	17.7	9.1

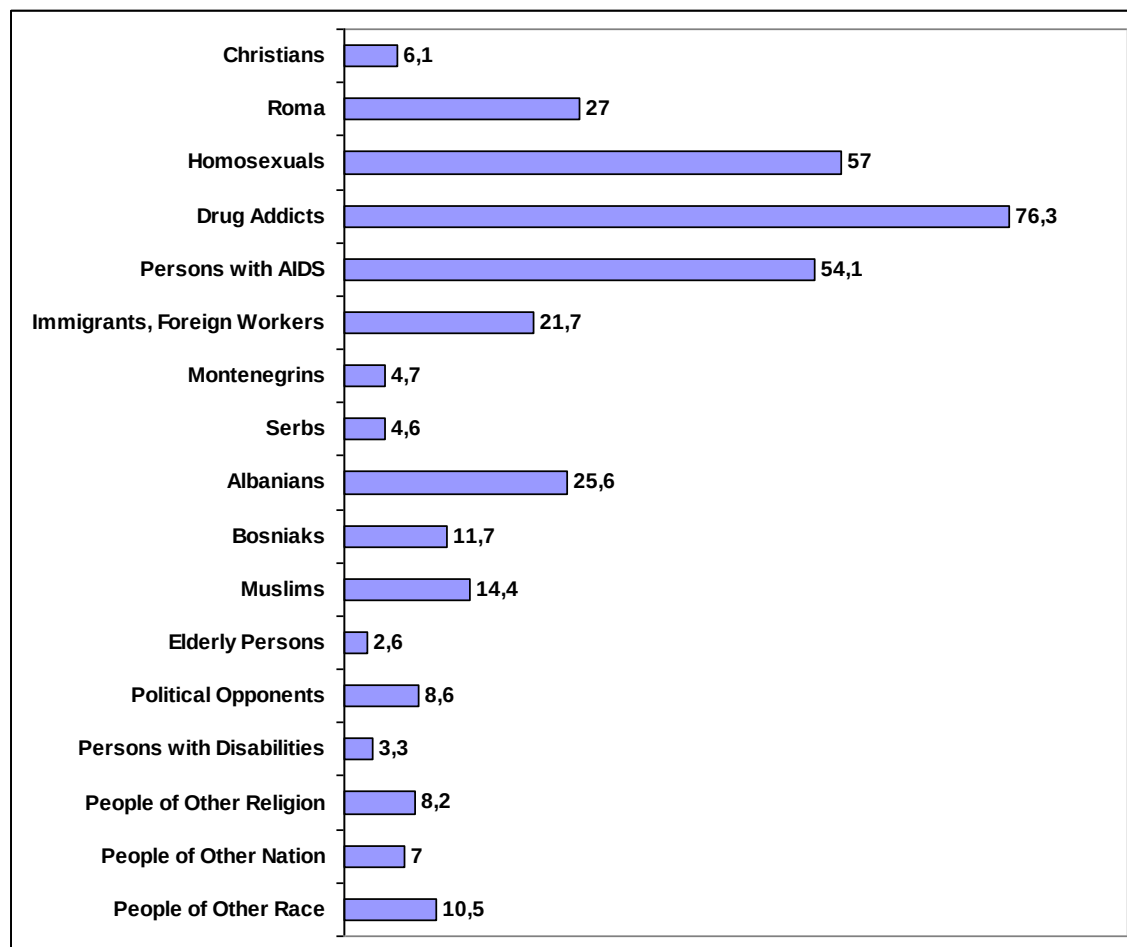
Figure 9. To what extent it is difficult to be a member of reference groups: SUM Very and mainly difficult %



With regard to assessing the overall level of discrimination, we also explored the social distance using one of the items of Bogardus scale for measuring the distance. This time, in addition to reference groups which are the direct subject of our interest, we included all those groups towards which, based on comparative international experience, the distance is measured. The question from the Bogardus scale that we used was concerning the attitude of the respondents - would they or would they not mind if their "neighbor" was a member of reference groups. The presented results represent the percentage of the population of Montenegro who pointed out that they "would not like to have as neighbors" members of the given groups (Figure 10). In this respect the

results obtained are interesting, and may be summarized in several key views. Firstly, the biggest distance is measured with regard to drug addicts, namely, $\frac{3}{4}$ of citizens of Montenegro would not like to have drug addicts as their neighbors. Furthermore, 57% of respondents said they would not like to have homosexuals as their neighbors, while 54% of them would not like to have people with AIDS as their neighbors. This level of the measured distance is very high. Analytically, it should be noted that it is in fact the **behavioral pattern** that is common to these three groups towards which the greatest degree of social distance was expressed. In other words, the greatest distance in Montenegro is formed towards the people with certain patterns of behavior that are considered unacceptable. The level of social distance on other criteria is significantly lower. However, there is still relatively high social distance in relation to Roma people (27%), then, in relation to Albanians – towards which every fourth citizen reported distance, and towards immigrants / foreign workers - towards which more than every fifth citizen reports distance. When it comes to members of national minorities, the data obtained are interesting. Namely, when asked about the distance with regard to the nation and religion as a criterion, a relatively small number of respondents stated distance. However, when Bosniaks, Muslims and Albanians were explicitly named, the reported level of distance is significantly higher. So on one hand, when discussing the general distance towards the religious and national minorities, the measured level of distance is small, but once representatives of national and religious minorities living in Montenegro are specified, the level of distance increases. In other words, freely speaking, many citizens expressed the following attitude: “I do not mind having persons of different religion and nation as my neighbors, unless they are Albanians, Bosniaks and Muslims”. In reality, however, if neighbors are members of minorities, they are in most cases Muslims, Bosniaks or Albanians.

Figure 10. Would not like to have as neighbors %



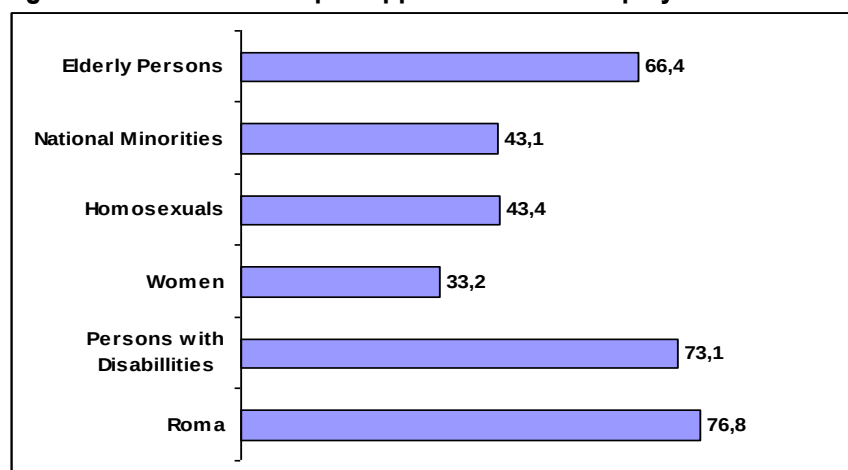
In this survey, citizens assess if there is discrimination against reference groups with regard to equal opportunities for employment. The main analytical data in this segment is to assess that there is discrimination against all reference groups when it comes to employment (Figure 11 and Figure 12). Thus, we measured the smallest degree of discrimination, comparatively in this regard, when it comes to gender discrimination, but it is clear that the very fact that every third citizen believes that there is discrimination against women in employment is very high. This assessment is valid even more for all other groups, and comparatively, the people of Montenegro believe that, with regard to employment, the highest degree of discrimination exists against Roma people

(76.8%), persons with disabilities (73.1%) and elderly persons (66.4%). Approximately equal and relatively high percentage (over 43%) of citizens assesses that discrimination exists with regard to employment of members of national minorities and homosexuals.

Figure 11. Do members of reference groups have equal opportunities for employment as the members of dominant groups? %

	Probably they have equal opportunities	Probably they do not have equal opportunities	I do not know, I cannot assess
Roma	13.6	76.8	9.6
Persons with disabilities	17.5	73.1	9.5
Women	55.8	33.2	11.0
Homosexuals	33.6	43.4	23.0
National minorities	41.8	43.1	15.1
Elderly persons	22.0	66.4	11.6

Figure 12. Do not have equal opportunities for employment %

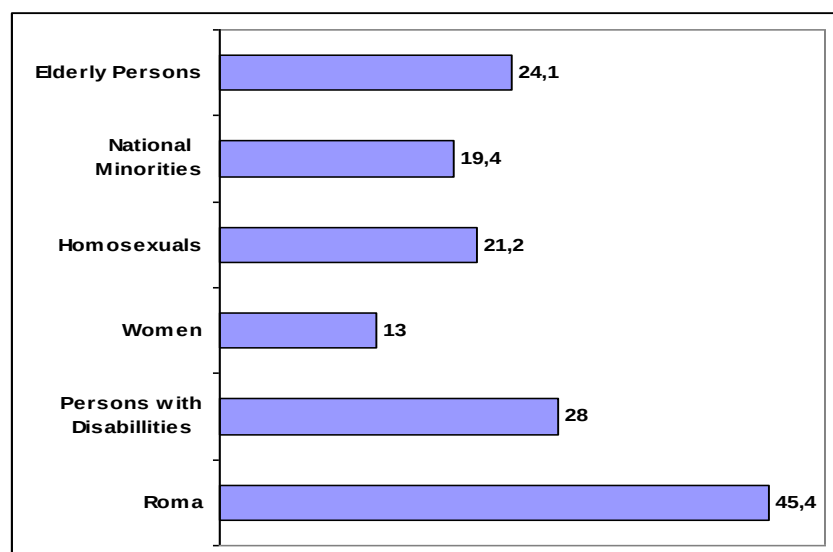


In terms of access to health care (Figure 13 and Figure 14), the highest level of discrimination in the opinion of respondents is present with regard to Roma people (45.4%), and in this regard the estimated value is significantly higher compared to all other groups. Roma are followed by persons with disabilities (28%), homosexuals (21.2%), and members of minorities (19.4%). The lowest level of discrimination was assessed in terms of gender discrimination (13%).

Figure 13. Do the members of reference groups have equal access to health care as members of dominant groups? %

	Probably have the same treatment	Probably do not have the same treatment	I do not know, I cannot assess
Roma	44.5	45.4	10.0
Persons with disabilities	63.2	28.0	8.8
Women	78.6	13.0	8.3
Homosexuals	61.0	21.2	17.8
National minorities	67.3	19.4	13.3
Elderly persons	66.9	24.1	9.0

Figure 14. Do not have the same treatment with regard to health care %



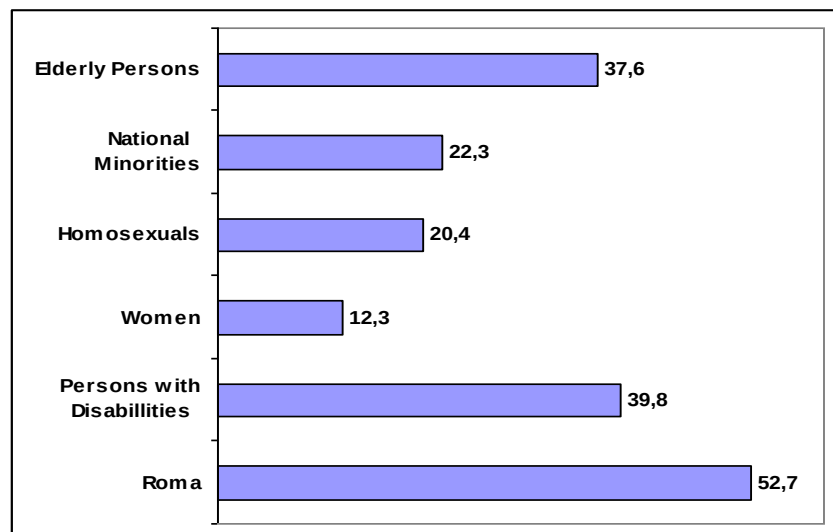
In the modern technocratic society, the issue of education is very important. Education is one of the key mechanisms of social promotion, and one of the most important factors for acquiring status in the social stratification. Finally, the idea of democracy in modern society is largely equated with the idea of meritocracy, and education is considered an important factor “neutralizing” the social inequalities which are formed under the influence of other factors. Consequently, the issue of equality of opportunities in terms of access to education is very important when talking about groups in relation to which discrimination exists. Our findings in this regard show that discrimination exists in terms of reference groups that were the subject of interest in this survey (Figure 15 and Figure 16). The largest number of respondents believes that, in this respect, Roma are much discriminated (52.7%), and this value was

significantly higher than for all other groups. Then, 37.6% of respondents believe that, in this respect, discrimination is present against elderly people. Logically, one might argue that education “in its character” belongs to the youth, and it is not surprising that the elderly are deprived in this respect. This argument, however, does not stand in the light of the fact that modern society actually requires lifelong learning, and that only in this manner one can keep apace with rapid technological changes taking place in the market. Furthermore, more than every fifth citizen believes that discrimination is present with regard to access to education when it comes to ethnic minorities, and homosexuals, while the estimated degree of gender discrimination in this respect is significantly lower (12.3%).

Figure 15. Do the members of reference groups have equal access to education as members of dominant groups? %

	Probably have the same treatment	Probably do not have the same treatment	I do not know, I cannot assess
Roma	35.8	52.7	11.5
Persons with disabilities	48.6	39.8	11.6
Women	77.0	12.3	10.7
Homosexuals	60.3	20.4	19.3
National minorities	64.0	22.3	13.7
Elderly persons	45.0	37.6	17.3

Figure 16. Do not have the same treatment with regard to access to education %

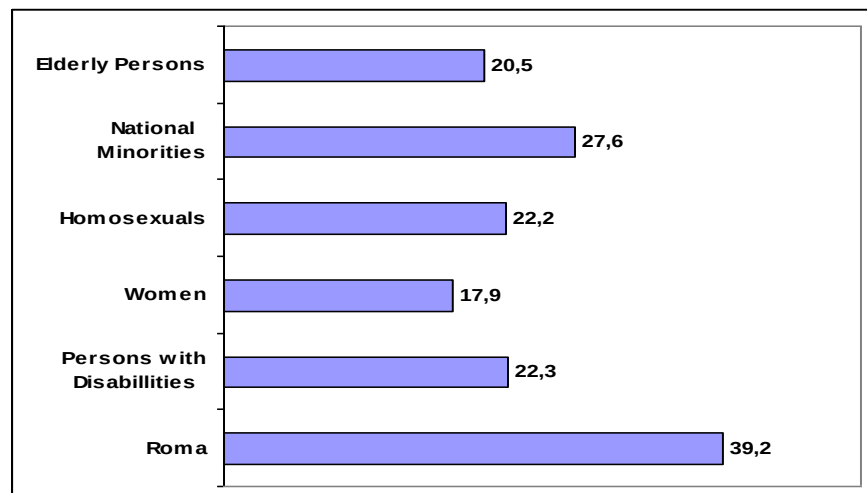


The next aspect of the discrimination concerned the access to legal protection, or more precisely, the issue of equal treatment when it comes to court proceedings (Figure 17 and Figure 18). In this regard, citizens estimate that the greatest degree of discrimination is present in the case of Roma (39.2%), and again, this value is significantly higher than the one in case of all other groups. Then, there are members of national minorities, in respect to which 27.6% of citizens believe that in court proceedings they do not have equal treatment. The assessed level of discrimination in court proceedings, towards people with disabilities and homosexuals, was over 22%, while every fifth citizen believes that the elderly persons are also discriminated against in this regard. The lowest level of discrimination was measured in terms of gender discrimination (17.9%).

Figure 17. Do the members of reference groups have equal treatment in court proceedings as members of dominant groups? %

	Probably have the same treatment	Probably do not have the same treatment	I do not know, I cannot assess
Roma	42.6	39.2	18.3
Persons with disabilities	59.5	22.3	18.2
Women	65.7	17.9	16.4
Homosexuals	54.6	22.2	23.2
National minorities	52.9	27.6	19.6
Elderly persons	60.3	20.5	19.3

Figure 18. Do not have the same treatment with regard to court proceedings %

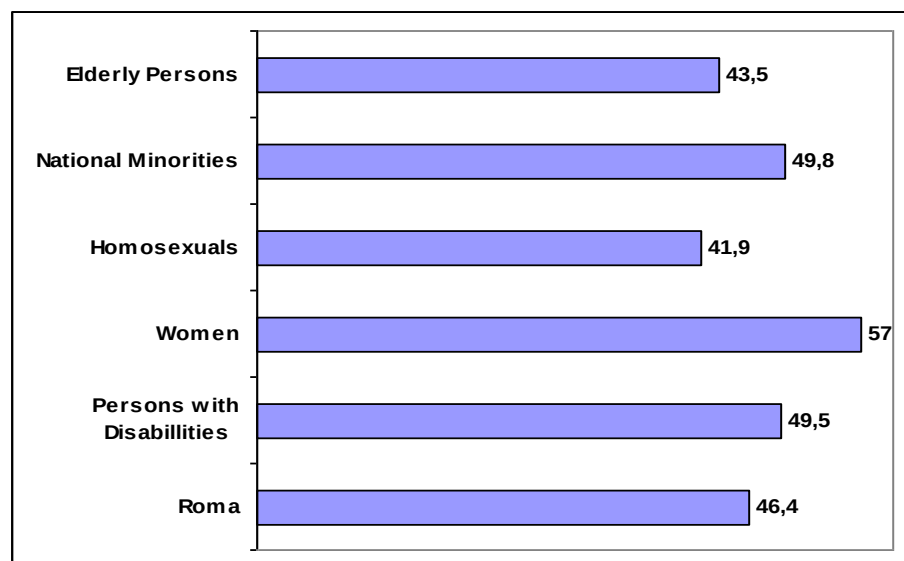


The next segment of the survey is devoted to affirmative action taken by key stakeholders with a view to improving the status of reference groups that were the subject of this survey. Firstly, we asked citizens whether, according to their assessment, the state institutions undertake adequate measures to improve the position of reference groups (Figure 19 and Figure 20). It is interesting that in this respect a “solid” number of citizens have a positive attitude when it comes to efforts by the state to protect the rights of discriminated groups. It is also interesting that the measured values are fairly equal in all groups. In other words, citizens believe the state is investing more or less same efforts to improve the position of all reference groups. Comparatively, the citizens believe the state and its institutions invest the most effort to improve the status of women (57%), while almost every other citizen believes that the state is investing efforts to improve the position of national minorities, Roma and persons with disabilities. The percentage of people who believe the state is making efforts to improve the status of elderly persons is somewhat smaller (43.5%), and comparatively, it is estimated that the state is investing the least efforts to protect the rights of homosexuals (41.9%).

Figure 19. Do you think the state and its institutions are investing sufficient efforts to improve the overall social position? %

	Yes, certainly	Mainly yes	Mainly no	No, not at all	I do not know, I have no attitude
Roma	14.3	32.1	33.0	11.3	9.4
Persons with disabilities	16.3	33.2	28.8	13.0	8.7
Women	22.3	34.7	23.0	10.5	9.5
Homosexuals	15.1	26.8	26.4	10.6	21.2
National minorities	15.2	34.6	27.1	11.2	11.8
Elderly persons	12.8	30.7	33.5	12.9	10.1

Figure 20. Do you think the state and its institutions are investing sufficient efforts to improve the overall social position - SUM: YES and mainly Yes %

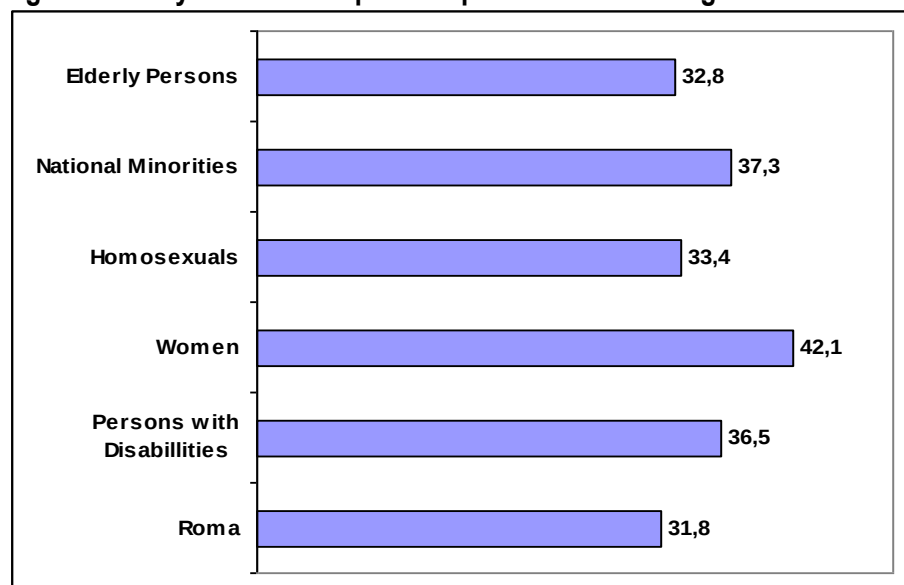


With regard to political parties, citizens assess, in general, that they are working less to improve the position of reference groups than the state and its institutions (Figure 21 and Figure 22). However, in this respect, the proportions are similar to those with regard to support from the state. Specifically, respondents estimated that political parties are largely committed to improving the position of women (42.1%), followed by national minorities (37.3%), and then persons with disabilities (36.5%), homosexuals (33.4%), elderly persons (32.8%) and, at the end, Roma people (31.8%).

Figure 21. Do you think that political parties are investing sufficient efforts to improve the overall social position? %

	Yes, certainly	Mainly yes	Mainly no	No, not at all	I do not know, I have no attitude
Roma	8.5	23.3	37.4	17.9	12.8
Persons with disabilities	10.5	26.0	34.3	17.4	11.8
Women	13.0	29.1	29.0	16.2	12.7
Homosexuals	8.3	25.1	28.7	17.5	20.5
National minorities	10.3	27.0	32.5	16.6	13.6
Elderly persons	8.8	24.0	35.1	18.7	13.3

Figure 22. Do you think that political parties are investing sufficient efforts to improve the overall social position - SUM: YES and mainly YES %



With regard to the media, firstly, we can see that citizens believe that the support to discriminated groups provided by the media is significantly more present in comparison with the support from the state and political parties (Figure 23 and Figure 24). In this regard, citizens estimated that the media are largely fighting against gender discrimination (65.8%), but it is interesting that this is immediately followed by the assessment that the media are investing efforts against discrimination of people with disabilities (62.8%). But, with regard to all other groups, over half the citizens estimated that the actions of the

media are positive in this regard. Therefore, citizens estimate that the media are making a significant contribution to the fight against discrimination of all reference groups.

Figure 23. Do you think that media are investing sufficient efforts to improve the overall social position? %

	Yes, certainly	Mainly yes	Mainly no	No, not at all	I do not know, I have no attitude
Roma	13.7	44.2	24.3	7.5	10.3
Persons with disabilities	17.0	45.8	20.6	7.9	8.7
Women	19.8	46.0	18.1	6.2	9.9
Homosexuals	15.9	39.3	19.0	7.6	18.3
National minorities	12.9	45.3	22.1	7.8	11.8
Elderly persons	11.9	40.3	27.0	9.6	11.2

Figure 24. Do you think that media are investing sufficient efforts to improve the overall social position - SUM: YES and mainly YES %

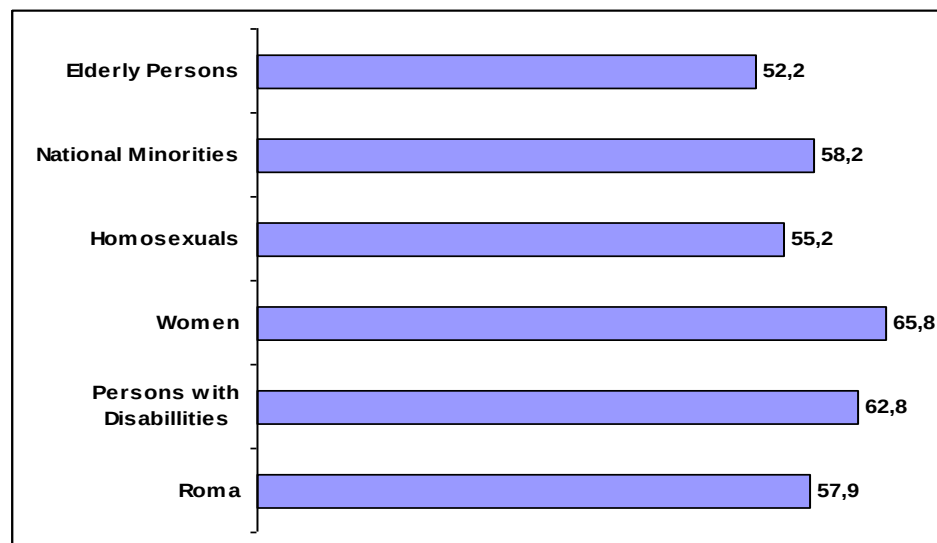
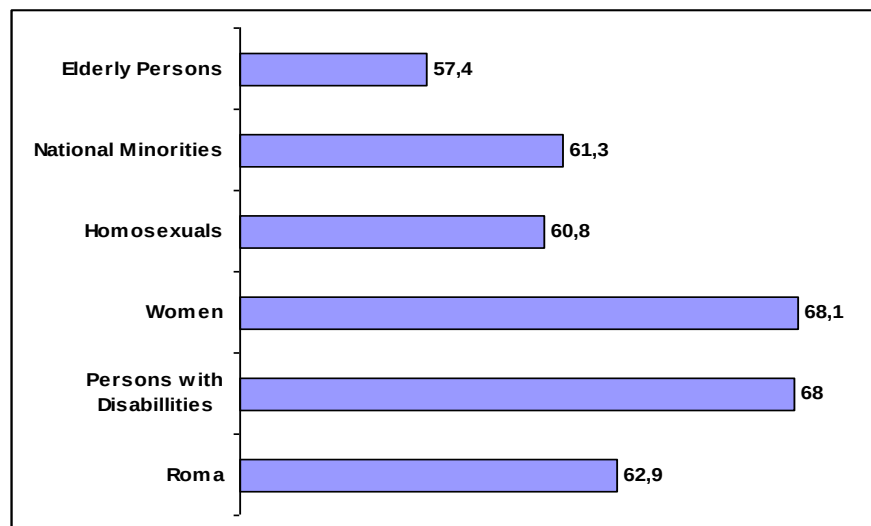


Figure 25. Do you think that NGOs are investing sufficient efforts to improve the overall social position? %

	Yes, certainly	Mainly yes	Mainly no	No, not at all	I do not know, I have no attitude
Roma	24.0	38.9	17.2	7.3	12.6
Persons with disabilities	26.2	41.8	13.6	6.4	12.0
Women	27.2	40.9	13.7	5.8	12.4
Homosexuals	25.3	35.5	13.2	6.9	19.1
National minorities	23.4	37.9	16.6	7.3	14.8
Elderly persons	21.2	36.2	20.2	9.0	13.4

Figure 26. Do you think that NGOs are investing sufficient efforts to improve the overall social position - SUM: YES and mainly YES %

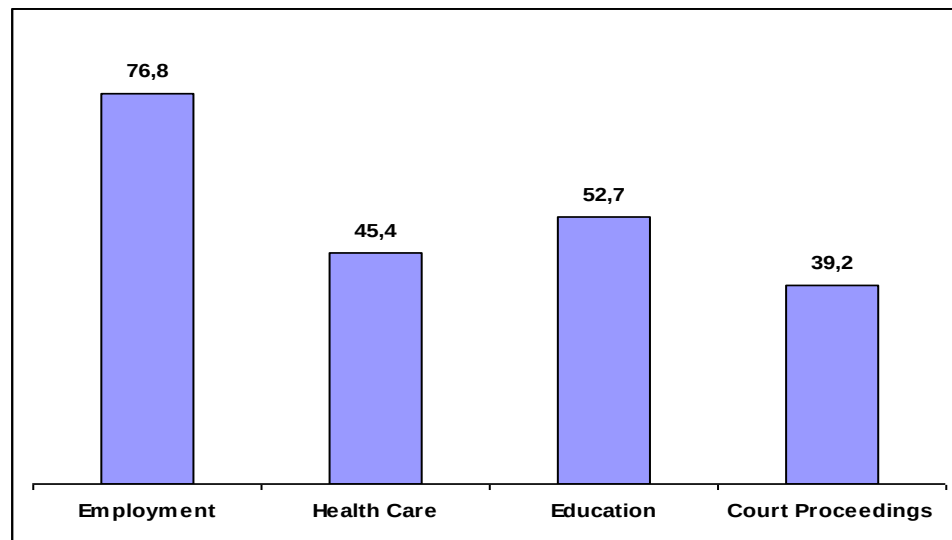


Finally, in terms of support and affirmative action, citizens estimated that non-governmental organizations provide an important support to the fight against discrimination (Figure 25 and Figure 26). However, unlike the media, when it comes to NGOs, there are significant differences in terms of support provided to various reference groups. Specifically, the citizens estimated that, in terms of the fight against discrimination, NGOs mostly support women and persons with disabilities (68%). These groups are followed by Roma (62.9%), and then national minorities (61.3%) and protecting the rights of homosexuals (60.8%). Comparatively, the citizens estimated that the lowest level of support by NGOs is provided to elderly people (57.4%).

So, based on the survey we could find certain regularities in terms of discrimination and protection of rights of reference discriminated social groups. In this section of the survey, we will try to present, in a synthetic manner and by categories, the results, with a view to better understanding of the problems of discrimination.

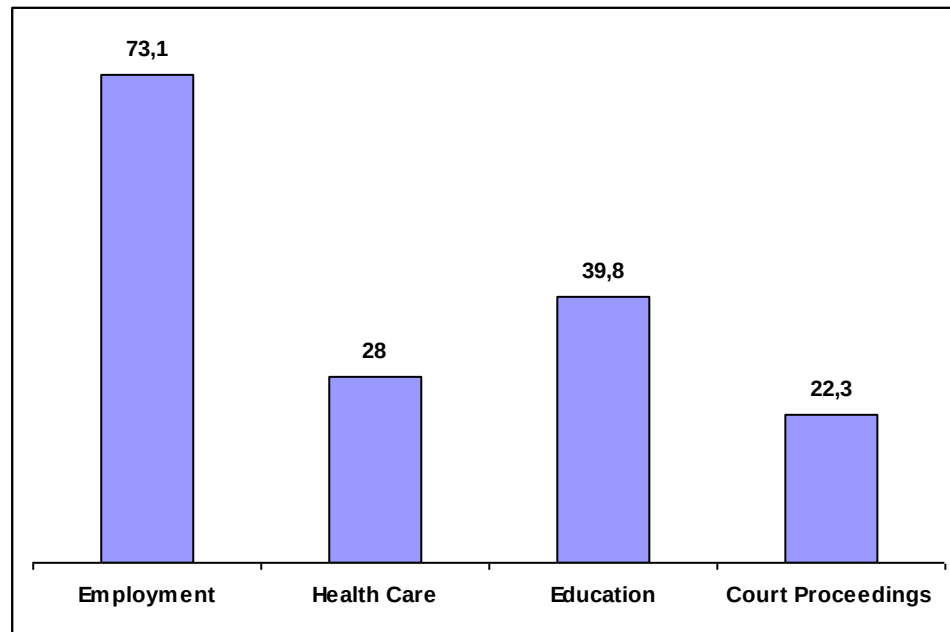
Firstly, we will give an overview by groups in order to assess differences in aspects on the basis of which the reference groups are discriminated against. With regard to Roma people (Figure 26 a), we measured the highest level of discrimination in the field of employment, and this value was significantly higher than all others. This is followed by discrimination in terms of education, health care, and comparatively, the lowest level of discrimination against Roma, based on citizens' views, is the one with regard to court proceedings.

Figure 26 a. Discrimination against Roma – all criteria %



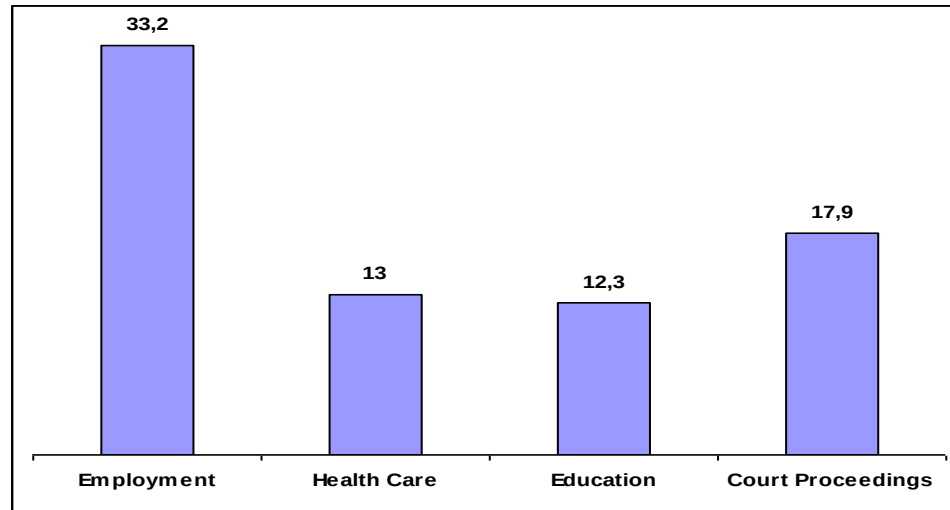
With regard to persons with disabilities, based on citizens' views, the largest degree of discrimination is present in terms of employment, and then, to a significantly lesser extent there is discrimination in education, health care and court proceedings (Figure 27).

Figure 27. Discrimination against persons with disabilities – all criteria %



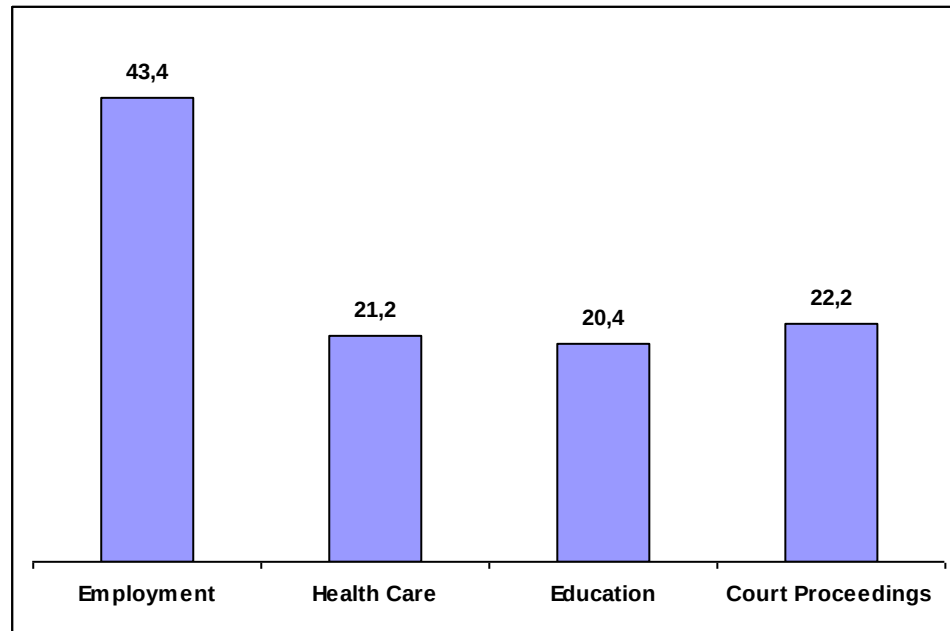
When it comes to gender discrimination, the highest level of discrimination, based on citizens' views, is present in terms of employment, followed by discrimination in court proceedings, and nearly equal level of discrimination in education and health care (Figure 28).

Figure 28. Discrimination against women – all criteria %



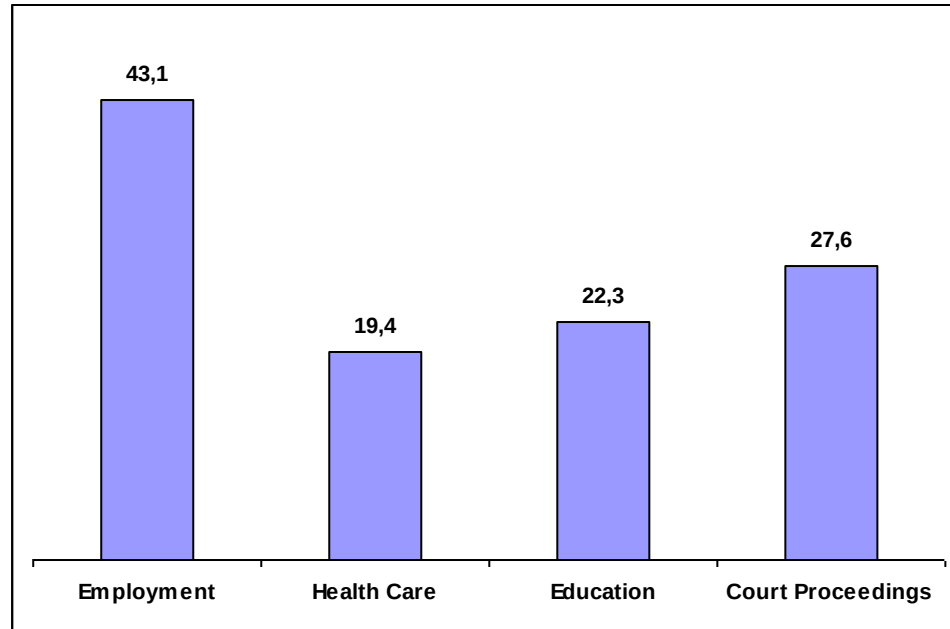
With regard to homosexuals, the highest level of discrimination is present in terms of employment, and then, significantly lower, and with close values, we measured discrimination in terms of court proceedings, health care and education (Figure 29).

Figure 29. Discrimination against homosexuals – all criteria %



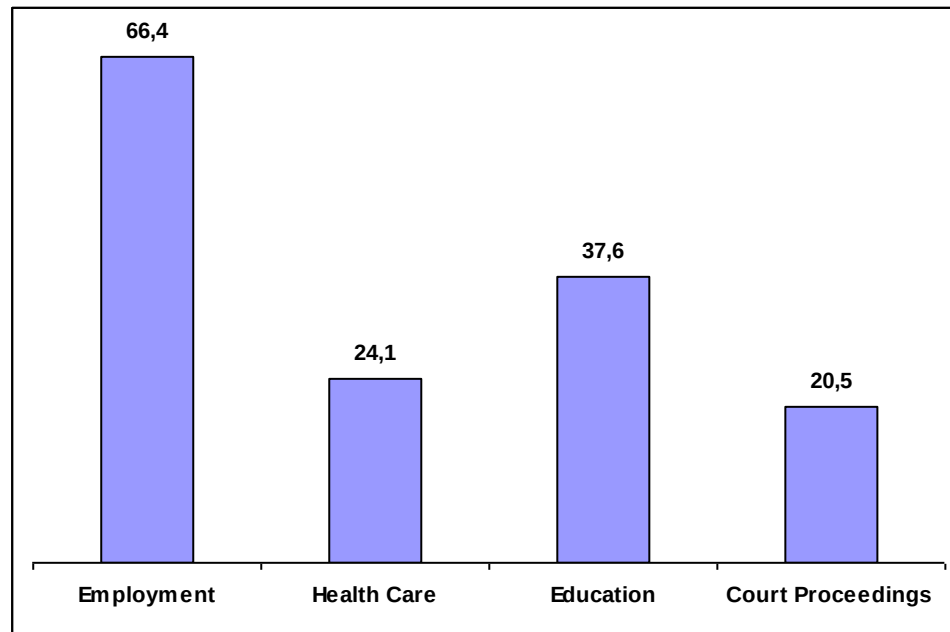
As for the minorities, the highest level of discrimination is, again, in the field of employment, followed by discrimination in court proceedings, and in education and health care (Figure 30).

Figure 30. Discrimination against national minorities – all criteria %



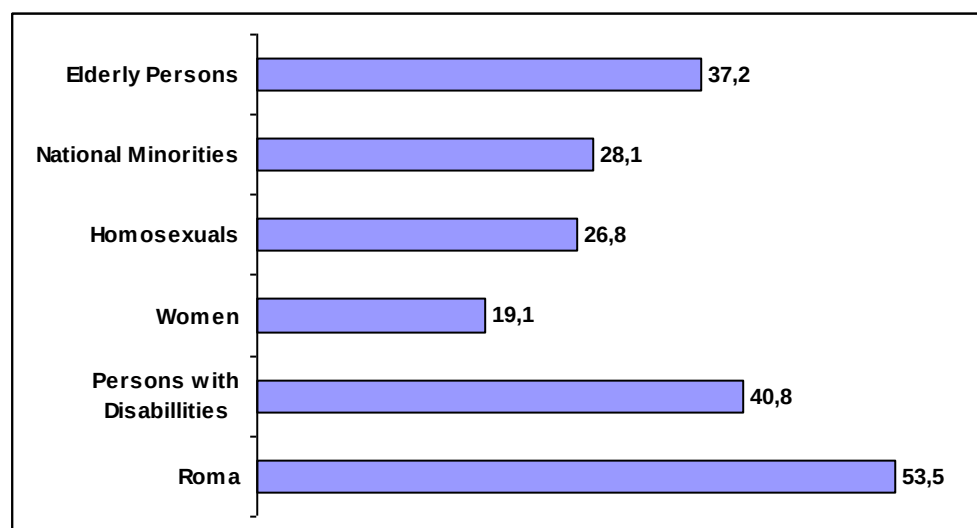
Finally, discrimination of elderly persons is present the most in employment, followed by discrimination in education, and lower degree of discrimination with respect to health care and court proceedings (Figure 31).

Figure 31. Discrimination against elderly persons – all criteria %



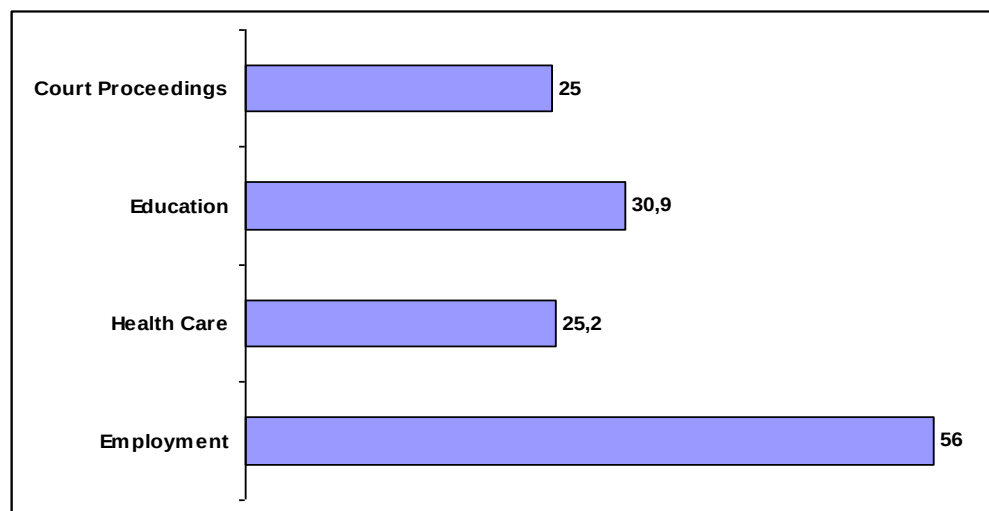
Cumulatively, we can analyze the average degree of discrimination of all reference groups (Figure 32). This figure actually represents a middle value, in percentage, per groups, on the basis of all the above analyzed criteria. The results indicate that, based on criteria which were the subject of the survey, the highest level of discrimination is present with regard to Roma (53.2%), and therefore we conclude that the members of this group are in the worst position when it comes to discrimination. Roma are followed by persons with disabilities, against which we also measured a very high level of discrimination (40.8%). The third group against which discrimination is most evident are the elderly persons (37.2%). Slightly lower but still high degree of discrimination is present against national minorities (28.1%) and homosexuals (26.8%). Comparatively and cumulatively, the lowest level of discrimination was measured in terms of gender discrimination (19.1%).

Figure 32. Average degree of discrimination against all groups %



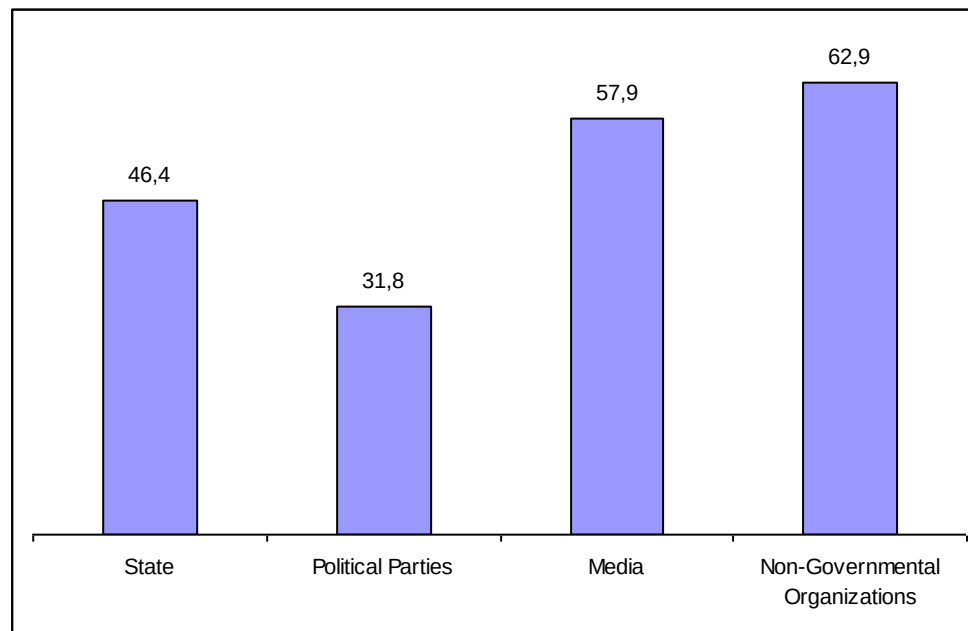
On the other hand, if we look at the middle values of discrimination per aspects (criteria) of discrimination (Figure 33), we can say that in the Montenegrin society, the greatest degree of discrimination is present when it comes to employment, followed by discrimination in the field education. Somewhat smaller but still high level of discrimination is present in health care and court proceedings.

Figure 33. Average degree of discrimination per criteria %



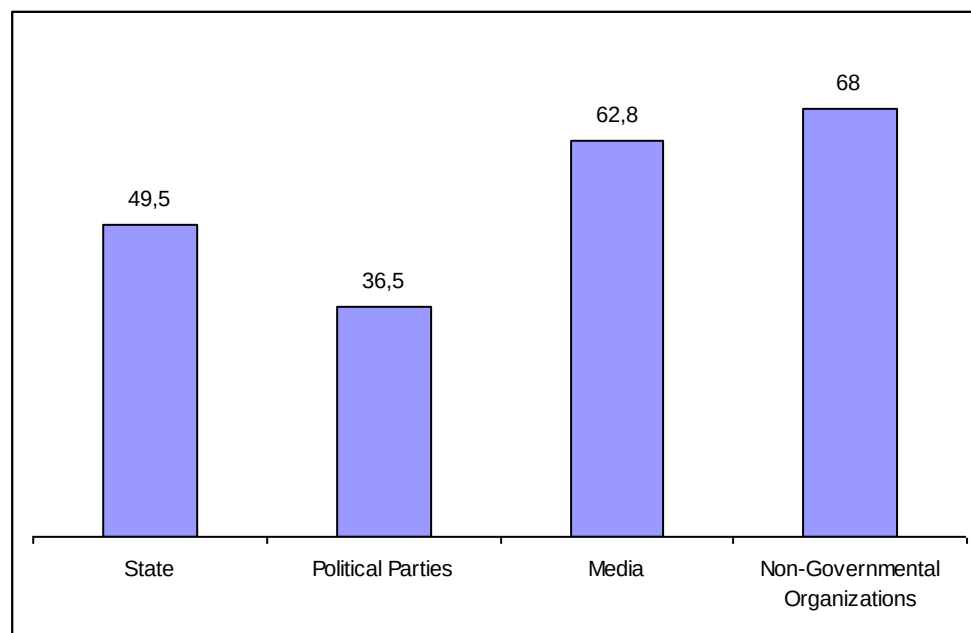
To continue with, we will show the degree of protection of Roma by the relevant socio-political institutions (Figure 34). The results indicate that, in the citizens' views, the highest level of fight against discrimination is displayed by NGOs, followed by the media, while the protection by the state is less present. At the bottom in terms of protection of Roma against discrimination are political parties.

Figure 34. Degree of protection of Roma by institutions %



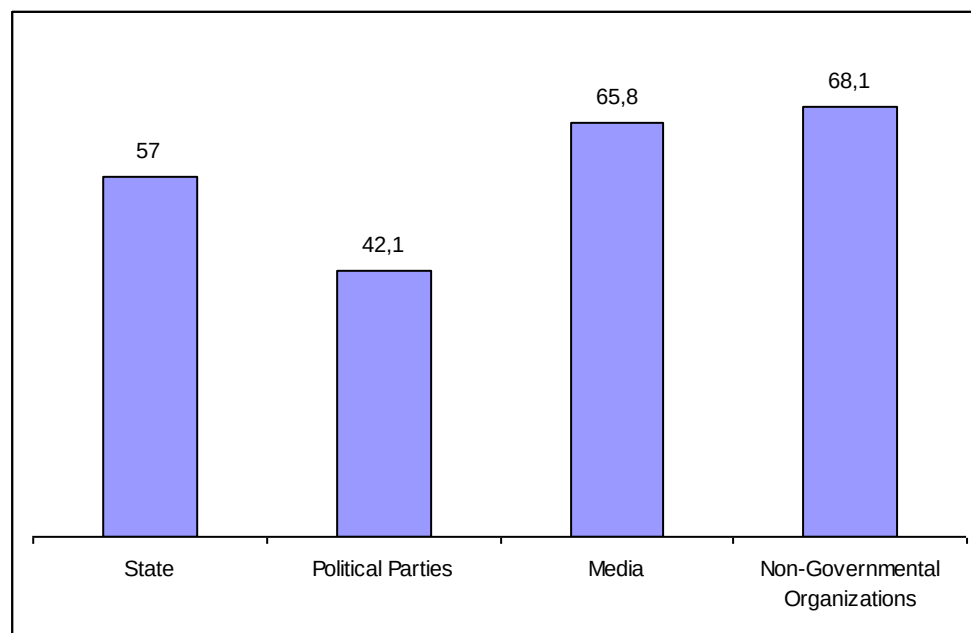
With regard to persons with disabilities, the positioning of institutions is almost identical. So, the biggest fighters against discrimination are the NGOs, followed by the media, while the state is placed significantly lower. The least protection to this group is provided by the state and its institutions (Figure 35).

Figure 35. Degree of protection of persons with disabilities by institutions %



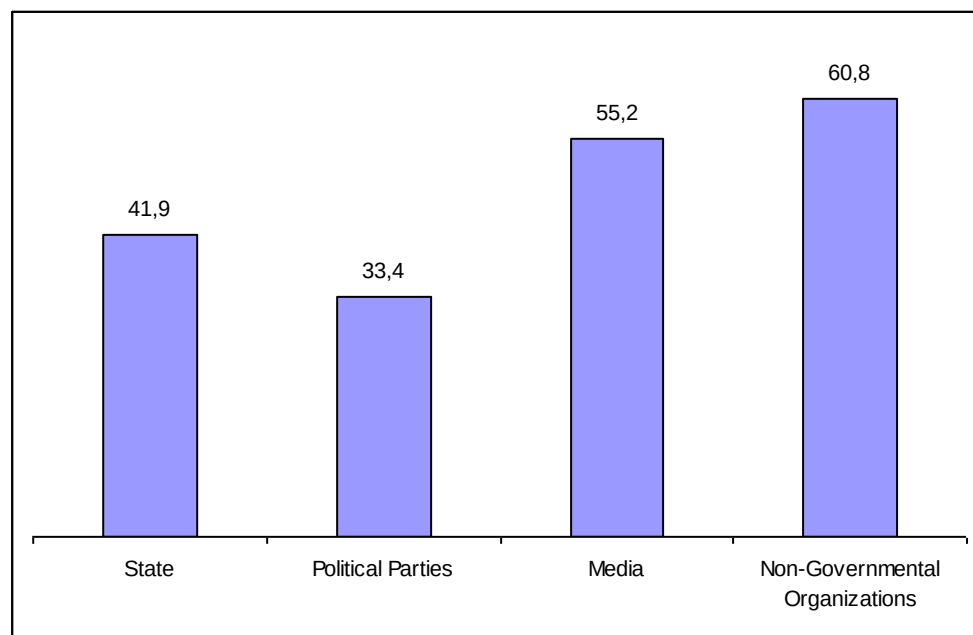
Once again, when it comes to protection of women, the largest contribution, in the citizens' views, is provided by NGOs, followed by the media, state to a lesser extent and its institutions, and the least contribution is provided by political parties (Figure 36).

Figure 36. Degree of protection of women by institutions %



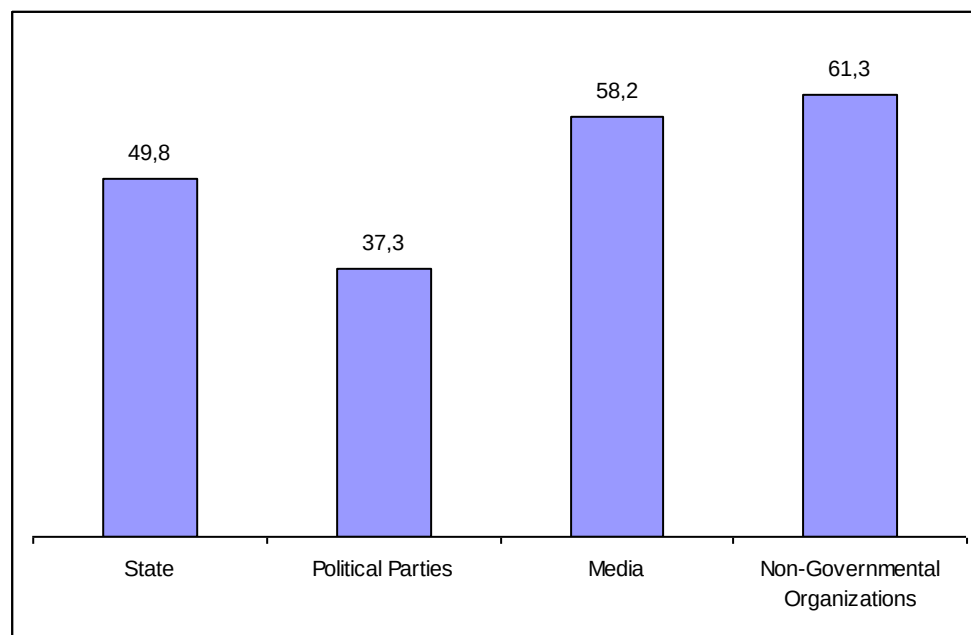
Almost identically, in terms of contribution to the fight against discrimination of homosexuals, the public recognizes NGOs as the highest contributors, followed by the media, and to a lesser extent, state. Once again, political parties are at the bottom (Figure 37).

Figure 37. Degree of protection of homosexuals by institutions %



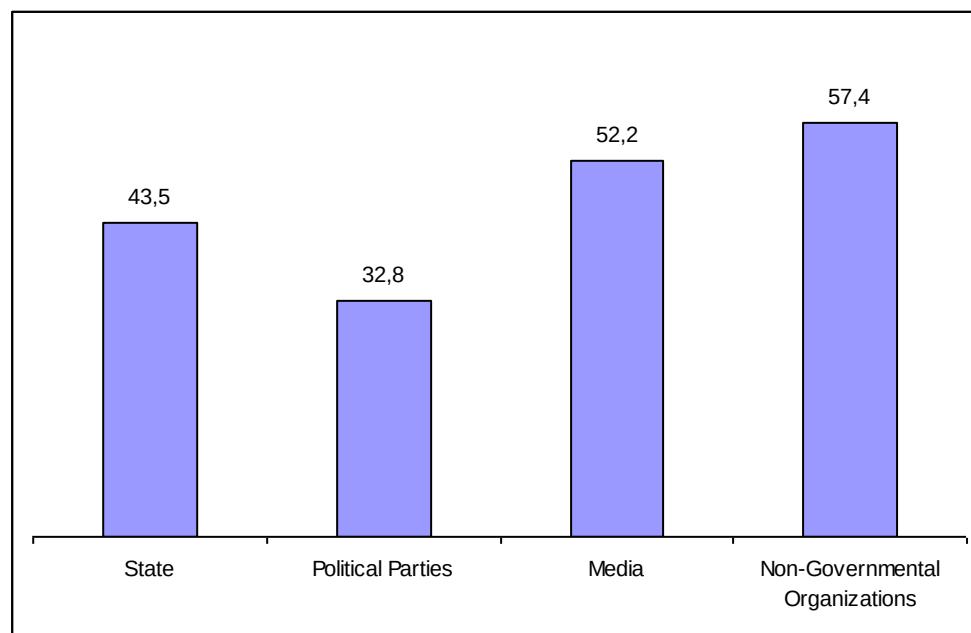
As for the rights of national minorities, most advocating is done by NGOs, followed by the media, and to a lesser extent state and its institutions. Political parties are at the bottom (Figure 38).

Figure 38. Degree of protection of national minorities by institutions %



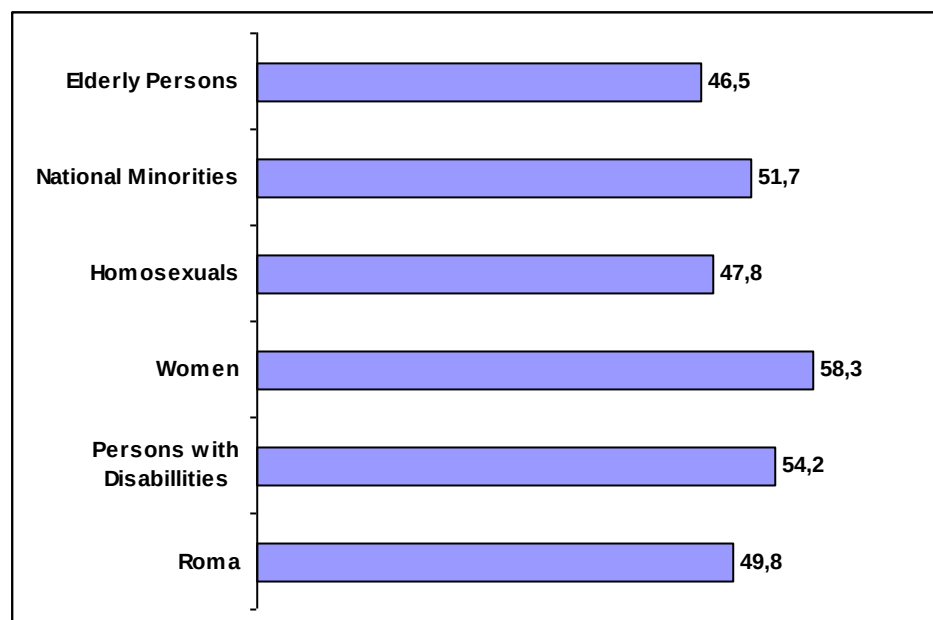
Finally, with regard to elderly persons, the situation is identical (Figure 39). The greatest degree of protection against discrimination is provided by NGOs, then media, followed, to a lesser extent, by the state and its institutions, while political parties are once again at the bottom.

Figure 39. Degree of protection of elderly persons by institutions %



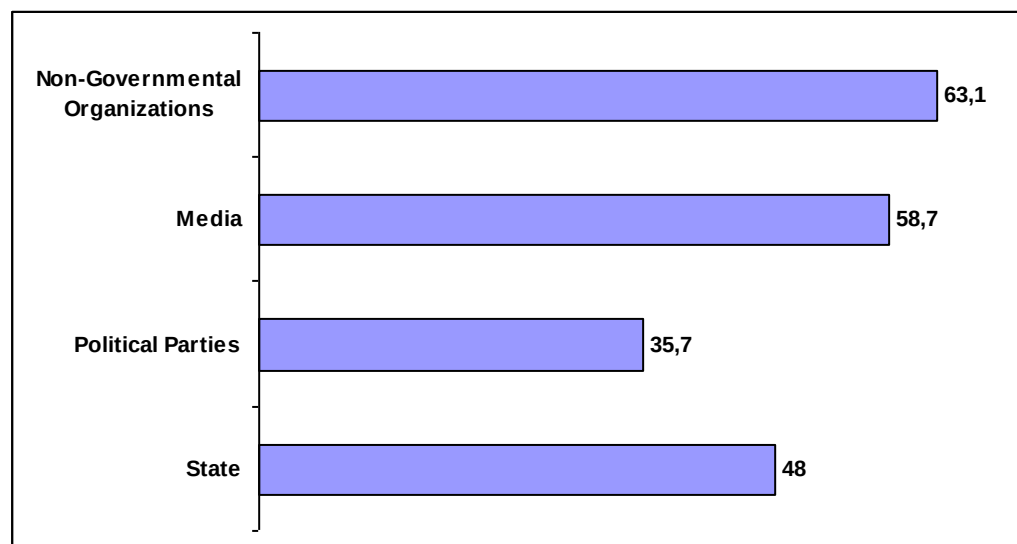
Cumulatively, if we measure the average degree of protection of all groups by institutions (Figure 40), we find that the highest level of protection is cumulatively invested by all institutions in the protection of women, followed by the persons with disabilities and members of national minorities. Slightly lower level of protection against discrimination is cumulatively provided by all institutions to Roma, homosexuals, and elderly persons (Figure 40).

Figure 40. Average degree of protection against discrimination of all groups %



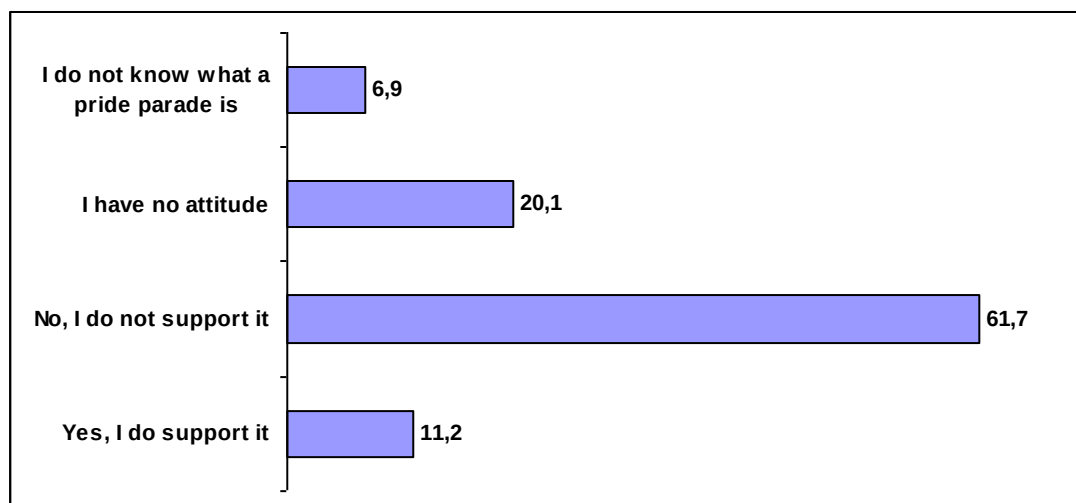
In terms of the institutions, the best protectors against discrimination, in the citizens' view, are NGOs, and then media. Citizens estimated that the state contributes to the fight against discrimination to a lesser extent, while political parties in this regard give the smallest contribution (Figure 41).

Figure 41. Average degree of protection against discrimination of all groups, per institutions %



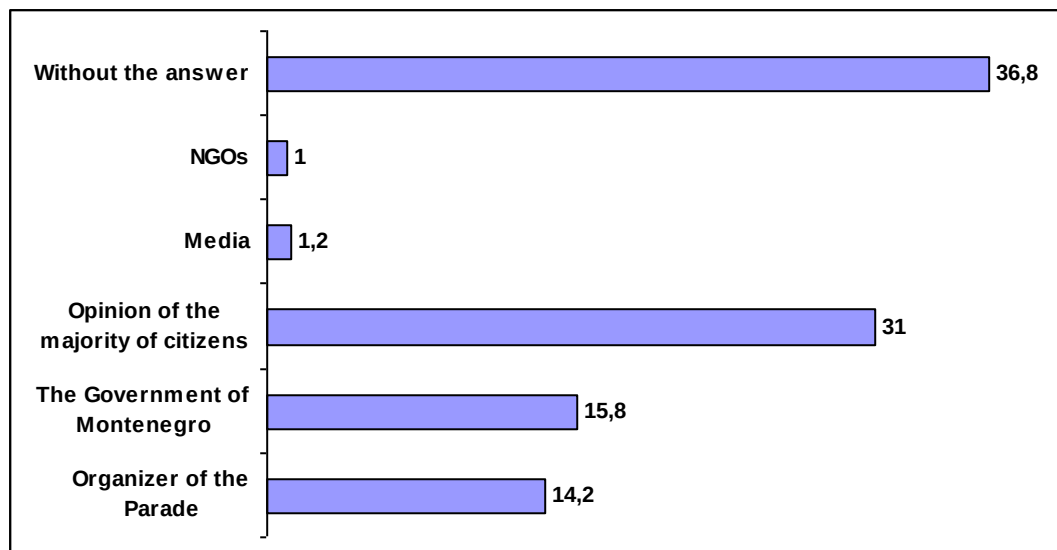
In the last part of the survey we dealt with some aspects that are more recent and are related to rights of homosexuals. Namely, as it is well known, recently, a pride parade was first scheduled and then cancelled in Podgorica. The media have extensively written about this, and the public reacted in different ways. Through this survey we wanted to ascertain the views of citizens on this issue. The data show that a large number of citizens (nearly 62%) do not support the pride parade, while 11% of them explicitly support it. One in five citizens has no view on this issue. This completes the picture of the discrimination of sexual minorities, since it is confirmed not only by the institutions, but also by traditional public opinion (Figure 42).

Figure 42. – Do you personally support the organization of the pride parade? %



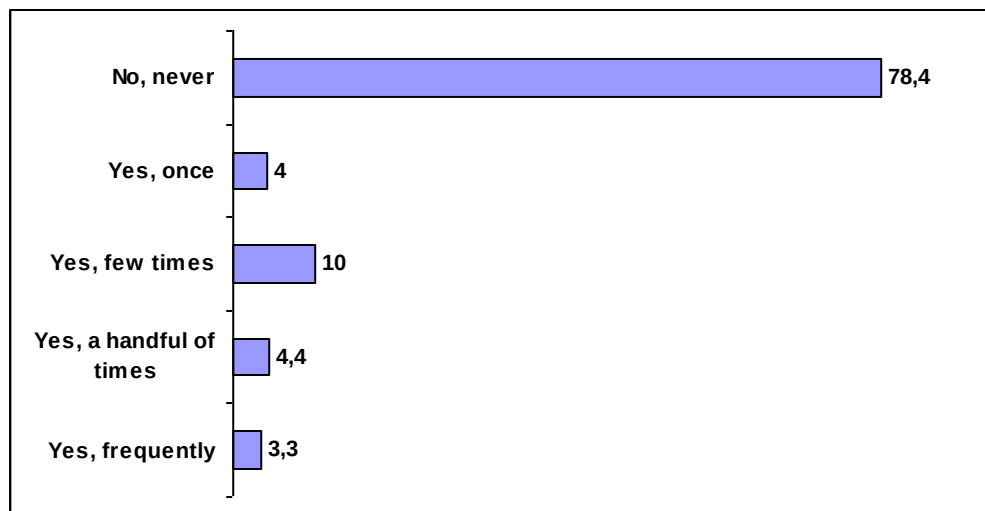
When it comes to the act of cancellation of the pride parade (Figure 43), the largest number of citizens was not able to assess who is actually responsible (36.8% with no response). Of the remaining respondents, most respondents (31%) believe that the attitude of the majority of citizens actually led to the cancellation of the pride parade. Further, the Government of Montenegro is seen as the culprit for the cancellation (15.8%), and the parade organizers themselves (14.2%), while the media and NGOs are not identified as the culprits for the cancellation of the parade.

Figure 43. – Who is in your opinion responsible for cancellation of the pride parade? %



At the end of the survey, we asked citizens whether and by what criteria they were personally discriminated (Figure 44). As compared to the disturbing data on the perception of discrimination which we stated above in the report, at this point more than $\frac{3}{4}$ of respondents said that personally they have never been victims of discrimination. The reason for concern, however, is that those who have been victims of discrimination were so on several occasions. Cumulatively, therefore, between a quarter and a fifth of the citizens were, at some point, the victims of discrimination, which is certainly not a negligible figure and which indicates that in the Montenegrin society, there is a problem of discrimination.

Figure 44. – Have you personally ever been discriminated? %



Describing their experience, most respondents said that discrimination against them was carried out on national, religious and political grounds, and when it comes to identifying the perpetrators of discrimination, in most cases discriminated respondents identified the state and its institutions, usually with regard to employment.

PRIORITY 2: RAISING AWARENESS ON SIGNIFICANCE OF PREVENTION, REPORTING AND SANCTIONING OF ALL FORMS OF DISCRIMINATION

Measure 5: STRENGTHENING OF COALITION “FOR LGBT RIGHTS” THROUGH JOINT ACTIVITIES AND FINANCIAL ASSISTANCE

NATIONAL CONFERENCE “MONTENEGRO – THE BRIGHT SPOT ON LGBT MAP”

Conclusions:

- Homophobia is deeply rooted in the Montenegrin society.
- Individual rights, including sexual and reproductive have not yet been established, and are threatened and denied.
- Advocating for the protection of human rights of LGBT persons is in fact support to democracy, and support to LGBT persons means promoting the equality of all people.
- LGBT persons are not protected from the present discrimination, including the most dramatic forms of intolerant behavior of the majority, that is, verbal and physical violence.
- A small number of reported cases of discrimination does not mean that it does not exist, but shows that LGBT persons live in hiding.
- Any act of violence, even if it was just a statement, must include taking appropriate measures.
- The society is not sensitized, and is still dominated by prejudices, which is why citizens need to be further informed and educated with a view to eliminating stereotypes and prejudices regarding sexual orientation and gender identity.
- The situation in Montenegro has improved since last year, but the low level of trust of LGBT people in the institutions of the system remains worrying.
- The state and its agencies in charge of human rights have not developed mechanisms to protect sexual minorities.
- Political parties are still abstained when it comes to the rights of sexual minorities.
- The state authorities must show a greater degree of sensitivity and knowledge in the fields of democracy, rule of law, and human rights.
- The right is a political construct. Political support is necessary in order to promote human rights.
- The state authorities should initiate concrete actions with tangible results in the field of protecting human rights of LGBT persons.
- The state is obliged to provide specific support to processes of increasing the knowledge about the rights of sexual minorities, gender issues, tolerance and equality.
- The public should be informed that respecting and promoting human rights of LGBT people cannot be an insult to any group or ethnic community.
- It is necessary to organize professional training on human rights of LGBT persons for civil servants and state employees - judges, prosecutors, police inspectors.
- It is necessary to ensure full institutional recognition of human rights and protect the sexual freedom of every citizen, in accordance with contemporary standards of international and economic law and best legal practices.
- Protecting the rights of sexual minorities must, through state mechanisms, be set above the current perception of the general population of the LGBT population.
- Full support should be provided to the planned Pride Parade and its organizers.

Key messages in relation to portfolios are:

Health care system:

- Homosexuality is not a disease, but homophobia negatively affects the health of LGBT and general population.
- Services, especially in the field of sexual and reproductive health, should be adapted to real needs of LGBT persons.
- Manipulating the public by stating homosexuality as the basis for any state of impaired health must not be permitted.
- It is necessary to launch initiatives for enabling free sexual reassignment surgeries for transgendered people (the Health Fund should be asked to cover the costs of hormonal therapy and surgery).
- An expert team of physicians for performing interventions and treatment of transsexual persons should be formed.

Education:

- Topics related to sexuality, sexual orientation and gender identity should be introduced into the education system, through textbooks in sociology, psychology, biology, civil education and rights, as was done in the textbook of healthy lifestyles for vocational schools.
- The occasion of adapting the textbooks to the new orthography should be used to add topics related to LGBT phenomenon.
- The level of knowledge and sensibility of teaching personnel regarding LGBT rights, sexual and gender identity should be increased.
- Topics related to LGBT phenomenon should be introduced into non-obligatory, informative, non-formal education, but not as a substitute for obligatory topics.

Human rights:

- Conditions for full implementation of the Law on Prohibition of Discrimination should be established.
- Article 159 of the Criminal Code (Infringement of Equality) should be amended so as to, in addition to the already prohibited grounds, include sexual orientation and gender identity, i.e. the supposed sexual orientation and gender identity.
- Article 370 of the Criminal Code (Causing National, Race and Religious Hatred) and / or Article 443, paragraph 3 of the Criminal Code (Promoting race discrimination) should be amended so as to also impose sanctions for promoting violence or hatred against sexual minorities and transgendered persons.
- The Criminal Code should be amended so that performing a criminal offence motivated by hatred, among other things, against the persons of homosexual orientation (homophobia) or transgendered persons (transphobia) is considered more serious (qualified) form of criminal offence, or that homophobia or transphobia are considered as aggravating circumstances (by amending Article 42, General Rules for Fixing a Sentence). For example, the Croatian Criminal Code from 2009 defines as a "hate crime" any criminal offence committed out of hatred against any person because of its race, color, sex, sexual orientation, political or other belief, language, religion, national or social origin, property, birth, education, social status, age, health condition or other characteristics (Article 89, item 36).
- The existing initiatives should be supported and new ones initiated that allow for the equitable common-law marriage between persons of the same sex.
- Hereditary and economic rights in common-law communities should be regulated (contractual relations).
- Sanctions should be imposed equally and without discrimination in case of violations of human rights of LGBT persons.

Media and other public presentation of LGBT phenomenon:

- Sensitivity to LGBT issues and support is expected from all the professionals who have the power to influence the creation of public opinion, particularly those working in the field of human rights.
- The media in all their forms and segments should obey the laws of Montenegro and the standards of journalistic ethics, which is based on non-discrimination.

Podgorica, PR Centre, 28 March 2011

PRIORITY 4: SOCIAL INCLUSION OF PERSONS WITH DISABILITIES AND CHILDREN WITH DEVELOPMENTAL DIFFICULTIES MEASURES 1 AND 2: PROHIBITION OF DISCRIMINATION / IMPROVEMENT OF EMPLOYMENT OF PERSONS WITH DISABILITIES

INFORMATION ON IMPLEMENTATION OF ACTION PLAN FOR REALIZATION OF STRATEGY FOR PERSONS WITH DISABILITIES IN MONTENEGRO FOR 2010

Podgorica, February 2011.

INTRODUCTION

The Government of Montenegro adopted in December 2007 the Strategy for integration of persons with disabilities in Montenegro, for the period from 2008. to 2016. This document comprises the following areas: health care, social protection and pension disability insurance, field of education, professional training and employment, accessibility, culture, sport and recreation, as well as the field related to the position of disabled people's organizations in civil society. The Strategy envisages measures and activities to be undertaken during the aforementioned period, in order to make the position of persons with disability in Montenegro in accordance with the European standards and standards prescribed by the UN Convention on rights of person with disabilities.

The Government of Montenegro in 2008. also adopted the Action plan I for 2008. and 2009., which defines priority activities to be implemented in all the above stated fields, while in 2010. it adopted the Action plan II for 2010. and 2011. Also, since 2009. the Government of Montenegro each year has adopted annual reports on realization of measures envisaged for the previous year.

In creation of the Report on implementation of the Strategy for integration of persons with disabilities for 2010., also participated an inter-sectoral comprising of, besides representatives of relevant ministries, representatives of NGO dealing with disabled people issues. In this way it was fulfilled a necessity to integrate issues related to disabilities in all sectors, as well as to make direct participation of end beneficiaries, in creation of the policy, while making the strategy and Action plans, and also in monitoring of defined measures and activities.

The Report includes an overview of the most significant measures and activities envisaged by the Action plan for implementation of the Strategy for 2010., in all areas addressed in the above mentioned documents. Along with activities of state bodies and institutions, also some activities of NGOs dealing with disabled people were presented, regardless of whether they were performed in cooperation with state bodies, or independently.

The reports gives information based on which the Government and the public shall have an insight into the progress made in all fields concerning persons with disabilities during the aforementioned period.

HEALTH CARE

Regarding the health care during the current year, all health facilities at the primary level are electronically connected with the Health Fund, in that enabling to each insured person to have his own electronic card. It should be emphasized that this kind of electronic connection also relates to the Centre for support of children with special needs. Through application for specialist in all centres, besides the other things, a record is achieved of patients' visits on a specific date. Thanks to this form, daily records of persons with disabilities can be seen by their selected physicians, while this form implies obligatory entry of diagnosis per codes of MKB classification, current condition of patients and kind of provided service. In order to provide more quality management and to improve quality of work, it was prepared a project Integral Information System of Clinical Centre of Montenegro. Realization of this project is expected at the beginning of 2011. The main objective of the project is to give IT support to basic business units in general hospitals, to upgrade the information system of the Ministry of Health and the Institute of Public Health. Analyses and reports on the status of health of people with disabilities are collected during the whole calendar year and for that reason they are processed and compared only in the next calendar year, i.e. for 2009. in 2010.

Within normative regulation it should be point out that amendments and supplements were done in the Rulebook on indications and manner of use of medicine rehabilitation in health institutions which provide specialized rehabilitation. Thanks to these amendments people with multiple sclerosis shall be entitled to use each year rehabilitation in duration of 21 days, instead of each second year, as it was until now. It was also extended the possibility to use rehabilitation in cases of child cerebral paralyses. People suffering from rheumatic arthritis can use rehabilitation each year, instead of each second year, as the old rulebook envisaged. According to data received from rheumatologist from the Clinical Centre 50 children suffer from this illness. Through amendments of the Rulebook also rights of a person accompanying the child during rehabilitation are extended – from three to six years, for fractures of upper and lower limbs, deformities of the spinal column and asthma, as well as from six to 15 years for the diagnosis of polio, muscular dystrophy and others. diseases and conditions. Amendments of the Rulebook have been adopted since they concern serious diseases and mostly children with retarded psychomotor development, to whom presence of their parents is necessary.

In the filed of health protection of children with disabilities, it should be emphasized that in all health centres in Montenegro regional Centres for support to children with disabilities are formed. By enforcing the Decree on scope of rights and standards of health care from obligatory health insurance, unique standards and norms are defined for all prescribed perpetrators – providers of health service in developmental counselling facilities. The Master plan of development of health sector in Montenegro 2010-2013 emphasizes especially priority developmental areas and objectives, which relate to children with disabilities.

Moreover, it is important to note that in the Ministry of Health there is a sector for control and improvement of quality, which has envisaged monitoring of improvement and promotion of indicators of quality and results of work also within health care of people with disabilities.

The Ministry of education and science organized in 2010. a seminar aimed to exchange experience and to implement instruments for measuring relations of personal and environmental factors in developing of a special education need. Four members of each expert teams were educated from each centre of children with disabilities support and from day care centres from Montenegro: Centre for children with disabilities - Podgorica; Centre for children with disabilities - Bar; Centre for children with disabilities - Bijelo Polje; Centre for children with disabilities -Herceg Novi; Centre for children with disabilities -

Berane; Centre for children with disabilities, unit - Pljevlja; Centre for children with disabilities, unit - Rožaje; Day care centre "Tisa" - Bijelo Polje and Day care centre - Nikšić. A partner in this project component was the Ministry of Health.

SOCIAL PROTECTION AND PENSION-DISABILITY INSURANCE

In the field of social protection within normative activities in 2010, A Draft on the Law on prohibition of discrimination against persons with disabilities was created, and its adoption is expected in 2011. The Draft Law determines prohibition of discrimination in: proceedings before the authorities, use of structures and surfaces in public usage, providing of public services, health care, education, employment, in the field of work, in the field of marital and family relations, public transport, exercise of voting right, NGOs. It was also determined a prohibition of discrimination against NGOs for protection of persons with disabilities. The procedure of protection of persons with disabilities is implemented in line with the Law on prohibition of discrimination – general anti-discrimination Law. The above mentioned law stipulates the procedure, rights and obligations of participants in the procedure. Obligations of protector of human rights and freedoms are also determined in respect of protection against discrimination. It is important to mention that systemic laws, also, include provisions that relate to protection against discrimination of people with disabilities, thus by this Draft Law protection of people with disabilities against discrimination shall be fully provided.

For the purpose of full and systematic support of children and young people with disabilities, it is envisaged to link and functionally connect in the net facilities of the Ministry of Labour and Social Welfare, Ministry of Health and the Ministry of Education and science at the local, regional and central level. The plan started its realization at the end of 2010., by establishing Service providers for support of children with disabilities, which are located within the centres for social work, in all municipalities in Montenegro. Their basic role is establishing data bases on all children with disabilities from the territory of each municipality. A dossier is created for each child and it encompasses all relevant data about who, how and when works with the child, which collectively should presents a framework of an individual support plan for each child. Parents here acquaint all kinds of rights and services, which are provided within the field of social and health care and in the system of education at the republic, regional or local level. What is kept with each Service provider now in all municipalities is a precise register of children from the territory of that particular municipality, who are entitled to personal disability allowance, right to receive care and support of other person, as well as data on children with disabilities who are accommodated in institutions of social and child protection in Montenegro and Serbia.

In 2010. it was continued to expand a network of day care centres for children with disabilities. During the reporting period also a Day care centre in Niksic has started to work. The Day care centre has adequate space and necessary equipment for work. After registration of the institution and technical acceptance, it was started with activities related to sending children to the Day care centre. That implied obtaining a resolution from the Centre for social work Niksic, which is based on a resolution of the First-instance Commission for guidance of children with disabilities. Currently there are twenty-four children in the Centre, and according to standards, maximum thirty children can be staying at the Centre at the same time. Pljevlja municipality also brought a decision in 2010. on forming a Public institution, OIC director was nominated, and soon activities of the municipality are expected concerning other documents, in order to set the Centre into function. The Day care centre has adequate space and necessary equipment for work. The Day care centre in Ulcinju was established in 2010., and activities of the municipality are expected in order to put the Centre into function. This Day care centre also has adequate space and necessary equipment for work.

In Berane realization of the plan for completion of construction of the Day care centre is currently under progress, in cooperation with the Municipality Berane. It is necessary to finish construction works on the newly built structure in accordance with the design documentation and to procure missing equipment, as well as to educate staff who will work in the Day care centre. In Bar municipality with which last year a Memorandum on cooperation was

signed for construction of the Day care centre, adoption of a detailed urban plan is still waiting for a part of the municipality where construction of the structure for the Day care centre is planned. For the reason that adoption of this document is being late, thus construction of this institution is being late as well. In 2010. the Memorandum on construction of the Day care centre was also signed with the Municipality Cetinje.

The Ministry of Labour and Social Welfare provided in 2010. a winter and summer vacation and recreation for 260 children from institution of social and child care, in shifts in duration of 7 full accommodation days for each one of them, in their resorts in Bečići and in Ivanova Korita.

In accordance with its previous practice the Ministry of Labour and Social Welfare also in 2010., in cooperation with the Association of parents of children with disabilities, provided 15-days stay for 30 children with disabilities, with their accompanist, in the Institute „Simo Milošević“ in Igalo.

During 2010. consultations with several municipalities took place with the aim to provide plots for construction of “Collective houses for children with disabilities” and construction will commence in 2011.

In relation to the planned reorganization and transformation of institutions of social and child protection, reorganization of JU Institute „Komanski most“ was done, the new systematization was adopted and the new managing body – director was elected. The Pavilion “A” was adapted to accommodate adult men beneficiaries, according to the degree of their remaining ability and age, while the Pavilion “C” had already been reconstructed earlier and 10 children were accommodated there. Reconstruction was carried out from 3 August to 18 October 2010. and for it resources at the amount of 250.000,00 euros were spent. Facilities of the Pavilion „A“ are fully adjusted to needs of beneficiaries. Such conditions will greatly add to quality of life of these beneficiaries. This year a Protector of human rights and freedom of Montenegro also visited this institution together with members of the Board for human rights of the Parliament of Montenegro, which was an occasion for the members of the Board to get informed about the actual situation in this institution. The visit followed the Conclusion of the Board for human rights brought at the session on March 31st this year, which defines, besides the others, that the Board Delegation will at least once a year visit JU Institution “Komanski most”, as well as related institutions. At the same session the Board supported all planned activities of the Ministry of Labour and Social Welfare, regarding the plan to enhance conditions in JU Institute “Komanski most”, with respect to Recommendations of Ombudsman that relate to this institution. This institution was visited also by the Prime Minister of Montenegro.

In 2010. UNICEF continued its support and education of personnel employed in the “Komanski most”. Along with these trainings, representatives of the institution in 2010. also paid a study visit to the House for persons with mental disabilities in Tutin in Serbia. The basic aim of this visit was acquisition of additional knowledge of the practice of one similarly developed system of social and child protection, as well as exchange of experience, and also models of future cooperation were agreed.

The Ministry of Labour and Social Welfare in 2010. provided education to representatives of centres for social work in Montenegro, i.e. representatives of service providers. Those included were representatives of Centre for social work for municipalities Podgorica, Danilovgrad, Cetinje and Kolašin, Centre for social work for municipalities Kotor, Tivat and Budva, Centre for social work for municipalities Bar and Ulcinj, Centre for social work for municipality Herceg Novi, Centre for social work for municipalities Nikšić, Šavnik and Plužine, Centre for social work Berane and Andrijevica, Centre for social work for municipalities Pljevlja and Žabljak and Centre for social work for municipalities Bijelo Polje and Mojkovac. The seminars were aimed to exchange experience and to master instruments for measuring relations of personal and environmental factors in developing of a special education need. A partner in this project component was the Ministry of Labour and Social Welfare.

In order to change public awareness of the needs of people with disabilities and children with disabilities a campaign “Talking about possibilities” was organized in cooperation with UNICEF. The campaign was aim to promote inclusion of children with disabilities into society, through stimulation of changes

in attitudes and behaviour of the public towards them. The campaign is based on results of research on knowledge, attitudes and behaviours of the public towards these children, which was carried out in August at the sample of 1.000 citizens throughout the country. This research showed that there is a significant social distance towards children with disabilities. During three-months long campaign, through the country, billboards were put showing children with disabilities as active members of society – as sportsmen, friends, musicians, dancers, students, daughters, sons, brothers and sisters, conveying the key messages – *Where many see difficulties, we see opportunities; Where many see obstacles, we see friendship; Where many see weakness, we see courage; Where many see burden, we see love*. Thanks to partnership with the media, all TV stations broadcast a video campaign that showed a child with difficulty in caring family environment, and print media published newspaper advertisements with the key messages of the campaign. Primary school across the country have organized sessions of child parliaments on inclusion based on publications of UNICEF for pupils and teachers “Talking about possibilities”. In 8 of total 21 municipalities, special sessions of local parliaments were carried out related to developing of inclusive local municipalities at which participated representatives of local student parliaments and associations of parents of children with difficulties. Children with difficulties made one-minute movies on inclusion and they were shown on various TV stations, as well as at sessions of local parliaments so that their messages can reach the biggest possible number of decision makers and citizens. More than 30 children from student parliaments of school from the North municipalities of Montenegro participated in the inter-generational dialogue on inclusion with ambassadors in Kolasin. More than 150 children with and without difficulties played basketball in the Sport centre “Moraca” in Podgorica within the campaign. Representatives of the Ministry of Labour and Social Welfare and the Ministry of Education and Science had a study visit to centres for children with difficulties and inclusive schools in the Great Britain. The Government of Montenegro, UNICEF, Delegation of the European Union in Montenegro, Council of Europe, all UN organizations in Montenegro, OEBS, embassies, associations of parents of children with difficulties, Centre for rights of a child and other NGOs that promote rights of children, all printed and electronic media, private sector, children with and without difficulties and parents across Montenegro, have jointed the coalition of over hundred partners which support the campaign “Talking about possibilities”.

As a result, according to the research on impact of the campaign which was carried out during the first week of December at the sample of thousand of citizens across the country, many have started to change their way of thinking and behave towards children with difficulties. The key result of the research on impact of the campaign shows that:

- Before the campaign, 40% citizens had the opinion that all children with difficulties should be in special institutions, while after the campaign this percentage was double smaller i.e. 21%.
- Before the campaign, almost two thirds of citizens (64%) considered unacceptable that a child with difficulty should go in the same class with theirs, while after the campaign this percentage reduced to almost half of the citizens (54%).
- Before the campaign, only to every fifth citizen it was unacceptable that a child with difficulty is the best friend to their child, while after the campaign, every third citizen considers that acceptable.
- More than 70 % of the public have noticed the campaign and they generally liked it. The campaign has stimulated almost 60% citizens to seriously think over the relation of the society towards children with difficulties, while one third (32%) of citizens from the campaign has learned something new about these children.

The key messages that citizen can remember most are “Talking about possibilities”; “*Where many see burden, we see love*”; “*Where many see difficulties, we see opportunities*” Citizens also remember most faces of Montenegrin children with difficulties who were on billboards across the country during the last three months.

“We have started a campaign, but it grew into a movement that supports complete inclusion of children with difficulties in all aspects of life in Montenegro – in families, schools, local communities and hearts of citizens. “Talking about possibilities” will be continued and will expand further.

In December 2010. an Agreement on contribution was signed with the Delegation of the European union in Montenegro related to implementation of the overall reform of social and child protection – strengthening of social inclusion. In line with provisions of the Agreement it is expected that implementation of the projects will start in 2011. Within the component implemented by UNDP among the others also the following activities are envisaged: Estimation of existing services and development of standards of social services which will be implemented at national level; Evaluation of individual estimations and plans of care for elderly accommodated in institutions of social protection, as a precondition for their potential de-institutionalization; Preparation of local action plans for social inclusion (joint planning of protection at the level of community) in selected communities; Preparation of three pilot programs for social innovations at the local level in three selected municipalities. Within a component implemented by UNICEF, also the following activities are envisaged: Revision of the Law on social and child protection and creation of bylaws; De-institutionalization of children accommodated in JU „Komanski most“; Support to establishing of small group houses to promote foster care etc.

EDUCATION

The Ministry of Education and Sport developed in 2010. the Strategy of early and pre-school education (2010 - 2015). The aim is to fulfil all conditions in order to provide accessible, high-quality, overall, culturally adjusted, inclusive services to all children in Montenegro from birth to primary school, with a special emphasis on the most vulnerable children. The strategy put emphasis to providing interdisciplinary, coordinated and sustainable cooperation of the overall system for the purpose of improvement of social inclusion of children until the primary school.

The Law on amendments and supplements of the Law on pre-school education, adopted after enforcement of the Strategy, envisages establishment of library of toys and books, and organization of interactive services. Preschool education is realized based on educational program of preschool education. Kinds of educational programs are: primary, shorter, specialized and other programs, in accordance with special regulations. Amendments and supplements of the Law envisage that costs of accommodation of children from the most vulnerable categories of population (without care of parents, whose parents are beneficiaries of social assistance for families with special educational needs, RAE population) are paid by the centre for social work on the territory of which is residence of the child, i.e. of the parent.

The Law on amendments and supplements of the Law on education of children with disabilities („Off. Gazette of MNE“, No. 45/10) has been adopted. Amendments and supplements of the law give wider definition of the notion of children with special educational needs: children with disabilities and children with special needs. The full integration into the mainstream system is considered as the first option with provision of an adequate educational technology, provision of technical support to children with special educational needs. The amendments and supplements of the Law envisage that resource centres apart from providing existing educational services for children and the youth with moderate, more severe and severe and combined disabilities, should have a counselling and expert support for a particular kind of developmental disability. The amendments and supplements of the Law envisage that Day care centres also can perform educational works where one can attain skills necessary for everyday life.

In cooperation with the Office of UNICEF in Podgorica also a Project was done: Education for bodies of the Network for expert support to children and the youth with disabilities (Systematic approach to work with children with special educational needs) – education of representatives of centres for social work (service providers and case managers), expert teams from centres for support to children with special needs and day care centres in Montenegro.

Representatives of parents of children with special needs are also included in education. In the work also participated representatives of state institutions, initiatives and civil sector whose activities relate to the work with children with special educational needs. Conclusions were made and recommendations were given for next steps towards creation of overall conditions for early development and learning.

In cooperation with the Centre for professional training the project „VET trainers in inclusive education“ has started. The basic aim is to form teams for training and support of inclusive education at the level of high school education. A round table and focus group “Conditions for social inclusion in high-school education” was held with directors, representatives of pedagogic-psychological service and teaching staff. After that, a seminar was held for representatives of pedagogic-psychological services.

Institute of education publishes a catalogue of teacher training program in which for the school 2009/2010. there were 10 programs, while in the Catalogue of teacher training program for the school 2010/2011. there are 14 programs from the area of inclusive education.

In 2010. the final version of the Program Reform of the system of social protection and care of children was being worked upon: improvement of social inclusion, which was proposed through IPA 2010 programs. One of the objectives relates to the transformation process of special institutions into resource centres. The resources centres will perform educational process for children and the youth with moderate, more severe and severe and combined disabilities, but they will also expand their activities and provide staff, expert and counselling assistance, realize education for employees in mainstream educational institutions in relation to a concrete kind of disability. The project will give support to the educational system with enhanced conditions for integration of children with special educational needs. This relates to developing of exam catalogues; training of expert associates; preparation of individualized tests. Our intention is, through realization of this Project, to increase total number of children of RAE population in the education system. We will establish necessary conditions for their inclusion, develop mechanism for prevention of their drop-out from schools, provide so-called Roma assistants, constantly monitor the continuity of education through Data base.

Regarding curricula for work in special institutions – program has been done for I, II and III series for children with impaired hearing and speech, a special part of educational program is done for children with combined impairments (with two or more impairments of which the primary is physical disability or severe poor-sight or blindness in combination with intellectual impairments).

Regarding education of adults, it should be emphasized that 3 programs are adjusted to education of adults. Within the project National framework of qualification and providing of quality in education managed by the Delegation of the European Union in Montenegro, and financed by the European Union, within directives and methodologies it will be given instruction that relate to special educational needs.

So far two manuals for teachers have been published: “Approach to inclusive practice in education“, „Inclusive education in primary school“. Two manuals are under preparation for work with children with disabilities in writing and reading and for creation of IROP. Rulebook for work of commission for guidance was printed. It was also prepared a bulletin with procedures, obligations and responsibilities in the process of guidance of children with special education needs into the educational system. Transfer of books into audio CDs has started, in cooperation with the Institute for education and professional rehabilitation of children and the youth with disabilities.

In 2010. updating of data base related to children with special needs continued. After bringing of each proposal the Guidance Commission is liable to notify and submit them to the body of local self-authority for the aim of delivery of a notice on a number of guided children, program and educational institution to which the child was directed: Ministry of education and sport, Ministry of health, Ministry of Labour and Social Welfare, Institute of education, Centre for professional training, Examination centre, Centre for social work, educational institution etc. Therefore, data and information of the number of children,

conditions to be provided for the aim of timely and adequate inclusion of children into the education process are regularly updated by the Ministry within its Data base that it had established. Based on this, data base children and schools that they have chosen are assessed. For this school year free textbooks are provide for students with special educational needs who have a resolution on guidance.

There are in the Institute of education mobile services organized with the aim o provide assistance in education of children with special educational needs. The mobile services cooperate with regular educational institutions in order to give additional expert assistant to children with special educational needs: individual work with children with special educational needs, instructions to teachers and consultations with expert services of schools on methods of work with children and their parents.

It is important to also emphasize the fact that within the process of de-institutionalization of the Special institute for children and the youth „Komanski most” – five children each working day in the interval from 9 to 12 a.m. attend educational process in the Centre for education and training „1. jun“, Podgorica; and two children are included into the education process in JU „Institute for education and rehabilitation of children and the youth with disabilities“, Podgorica.

As one of the best examples of good practice, in the already mentioned cooperation with NGO sector the following projects are emphasized *„Assistants for children with disabilities and special needs who attend mainstream school based on inclusive model”* which are carried out by »New chance in Novi« from Herceg Novi, „Ray of hope“ from Pljevalja, „Oasis“, Bijelo Polje as well as “Paths”, Podgorica. These activities are for now supported through “Programs of public work” of the Employment Agency. Also, on the same principle in JPU “Ljubica Popović” and JPU „Đina Vrbica“ from Podgorica, assistants are provided who provide technical support in the process of education.

The Ministry of Education and Sport in 2010. formed a Working group for standardization of the sign language in Montenegro. The Working group has made basis of the sign language in Montenegro, using UNESCO definition of the sign language. A theoretical basis is made, as well as dactylography (one-hand and two-hand signs for two new letters of the Montenegrin language) and the Dictionary of basis of the sign language in Montenegro (per areas).

PROFESSIONAL REHABILITATION AND EMPLOYMENT

In the field of professional rehabilitation and employment of persons with disabilities, a data base is a constituent part of the application program of register of unemployed persons, which was established 10 years ago, and which is adjusted with work technologies, pursuant to EU regulations and regulations of Montenegro. At the end of 2010., at the register of the Employment Agency of Montenegro there are 2242 persons with disabilities (working disability -1661 and categorized persons - 581), recorded per all features at their road to employment.

In March 2010. the Law on employment and exercising of rights from insurance against unemployment. The objective of the Law is to enable bigger employment, within the exiting economic development of Montenegro and the relation of supply and demand at the labour market ,through creation of more efficient legal framework for conducting employment, which will enable annual planning of the active employment policy, adjustment of measures of active employment policy, as well as monitoring effects of active employment policy, as an indicator for its next plan.

In December 2010. the Law on amendments and supplements of the Law on professional rehabilitation and employment of persons with disability was enforced. This law stipulates that person to whom the status of a person with disability can not be determined by the other law, remaining work capacity employment opportunities, i.e. the status of a person with a handicap, shall be defined by the responsible commission of the Employment Agency of

Montenegro, in accordance with criteria prescribed by the Ministry of labour and Social Welfare. It is estimated that in the register of the Agency there are 11000 to 12000 of ones who are more difficult to get employed, who have problems, and the status of a person with disability has not be determined.

For implementation of the Law on professional rehabilitation and employment of persons with disabilities it is necessary to establish an appropriate institutional network, to educate staff – experts of different profiles, which would be one of the basic conditions for functioning of the new system in this area. The Employment Agency, as a bearer of mediation in employment of unemployed persons, initiates and in the first phase provides support to forming of specialized institutions, for professional rehabilitation and employment of persons with disability, considering that they request a special longer expert treatment, due to a range of obstacles which influence on the problem of their employment, such as: prejudices, lack of self-confidence, lack of motivation, decline of work capacity, outdated and inadequate knowledge etc. Thus in 2009., in cooperation with the Agency "Pa Mark" from Podgorica and the Slovenian Institute »Papilot« realization of the program of professional rehabilitation and training of future experts from this field have started, and they continued realization in 2010.

In this program, in 2010., which is being realized in Podgorica, Bar and Nikšić, 110 persons from the register of the Employment Agency were included, the ones that have obstacles in employment, caused by combination of more factors. Also, the process of training of highly educated persons was continued – unemployed from the register of the Employment Agency Podgorica, of different profiles, necessary for the process of professional rehabilitation in Montenegro. Among them there are social workers, psychologists, speech therapists (who are trained for occupational therapists) and technologists (who are trained for occupational technologists). Young people are given the opportunity to be trained theoretically, as well as practically, because their training is realized simultaneously with the process of professional rehabilitation. All these activities are realized with the aim that the Centre for occupational integration of ones who are more difficult to get employed in Podgorica can start to work, as well as to give impetus to establishment and development of other institutions for professional rehabilitation and employment of persons with disabilities. Also, the Agency in cooperation with the other social partners for several years has been realizing public works in which persons with disabilities establish working relation for definite time, in duration of one month to one year.

The public work "Sunny workshop" – a multi-year project for production of souvenirs, greeting cards, decorations and paper products is implemented in several cities of Montenegro (Herceg Novi, Kotor, Bar, Nikšić, Bijelo Polje, Mojkovac i Pljevlja). In 2010, 69 persons with disabilities were included, who in this way develop their skills, work and social skills, communication skills, and thereby generate the income from employment for a limited time. In the public work "Our ID card", which is implemented in Herceg Novi, in the printing business 7 persons are employed for a definite time of one year.

When selecting a program of public work, the Agency gives priority to programs aimed to enhance the quality of living of children with disabilities and special needs, as well as their families. In 2010., additional support to children in learning who are include in the mainstream education, per inclusive model was realized through 16 programs of public works, in duration of three to ten months: in Podgorica, Bijelo Polje, Pljevlja, Nikšić, Mojkovac, Rožaje and Herceg Novi. Program implementers are NGOs, which deal with issues of people with disabilities, especially associations of parents of children with disabilities and school that those children attend, and partners in realization of the program, besides the Agency, are also local self-governments, health centres, social institutions and others. In the aforementioned works 114 persons are included on works of professional assistants. Their salaries are financed by the Agency.

There were realized 7 works that relate to support to children and the youth with disabilities in house and day care centres, in which 26 persons are included, in duration of three to nine months: in Podgorica, Bijelo Polje, Nikšić, Bar and Berane. These programs are very significant because on the one

hand, children have fuller participation in life activities, better results in school, they feel more successful in the company of their peers, and on the other hand they develop preserved abilities and enhance work potential, the purpose of which is prevention of problems with their future employment.

Apart from employment in public works for a limited time, in 2010. 15 persons with disabilities were employed for a determined time, as follows: nine, on the basis of awarding of wage subsidiaries to employers who engaged these persons, two on basis of co-financing of space and equipment for their work places and four, on basis of award of loans for self-employment. This means that employers would rather choose payment of special contributions than to employ a person with disability with use of subsidiaries. Through financial incentives for entrepreneurship, through awarding of loans for self-employment, under favourable conditions, as regards the amount of resources, as well as deadline for return of resources, 4 requests for loan awarding were approved, for employment of 6 persons, of which 4 are persons with disabilities.

Total number of programs of active employment policy is 288. Participation of women in the programs is 61,34 %. That data can also refer to participation of women with disabilities in these programs, in relation to men population with disabilities.

It is important to point out that for the aim of realization of 132 public works in which participated 1.631 of persons who are more difficult to get employed, among them are persons with disabilities, the same number of protocols were signed with government institutions, NGO sector, local self-government, etc. Also the memorandum on cooperation was signed between the Ministry of labour and Social welfare, the Employment Agency of Montenegro, Employers' Federation of Montenegro, Trade unions of Montenegro, Union of free trade associations of Montenegro, Association of municipalities, Association of the Blind of Montenegro, Association of the Deaf and the Hard of Hearing of Montenegro, Federation of associations of parents of children and youth with disabilities, "Our initiative," Association of Youth with Disabilities Montenegro and Paraplegic Association of Montenegro, which established basic principles and areas of cooperation aimed to increase employability and employment of persons with disabilities. Also an action plan was brought for implementation of the Memorandum.

Consultants for work with employers in all employment agencies, at the territory of Montenegro, continuously inform employers about stimulative measures in case of employment of a person with disability.

The first fair of employment of people with disabilities took place in Podgorica, on May 14 2010, in organization of the Employment Agency of Montenegro. At the fair many participants were presented: employers, organizations of persons with disabilities, education institutions, employment agencies, Trade Chamber, Employers' Federation. Also the opportunity was given to persons with disabilities with reduced work ability to present themselves through an exhibition of their manually manufactured souvenirs, within realization of the project Social inclusion (Agency Pamark) and Sunny workshop from Nikšić (Employment Agency Nikšić). The fair connected employers with the unemployed, enabled to them a direct contact and acquaintance with legislature. Messages are addressed from the fair to other employers to join and in future to offer work places to persons with disabilities. A positive effect is also connection made with organizations of persons with disabilities, which took part at the Fair and presented a part of their activities.

By bringing the Law on amendments and supplements of the Law on professional rehabilitation and employment of people with disabilities (December 2010), conditions are made so that at the beginning of 2011. it can be formed the first-instance and second-instance commissions for professional rehabilitation in the Employment Agency of Montenegro.

In 2010 implementation of the program called "I will succeed" continued, as measures of active employment policy, which is realized for people with disabilities and for others with obstacles in employment, with the aim to increase their own competencies, for successful inclusion into the labour market. In

14 municipalities in Montenegro, in this program participated 1343 unemployed persons with obstacles in employment. The program is implemented through two specialized agencies for work with the ones who are more difficult to get employed. The program "Social inclusion" is realized in one specialized agency in Podgorica, for 21 students, for whom in the pilot project "Application of the Law on professional rehabilitation and employment of persons with disabilities" it is stated that their remaining work ability is below 50 %.

Paraplegic Association of Montenegro since March 2010 has realized the project under the name „Job market for people with disabilities“. The main objective of the project is to give incentive to business and social integration of people with disabilities in Montenegro and protection of their rights. During implementation of the project the Association realized a media and PR campaign for raising of awareness of people with disabilities, representatives of state institutions, representatives of private and state companies and the public of Montenegro about work and other capabilities, rights, problems and needs of people with disabilities. Three TV spots were recorded and released. Five kinds of brochures were printed in 5000 copies which were distributed to citizens of Montenegro. Press conferences were regularly held, statements for the press were published and at the end of the project a round table was held at the topic of employment of people with disabilities. During implementation of the project it was trained 3 agents from the staff of the Employers' Federation of Montenegro who worked on realization of projects activities. Three agents of the labour market visited employers, distributed to them propaganda material related to advantages that employers have when employ a person with disability. They taught employers about what a disability was, what remaining work abilities were and what is the spectre of work that people with disabilities can perform with regards to the kind and degree of disability. In this direct contact with employers, agents tried to employer persons with disabilities if a work place is vacant at that particular moment. Evaluation survey conducted at the end of the project showed that awareness of employers, citizens and persons with disabilities were much raised in comparison to the previous period. Employers are much more open to employ people with disabilities, citizens have less prejudice regarding work abilities of people with disabilities, and people with disabilities themselves are more ready to take participation in processes of employment.

ACCESSIBILITY

The Ministry of Traffic and Maritime Affairs as one of actors in implementation of activities from the Action plan for implementation of the Strategy for integration of persons with disabilities has within its responsibility the area of accessibility, which relates to right of people with disabilities in the traffic area. Related to that, even in 2007. the Trade Chamber with a consent of the Ministry of Traffic and Maritime Affairs brought Rules on general conditions of transport in line road traffic where certain benefits are envisaged for people with disabilities.

Within the Law on traffic safety on roads which is under preparation it is regulated that stickers are issued for vehicles used by people with disabilities. For vehicles adjusted to people with disabilities a mild regime of import is envisaged in a way that the mentioned vehicles do not have to meet EURO 3 standards.

In the Law on contractual relations in the railway traffic (Off. Gazette of MNE No. 41/2010) it is applied the Regulation of the European Parliament and the Council No. 1371/2007/EC which regulates rights and obligations of passengers in the railway traffic, and of people with disabilities as well.

In the Law on amendments and supplements of the Law on ratification of multilateral agreement between the European Community and its members (Off. Gazette of MNE No. 1/11) it is applied the Regulation of the European Parliament and the Council No. 1107/2006 on rights of people with disabilities and people of reduced mobility in the air traffic.

The Ministry of Traffic and Maritime Affairs proposed and the Government of Montenegro at its session as of 09. September 2010. adopted a Decree on minimal set of services encompassed by the Universal service which provides for certain benefits for people with disabilities.

Association of paraplegics of Montenegro, in cooperation with its local offices at the territory of Montenegro has made analyses of condition of accessibility of structures as regards to needs of movement of persons with disabilities in Montenegro. The report presents a tablepresentation of structures in public use in this area, given per municipalities, per degree of accessibility as well as suggestions on necessary adjustments in line with the Article 165. of the Law on spatial arrangement and building of structures for access and movement of persons with reduced mobility and the Rulebook on more detailed conditions and method of adjustment of structures for access and movement of persons with reduced mobility. This report was a base for creation of the Action plan for adjustment of structures in public use in line with the Article 165. of the Law on spatial arrangement and building of structures for access and movement of persons with reduced mobility. The working team for creation of the Action plan had representatives from the Ministry of Spatial Arrangement and Environmental Protection, Ministry of Labour and Social Welfare, Association of paraplegics of Montenegro, Association of the youth with disabilities, Association of the blind of Montenegro, Engineers Chamber, Directorate of public works and Community of municipalities. In the Action plan for adjustment of structures in public use is given an analyses of accessibility of big number of structures in public use in Montenegro. For adjustment of structures in public use 14 priority structures were encompassed, of which 8 in Podgorica (Centre for social work, Republic Fund for social insurance, Parliament of Montenegro, Customs administration-Custom office, Tax authorities, Finance Ministry, Basic Court, Faculty of economy), in Nikšić 3 (Health centre, JZU General hospital, Hospital for lung diseases Brezovik), in Berane 2 (Health centre "Dr Niko Labović"- main building and structures with service provided by a selected physician for women, General hospital) and 1structure in Pljevlja (health centre- Building of Laboratory and X-Ray). The proposal of the Action plan for adjustment of structures in public use in line with the Article 165 of the Law on spatial arrangement and building of structures for access and movement of person with reduced mobility is on KEPIF.

In the part that relates to accessibility at tourist facilities, in accordance with the fact that the Law on tourism has been adopted, i.e. enforced at the end of October 2010., and this Law is a precondition for bringing of the new Rulebook on classification, minimal conditions and categorization of hosting facilities, the aforementioned Rulebook which is at the final phase of creation, and which will treat also the above stated issues in accordance with valid legal solutions, will be adopted in the incoming period.

Association of paraplegics of Podgorica has realized a project under the name „For a category more“ which is financed by the Commission for allocation of apart of revenues from games of chance. One of the objectives of the project relates to raising of awareness and building capacities of tourist workers, as well as representatives of construction area in terms of acquaintance with a good practice of EU members states related to accessibility of tourist facilities, as well as their acquaintance with the Law on planning and arrangement of space and building of structures, and the Rulebook on detailed conditions and the method of adjustment of structures for access and movement of persons with reduced mobility, which request and necessitate also accessibility of structures to needs of persons with disabilities. A conference was held in Podgorica at which attendees were, besides representatives of tourist organizations and representatives of construction companies, also representatives of the Ministry of Tourism and Sustainable Development, of local urban and construction secretariats and tourist organizations, as well as representatives of organizations of people with disabilities, at which participants were acquainted with binding regulations of Montenegro from this area, as well as with a good practice of the surrounding countries. Within the project a manual was made in which, at one place, in a shortened volume, in a clear, unique and articulate way, representatives of tourist workers, construction companies, Ministry for spatial development, local secretariats, tourist organizations, and people with disabilities were acquainted with the most important provisions of the Law on planning and arrangement of space and building of structures, as well as the Rulebook on detailed conditions and methods of adjustment of

structures for access and movement of people with reduced mobility. In the manual at one place they are informed about prescribed standards in the field of adjustability, of tourist as well as other facilities, significant for people with disabilities. Moreover, the print and electronic media followed activities aimed to project realization, through which the public was informed about the necessity to respect the standards of adjustability for people with reduced mobility, to which regulations bind them.

The Ministry of Interior Affairs equipped by now by access ramps for people with disabilities business space of directorate of interior affairs in: Budva, Bar, Golubovci, Kolašin, Pljevlja, Rožaje, Tivat, Tuzi, Ulcinj and Šavnik, while ramps do not exist in: Andrijevica, Berane, Bijelo Polje, Žabljak, Kotor, Mojkovac, Nikšić, Plav, Plužine, Podgorica and Cetinje. Adjustment was not done in Podgorica due to construction of the new business space in Zagorič.

In the Ministry of Interior Affairs in 2010. it is enabled to clients to request delivery of excerpts from registry of births and deaths and certificates on nationality in electronically supported way and they are submitted to them to their home address, in short time. Also, in 2010., for persons with disabilities who are not able to personally hand over requests for personal documents (ID cards and passport) and to overtake them, it is organized to use a mobile station for taking data at the address of the request applicant, including biometrical data and giving a power of attorney to a person who should on his behalf overtake necessary official activities.

In the Ministry of Interior Affairs the Operative communicative centre receives calls from all operative networks to the unique number 112 for help in case of emergency, while persons with disabilities have priority when forwarding calls.

CULTURE, SPORT AND RECREATION

Public radio broadcast services Radio of Montenegro and Television of Montenegro in 2010. broadcast program content significant for informing of people with damaged hearing and vision. The Radio of Montenegro has realized a monthly half-hour emission under the name "The world of equal chances", at total 10 programs, that is 300 minutes of programs. The Television of Montenegro released a weekly half-hour program for persons with disabilities under the name "Paths of life", at total 29 programs, that is 870 minutes of programs. The aforementioned program was also repeated. Television program is still partially accessible to people with damaged hearing, which is shown by the data that of total 29 TV programs in this year, 10 of them were released through sign speech. Besides, the Television of Montenegro broadcast also in 2010. in sign speech 15-minutes informative program (the first news at 15,30) – three times a week, as well as half-hour informative program (the second news at 19,30) – during weekends.

In order to achieve guaranteed rights to information, the Ministry of Culture, within its competence, implement legal duties of the state in providing funds for co-financing of program contents of a national public service RTCG, which are, among other things, important for informing people with impaired hearing and vision. Program for persons of impaired vision was broadcast in 2010., based on already accustomed program scheme, also local public radio broadcast services in Montenegro as follows: Radio Bar, Radio Kotor, Radio Tivat and Radio Herceg Novi.

Radio Bar in cooperation with Organization of the blind of Bar and Ulcinj, once a week realized a program for persons with impaired vision "Right to word" – editor and presenter is a blind person. Also, in the studio of Radio Bar it was recorded monthly a sound magazine with the same name for blind person in duration of 2-3 hours, as well as sound books for needs of the Sound library for the blind in Bar. The aforementioned magazine and books were distributed to blind persons in Montenegro and surrounding countries. Radio Kotor broadcast a weekly half-hour program for blind persons under the name „Light of

sound", which was repeated. Apart from thematic for the blind, the program dealt with other issues related to population of people with disabilities in Montenegro. Radio Tivat broadcast a regular half-hour monthly program for people with disabilities under the name „Step forward“. Radio Herceg Novi broadcast a regular monthly program for people with disabilities under the name „Together“, in duration of 60 minutes. Radio Bijelo Polje broadcast a series of programs dedicated for persons with impaired vision under the name „Normal life“. The series was broadcast in the period April - December 2010., weekly, in duration of 45 minutes. This program was repeated.

Radio Television Nikšić has no particular program dedicated to inform persons with impaired hearing and vision, but it regularly monitors issues relevant to informing these persons. Moreover, due to bad coverage of particular areas of Niksic municipality, by the program of national radio broadcast service RTCG, the second news in TVCG was regularly overtook and in that way it was regularly provided informing of deaf and blind people in this local self-government. Radio Budva, also, has no special program for people of impaired vision, but it treats these issues within informative and other program contents. Also, from time to time, in the studio of this public service there are recorded sound books for needs of organizations of the blind at the seaside.

Informing people with damaged hearing in 2010. was also done by the commercial radio station Antena M which, like in the previous period, regularly realized the program for the blind under the name „With sounds to light“. The program was broadcast weekly, in duration of 60 minutes, and it was realized in cooperation with the Association of the blind of Montenegro. The program dealt with issues relevant for blind persons, legal legislative and activities of organizations of the blind in Montenegro, the region and beyond. The Television MBC from Podgorica also in 2010. broadcast in sign speech an informative program under the name „Cover page“. Broadcast of the above mentioned program in sign speech was financed by the Ministry of Culture, as a contribution to improved informing of persons with impaired hearing.

The Ministry of Culture and Association of the blind of Montenegro signed in 2010. the Contract on co-financing of the magazine for the blind „Sound review“ (12 issues). By signing this Contract a multi-annual cooperation was continued between the Association of the blind of Montenegro at regular, monthly publication of the magazine for the blind in sound technique in our country and in that way, within available budgetary resources, contributed to exercising of the right to informing of persons with impaired vision, pursuant to the European standards.

In the part that relates to the sport, it is important to note that currently a Rulebook on sport competitions of people with disabilities is under preparation, which is within responsibility of Paralympics committee.

In relation to Co-financing of the sport activities program of people with disabilities in 2010. from the competition for allocation of a part of revenues from games of chance – the area of sport, resources have been allocated for the following projects: Sport-recreational association of the deaf „Budućnost“ – Podgorica, for the project „Development of top sport for people with disabilities" at the amount of 1.500,00 €, as well as to the Basketball club of people with disabilities „Paramont" – Podgorica for the project „Affirmation of basketball in wheelchairs" resources at the amount of 3.200,00 €.

The Basketball club of people with disabilities „Paramont“ (the founder of which is the Association of paraplegics of Montenegro) implemented the program which included people with disabilities from all over the country (north, central and south region). The Basketball club of people with disabilities „Paramont“ organized in August and September 2010. preparations for basketball players with disabilities in Igalo. Within preparations a promotional match was held with the Basketball club of people with disabilities „Vrbas“ from Banjaluka. In this way, only the Basketball club of people with disabilities „Paramont“ in Montenegro promotes sport of people with physical disabilities.

ORGANIZATIONS OF PEOPLE WITH DISABILITIES AND CIVIL SOCIETY

The Association of paraplegics started in December 2009. realization of the project „Say no to discrimination“ in duration of 15 months with financial support of the Delegation of the European Union in Montenegro. The objective of the project was to improve position of people with disabilities (OSI) through their enforcement for active participation in decision making regarding all aspects of their life on an equal basis and removing prejudices and stereotypes, being a cause of discrimination. The main tasks of the project were to raise public awareness and to familiarize with the problem of discrimination towards OSI, its forms and way of combating with it. The mentioned tasks are realized within an intensive media campaign which consisted of: press conference, series TV spots, brochures, bulletins on rights of persons with disabilities. The mentioned tasks have been realized by now within 2 surveys, 2 public forums, 5 seminars, and a round table. A series of 3 TV spots was broadcast on 3 televisions in the period of 2 months at total. We have received by now very positive reactions to spots from a part of the public of Montenegro.

Within the project 2 brochures were printed in total publication of 3000 copies and one bulletin in 2500 copies. The objectives of the brochures were to raise awareness about what discrimination of OSI in Montenegro was considering its invisibility, what are its most request forms of appearance and in what way one should fight against it. On the other side, the Bulletins includes in short summarized all rights offered by valid Montenegrin legislature, as well as benefits that the Association have obtained for its members. Besides, the Bulletin speaks clearly about ways in which those benefits can be exercised. For both publications we received very positive feedbacks regarding its content and regarding its design. OSI and organizations of OSI (OOSI) were interested especially for the Bulletin. There were held 5 two-days interactive seminars related to the problem of discrimination of OSI. Their objective was education and raising of awareness of representatives of the central and local authorities and representatives of national and local OOSI and persons with disabilities themselves. Awareness raising of authorities representatives is obvious at central and at local level. That is a great success of the Association of paraplegics of Montenegro in general and activities that it has been carried out during the years. Moreover, OSI have talked for the first time in public before cameras openly about forms of discrimination towards them, which was broadcast by the media.

One of indirect impacts of the project was enforcement on 27. July 2010 of the general Law on prohibition of discrimination. In that way all normative prerequisites were made for bringing of a special Law against discrimination of OSI, which is of special importance for this population and their rights. In that way some very important envisaged project results were realized. New, more quality relations were made between OSI and decision-makers, related to the common fight against discrimination of the mentioned population. Mobilization of all target groups was encouraged to organize and professional work on recognizing and combating discrimination against OSI in Montenegro. It is already felt a reduction of psychological barriers, prejudices and taboos with all target groups, related to these issues. Thus, this project has contributed to creation of favourable ambience for bringing of a special Law on prohibition of discrimination of people with disabilities, a draft of which was prepared by the Ministry of Labour and Social Welfare.

The Ministry of interior Affairs planned for the second quarter of 2011. to bring a Proposal of the Law on NGOs. This law shall define, in accordance with the European Convention on protection of human rights and basic freedoms, the procedure of receipt and termination of membership in NGO associations, re-define provisions on financing of NGOs from public funds, i.e. the budget, precise procedures of determining and allocation of property of the organization in case of termination of employment, etc.

By a decision on allocation of the part of resources from revenues from games of chance for 2010., allocation of resources from revenues from games of chance was done for co-financing of programs and projects in 2010., for the following areas: social protection and humanitarian activities, fulfilling needs of persons, development of sport, culture and technical culture, non-institutionalized education, education of children and the youth and fight against drugs and all kinds of addiction. In the Competition for allocation of revenue from games of chance, announced on 31 July of 2010. for meeting needs of people with

disabilities, 135 requests were considered, 75 programs-projects were supported, at the amount of 1.000.000,00 €. From the field of Meeting needs of people with disabilities, the following programs will be co-financed:

Blue Moon doo-MBC TV, name of the project „Documentary series Chance, support to integration of people with disabilities“, 5.300,00 €; Doo INFO CALL-OZON radio, name of the project „I exist also“, 5.400,00 €; Organization of civil war disabled persons for Pljevlja and Žabljak-Pljevlja, the project name „Program for more active and more quality life of victims of war“, 4.000,00 €; Association of paraplegics, Bar, the project name „Accessible surrounding for all-parking places for OSI“, 5.200,00 €; NU Let's facilitate life to children with special needs - Rožaje, the project name „Education and expert support of parents and children with disabilities, and creative workshop at the seaside“, 7.000,00 €; Radio television Corona, Bar, „we also live with you“, 18.000,00 €; Chess club of the blind ZORA, the project name „People without vision with chess in mainstream schools“, 9.000,00 €; NGO Association of parents and children with disabilities, Podgorica, the project name „Services of support to children with disabilities“, 18.000,00 €; NGO Association of parents for support and help to children with special needs Sunčev zrak, Herceg Novi, the project name Let's help children with disabilities, 7.000,00 €; NGO For the future of our children, Andrijevića, the project name „Support to children with special needs“, 3.500,00 €; JU Institute for education and professional rehabilitation of children and the youth with disabilities - Podgorica, the project name „Printing of textbooks in Braille letters for primary schools“, 21.000,00 €; Association of organizations of deaf and hard of hearing of Montenegro, the project name „Undisturbed communication to equality“, 54.000,00 €; NGO of parents, children and the youth with disabilities RAZVITAK, Cetinje the project name „Give them chance for better future“, 9.000,00 €; NGO paths-organization of parents and children with special needs, Podgorica, the project name „Program of support to children and the youth with disabilities and their“, 9.000,00 €; Radio Antena M, the project name „By sound to light“ 14.400,00 €; Association of paraplegics Podgorica, the project name „We are also the part of social community“, 8.600,00 €; NGO Association of persons with disabilities, Koraci Pljevlja, the project name „Hypo-rehabilitation and health“, 9.000,00 €; Association of persons with disabilities, Berane, the project name „Step to independence“, 9.000,00 €; ADRIATIK STARS, within which functions ADRIATIK radio, the project name „Sunny page“, 7.900,00 €; JU Centre for social work Podgorica, Cetinje, Danilovgrad and Kolašin, the project name „Day care centre for children with disabilities“, Cetinje, 36.000,00 €; NGO of the Blind for the municipality Cetinje, the project name „Volunteering and humanity for the good of people whose life is a permanent fight“, 7.000,00 €; FORS Montenegro, the project name „Equal opportunities“, 11.500,00 €; Organization of deaf and hard of hearing for municipalities Kotor, Tivat, Budva and Herceg Novi, the project name „Communication to integration“, 7.600,00 €; NGO of deaf and hard of hearing, Podgorica, the project name „legal help to the deaf and hard of hearing“, 8.000,00 €; JU Day care centre for children with disabilities, Nikšić, the project name „Let's give to those who do not beg“, 33.700,00 €; Association of paraplegics Rožaje, the project name „With knowledge to work“, 7.000,00 €; NGO Centre for autistic children - Podgorica, the project name „Let's learn together continuation“, 4.000,00 €; Open medicine club MEDICUS, the project name „Life with cannula“, 6.500,00 €; Association of multiple sclerosis of Montenegro-Podgorica, the project name „Personal support and occupational therapy to fixed and semi-mobile persons suffering from multiple“, 8.000,00 €; NGO Step of hope, Berane, the project name „To improve quality of life to persons with disabilities in municipalities Berane, Andrijevića and Plav“, 4.500,00 €; Association of paraplegics Bijelo Polje, the project name „Toilets also in the countryside for persons with disabilities“, 8.000,00 €; JU Day care centre for children with disabilities TISA - Bijelo Polje, the project name „Improvement of quality of services“, 31.600,00 €; association for help to disabled persons Bijelo Polje, the project name „Know your rights, 4.200,00 €; Non-government association SRCE - Mojkovac, the project name „Social workshop“, 5.800,00 €; Association of war disabled persons Nikšića, the project name „For better life of war disabled persons Nikšića“ 8.500,00 €; Association of parents of children with disabilities ZRAČAK NADE - Pljevlja, the project name „Support to development of social services in Pljevlja for children and people with disabilities“, 47.500,00 €; JU Centre for social work Bijelo Polje and Mojkovac, the project name „Day care centre for children and the youth with special needs in Mojkovac“, 36.000,00 €; CARITAS Barske nadbiskupije, the project name „Centre for help and support to children with disabilities in Tuzi“, 5.000,00 €; Association of paraplegics

of Montenegro, the project name „Improving quality of life to persons with disabilities in Montenegro and enforcing of their social integration”, 56.500,00 €; association of parents of children and the youth with special needs OAZA Bijelo Polje, the project name „Support of experts is my need”, 9.000,00 €; The first association of parents and children with special needs, Podgorica, the project name „Providing service, rehabilitation and support to raising and education of children with disabilities in development of the capital city Podgorica”, 20.000,00 €; Association for support of persons with psychophysical disabilities, Nikšić, the project name „Social inclusion through partnership and cooperation”, 17.000,00 €; Association of parents of children with special needs, Bar, the project name „Program for better future to children with special needs”, 6.200,00 €; Organization of the blind for Pljevlja and Žabljak, the project name „Activity, a key to more quality life of persons with impaired vision”, 8.500,00 €; Association of the young with disabilities Montenegro UMHCG, the project name „For the young with disabilities –without barriers”, 48.500,00 €; Association of plegia Nikšić, the project name „For European Nikšić without barriers”, 15.500,00 €; Association of the young with disabilities Nikšić, the project name „UMHNC barriers in the head-barriers in education”, 9.000,00 €; NGO Magic of silence - Kotor, the project name „Silence also has its sounds”, 6.600,00 €; Organization of the blind for Bar and Ulcinj, the project name „Allocation of money support to socially most endangered members and procurement of technical and medicine equipment for the blind”, 6.000,00 €; Organization of civil war disabled persons za Bar i Ulcinj, the project name „Material support to embers”, 3.000,00 €; JU Centre for social work Plav, the project name „Day care centre for children with disabilities”, 36.000,00 €; NGO Organization of the deaf and hard of hearing, Cetinje, the project name „With a computer to better communication with persons with impaired hearing and speech”, 7.500,00 €; association of the blind Montenegro, the project name „Together to success”, 75.000,00 €; Organization of the blind for Podgorica, Danilovgrad and Kolašin, , the project name „Equality for all”, 14.000,00 €; NVU INTER MONT, Business rehabilitation and socialization of persons with disabilities, 3.000,00 €; Sport-recreational association of the blind Podgorica, the project name „Sport and recreation – key to healthy and full life of the blind”, 6.000,00 €; NGO Organization of the deaf and hard of hearing Rožaje, the project name „In the world of silence”, 4.500,00 €; Organization of the deaf and hard of hearing Berane, Plav, Rožaje and Andrijevica, the project name „Program of work of organization of the deaf and hard of hearing of municipalities Berane, Plav, Rožaje and Andrijevica for period 2006-2012”, 9.000,00 €; Organization of the deaf and hard of hearing for municipalities Nikšić, Šavnik and Plužine, the project name „Support to realization of the program for organization of the deaf and hard of hearing persons for municipalities Nikšić, Šavnik and Plužine for 2010”, 5.000,00 €; Association of persons suffering from cerebral Montenegro, the project name „we are proving that we can more”, 11.500,00 €; Organization of war civil disabled persons for Podgorica, Danilovgrad and Kolašin, the project name „Sustainable tomorrow”, 10.000,00 €; NGO Organization of the deaf and hard of hearing Bar, the project name „Re-socialization of organization of the deaf and hard of hearing Bar”, 4.000,00 €; Association of war civil disabled persons Montenegro, the project name „People that do not know to surrender”, 18.000,00 €; Association of persons with body disabilities of Montenegro - Cetinje, the project name „Services of support to persons with disabilities at home”, 8.800,00 €; Association of the bedridden patients ANĐELI, Pljevlja, the project name „Reamobil-equal chances, stop discrimination”, 9.000,00 €; NGO Humanitarac, Nikšić, the project name „Providing legal and material assistance for the most endangered, fixed and severely retarded disabled children of Roma, Egyptians and Ashkali from the area of Montenegro”, 10.000,00 €; municipal association of multiple sclerosis, Berane, the project name „Physical rehabilitation of person living with multiple sclerosis”, 3.000,00 €; NGO Karolina - Nikšić, , the project name „They are also our joy”, 9.000,00 €; NGO Independent company of scouts ORLOVI, the project name „They also need companionship and holiday”, 4.500,00 €; NGO Organization of war civil disabled persons for Bijelo Polje, the project name „Support make us stronger”, 4.000,00 €; NGO Organization of the blind for Bijelo Polje and Mojkovac, the project name „Integration and social participation of the blind and hard of hearing from the area of municipalities Bijelo Polje and Mojkovac into life and social flows”, 10.000,00 €; NGO Organization of the deaf and hard of hearing Bijelo Polje, the project name „World of silence also has the right to chance”, 8.100,00 €; Organization of the blind for Kotor, Budvu, Tivat and Herceg Novi, the project name „Against prejudices”, 5.400,00 €; Organization of war civil disabled persons for Nikšić, Šavnik and Plužine, the project name „Our life is

an eternal fight but for humane purposes”, 7.000,00 €; Organization of the blind for Berane, Andrijevicu, Plav and Rožaje, the project name „Program of work and activities 2010”, 7.200,00 €.

In this field it is important to emphasize the fact that in Jun 2009. a pilot census of population in Montenegro was carried out, which had a set of questions related to disability. This census has no results, but it serves exclusively for testing of instruments and methodology. After many consultations with the most important beneficiaries, the Agency for statistics developed forms for needs of implementation of the census, which are available at site of Monstat. It is planned that in the next census a set of questions related to disability should be included, from questions number 32 to 36, which will be the first time that such questions are posed during the official census, which will be carried out in April 2011.

PRIORITY 4: SOCIAL INCLUSION OF PERSONS WITH DISABILITIES AND CHILDREN WITH DEVELOPMENT DISORDERS

Measure 5: Conducting public campaigns with a view to changing the attitudes towards the needs of the children with development disorders

RESULTS OF THE CAMPAIGN “TALKING ABOUT OPTIONS”

– in accordance to UNICEF data, **the impact of the three-month long campaign on the Montenegrin public:**

- The percentage of citizens who believe that all children with development disorders should be placed in institutions **decreased by 19%** - from 40% in the survey done in August before the campaign to 21% in the survey done in December, after the campaign.
- The percentage of citizens who believe that only a small number of children with severe development disorders should be in institutions, while all other children should be included in all society activities together with other citizens **has increased by 13%** (from 30% before the campaign to 43% after the campaign).
- **14%** of respondents said that the **campaign has changed some of their attitudes** towards the children with development disorders. When asked about the specific attitudes changed, citizens usually answered that these are the attitudes concerning the recognition of the need to provide more support to these children; that they should have the same rights as other children; that they should go to regular schools and socialize through spending time with their peers; that people should have more sympathy for them, change the way they think about them and show more respect and love for them.
- A social distance towards the children with development disorders **decreased by 10%** as a result of the three-month campaign “Talking about Options”.
- The percentage of citizens who find children with development disorders going to the same class with their own children unacceptable **decreased by 10%** - from 64% in the survey done in August before the campaign to 54% in the survey done in December, after the campaign.
- Before the campaign, every fifth respondent would not mind if a child with development disorders was the best friend of their own child. After the campaign, every third citizen considered it acceptable that a child with development disorders is the best friend of their own child.
- The level of awareness about the UN Convention on the Rights of the Child **increased by 11%** due to the campaign “Talking about Options” - from 67% in the survey done in August before the campaign to 78% in the survey done in December, after the campaign.
- The percentage of citizens who believe that children with development disorders should go to special schools instead of regular ones **decreased by 5%** - from 50% in the survey done in August before the campaign to 45% in the survey done in December, after the campaign.
- **More than 70%** of the public noticed the campaign and generally liked it.
- The campaign stimulated almost 60% of citizens to seriously think about the issue of children with development disorders and the attitude of society towards them.
- One third of respondents (32%) learned something new from the campaign on the needs, possibilities and ways to support inclusion of children with development disorders into society.
- Slogans which citizens remember the most are: *Talking about options, Where many see the burden, we see love, Where many see difficulties, we see opportunities*. Also, citizens mostly remember the faces of children from the posters that were on billboards and city lights all over the country over the past three months.
- The average grade of promotional campaign materials on a scale from 1 to 5 is **4.4**.

- As the initiator of the campaign, 61% of citizens identify UNICEF, 19% the Government of Montenegro, 7% the Association of Parents of Children with Development Disorders.
- The majority of citizens, 77% of them, noticed the campaign through **TV spots**, 40% through billboards and city lights, 29% through the news and other TV programs, and 24% through advertisements in newspapers and 17% through newspaper articles.
- Before the campaign, 23% of citizens referred to the children with development disorders as handicapped children, then as children with special needs - 17%, and as children with disabilities - 12%. After the campaign, the **terminology** of the majority of citizens has changed: the largest percentage - 27%, refer to them as children with special needs, then as handicapped children – 20%, and children with development disorders - 19%.

CAMPAIGN “TALKING ABOUT OPTIONS” 2011

CALENDAR OF EVENTS IT’S ABOUT ABILITY 2011

May			
Event Date	Event description	Location	Responsible
May 16	Intergenerational Dialogue on Inclusion in Ulcinj	Ulcinj	
May 26	Special Session of the Local Parliament devoted to It’s about ability campaign; UNICEF Representative and British Ambassador visit inclusive school in Pljevlja and Day Care Centre for children with disability;	Pljevlja	
June			
Event Date	Event description	Location	Responsible
June 6	Intergenerational Dialogue on Inclusion in Rozaje/Berane	Rozaje/Berane	
June 8	Launching of the UN Convention on Rights of Persons with Disabilities in Braille in the National Library in Cetinje; Special Session of the Local Parliament devoted to the It’s about ability campaign;	Cetinje	
	PM to meet with the Special Olympics Team of children with disability;	Podgorica	
July			

Event Date	Event description	Location	Responsible
	Launching of Rambo's song and video on inclusion		
	Children's Festival in Kotor	Kotor	

August			
Event Date	Event description	Location	Responsible
	Billboards all over the country with It's about ability posters		

September			
Event Date	Event description	Location	Responsible
	Intergenerational Dialogue on Inclusion in Zabljak	Zabljak	

October			
Event Date	Event description	Location	Responsible
	Intergenerational Dialogue on Inclusion in Tivat	Tivat	
7 October	Montenegro – England football match	Podgorica	
October 19-24	One –min junior workshop		
October 25-29	Presentation of one-min juniors at the International TV festival in Bar	Bar	
	Billboards all over the country with It's about ability posters		

November			
Event Date	Event description	Location	Responsible
20 Nov	CRC 22 th Anniversary – discussion with children in the parliament	Podgorica	
	Special Session of the Local Parliament devoted to the It's about ability campaign;	Danilovgrad	

December			
Event Date	Event description	Location	Responsible
Dec 3	Intergenerational Dialogue on Inclusion in Podgorica on the occasion of International Day of Persons with Disability	Podgorica	
	Presentation of the results of the It's about ability 2011	Podgorica	

PRIORITY 3: IMPROVEMENT OF MINORITY RIGHTS AND FREEDOMS

Measure: Analysis of representation of minorities in public services, state authorities and local self-government authorities

INFORMATION ON REPRESENTATION OF MINORITIES AND OTHER MINORITY ETHNIC COMMUNITIES IN PUBLIC SERVICES, STATE AUTHORITIES AND LOCAL SELF-GOVERNMENT AUTHORITIES (JUNE 2011)

1. OBJECTIVE

Effective participation and representation of minorities and other minority ethnic communities in the political and public life in Montenegro represents one of the most important elements of internal integration of the Montenegrin society. Without representatives of minorities and other minority ethnic communities at important places in the state and local administration and at policy-creating and decision-making places, there is no consistent exercise of defined and guaranteed rights.

Article 79, items 9 and 10 of the Constitution of Montenegro guarantees the minorities' right to **authentic representation** in the Parliament of Montenegro and in the assemblies of the local self-government units in which they represent a significant share in the population, according to the principle of affirmative action, as well as their right to **proportionate representation** in public services, state authorities and local self-government bodies. Furthermore, the Law on Minority Rights and Freedoms provides the same guarantees, both in legislative bodies and in state and local self-government authorities. This issue is also crucial to the Minority Policy Strategy, very important document that represents an expression of political will and overall commitment of the Government of Montenegro to relations with minorities.

As regards proportionate representation of minorities in public services, state authorities and local self-government bodies, the Ministry for Human and Minority Rights has tried twice (in 1999 and 2003) to collect information on the number of employed representatives of minorities in state authorities, local self-government bodies and judicial bodies. On both occasions, the main obstacle to obtaining relevant data was the possibility of respondents not to declare their ethnic affiliation.

New legal provisions have provided preconditions for obtaining relevant and reliable data on national structure of civil servants and state employees. In accordance with Article 118 of the Law on Civil Servants and State Employees, the Human Resources Management Administration keeps central human resources records on civil servants and state employees, including *inter alia* personal data (name, surname, ethnic affiliation, mother tongue, address, personal identification number, etc.). The Law thus stipulates the obligation of keeping human resources records, containing also data on minority structure of employees.

The main objective of this comprehensive task is to obtain precise and reliable data on ethnic structure of employees, in order to consistently implement the mentioned constitutional and legal guarantees in the future. The survey will also serve for understanding the positions of minority representatives, since it is very important to know whether minorities effectively participate in governance at all levels. In addition, the survey was a good opportunity to collect data on gender structure, as well as other information that could be useful for our future activities.

It is important to emphasise that the collected data were used only for defined purposes and were not misused, whereas the entire process has been conducted in accordance with legal provisions on personal data secrecy.

2. METHODOLOGY

Data have been collected through the survey method, with questionnaire as specially conceived instrument for accomplishing the survey's objective. The questionnaire was standardised and contained nine elementary questions, which could have been responded by entering the answer or by selecting one of the offered answers. Questions referred to: name of the body, its seat, municipality, gender and age of the respondent, his/her education degree, position of employment, years of service, and ethnic affiliation. Each form contained a short instruction for filling in the questionnaire. Questionnaires were anonymous, implying that respondents were not obliged to enter their personal name.

Data collected through the mentioned questionnaire covered the following bodies: state authorities (ministries, administrations, directorates, offices, secretariats, and agencies), local self-government units, courts, prosecution offices, misdemeanour councils and regional misdemeanour bodies and other public authorities that the Law on Civil Servants and State Employees applies to. A circular letter was sent to heads of all authorities, with an explanation of the survey objective and a request to provide the total number of employees, classified by the type of their employment (permanent employment, fixed-term employment, work contract, traineeship). The letter and the questionnaire were published on websites of the Ministry for Human and Minority Rights and of the Human Resources Management Administration, and distributed to 144 bodies. Feedback was obtained from 132 bodies, whereas 12 bodies have not submitted data. Although invited on several occasions, the following bodies have not submitted filled-in questionnaires:

1. Ministry of Economy
2. Directorate for Development of Small and Medium-sized Enterprises
3. Commission for Control of Public Procurement Procedure
4. High Court in Podgorica
5. High Court in Bijelo Polje
6. Basic Court in Bijelo Polje
7. Personal Data Protection Agency
8. Municipality of Bijelo Polje
9. Municipality of Pljevlja
10. Municipality of Kolašin
11. Municipality of Herceg Novi
12. Municipality of Šavnik

Each questionnaire and data contained in it was entered in a specially designed computer program. This special computer program was required due to the scope of survey and volume of collected data, as well as fast availability of data by the needed criterion. After data from all received questionnaires were entered, the accuracy of entries was checked once more.

3. KEY FINDINGS

**Table 1: Bodies that have submitted filled-in questionnaires
(in numbers and percentages, compared to the number of employees)**

No.	State authority	Total number of employees	Number of submitted questionnaires	Submitted questionnaires (%)
1.	Ministry of Justice	41	41	100.00
2.	Ministry of Interior	607	487	80.23
3.	Ministry of Defence	289	286	98.96
4.	Ministry of Finance	169	80	47.34
5.	Ministry of Education and Science	74	74	100.00
6.	Ministry of Transport and Maritime Affairs	74	66	89.19
7.	Ministry of Agriculture, Forestry and Water Management	73	29	39.73
8.	Ministry for Human and Minority Rights	14	14	100.00
9.	Ministry of Tourism	53	49	92.45
10.	Ministry of Spatial Planning and Environmental Protection	163	70	42.94
11.	Ministry of Health	90	52	57.78
12.	Ministry of Labour and Social Welfare	114	85	74.56
13.	Ministry for Information Society	67	58	86.57
14.	Ministry for European Integration	47	45	95.74
15.	Ministry of Culture	39	39	100.00
16.	Tax Administration	583	583	100.00
17.	Real Estate Administration	407	296	72.73
18.	Customs Administration	559	559	100.00
19.	Maritime Safety Administration	64	58	90.63
20.	Veterinary Administration	42	41	97.62
21.	Directorate for Anti-Corruption Initiative	14	14	100.00
22.	Administration for Prevention of Money Laundering and Terrorism Financing	33	27	81.82
23.	Forest Administration	480	284	59.17
24.	Human Resources Management Administration	26	26	100.00
25.	Water Administration	10	5	50.00
26.	Police Administration	5049	4223	83.64

27.	Public Property Administration	253	253	100.00
28.	Administration for Games of Chance	22	16	72.73
29.	Administration for Protection of Competition	13	11	84.62
30.	Phytosanitary Administration	57	27	47.37
31.	Port Administration	5	5	100.00
32.	Administration for Youth and Sports	11	11	100.00
33.	Statistical Office	136	130	95.59
34.	Hydrometeorological Office	125	84	67.20
35.	Seismological Office	10	9	90.00
36.	Office for International Scientific, Educational, Cultural and Technical Cooperation	17	17	100.00
37.	Education Office	73	54	73.97
38.	Institution for Enforcement of Criminal Sanctions	499	271	54.31
39.	Metrology Office	38	38	100.00
40.	Refugee Care and Support Office	18	18	100.00
41.	State Archives	158	105	66.46
42.	Intellectual Property Rights Office	24	24	100.00
43.	Secretariat for Legislation	20	19	95.00
44.	Public Works Directorate	32	27	84.38
45.	Transport Directorate	38	29	76.32
46.	Public Procurement Directorate	15	15	100.00
47.	Directorate for Protection of Classified Data	18	9	50.00
48.	Railways Directorate	8	8	100.00
49.	Tobacco Agency	5	5	100.00
50.	Environmental Protection Agency	100	74	74.00
51.	General Secretariat of the President of Montenegro	21	20	95.24
52.	Administrative Service of the Parliament of Montenegro	93	88	94.62
53.	General Secretariat of the Government of Montenegro	110	55	50.00
54.	Constitutional Court of Montenegro	26	24	92.31
55.	State Audit Institution	55	53	96.36
56.	Compensation Fund	7	6	85.71

57.	National Security Agency	295	295	100.00
58.	State Protocol	19	19	100.00
59.	Protector of Human Rights and Freedoms	22	18	81.82
60.	Commission for Prevention of Conflict of Interest	11	11	100.00
61.	Supreme Court	57	57	100.00
62.	Administrative Court	24	18	75.00
63.	Appellate Court	31	28	90.32
64.	Commercial Court in Podgorica	100	58	58.00
65.	Commercial Court in Bijelo Polje	29	29	100.00
66.	Basic Court in Podgorica	230	140	60.87
67.	Basic Court in Nikšić	95	72	75.79
68.	Basic Court in Ulcinj	35	29	82.86
69.	Basic Court in Cetinje	39	32	82.05
70.	Basic Court in Kotor	60	60	100.00
71.	Basic Court in Herceg Novi	53	31	58.49
72.	Basic Court in Bar	72	42	58.33
73.	Basic Court in Pljevlja	38	37	97.37
74.	Basic Court in Berane	57	46	80.70
75.	Basic Court in Rožaje	22	22	100.00
76.	Basic Court in Plav	15	15	100.00
77.	Basic Court in Danilovgrad	20	20	100.00
78.	Basic Court in Kolašin	24	20	83.33
79.	Basic Court in Žabljak	12	12	100.00
80.	Supreme State Prosecutor's Office	35	30	85.71
81.	High State Prosecutor's Office in Podgorica	26	21	80.77
82.	High State Prosecutor's Office in Bijelo Polje	13	13	100.00
83.	Basic State Prosecutor's Office in Podgorica	39	29	74.36
84.	Basic State Prosecutor's Office in Bijelo Polje	27	19	70.37
85.	Basic State Prosecutor's Office in Pljevlja	10	10	100.00
86.	Basic State Prosecutor's Office in Berane	15	14	93.33
87.	Basic State Prosecutor's Office in Nikšić	17	14	82.35
88.	Basic State Prosecutor's Office in Herceg Novi	7	7	100.00
89.	Basic State Prosecutor's Office in Cetinje	7	6	85.71

90.	Basic State Prosecutor's Office in Rožaje	7	7	100.00
91.	Basic State Prosecutor's Office in Bar	14	14	100.00
92.	Basic State Prosecutor's Office in Ulcinj	6	6	100.00
93.	Basic State Prosecutor's Office in Plav	4	4	100.00
94.	Basic State Prosecutor's Office in Kolašin	6	3	50.00
95.	Misdemeanour Council	26	25	96.15
96.	Regional Misdemeanour Body in Podgorica	85	77	90.59
97.	Regional Misdemeanour Body in Kotor	7	7	100.00
98.	Regional Misdemeanour Body in Bijelo Polje	15	13	86.67
99.	Regional Misdemeanour Body in Bar	13	13	100.00
100.	Regional Misdemeanour Body in Kolašin	6	6	100.00
101.	Regional Misdemeanour Body in Herceg Novi	6	5	83.33
102.	Regional Misdemeanour Body in Mojkovac	6	6	100.00
103.	Regional Misdemeanour Body in Rožaje	9	9	100.00
104.	Regional Misdemeanour Body in Berane	14	14	100.00
105.	Regional Misdemeanour Body in Pljevlja	8	8	100.00
106.	Regional Misdemeanour Body in Cetinje	12	12	100.00
107.	Regional Misdemeanour Body in Nikšić	27	27	100.00
108.	Regional Misdemeanour Body in Danilovgrad	8	8	100.00
109.	Regional Misdemeanour Body in Budva	11	11	100.00
110.	Regional Misdemeanour Body in Plav	5	5	100.00
111.	Regional Misdemeanour Body in Ulcinj	9	9	100.00
112.	Regional Misdemeanour Body in Žabljak	3	3	100.00
113.	Town Municipality Golubovci	19	15	78.95
114.	Town Municipality Tuzi	12	12	100.00
115.	Municipality of Nikšić	406	374	92.12
116.	Municipality of Mojkovac	71	71	100.00
117.	Municipality of Bar	284	253	89.08
118.	Historic Royal Capital of Cetinje	260	232	89.23
119.	Municipality of Tivat	89	85	95.51
120.	Municipality of Ulcinj	196	184	93.88
121.	Municipality of Rožaje	98	91	92.86
122.	Municipality of Žabljak	53	53	100.00
123.	Municipality of Andrijevica	29	25	86,21

124.	Municipality of Kotor	173	173	100,00
125.	Municipality of Danilovgrad	117	115	98,29
126.	Municipality of Plav	260	90	34,62
Total		15118	12435*	82.25

127.	Ministry of Foreign Affairs		128	
128.	Basic State Prosecutor in Kotor		11	
129.	Municipality of Podgorica		656	
130.	Municipality of Budva		273	
131.	Municipality of Berane		371	
132.	Municipality of Plužine		26	
Total			1465**	
Total number of submitted questionnaires (* + **)			13900	

Table 1 provides an overview of bodies that have submitted answers to the questionnaire. Since collecting of data started at the end of 2010, before the new Government was constituted, the Table contains data on the old Government ministries. Six bodies have not provided data on the total number of employees, which implies that data from these bodies could not be included in the total ratio of the number of employees and obtained questionnaire. Out of 126 bodies that have provided data on the total number of employees, 12,435 or 82.25% questionnaires were completed, whereas 132 bodies have submitted in total 13,900 answered questionnaires.

Table 2: Ethnic structure of employees (in numbers and percentages)

	State authority	Total	Ethnic affiliation										Ethnic affiliation (%)									
			Montenegrin	Serb	Albanian	Bosniak	Muslim	Roma	Croat	Other	Not declared	No data	Montenegrin	Serb	Albanian	Bosniak	Muslim	Roma	Croat	Other	Not declared	No data
1.	Tobacco Agency	5	4	1									80.00	20.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2.	National Security Agency	295	275	5	6	5	3					1	93.22	1.69	2.03	1.69	1.02	0.00	0.00	0.00	0.00	0.34
3.	Environmental Protection Agency	74	71	1		1						1	95.95	1.35	0.00	1.35	0.00	0.00	0.00	0.00	0.00	1.35
4.	Appellate Court	28	24	1			2		1				85.71	3.57	0.00	0.00	7.14	0.00	3.57	0.00	0.00	0.00
5.	Public Works Directorate	27	25				1					1	92.59	0.00	0.00	0.00	3.70	0.00	0.00	0.00	0.00	3.70
6.	Public Procurement Directorate	15	11			2	2						73.33	0.00	0.00	13.33	13.33	0.00	0.00	0.00	0.00	0.00
7.	Transport Directorate	29	27	2									93.10	6.90	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
8.	Directorate for Protection of Classified Data	9	9										100.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
9.	Railways Directorate	8	6	1								1	75.00	12.50	0.00	0.00	0.00	0.00	0.00	0.00	0.00	12.50
10.	State Audit Institution	53	45	1	2	2						3	84.91	1.89	3.77	3.77	0.00	0.00	0.00	0.00	0.00	5.66
11.	State Archives	105	76	20	2	2	5						72.38	19.05	1.90	1.90	4.76	0.00	0.00	0.00	0.00	0.00
12.	State Protocol	19	19										100.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
13.	Phytosanitary Administration	27	19	5		1	2						70.37	18.52	0.00	3.70	7.41	0.00	0.00	0.00	0.00	0.00
14.	Compensation Fund	6	5				1						83.33	0.00	0.00	0.00	16.67	0.00	0.00	0.00	0.00	0.00
15.	General Secretariat of the President of Montenegro	20	20										100.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
16.	General Secretariat of the Government of Montenegro	55	54				1						98.18	0.00	0.00	0.00	1.82	0.00	0.00	0.00	0.00	0.00
17.	Town Municipality Golubovci	15	14	1									93.33	6.67	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
18.	Town Municipality Tuzi	12	1		11								8.33	0.00	91.67	0.00	0.00	0.00	0.00	0.00	0.00	0.00
19.	Hydrometeorological Office	84	62	14		3	2		1	2			73.81	16.67	0.00	3.57	2.38	0.00	1.19	2.38	0.00	0.00
20.	Commission for Prevention of Conflict of Interest	11	11										100.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
21.	Port Administration	5	2			1			2				40.00	0.00	0.00	20.00	0.00	0.00	40.00	0.00	0.00	0.00

22.	Ministry of Finance	80	76	2			2					95.00	2.50	0.00	0.00	2.50	0.00	0.00	0.00	0.00	0.00
23.	Ministry of Culture	39	35	3				1				89.74	7.69	0.00	0.00	0.00	0.00	2.56	0.00	0.00	0.00
24.	Ministry of Defence	286	225	37	5	6	4	4	3	2		78.67	12.94	1.75	2.10	1.40	0.00	1.40	1.05	0.70	0.00
25.	Ministry of Agriculture, Forestry and Water Management	29	25	2			1				1	86.21	6.90	0.00	0.00	3.45	0.00	0.00	0.00	0.00	3.45
26.	Ministry of Justice	41	36	1						2	2	87.80	2.44	0.00	0.00	0.00	0.00	0.00	0.00	4.88	4.88
27.	Ministry of Education and Science	75	64	5	2	2	1	1				85.33	6.67	2.67	2.67	1.33	0.00	1.33	0.00	0.00	0.00
28.	Ministry of Labour and Social Welfare	85	70	6	1	1	4				3	82.35	7.06	1.18	1.18	4.71	0.00	0.00	0.00	0.00	3.53
29.	Ministry of Transport and Maritime Affairs	66	44	14		3	1	2	2			66.67	21.21	0.00	4.55	1.52	0.00	3.03	3.03	0.00	0.00
30.	Ministry of Tourism	49	44	1	2		1				1	89.80	2.04	4.08	0.00	2.04	0.00	0.00	0.00	0.00	2.04
31.	Ministry of Interior	487	401	25	11	22	16	5	1		6	82.34	5.13	2.26	4.52	3.29	0.00	1.03	0.21	0.00	1.23
32.	Ministry of Spatial Planning and Environmental Protection	70	55	4		3	3	1	2	1	1	78.57	5.71	0.00	4.29	4.29	0.00	1.43	2.86	1.43	1.43
33.	Ministry of Foreign Affairs	128	116	2	7	3						90.63	1.56	5.47	2.34	0.00	0.00	0.00	0.00	0.00	0.00
34.	Ministry for European Integration	45	40	2	1	1		1				88.89	4.44	2.22	2.22	0.00	0.00	2.22	0.00	0.00	0.00
35.	Ministry for Information Society	58	48		3	5	1	1				82.76	0.00	5.17	8.62	1.72	0.00	1.72	0.00	0.00	0.00
36.	Ministry of Human and Minority Rights	14	3		6	3		1	1			21.43	0.00	42.86	21.43	0.00	7.14	7.14	0.00	0.00	0.00
37.	Ministry of Health	52	42	4		2	1	1		1	1	80.77	7.69	0.00	3.85	1.92	0.00	1.92	0.00	1.92	1.92
38.	Municipality of Andrijevica	25	1	24								4.00	96.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
39.	Municipality of Bar	253	199	25	17		2	4	2		4	78.66	9.88	6.72	0.00	0.79	0.00	1.58	0.79	0.00	1.58
40.	Municipality of Berane	371	214	111		21	15		3	5	2	57.68	29.92	0.00	5.66	4.04	0.00	0.00	0.81	1.35	0.54
41.	Municipality of Budva	273	202	55			3	2	2		9	73.99	20.15	0.00	0.00	1.10	0.00	0.73	0.73	0.00	3.30
42.	Municipality of Danilovgrad	115	106	8					1			92.17	6.96	0.00	0.00	0.00	0.00	0.00	0.87	0.00	0.00
43.	Municipality of Kotor	173	119	26				19	4	3	2	68.79	15.03	0.00	0.00	0.00	0.00	10.98	2.31	1.73	1.16
44.	Municipality of Mojkovac	71	41	20							10	57.75	28.17	0.00	0.00	0.00	0.00	0.00	0.00	0.00	14.08
45.	Municipality of Nikšić	374	334	24			4	3	2		7	89.30	6.42	0.00	0.00	1.07	0.00	0.80	0.53	0.00	1.87
46.	Municipality of Plav	90	6	5	17	55	5		2			6.67	5.56	18.89	61.11	5.56	0.00	0.00	2.22	0.00	0.00
47.	Municipality of Plužine	26	5	21								19.23	80.77	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
48.	Municipality of Podgorica	656	579	35	11	5	8	2	4	9	3	88.26	5.34	1.68	0.76	1.22	0.00	0.30	0.61	1.37	0.46
49.	Municipality of Rožaje	91	1	2	1	78	9					1.10	2.20	1.10	85.71	9.89	0.00	0.00	0.00	0.00	0.00
50.	Municipality of Tivat	85	34	12				33	1		5	40.00	14.12	0.00	0.00	0.00	0.00	38.82	1.18	0.00	5.88
51.	Municipality of Ulcinj	184	15	3	156	1	4		1	4		8.15	1.63	84.78	0.54	2.17	0.00	0.00	0.54	2.17	0.00
52.	Municipality of Žabljak	53	38	13					1		1	71.70	24.53	0.00	0.00	0.00	0.00	0.00	1.89	0.00	1.89
53.	Basic Court in Bar	42	27	11	2		2					64.29	26.19	4.76	0.00	4.76	0.00	0.00	0.00	0.00	0.00

54.	Basic Court in Berane	46	32	11		2				1		69.57	23.91	0.00	4.35	0.00	0.00	0.00	0.00	2.17	0.00
55.	Basic Court in Cetinje	32	31	1								96.88	3.13	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
56.	Basic Court in Danilovgrad	20	17							3		85.00	0.00	0.00	0.00	0.00	0.00	0.00	15.00	0.00	0.00
57.	Basic Court in Herceg Novi	31	24	5					1		1	77.42	16.13	0.00	0.00	0.00	0.00	3.23	0.00	0.00	3.23
58.	Basic Court in Kolašin	20	18	2								90.00	10.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
59.	Basic Court in Kotor	60	39	13					4		4	65.00	21.67	0.00	0.00	0.00	0.00	6.67	0.00	0.00	6.67
60.	Basic Court in Nikšić	72	60	10		1			1			83.33	13.89	0.00	1.39	0.00	0.00	1.39	0.00	0.00	0.00
61.	Basic Court in Plav	15	3			5	5			2		20.00	0.00	0.00	33.33	33.33	0.00	0.00	13.33	0.00	0.00
62.	Basic Court in Pljevlja	37	23	8			6					62.16	21.62	0.00	0.00	16.22	0.00	0.00	0.00	0.00	0.00
63.	Basic Court in Podgorica	140	122	10	2	1	1		1	1	2	87.14	7.14	1.43	0.71	0.71	0.00	0.71	0.71	0.00	1.43
64.	Basic Court in Rožaje	22	4			12	6					18.18	0.00	0.00	54.55	27.27	0.00	0.00	0.00	0.00	0.00
65.	Basic Court in Ulcinj	29	11	2	15					1		37.93	6.90	51.72	0.00	0.00	0.00	0.00	0.00	3.45	0.00
66.	Basic Court in Žabljak	12	11	1								91.67	8.33	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
67.	Basic State Prosecutor's Office in Bar	14	12			1	1					85.71	0.00	0.00	7.14	7.14	0.00	0.00	0.00	0.00	0.00
68.	Basic State Prosecutor's Office in Berane	14	14									100.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
69.	Basic State Prosecutor's Office in Bijelo Polje	19	10	4		1	4					52.63	21.05	0.00	5.26	21.05	0.00	0.00	0.00	0.00	0.00
70.	Basic State Prosecutor's Office in Cetinje	6	6									100.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
71.	Basic State Prosecutor's Office in Herceg Novi	7	4	3								57.14	42.86	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
72.	Basic State Prosecutor's Office in Kolašin	3	2	1								66.67	33.33	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
73.	Basic State Prosecutor's Office in Kotor	11	6	1						1	3	54.55	9.09	0.00	0.00	0.00	0.00	0.00	0.00	9.09	27.27
74.	Basic State Prosecutor's Office in Nikšić	14	12	1					1			85.71	7.14	0.00	0.00	0.00	0.00	7.14	0.00	0.00	0.00
75.	Basic State Prosecutor's Office in Plav	4	1		1	2						25.00	0.00	25.00	50.00	0.00	0.00	0.00	0.00	0.00	0.00
76.	Basic State Prosecutor's Office in Pljevlja	10	10									100.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
77.	Basic State Prosecutor's Office in Podgorica	29	22	5			1			1		75.86	17.24	0.00	0.00	3.45	0.00	0.00	0.00	3.45	0.00
78.	Basic State Prosecutor's Office in Rožaje	7	1	1		5						14.29	14.29	0.00	71.43	0.00	0.00	0.00	0.00	0.00	0.00
79.	Basic State Prosecutor's Office in Ulcinj	6	2		2	1					1	33.33	0.00	33.33	16.67	0.00	0.00	0.00	0.00	0.00	16.67
80.	Regional Misdemeanour Body	13	11							1	1	84.62	0.00	0.00	0.00	0.00	0.00	0.00	7.69	0.00	7.69

	in Bar																					
81.	Regional Misdemeanour Body in Berane	14	12	2								85.71	14.29	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
82.	Regional Misdemeanour Body in Bijelo Polje	13	3	10								23.08	76.92	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
83.	Regional Misdemeanour Body in Budva	11	7	3					1			63.64	27.27	0.00	0.00	0.00	0.00	0.00	9.09	0.00	0.00	0.00
84.	Regional Misdemeanour Body in Cetinje	12	11					1				91.67	0.00	0.00	0.00	0.00	0.00	8.33	0.00	0.00	0.00	0.00
85.	Regional Misdemeanour Body in Danilovgrad	8	7	1								87.50	12.50	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
86.	Regional Misdemeanour Body in Herceg Novi	5	5									100.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
87.	Regional Misdemeanour Body in Kolašin	6	6									100.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
88.	Regional Misdemeanour Body in Kotor	7	5	2								71.43	28.57	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
89.	Regional Misdemeanour Body in Mojkovac	6	6									100.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
90.	Regional Misdemeanour Body in Nikšić	27	21	6								77.78	22.22	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
91.	Regional Misdemeanour Body in Plav	5	1			4						20.00	0.00	0.00	80.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
92.	Regional Misdemeanour Body in Pljevlja	8	5	3								62.50	37.50	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
93.	Regional Misdemeanour Body in Podgorica	77	71	4		1			1			92.21	5.19	0.00	0.00	1.30	0.00	0.00	1.30	0.00	0.00	0.00
94.	Regional Misdemeanour Body in Rožaje	9				9						0.00	0.00	0.00	100.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
95.	Regional Misdemeanour Body in Ulcinj	9	2	1	4	1	1					22.22	11.11	44.44	11.11	11.11	0.00	0.00	0.00	0.00	0.00	0.00
96.	Regional Misdemeanour Body in Žabljak	3	3									100.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
97.	Tax Administration	583	431	85	9	20	10		5	4	2	17	73.93	14.58	1.54	3.43	1.72	0.00	0.86	0.69	0.34	2.92
98.	Historic Royal Capital of Cetinje	232	225	4								3	96.98	1.72	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1.29
99.	Commercial Court in Bijelo Polje	29	17	3		4	5					58.62	10.34	0.00	13.79	17.24	0.00	0.00	0.00	0.00	0.00	0.00
100.	Commercial Court in Podgorica	58	53	4	1							91.38	6.90	1.72	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
101.	Seismological Office	9	7	1					1			77.78	11.11	0.00	0.00	0.00	0.00	11.11	0.00	0.00	0.00	0.00
102.	Secretariat for Legislation	19	19									100.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
103.	Administrative Service of the	88	77	4		5			1		1	87.50	4.55	0.00	5.68	0.00	0.00	0.00	1.14	0.00	0.00	1.14

	Parliament of Montenegro																					
104	Customs Administration	559	485	19	4	22	12		4	2	2	9	86.76	3.40	0.72	3.94	2.15	0.00	0.72	0.36	0.36	1.61
105	Police Administration	4223	3568	262	51	146	129		4	7	5	51	84.49	6.20	1.21	3.46	3.05	0.00	0.09	0.17	0.12	1.21
106	Maritime Safety Administration	58	39	10	2		3		1	1	1	1	67.24	17.24	3.45	0.00	5.17	0.00	1.72	1.72	1.72	1.72
107	Directorate for Anti-Corruption Initiative	14	13						1				92.86	0.00	0.00	0.00	0.00	0.00	7.14	0.00	0.00	0.00
108	Administration for Games of Chance	16	12	4									75.00	25.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
109	Public Property Administration	253	227	5	3	2	10		2	3		1	89.72	1.98	1.19	0.79	3.95	0.00	0.79	1.19	0.00	0.40
110	Human Resources Management Administration	26	23	1	1							1	88.46	3.85	3.85	0.00	0.00	0.00	0.00	0.00	0.00	3.85
111	Administration for Youth and Sports	11	11										100.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
112	Real-Estate Administration	296	220	40	10	14	6		3		3		74.32	13.51	3.38	4.73	2.03	0.00	1.01	0.00	1.01	0.00
113	Administration for Prevention of Money Laundering and Terrorism Financing	27	24			1						2	88.89	0.00	0.00	3.70	0.00	0.00	0.00	0.00	0.00	7.41
114	Forest Administration	284	167	22	8	73	4			1		9	58.80	7.75	2.82	25.70	1.41	0.00	0.00	0.35	0.00	3.17
115	Water Administration	5	4						1				80.00	0.00	0.00	0.00	0.00	0.00	20.00	0.00	0.00	0.00
116	Administration for Protection of Competition	11	9	1	1								81.82	9.09	9.09	0.00	0.00	0.00	0.00	0.00	0.00	0.00
117	Administrative Court	18	18										100.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
118	Constitutional Court of Montenegro	24	21	1			1					1	87.50	4.17	0.00	0.00	4.17	0.00	0.00	0.00	0.00	4.17
119	Veterinary Administration	41	27	9		2	2		1				65.85	21.95	0.00	4.88	4.88	0.00	2.44	0.00	0.00	0.00
120	Misdemeanour Council	25	25										100.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
121	High State Prosecutor's Office in Bijelo Polje	13	7	3			3						53.85	23.08	0.00	0.00	23.08	0.00	0.00	0.00	0.00	0.00
122	High State Prosecutor's Office in Podgorica	21	18	3									85.71	14.29	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
123	Supreme Court	57	51	1	1		1					3	89.47	1.75	1.75	0.00	1.75	0.00	0.00	0.00	0.00	5.26
124	Supreme State Prosecutor's Office	30	29	1									96.67	3.33	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
125	Protector of Human Rights and Freedoms	18	13		1	2			1			1	72.22	0.00	5.56	11.11	0.00	0.00	5.56	0.00	0.00	5.56
126	Intellectual Property Rights Office	24	21	2								1	87.50	8.33	0.00	0.00	0.00	0.00	0.00	0.00	0.00	4.17
127	Institution for Enforcement of Criminal Sanctions	271	223	25	4	7	10		1			1	82.29	9.23	1.48	2.58	3.69	0.00	0.37	0.00	0.00	0.37
128	Office for International	17	16				1						94.12	0.00	0.00	0.00	5.88	0.00	0.00	0.00	0.00	0.00

	Scientific, Educational, Cultural and Technical Cooperation																					
129	Metrology Office	38	31	4	1		1				1	81.58	10.53	2.63	0.00	2.63	0.00	0.00	0.00	0.00	0.00	2.63
130	Education Office	54	38	7	5	1			1		2	70.37	12.96	9.26	1.85	0.00	0.00	1.85	0.00	3.70	0.00	
131	Statistical Office	129	100	7		3	2		4	1	1	11	77.52	5.43	0.00	2.33	1.55	0.00	3.10	0.78	0.78	8.53
132	Refugee Care and Support Office	18	18										100.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total		13900	10985	1194	389	575	332	1	124	59	50	191	79.03	8.59	2.80	4.14	2.39	0.01	0.89	0.42	0.36	1.37

Table 2 provides ethnic structure of employees (both in numbers and in percentages) in all 132 bodies. The total number of 13,900 respondents has declared themselves as follows: Montenegrins 10,985 (79.03%), Serbs 1,194 (8.59%), Albanians 389 (2.80%), Bosniaks 575 (4.14%), Muslims 332 (2.39%), Roma 1 (0.01%), Croats 124 (0.89%), others 59 (0.42%).

Table 3: Ethnic structure of employees in state authorities (in numbers and in percentages)

	State authority	Total	Ethnic affiliation										Ethnic affiliation (%)									
			Montenegrin	Serb	Albanian	Bosniak	Muslim	Roma	Croat	Other	Not declared	No data	Montenegrin	Serb	Albanian	Bosniak	Muslim	Roma	Croat	Other	Not declared	No data
1.	Tobacco Agency	5	4	1									80.00	20.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2.	National Security Agency	295	275	5	6	5	3					1	93.22	1.69	2.03	1.69	1.02	0.00	0.00	0.00	0.00	0.34
3.	Environmental Protection Agency	74	71	1		1						1	95.95	1.35	0.00	1.35	0.00	0.00	0.00	0.00	0.00	1.35
4.	Public Works Directorate	27	25				1					1	92.59	0.00	0.00	0.00	3.70	0.00	0.00	0.00	0.00	3.70
5.	Public Procurement Directorate	15	11			2	2						73.33	0.00	0.00	13.33	13.33	0.00	0.00	0.00	0.00	0.00
6.	Transport Directorate	29	27	2									93.10	6.90	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
7.	Directorate for Protection of Classified Data	9	9										100.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
8.	Railways Directorate	8	6	1								1	75.00	12.50	0.00	0.00	0.00	0.00	0.00	0.00	0.00	12.50
9.	State Audit Institution	53	45	1	2	2						3	84.91	1.89	3.77	3.77	0.00	0.00	0.00	0.00	0.00	5.66
10.	State Archives	105	76	20	2	2	5						72.38	19.05	1.90	1.90	4.76	0.00	0.00	0.00	0.00	0.00
11.	State Protocol	19	19										100.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
12.	Phytosanitary Administration	27	19	5		1	2						70.37	18.52	0.00	3.70	7.41	0.00	0.00	0.00	0.00	0.00
13.	Compensation Fund	6	5				1						83.33	0.00	0.00	0.00	16.67	0.00	0.00	0.00	0.00	0.00
14.	General Secretariat of the President of Montenegro	20	20										100.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
15.	General Secretariat of the Government of Montenegro	55	54				1						98.18	0.00	0.00	0.00	1.82	0.00	0.00	0.00	0.00	0.00
16.	Hydrometeorological Office	84	62	14		3	2		1	2			73.81	16.67	0.00	3.57	2.38	0.00	1.19	2.38	0.00	0.00
17.	Commission for Prevention of Conflict of Interest	11	11										100.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
18.	Port Administration	5	2			1			2				40.00	0.00	0.00	20.00	0.00	0.00	40.00	0.00	0.00	0.00
19.	Ministry of Finance	80	76	2			2						95.00	2.50	0.00	0.00	2.50	0.00	0.00	0.00	0.00	0.00
20.	Ministry of Culture	39	35	3					1				89.74	7.69	0.00	0.00	0.00	0.00	2.56	0.00	0.00	0.00
21.	Ministry of Defence	286	225	37	5	6	4		4	3	2		78.67	12.94	1.75	2.10	1.40	0.00	1.40	1.05	0.70	0.00
22.	Ministry of Agriculture, Forestry and Water Management	29	25	2			1					1	86.21	6.90	0.00	0.00	3.45	0.00	0.00	0.00	0.00	3.45

23.	Ministry of Justice	41	36	1						2	2	87.80	2.44	0.00	0.00	0.00	0.00	0.00	0.00	4.88	4.88
24.	Ministry of Education and Science	75	64	5	2	2	1		1			85.33	6.67	2.67	2.67	1.33	0.00	1.33	0.00	0.00	0.00
25.	Ministry of Labour and Social Welfare	85	70	6	1	1	4				3	82.35	7.06	1.18	1.18	4.71	0.00	0.00	0.00	0.00	3.53
26.	Ministry of Transport and Maritime Affairs	66	44	14		3	1		2	2		66.67	21.21	0.00	4.55	1.52	0.00	3.03	3.03	0.00	0.00
27.	Ministry of Tourism	49	44	1	2		1				1	89.80	2.04	4.08	0.00	2.04	0.00	0.00	0.00	0.00	2.04
28.	Ministry of Interior	487	401	25	11	22	16		5	1		82.34	5.13	2.26	4.52	3.29	0.00	1.03	0.21	0.00	1.23
29.	Ministry of Spatial Planning and Environmental Protection	70	55	4		3	3		1	2	1	78.57	5.71	0.00	4.29	4.29	0.00	1.43	2.86	1.43	1.43
30.	Ministry of Foreign Affairs	128	116	2	7	3						90.63	1.56	5.47	2.34	0.00	0.00	0.00	0.00	0.00	0.00
31.	Ministry for European Integration	45	40	2	1	1			1			88.89	4.44	2.22	2.22	0.00	0.00	2.22	0.00	0.00	0.00
32.	Ministry for Information Society	58	48		3	5	1		1			82.76	0.00	5.17	8.62	1.72	0.00	1.72	0.00	0.00	0.00
33.	Ministry of Human and Minority Rights	14	3		6	3		1	1			21.43	0.00	42.86	21.43	0.00	7.14	7.14	0.00	0.00	0.00
34.	Ministry of Health	52	42	4		2	1		1		1	80.77	7.69	0.00	3.85	1.92	0.00	1.92	0.00	1.92	1.92
35.	Tax Administration	583	431	85	9	20	10		5	4	2	73.93	14.58	1.54	3.43	1.72	0.00	0.86	0.69	0.34	2.92
36.	Seismological Office	9	7	1					1			77.78	11.11	0.00	0.00	0.00	0.00	11.11	0.00	0.00	0.00
37.	Secretariat for Legislation	19	19									100.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
38.	Administrative Service of the Parliament of Montenegro	88	77	4		5			1		1	87.50	4.55	0.00	5.68	0.00	0.00	0.00	1.14	0.00	1.14
39.	Customs Administration	559	485	19	4	22	12		4	2	2	86.76	3.40	0.72	3.94	2.15	0.00	0.72	0.36	0.36	1.61
40.	Police Administration	4223	3568	262	51	146	129		4	7	5	84.49	6.20	1.21	3.46	3.05	0.00	0.09	0.17	0.12	1.21
41.	Maritime Safety Administration	58	39	10	2		3		1	1	1	67.24	17.24	3.45	0.00	5.17	0.00	1.72	1.72	1.72	1.72
42.	Directorate for Anti-Corruption Initiative	14	13						1			92.86	0.00	0.00	0.00	0.00	0.00	7.14	0.00	0.00	0.00
43.	Administration for Games of Chance	16	12	4								75.00	25.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
44.	Public Property Administration	253	227	5	3	2	10		2	3		89.72	1.98	1.19	0.79	3.95	0.00	0.79	1.19	0.00	0.40
45.	Human Resources Management Administration	26	23	1	1						1	88.46	3.85	3.85	0.00	0.00	0.00	0.00	0.00	0.00	3.85
46.	Administration for Youth and Sports	11	11									100.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
47.	Real Estate Administration	296	220	40	10	14	6		3		3	74.32	13.51	3.38	4.73	2.03	0.00	1.01	0.00	1.01	0.00
48.	Administration for Prevention of Money Laundering and Terrorism Financing	27	24			1					2	88.89	0.00	0.00	3.70	0.00	0.00	0.00	0.00	0.00	7.41
49.	Forest Administration	284	167	22	8	73	4			1		58.80	7.75	2.82	25.70	1.41	0.00	0.00	0.35	0.00	3.17
50.	Water Administration	5	4						1			80.00	0.00	0.00	0.00	0.00	0.00	20.0	0.00	0.00	0.00

																		0				
51.	Administration for Protection of Competition	11	9	1	1							81.82	9.09	9.09	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
52.	Veterinary Administration	41	27	9		2	2		1			65.85	21.95	0.00	4.88	4.88	0.00	2.44	0.00	0.00	0.00	0.00
53.	Protector of Human Rights and Freedoms	18	13		1	2			1		1	72.22	0.00	5.56	11.11	0.00	0.00	5.56	0.00	0.00	0.00	5.56
54.	Intellectual Property Rights Office	24	21	2							1	87.50	8.33	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	4.17
55.	Institution for Enforcement of Criminal Sanctions	271	223	25	4	7	10		1		1	82.29	9.23	1.48	2.58	3.69	0.00	0.37	0.00	0.00	0.00	0.37
56.	Office for International Scientific, Educational, Cultural and Technical Cooperation	17	16				1					94.12	0.00	0.00	0.00	5.88	0.00	0.00	0.00	0.00	0.00	0.00
57.	Metrology Office	38	31	4	1		1				1	81.58	10.53	2.63	0.00	2.63	0.00	0.00	0.00	0.00	0.00	2.63
58.	Education Office	54	38	7	5	1			1		2	70.37	12.96	9.26	1.85	0.00	0.00	1.85	0.00	3.70	0.00	0.00
59.	Statistical Office	129	100	7		3	2		4	1	11	77.52	5.43	0.00	2.33	1.55	0.00	3.10	0.78	0.78	8.53	0.00
60.	Refugee Care and Support Office	18	18									100.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total		9543	7888	666	148	366	242	1	51	30	22	129	82.66	6.98	1.55	3.84	2.54	0.01	0.53	0.31	0.23	1.35

Table 3 provides ethnic structure of employees (both in numbers and in percentages) in state authorities (60). The total number of 9,543 respondents has declared themselves as follows: Montenegrins 7,888 (82.66%), Serbs 666 (6.98%), Albanians 148 (1.55%), Bosniaks 366 (3.84%), Muslims 242 (2.54%), Roma 1 (0.01%), Croats 51 (0.53%), others 30 (0.31%).

Table 4: National structure of employees in local self-government bodies (numerically and in percentage)

	Local self-government body	Total	Ethnic affiliation										Ethnic affiliation (%)									
			Montenegrin	Serb	Albanian	Bosniak	Muslim	Roma	Croat	others	Not declared	No data	Montenegrin	Serb	Albanian	Bosniak	Muslim	Roma	Croat	others	Not declared	No data
1.	Town Municipality Golubovci	15	14	1									93,33	6,67	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00
2.	Town Municipality Tuzi	12	1		11								8,33	0,00	91,67	0,00	0,00	0,00	0,00	0,00	0,00	0,00
3.	Municipality Andrijevica	25	1	24									4,00	96,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00
4.	Municipality Bar	253	199	25	17		2		4	2		4	78,66	9,88	6,72	0,00	0,79	0,00	1,58	0,79	0,00	1,58
5.	Municipality Berane	371	214	111		21	15			3	5	2	57,68	29,92	0,00	5,66	4,04	0,00	0,00	0,81	1,35	0,54
6.	Municipality Budva	273	202	55			3		2	2		9	73,99	20,15	0,00	0,00	1,10	0,00	0,73	0,73	0,00	3,30
7.	Municipality Danilovgrad	115	106	8						1			92,17	6,96	0,00	0,00	0,00	0,00	0,00	0,87	0,00	0,00
8.	Municipality Kotor	173	119	26					19	4	3	2	68,79	15,03	0,00	0,00	0,00	0,00	10,98	2,31	1,73	1,16
9.	Municipality Mojkovac	71	41	20								10	57,75	28,17	0,00	0,00	0,00	0,00	0,00	0,00	0,00	14,08
10.	Municipality Nikšić	374	334	24			4		3	2		7	89,30	6,42	0,00	0,00	1,07	0,00	0,80	0,53	0,00	1,87
11.	Municipality Plav	90	6	5	17	55	5			2			6,67	5,56	18,89	61,11	5,56	0,00	0,00	2,22	0,00	0,00
12.	Municipality Plužine	26	5	21									19,23	80,77	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00
13.	Municipality Podgorica	656	579	35	11	5	8		2	4	9	3	88,26	5,34	1,68	0,76	1,22	0,00	0,30	0,61	1,37	0,46
14.	Municipality Rožaje	91	1	2	1	78	9						1,10	2,20	1,10	85,71	9,89	0,00	0,00	0,00	0,00	0,00
15.	Municipality Tivat	85	34	12					33	1		5	40,00	14,12	0,00	0,00	0,00	0,00	38,82	1,18	0,00	5,88
16.	Municipality Ulcinj	184	15	3	156	1	4			1	4		8,15	1,63	84,78	0,54	2,17	0,00	0,00	0,54	2,17	0,00
17.	Municipality Žabljak	53	38	13						1		1	71,70	24,53	0,00	0,00	0,00	0,00	0,00	1,89	0,00	1,89
18.	Historic Royal Capital Cetinje	232	225	4								3	96,98	1,72	0,00	0,00	0,00	0,00	0,00	0,00	0,00	1,29
Total		3099	2134	389	213	160	50	0	63	23	21	46	68,86	12,55	6,87	5,16	1,61	0,00	2,03	0,74	0,68	1,48

Table 4 provides national affiliation structure of employees (in numbers and percentage) in local self-government (18). Out of 3.099 respondents, regarding their national affiliation, employees declared as follows: Montenegrins 2.134 (68.86%), Serbs 389 (12.55%), Albanians 213 (6.87%), Bosniaks 160 (5.16%), Muslims 50 (1.61%), Roma 0 (0.00%), Croats 63 (2.03%), others 23 (0.74%).

Table 5: Ethnic structure of employees in judicial bodies, Misdemeanour Council and regional misdemeanour bodies (numerically and in percentage)

	Judicial body	Total	Ethnic affiliation										Ethnic affiliation (%)									
			Montenegrin	Serb	Albanian	Bosniak	Muslim	Roma	Croat	others	Not declared	No data	Montenegrin	Serb	Albanian	Bosniak	Muslim	Roma	Croat	others	Not declared	No data
1.	Appellate Court	28	24	1			2		1				85,71	3,57	0,00	0,00	7,14	0,00	3,57	0,00	0,00	0,00
2.	Basic Court Bar	42	27	11	2		2						64,29	26,19	4,76	0,00	4,76	0,00	0,00	0,00	0,00	0,00
3.	Basic Court Berane	46	32	11		2					1		69,57	23,91	0,00	4,35	0,00	0,00	0,00	0,00	2,17	0,00
4.	Basic Court Cetinje	32	31	1									96,88	3,13	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00
5.	Basic Court Danilovgrad	20	17								3		85,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	15,00	0,00
6.	Basic Court Herceg Novi	31	24	5					1			1	77,42	16,13	0,00	0,00	0,00	0,00	3,23	0,00	0,00	3,23
7.	Basic Court Kolašin	20	18	2									90,00	10,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00
8.	Basic Court Kotor	60	39	13					4			4	65,00	21,67	0,00	0,00	0,00	0,00	6,67	0,00	0,00	6,67
9.	Basic Court Nikšić	72	60	10		1			1				83,33	13,89	0,00	1,39	0,00	0,00	1,39	0,00	0,00	0,00
10.	Basic Court Plav	15	3			5	5			2			20,00	0,00	0,00	33,33	33,33	0,00	0,00	13,33	0,00	0,00
11.	Basic Court Pljevlja	37	23	8			6						62,16	21,62	0,00	0,00	16,22	0,00	0,00	0,00	0,00	0,00
12.	Basic Court Podgorica	140	122	10	2	1	1		1	1		2	87,14	7,14	1,43	0,71	0,71	0,00	0,71	0,71	0,00	1,43
13.	Basic Court Rožaje	22	4			12	6						18,18	0,00	0,00	54,55	27,27	0,00	0,00	0,00	0,00	0,00
14.	Basic Court Ulcinj	29	11	2	15						1		37,93	6,90	51,72	0,00	0,00	0,00	0,00	0,00	3,45	0,00
15.	Basic Court Žabljak	12	11	1									91,67	8,33	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00
16.	Basic State Prosecutor Bar	14	12			1	1						85,71	0,00	0,00	7,14	7,14	0,00	0,00	0,00	0,00	0,00
17.	Basic State Prosecutor Berane	14	14										100,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00
18.	Basic State Prosecutor Bijelo Polje	19	10	4		1	4						52,63	21,05	0,00	5,26	21,05	0,00	0,00	0,00	0,00	0,00
19.	Basic State Prosecutor Cetinje	6	6										100,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00
20.	Basic State Prosecutor Herceg Novi	7	4	3									57,14	42,86	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00
21.	Basic State Prosecutor Kolašin	3	2	1									66,67	33,33	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00
22.	Basic State Prosecutor Kotor	11	6	1							1	3	54,55	9,09	0,00	0,00	0,00	0,00	0,00	0,00	9,09	27,27
23.	Basic State Prosecutor Nikšić	14	12	1					1				85,71	7,14	0,00	0,00	0,00	0,00	7,14	0,00	0,00	0,00

24.	Basic State Prosecutor Plav	4	1		1	2						25,00	0,00	25,00	50,00	0,00	0,00	0,00	0,00	0,00	0,00
25.	Basic State Prosecutor Pljevlja	10	10									100,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00
26.	Basic State Prosecutor Podgorica	29	22	5		1				1		75,86	17,24	0,00	0,00	3,45	0,00	0,00	0,00	3,45	0,00
27.	Basic State Prosecutor Rožaje	7	1	1		5						14,29	14,29	0,00	71,43	0,00	0,00	0,00	0,00	0,00	0,00
28.	Basic State Prosecutor Ulcinj	6	2		2	1					1	33,33	0,00	33,33	16,67	0,00	0,00	0,00	0,00	0,00	16,67
29.	Regional Misdemeanour Body Bar	13	11						1		1	84,62	0,00	0,00	0,00	0,00	0,00	0,00	7,69	0,00	7,69
30.	Regional Misdemeanour Body Berane	14	12	2								85,71	14,29	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00
31.	Regional Misdemeanour Body Bijelo Polje	13	3	10								23,08	76,92	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00
32.	Regional Misdemeanour Body Budva	11	7	3					1			63,64	27,27	0,00	0,00	0,00	0,00	0,00	9,09	0,00	0,00
33.	Regional Misdemeanour Body Cetinje	12	11						1			91,67	0,00	0,00	0,00	0,00	0,00	8,33	0,00	0,00	0,00
34.	Regional Misdemeanour Body Danilovgrad	8	7	1								87,50	12,50	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00
35.	Regional Misdemeanour Body Herceg Novi	5	5									100,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00
36.	Regional Misdemeanour Body Kolašin	6	6									100,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00
37.	Regional Misdemeanour Body Kotor	7	5	2								71,43	28,57	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00
38.	Regional Misdemeanour Body Mojkovac	6	6									100,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00
39.	Regional Misdemeanour Body Nikšić	27	21	6								77,78	22,22	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00
40.	Regional Misdemeanour Body Plav	5	1			4						20,00	0,00	0,00	80,00	0,00	0,00	0,00	0,00	0,00	0,00
41.	Regional Misdemeanour Body Pljevlja	8	5	3								62,50	37,50	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00
42.	Regional Misdemeanour Body Podgorica	77	71	4		1			1			92,21	5,19	0,00	0,00	1,30	0,00	0,00	1,30	0,00	0,00
43.	Regional Misdemeanour Body Rožaje	9				9						0,00	0,00	0,00	100,00	0,00	0,00	0,00	0,00	0,00	0,00
44.	Regional Misdemeanour Body Ulcinj	9	2	1	4	1	1					22,22	11,11	44,44	11,11	11,11	0,00	0,00	0,00	0,00	0,00
45.	Regional Misdemeanour Body Žabljak	3	3									100,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00
46.	Commercial Court Bijelo Polje	29	17	3		4	5					58,62	10,34	0,00	13,79	17,24	0,00	0,00	0,00	0,00	0,00
47.	Commercial Court Podgorica	58	53	4	1							91,38	6,90	1,72	0,00	0,00	0,00	0,00	0,00	0,00	0,00
48.	Administrative Court	18	18									100,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00

49.	Constitutional Court of Montenegro	24	21	1			1				1	87,50	4,17	0,00	0,00	4,17	0,00	0,00	0,00	0,00	4,17	
50.	Misdemeanour Council	25	25									100,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	
51.	High State Prosecutor's Office Bijelo Polje	13	7	3			3					53,85	23,08	0,00	0,00	23,08	0,00	0,00	0,00	0,00	0,00	
52.	High State Prosecutor's Office Podgorica	21	18	3								85,71	14,29	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	
53.	Supreme Court	57	51	1	1		1				3	89,47	1,75	1,75	0,00	1,75	0,00	0,00	0,00	0,00	5,26	
54.	Supreme State Prosecutor's Office	30	29	1								96,67	3,33	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	
Ukupno		1258	963	139	28	49	40	0	10	6	7	16	76,55	11,05	2,23	3,90	3,18	0,00	0,79	0,48	0,56	1,27

Table 5 provides national affiliation structure of employees (numerically and in percentage) in judicial bodies, Misdemeanour Council and regional misdemeanour bodies (54). Out of 1.258 respondents, employees declared as follows: Montenegrins 963 (76.55%), Serbs 139 (11.05%), Albanians 28 (2.23%), Bosniaks 49 (3.90%), Muslims 40 (3.18%), Roma 0 (0.00%), Croats 10 (0.79%), others 6 (0.48%).

Table 6: Ethnic structure of employees – state administration, local self-government, judicial bodies (numerically and in percentage)

State authorities	Total	Ethnic affiliation										Ethnic affiliation (%)									
		Montenegrin	Serb	Albanian	Bosniaks	Muslims	Roma	Croat	others	Not declared	No data	Montenegrin	Serb	Albanian	Bosniaks	Muslim	Roma	Croat	others	Not declared	No data
State authorities	9543	7888	666	148	366	242	1	51	30	22	129	82,66	6,98	1,55	3,84	2,54	0,01	0,53	0,31	0,23	1,35
Local self-government	3099	2134	389	213	160	50	0	63	23	21	46	68,86	12,55	6,87	5,16	1,61	0,00	2,03	0,74	0,68	1,48
Judiciary	1258	963	139	28	49	40	0	10	6	7	16	76,55	11,05	2,23	3,90	3,18	0,00	0,79	0,48	0,56	1,27
Total	13900	10985	1194	389	575	332	1	124	59	50	191	79,03	8,59	2,80	4,14	2,39	0,01	0,89	0,42	0,36	1,37

Table 7: Ethnic structure of employees by gender and ethnic affiliation by municipality of work (numerically and in percentage)

Municipality	Total	Gender	TOTAL	Total by gender (%)	Ethnic affiliation										Ethnic affiliation (%) in relation to total by gender									
					Montenegrin	Serb	Albanian	Bosniaks	Muslim	Roma	Croat	others	Not declared	No data	Montenegrin	Serb	Albanian	Bosniaks	Muslim	Roma	Croat	others	Not declared	No data
Andrijevica	62	male	44	70,97	25	19									56,82	43,18	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00
		female	15	24,19	7	7		1							46,67	46,67	0,00	6,67	0,00	0,00	0,00	0,00	0,00	0,00
		no data	3	4,84	1	2									33,33	66,67	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00
Bar	787	male	465	59,09	368	47	30	2	11		2	2	2	1	79,14	10,11	6,45	0,43	2,37	0,00	0,43	0,43	0,43	0,22
		female	317	40,28	260	32	5	2	6		3	2	1	6	82,02	10,09	1,58	0,63	1,89	0,00	0,95	0,63	0,32	1,89
		no data	5	0,64	5										100,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00
Berane	668	male	405	60,63	238	111		30	18			1		7	58,77	27,41	0,00	7,41	4,44	0,00	0,00	0,25	0,00	1,73
		female	245	36,68	167	52		13	7			1	5		68,16	21,22	0,00	5,31	2,86	0,00	0,00	0,41	2,04	0,00
		no data	18	2,69	12	3			1			1	1		66,67	16,67	0,00	0,00	5,56	0,00	0,00	5,56	5,56	0,00
Bijelo Polje	620	male	439	70,81	272	66	1	46	48				1	5	61,96	15,03	0,23	10,48	10,93	0,00	0,00	0,00	0,23	1,14
		female	169	27,26	121	22		4	21		1				71,60	13,02	0,00	2,37	12,43	0,00	0,59	0,00	0,00	0,00
		no data	12	1,94	5	4			2					1	41,67	33,33	0,00	0,00	16,67	0,00	0,00	0,00	0,00	8,33
Budva	447	male	252	56,38	208	38		1	1		1			3	82,54	15,08	0,00	0,40	0,40	0,00	0,40	0,00	0,00	1,19
		female	192	42,95	143	37			3		1	3		5	74,48	19,27	0,00	0,00	1,56	0,00	0,52	1,56	0,00	2,60
		no data	3	0,67	2									1	66,67	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	33,33
Cetinje	426	male	206	48,36	199	5	1							1	96,60	2,43	0,49	0,00	0,00	0,00	0,00	0,00	0,00	0,49
		female	215	50,47	205	6			1		1			2	95,35	2,79	0,00	0,00	0,47	0,00	0,47	0,00	0,00	0,93
		no data	5	1,17	5										100,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00

Danilov -grad	288	male	158	54,86	147	8			1			1	1	93,04	5,06	0,00	0,00	0,63	0,00	0,00	0,00	0,63	0,63	
		femal e	128	44,44	117	6		1			1	2	1	91,41	4,69	0,00	0,78	0,00	0,00	0,00	0,78	1,56	0,78	
		no data	2	0,69	2									100,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	
Herceg Novi	415	male	295	71,08	250	29			4		4	3	1	4	84,75	9,83	0,00	0,00	1,36	0,00	1,36	1,02	0,34	1,36
		femal e	114	27,47	84	20			1		3		2	4	73,68	17,54	0,00	0,00	0,88	0,00	2,63	0,00	1,75	3,51
		no data	6	1,45	6										100,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00
Kolašin	134	male	89	66,42	85	3						1		95,51	3,37	0,00	0,00	0,00	0,00	0,00	0,00	0,00	1,12	0,00
		femal e	43	32,09	40	3									93,02	6,98	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00
		no data	2	1,49	1	1									50,00	50,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00
Kotor	415	male	201	48,43	158	22		1			11	2	3	4	78,61	10,95	0,00	0,50	0,00	0,00	5,47	1,00	1,49	1,99
		femal e	209	50,36	148	30			1		18	5	1	6	70,81	14,35	0,00	0,00	0,48	0,00	8,61	2,39	0,48	2,87
		no data	5	1,20	4									1	80,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	20,00
Mojkov ac	160	male	112	70,00	91	18							3	81,25	16,07	0,00	0,00	0,00	0,00	0,00	0,00	0,00	2,68	
		femal e	47	29,38	31	9							7	65,96	19,15	0,00	0,00	0,00	0,00	0,00	0,00	0,00	14,89	
		no data	1	0,63	1										100,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00
Nikšić	842	male	459	54,51	428	21		1	1			1	1	6	93,25	4,58	0,00	0,22	0,22	0,00	0,00	0,22	0,22	1,31
		femal e	372	44,18	322	34			4		5	1		6	86,56	9,14	0,00	0,00	1,08	0,00	1,34	0,27	0,00	1,61
		no data	11	1,31	11										100,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00
Plav	368	male	316	85,87	111	43	22	116	20			3	1		35,13	13,61	6,96	36,71	6,33	0,00	0,00	0,95	0,32	0,00
		femal e	36	9,78	10	2	4	15	3			2			27,78	5,56	11,11	41,67	8,33	0,00	0,00	5,56	0,00	0,00
		no data	16	4,35	6	2	1	7							37,50	12,50	6,25	43,75	0,00	0,00	0,00	0,00	0,00	0,00
Pljevlja	418	male	316	75,60	265	30		3	18						83,86	9,49	0,00	0,95	5,70	0,00	0,00	0,00	0,00	0,00
		femal e	99	23,68	65	19			13			2			65,66	19,19	0,00	0,00	13,13	0,00	0,00	2,02	0,00	0,00
		no data	3	0,72	3										100,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00

Plužine	119	male	91	76,47	76	14							1	83,52	15,38	0,00	0,00	0,00	0,00	0,00	0,00	0,00	1,10	
		femal e	23	19,33	14	9								60,87	39,13	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	
		no data	5	4,20	3	2								60,00	40,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	
Podgor ica	6405	male	3382	52,80	2944	211	50	56	39	1	12	12	13	44	87,05	6,24	1,48	1,66	1,15	0,03	0,35	0,35	0,38	1,30
		femal e	2937	45,85	2656	128	28	23	32		17	12	7	34	90,43	4,36	0,95	0,78	1,09	0,00	0,58	0,41	0,24	1,16
		no data	86	1,34	71	5	1	2	1				1	5	82,56	5,81	1,16	2,33	1,16	0,00	0,00	0,00	1,16	5,81
Town Municipa lity Golubov ci	14	male	11	78,57	11									100,0 0	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	
		femal e	3	21,43	3									100,0 0	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	
Town Muni cipality Tuzi	18	male	9	50,00	2		7							22,22	0,00	77,78	0,00	0,00	0,00	0,00	0,00	0,00	0,00	
		femal e	9	50,00	1		7	1						11,11	0,00	77,78	11,11	0,00	0,00	0,00	0,00	0,00	0,00	
Rožaje	391	male	308	78,77	73	5	3	177	44				6	23,70	1,62	0,97	57,47	14,29	0,00	0,00	0,00	0,00	1,95	
		femal e	74	18,93	6	4	1	54	9					8,11	5,41	1,35	72,97	12,16	0,00	0,00	0,00	0,00	0,00	
		no data	9	2,30	3			5	1					33,33	0,00	0,00	55,56	11,11	0,00	0,00	0,00	0,00	0,00	
Šavnik	13	male	7	53,85	4	3								57,14	42,86	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	
		femal e	5	38,46	5									100,0 0	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	
		no data	1	7,69	1									100,0 0	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	
Tivat	222	male	132	59,46	104	9	1	1	2		12	1		2	78,79	6,82	0,76	0,76	1,52	0,00	9,09	0,76	0,00	1,52
		femal e	83	37,39	40	10					31	1		1	48,19	12,05	0,00	0,00	0,00	0,00	37,35	1,20	0,00	1,20
		no data	7	3,15	3						1			3	42,86	0,00	0,00	0,00	0,00	0,00	14,29	0,00	0,00	42,86
Ulcinj	429	male	302	70,40	109	5	158	7	17		1	3	2	36,09	1,66	52,32	2,32	5,63	0,00	0,00	0,33	0,99	0,66	
		femal e	119	27,74	38	9	61	4	2		1	1	2	1	31,93	7,56	51,26	3,36	1,68	0,00	0,84	0,84	1,68	0,84
		no data	8	1,86	2		6								25,00	0,00	75,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00
Žabljak	158	male	107	67,72	85	20						1	1	79,44	18,69	0,00	0,00	0,00	0,00	0,00	0,00	0,93	0,93	
		femal	46	29,11	39	6						1			84,78	13,04	0,00	0,00	0,00	0,00	0,00	2,17	0,00	0,00

		e																						
		no data	5	3,16	5									100,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00
Foreign countries	63	male	44	69,84	39	3	1	1						88,64	6,82	2,27	2,27	0,00	0,00	0,00	0,00	0,00	0,00	0,00
		female	19	30,16	17		1	1						89,47	0,00	5,26	5,26	0,00	0,00	0,00	0,00	0,00	0,00	0,00
No data	18	male	1	5,56	1									100,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00
		female	1	5,56	1									100,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00
		no data	16	88,89									16	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	100,00
Total	13900		13900		10985	1194	389	575	332	1	124	59	50	191	79,03	8,59	2,80	4,14	2,39	0,01	0,89	0,42	0,36	1,37

Table 8: Ethnic structure of employees by educational qualification (numerically and in percentage)

Educational attainment level	Total	Ethnic affiliation										Ethnic affiliation (%)									
		Montenegrin	Serb	Albanian	Bosniak	Muslim	Roma	Croat	others	Not declared	No data	Montenegrin	Serb	Albanian	Bosniak	Muslim	Roma	Croat	others	Not declared	No data
Doctorate	38	34	2		1	1						34	2		1	1					
PhD studies	4	4										4									
Postgraduate studies	306	256	19	6	9	5		2	4	2	3	256	19	6	9	5		2	4	2	3
Postgraduate master studies	5	5										5									
Postgraduate specialist studies	205	180	5	1	2	8		5	2	1	1	180	5	1	2	8		5	2	1	1
High education institutions/Faculty/Academy	4505	3447	429	149	222	107	1	40	22	24	64	3447	429	149	222	107	1	40	22	24	64
Basic academic studies	136	110	8	5	5	2		2			4	110	8	5	5	2		2	0		4
Basic applied studies	119	96	11	3	6				2	1		96	11	3	6				2	1	
Post-Secondary school and bachelor degree	854	650	89	22	37	22		18	3	4	9	650	89	22	37	22		18	3	4	9
Secondary school	7230	5835	591	177	280	174		50	25	17	81	5835	591	177	280	174		50	25	17	81
Elementary School	368	278	33	25	9	11		5	1	1	5	278	33	25	9	11		5	1	1	5
No data	130	90	7	1	4	2		2			24	90	7	1	4	2		2			24
Total	13900	10985	1194	389	575	332	1	124	59	50	191	79,03	8,59	2,80	4,14	2,39	0,01	0,89	0,42	0,36	1,37

Table 9: Ethnic structure by status of employee (numerically and in percentage)

Status of employees	Total	Ethnic affiliation										Ethnic affiliation (%)									
		Montenegrin	Serb	Albanian	Bosniak	Muslim	Roma	Croat	others	Not declared	No data	Montenegrin	Serb	Albanian	Bosniak	Muslim	Roma	Croat	others	Not declared	No data
Public officials	513	399	29	20	31	15		7	2	3	7	77,78	5,65	3,90	6,04	2,92	0,00	1,36	0,39	0,58	1,36
Public officials/ heads	95	86	1		6	1		1				90,53	1,05	0,00	6,32	1,05	0,00	1,05	0,00	0,00	0,00
Heads	1			1								0,00	0,00	100,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00
Civil Servants/ Public officials	20	14	5	1								70,00	25,00	5,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00
Civil Servants/state employees	12212	9661	1082	354	480	286		108	51	44	146	79,11	8,86	2,90	3,93	2,34	0,00	0,88	0,42	0,36	1,20
Professional military personnel	79	55	16	1	1	3		2	1			69,62	20,25	1,27	1,27	3,80	0,00	2,53	1,27	0,00	0,00
Treaty	464	385	20	10	28	10	1	1	2		7	82,97	4,31	2,16	6,03	2,16	0,22	0,22	0,43	0,00	1,51
No data	516	385	41	2	29	17		5	3	3	31	74,61	7,95	0,39	5,62	3,29	0,00	0,97	0,58	0,58	6,01
Total	13900	10985	1194	389	575	332	1	124	59	50	191	79,03	8,59	2,80	4,14	2,39	0,01	0,89	0,42	0,36	1,37

Table 10: Ethnic structure by age (numerically and in percentage)

Age scope	Total	Ethnic affiliation										Ethnic affiliation (%)									
		Montenegrin	Serb	Albanian	Bosniak	Muslim	Roma	Croat	others	Not declared	No data	Montenegrin	Serb	Albanian	Bosniak	Muslim	Roma	Croat	others	Not declared	No data
18 - 24	363	309	5	13	13	13		3	5	2	3	85,12	1,38	3,58	3,58	3,58	0,00	0,83	1,38	0,55	0,83
25 - 34	3339	2809	141	97	138	86		17	44	9	35	84,13	4,22	2,91	4,13	2,58	0,00	0,51	1,32	0,27	1,05
35 - 44	4423	3660	347	79	144	93	1	26	51	6	45	82,75	7,85	1,79	3,26	2,10	0,02	0,59	1,15	0,14	1,02
45 - 54	3766	2810	446	139	141	93		50	69	22	47	74,61	11,84	3,69	3,74	2,47	0,00	1,33	1,83	0,58	1,25
55 - 64	1539	1088	211	52	90	27		28	34	10	24	70,70	13,71	3,38	5,85	1,75	0,00	1,82	2,21	0,65	1,56
65 and more	9	6		1		1			1		1	66,67	0,00	11,11	0,00	11,11	0,00	0,00	11,11	0,00	11,11
No data	461	303	44	8	49	19			37	1	36	65,73	9,54	1,74	10,63	4,12	0,00	0,00	8,03	0,22	7,81
Total	13900	10985	1194	389	575	332	1	124	241	50	191	79,03	8,59	2,80	4,14	2,39	0,01	0,89	1,73	0,36	1,37

Tables 7, 8, 9 i 10 show ethnic structure of employees by gender and ethnic affiliation in municipality of work, educational qualification, status of employee and age.

4. PROPOSAL FOR MEASURES

It may be concluded from the obtained data that representation of minorities and other minority ethnic communities in public services, state authorities and local self-government bodies is larger than in previous period (at least according to incomplete information of the Ministry for Human and Minority Rights which tried to obtain valid data on two occasions) but still does not reach wanted and proclaimed levels. In order to consistently implement constitutional and legal guarantees on proportional representation of minorities and other minority ethnic communities in public services, state authorities and local self-government bodies, it is necessary to undertake the following measures:

- Consistent implementation of Article 25 of the Law on Civil Servants and Public Employees (“On the occasion of issuing the decision on selection, the head of state authority shall take into account the realisation of right to proportional representation of persons belonging minorities or other minority ethnic communities “);
- Committing the head of state authority to state, in the decision on selection, the ethnic affiliation of the selected candidate if the candidate declares his/her ethnic affiliation in the application in order to enable Human Resources Management Administration to monitor national affiliation of candidates applying and the candidates selected to work in state authority;
- Signing MoU between the Council of Minorities and Other Minority Ethnic Communities and Human Resources Management Administration considering provisions of Article 25 of the Law on Minorities Rights and Freedoms („ Competent authorities in charge of personnel, in cooperation with councils of minorities and other minority ethnic communities take care of representation of minorities and other minority ethnic communities“);
- Signing MoU on cooperation between the Council of Minorities and Other Minority Ethnic Communities and universities, concerning Article 19 the Law on Minorities Rights and Freedoms („ For the purpose of full realisation of minority rights and at the proposal of the Council of Minorities and Other Minority National Communities, University of Montenegro may enrol certain number of students belonging to other minority ethnic communities, in line with University“);
- Commit local self-government bodies to consistently implement Article 28 of the Law on Minority Rights and Freedoms (“In local self-government units in which majority or significant part of inhabitants are minorities and other minority Ethnic communities, local self-government is obliged to, under the plan and programme for efficient participation of local population in performance of public works or by adopting special plan and programme, through council of minorities and other minority ethnic communities, provide conditions for participation of minorities and other minorities ethnic communities in adoption of municipality development programme, spatial and urban plans, budget and general acts stipulating rights and commitments of citizens and define manner and procedure of participation of minorities and other minority ethnic communities in performance of public works and appoint body to conduct public hearing on these and other acts“);
- Regarding future activities in public administration reform, commit heads of authorities to take care, apart from proficiency and reference, of constitutional and legal guarantees of proportional representation of minorities and minority ethnic communities in public services, state and local self-government bodies during the preparation of plans for necessary number of employees.;
- Conduct long-term activities in order to educate and train certain number of persons belonging to minorities and other minority communities, with financial support of the state;
- Consistent implementation of the law on Local Self-Government and decentralisation principle especially in the area of economics and finance in order to provide high level of financial independency and self/maintenance of local self-government, in line with Council of Europe standards;
- Special attention must be focused on appropriate representation of minorities in organisation structure of specific institutions such as Police Administration, Agency for National Security and Armed Forces of Montenegro. This principle should be applied in such a manner as to realise representation in entire territory of Montenegro, not only in areas having minority as major population;

Regarding the representation in judicial bodies, it is necessary to create personnel records system under judicial reform including minority aspect of personnel registers as well as models for education of judges and prosecutors. These processes must be based on the fact that adequate representation of minority issue in selection and education in judiciary (apart from quality standards and reference of judicial office holders) represents compliance with guaranteed constitutional principle in formal legal terms, and in sociology area it represents basis for gaining additional trust of person belonging to minorities and other minority ethnic community in judiciary.

PRIORITY 1: INTEGRATION

Measure 1: Preparation of a study on durable solutions for refugees and displaced persons and residents of Konik camp in Montenegro and preparations for IPA 2011 programme

SURVEY ON THE DISPLACED PERSONS LIVING IN COLLECTIVE SETTLEMENTS AND IN PRIVATE ACCOMODATION IN THE SURROUNDING AREAS / STATISTICAL INFORMATION, MONTENEGRO (April 2011)

1. Collective settlements**1.1 Breakdown by gender**

Address	Male	Female	Total persons
Balabanda	3	9	12
Bandzovo Brdo	7	6	13
Baosici	49	44	93
Dumidran	37	22	59
Evropska kuca	14	13	27
Gusinje, Vruja	15	10	25
Humci	117	158	275
KC Trudbenik	1	1	2
Kumbor	1	4	5
MUP barake	0	3	3
Njemacka kuca	4	3	7
Njemacka kuca, Zagoric	25	36	61
NKC zlatibor	1	1	2
Radnicka Meljine	57	58	115
Rudes	45	44	89
Safari Kamp	2	1	3
Smailagica Polje	33	29	62
Sokolana	31	28	59
Vrela ribnicka	122	145	267
Total	564	615	1179

1.2. Female headed households

Address	Female Head of Household
Balabanda	2
Bandzovo Brdo	2
Baosici	9
Dumidran	3
Evropska kuca	4
Gusinje, Vruja	5
Humci	27
KC Trudbenik	1
Kumbor	1
MUP barake	2
Njemacka kuca, Zagoric	8
NKC zlatibor	1
Radnicka Meljine	9
Rudes	14
Safari Kamp	1
Smailagica Polje	10
Sokolana	5
Vrela ribnicka	33
Total	137

1.3. Heads of household over 60 years old

Address	Male Head of Household over 60	Female Head of Household over 60	Total
Bandzovo Brdo	0	1	1
Baosici	6	3	9
Dumidran	4	1	5
Evropska kuca	3	2	5
Gusinje, Vruja	4	1	5
Humci	22	9	31
KC Trudbenik	0	1	1
Kumbor	0	1	1
Njemacka kuca	2	0	2
Njemacka kuca, Zagoric	1	4	5
Radnicka Meljine	4	2	6
Rudes	6	7	13
Smailagica Polje	2	5	7
Sokolana	2	1	3
Vrela ribnicka	16	7	23
Total	72	45	117

1.4. Breakdown by age

Address	A: 0-4	B: 4-7	C: 7-14	D: 14-18	E: 18-60	F: 60 and over	Total persons
Balabanda	0	0	1	2	9	0	12
Bandzovo Brdo	1	0	2	3	6	1	13
Baosici	3	1	8	3	54	24	93
Dumidran	0	1	3	2	46	7	59
Evropska kuca	0	1	0	1	19	6	27
Gusinje, Vruja	1	0	5	0	12	7	25
Humci	6	2	10	19	181	57	275
KC Trudbenik	0	0	0	0	1	1	2
Kumbor	0	1	1	0	2	1	5
MUP barake	0	0	0	1	2	0	3
Njemacka kuca	0	0	0	2	3	2	7
Njemacka kuca, Zagoric	2	0	7	4	40	8	61
NKC zlatibor	0	0	0	1	1	0	2
Radnicka Meljine	0	1	5	11	81	17	115
Rudes	3	0	2	4	48	32	89
Safari Kamp	0	0	0	0	3	0	3
Smailagica Polje	0	0	2	6	44	10	62
Sokolana	0	2	7	3	40	7	59
Vrela ribnicka	6	2	13	11	164	71	267
Total	22	11	66	73	756	251	1179

1.5. Breakdown by country of birth

Address	BiH	Montenegro	Croatia	No reply	Slovenia	Serbia/ Kosovo	Total persons
Balabanda	4	8	0	0	0	0	12
Bandzovo Brdo	11	2	0	0	0	0	13
Baosici	74	5	8	0	0	6	93
Dumidran	45	2	9	0	0	3	59
Evropska kuca	19	3	1	0	0	4	27
Gusinje, Vruja	23	2	0	0	0	0	25
Humci	174	65	26	2	0	8	275
KC Trudbenik	2	0	0	0	0	0	2
Kumbor	5	0	0	0	0	0	5
MUP barake	3	0	0	0	0	0	3
Njemacka kuca	0	0	7	0	0	0	7
Njemacka kuca, Zagoric	26	22	13	0	0	0	61
NKC zlatibor	2	0	0	0	0	0	2
Radnicka Meljine	98	5	12	0	0	0	115
Rudes	31	44	8	1	5	0	89
Safari Kamp	0	0	0	0	0	3	3
Smailagica Polje	31	13	11	0	0	7	62
Sokolana	3	6	50	0	0	0	59
Vrela Ribnicka	131	73	27	15	0	21	267
Total	682	250	172	18	5	52	1179

1.6. Breakdown by country of origin

Address	BiH	Croatia	Serbia/Kosovo	Total persons
Balabanda	12	0	0	12
Bandzovo Brdo	13	0	0	13
Baosici	60	33	0	93
Dumidran	54	5	0	59
Evropska kuca	22	5	0	27
Gusinje, Vruja	25	0	0	25
Humci	250	21	4	275
KC Trudbenik	2	0	0	2
Kumbor	0	5	0	5
MUP barake	3	0	0	3
Njemacka kuca	0	0	7	7
Njemacka kuca, Zagoric	33	28	0	61
NKC zlatibor	0	0	2	2
Radnicka Meljine	80	35	0	115
Rudes	76	13	0	89
Safari Kamp	3	0	0	3
Smailagica Polje	44	15	3	62
Sokolana	3	56	0	59
Vrela Ribnicka	230	37	0	267
Total	910	253	16	1179

1.7. Breakdown by type of accommodation

Address	At friends / parents / relatives	Rented apartment / house	CS	Owner of the apartment / house	Total families
Balabanda	0	0	3	0	3
Bandzovo Brdo	0	0	3	0	3
Baosici	0	0	24	1	25
Dumidran	0	0	16	0	16
Evropska kuca	0	0	11	0	11
Gusinje, Vruja	0	0	10	0	10
Humci	0	0	67	0	67
KC Trudbenik	0	0	1	0	1
Kumbor	0	0	1	0	1
MUP barake	0	0	2	0	2
Njemacka kuca	0	0	2	0	2
Njemacka kuca, Zagoric	0	0	15	0	15
NKC zlatibor	0	0	1	0	1
Radnicka Meljine	1	0	27	0	28
Rudes	0	0	25	0	25
Safari Kamp	0	0	1	0	1
Smailagica Polje	0	10	10	0	20
Sokolana	0	0	17	0	17
Vrela Ribnicka	0	0	72	0	72
Total	1	10	308	1	320

1.8. Breakdown by type of accommodation and by municipality

Opstina	At friends / parents / relatives	Rented apartment / house	CS	Owner of the apartment / house	Total families
Bar	0	0	18	0	18
Berane	0	0	28	0	28
Herceg Novi	1	0	52	1	54
Kolasin	0	10	12	0	22
Niksic	0	0	79	0	79
Plav	0	0	10	0	10
Podgorica	0	0	87	0	87
Rozaje	0	0	3	0	3
Tivat	0	0	16	0	16
Ulcinj	0	0	3	0	3
Total	1	10	308	1	320

1.9. Breakdown by family size and accommodation size

No of Fam members	Studio	1 room	1.5 rooms	2 rooms	3 rooms	5 rooms	No answer	Total families
1	9	8	0	1	0	0	0	18
2	18	29	3	5	0	0	0	55
3	15	49	4	7	0	0	1	76
4	17	53	8	18	0	1	0	97
5	9	16	6	14	0	0	0	45
6	4	6	3	4	0	0	0	17
7	1	0	2	3	0	0	0	6
9	0	0	0	0	1	0	0	1
10	0	1	1	1	0	0	0	3
12	0	1	0	0	0	0	0	1
15	0	1	0	0	0	0	0	1
Total	73	164	27	53	1	1	1	320

1.10. Breakdown by family size, accommodation size and municipality

Municipality	No of Fam members	Studio	1 room	1.5 rooms	2 rooms	3 rooms	5 rooms	N/A	Total	Total families
Bar	1	2	0	0	0	0	0	0	2	18
	2	2	2	0	0	0	0	0	4	
	3	1	1	1	0	0	0	0	3	
	4	2	3	0	0	0	1	0	6	
	6	2	1	0	0	0	0	0	3	
Berane	1	1	0	0	0	0	0	0	1	28
	2	2	4	0	0	0	0	0	6	
	3	1	3	0	0	0	0	0	4	
	4	3	8	0	0	0	0	0	11	
	5	2	2	0	0	0	0	0	4	
	6	1	1	0	0	0	0	0	2	
Herceg Novi	2	5	1	1	1	0	0	0	8	54
	3	5	6	0	3	0	0	0	14	
	4	1	7	2	4	0	0	0	14	
	5	4	2	1	6	0	0	0	13	
	6	0	1	2	1	0	0	0	4	
	10	0	1	0	0	0	0	0	1	
Kolasin	1	0	2	0	1	0	0	0	3	22
	2	1	2	0	1	0	0	0	4	
	3	0	6	0	0	0	0	0	6	
	4	0	5	0	1	0	0	0	6	
	5	1	1	0	0	0	0	0	2	
	6	0	1	0	0	0	0	0	1	
Niksic	1	3	2	0	0	0	0	0	5	79
	2	2	4	2	1	0	0	0	9	
	3	2	17	3	1	0	0	0	23	
	4	2	13	6	3	0	0	0	24	
	5	0	3	5	3	0	0	0	11	
	6	0	0	1	0	0	0	0	1	
	7	0	0	2	0	0	0	0	2	

	9	0	0	0	0	1	0	0	1	
	10	0	0	1	1	0	0	0	2	
	12	0	1	0	0	0	0	0	1	
Plav	1	2	0	0	0	0	0	0	2	10
	2	3	0	0	0	0	0	0	3	
	3	2	1	0	0	0	0	0	3	
	4	2	0	0	0	0	0	0	2	
Podgorica	1	1	3	0	0	0	0	0	4	87
	2	3	12	0	2	0	0	0	17	
	3	4	9	0	3	0	0	1	17	
	4	7	11	0	10	0	0	0	28	
	5	2	5	0	5	0	0	0	12	
	6	0	2	0	2	0	0	0	4	
	7	1	0	0	3	0	0	0	4	
	15	0	1	0	0	0	0	0	1	
Rozaje	2	0	1	0	0	0	0	0	1	3
	5	0	1	0	0	0	0	0	1	
	6	1	0	0	0	0	0	0	1	
Tivat	2	0	2	0	0	0	0	0	2	16
	3	0	5	0	0	0	0	0	5	
	4	0	6	0	0	0	0	0	6	
	5	0	2	0	0	0	0	0	2	
	6	0	0	0	1	0	0	0	1	
Ulcinj	1	0	1	0	0	0	0	0	1	3
	2	0	1	0	0	0	0	0	1	
	3	0	1	0	0	0	0	0	1	
Total		73	164	27	53	1	1	1	320	320

1.11. Breakdown by access to sanitation - per family

Address	Bathroom inside of accommodation	Common bathroom	No bathroom
Balabanda	3	0	0
Bandzovo Brdo	3	0	0
Baosici	15	10	0
Dumidran	16	0	0
Evropska kuca	11	0	0
Gusinja, Vruja	7	3	0
Humci	66	1	0
KC Trudbenik	0	1	0
Kumbor	1	0	0
MUP barake	1	1	0
Njemacka kuca	2	0	0
Njemacka kuca, Zagoric	15	0	0
NKC zlatibor	1	0	0
Radnicka Meljine	28	0	0
Rudes	22	3	0
Safari Kamp	0	0	1
Smailagica Polje	20	0	0
Sokolana	1	16	0
Vrela Ribnicka	33	39	0
Total	245	74	1

1.12. Breakdown by accommodation standards - per family

Address	No electrical installation	Sub-standard accommodation	Leaking roof	Humidity in accommodation
Balabanda	0	1	0	0
Bandzovo Brdo	0	0	3	3
Baosici	0	24	19	13
Dumidran	0	0	4	5
Evropska kuca	0	0	0	0
Gusinje, Vruja	0	0	2	2
Humci	0	3	4	7
KC Trudbenik	0	0	1	1
Kumbor	0	1	0	0
MUP barake	0	0	0	1
Njemacka kuca	0	0	0	1
Njemacka kuca, Zagoric	0	0	0	0
NKC zlatibor	0	0	0	0
Radnicka Meljine	0	1	0	3
Rudes	0	1	14	18
Safari Kamp	1	1	1	1
Smailagica Polje	0	0	7	9
Sokolana	0	17	17	17
Vrela Ribnicka	0	6	8	16
Total	1	55	80	97

1.13. Breakdown by type of income

Address	Per family				Per persons					
	No income	No answer	Other	Social assistance (for material hardship)	Child allowance	Social assistance (for disability)	Pension	Salary	Occasional jobs	Scholarship
Balabanda	0	0	0	0	0	0	0	1	2	0
Bandzovo Brdo	0	0	0	0	0	1	1	1	1	0
Baosici	0	0	0	0	0	0	12	6	8	0
Dumidran	0	0	0	0	0	0	4	8	5	1
Evropska kuca	1	0	0	4	0	0	4	2	1	0
Gusinje, Vruja	0	0	0	0	0	4	4	1	2	0
Humci	5	1	0	6	0	0	24	22	13	0
KC Trudbenik	0	0	0	0	0	0	1	0	0	0
Kumbor	0	0	0	0	0	0	1	0	0	0
MUP barake	0	0	0	1	0	0	0	0	2	0
Njemacka kuca	1	0	0	0	1	0	1	0	1	0
Njemacka kuca, Zagoric	0	0	0	2	0	0	4	7	7	0
NKC zlatibor	0	0	0	1	0	0	0	0	0	0
Radnicka Meljine	0	1	1	0	0	0	11	10	9	0
Rudes	1	0	0	1	0	0	13	3	8	0
Safari Kamp	0	0	0	1	0	0	0	0	1	0

Smailagica Polje	10	0	0	3	1	1	9	7	11	0
Sokolana	0	0	2	1	0	0	0	4	12	0
Vrela Ribnicka	5	0	0	0	0	0	32	25	24	0
Total	23	2	3	20	2	6	121	97	107	1

1.14. Breakdown by number of incomes in a family

Address	1	2	3	Total families
Balabanda	3	0	0	3
Bandzovo Brdo	2	1	0	3
Baosici	24	1	0	25
Dumidran	14	2	0	16
Evropska kuca	9	1	0	10
Gusinje, Vruja	9	1	0	10
Humci	47	9	0	56
KC Trudbenik	1	0	0	1
Kumbor	1	0	0	1
MUP barake	1	1	0	2
Njemacka kuca	1	1	0	2
Njemacka kuca, Zagoric	10	5	0	15
NKC zlatibor	1	0	0	1
Radnicka Meljine	23	4	0	27
Rudes	21	2	0	23
Safari Kamp	0	1	0	1
Smailagica Polje	9	10	1	20
Sokolana	15	2	0	17
Vrela Ribnicka	55	13	0	68
Total	246	54	1	301

1.15. Breakdown by disability

Address	Yes	No	Total persons
Balabanda	0	12	12
Bandzovo Brdo	1	12	13
Baosici	4	89	93
Dumidran	3	56	59
Evropska kuca	10	17	27
Gusinje, Vruja	2	23	25
Humci	28	247	275
KC Trudbenik	1	1	2
Kumbor	0	5	5
MUP barake	0	3	3
Njemacka kuca	0	7	7
Njemacka kuca, Zagoric	5	56	61
NKC zlatibor	0	2	2
Radnicka Meljine	8	107	115
Rudes	4	85	89
Safari Kamp	0	3	3
Smailagica Polje	2	60	62
Sokolana	7	52	59
Vrela Ribnicka	13	254	267
Total	88	1091	1179

1.16. Breakdown by types of medical problems

Address	Kidney disease	Bones disease	Skin disease	Respiratory system diseases	Digestive system diseases	Heart diseases	Glands diseases	Malignant diseases	Other	Neuro-logical disease	Psychi-atric disease	Total persons
Balabanda	0	0	0	0	0	1	1	0	1	0	0	3
Bandzovo Brdo	0	1	0	0	0	0	0	0	0	1	0	2
Baosici	3	5	0	2	2	9	2	3	3	2	1	32
Dumidran	0	1	0	0	0	2	1	0	3	0	0	7
Evropska kuca	0	1	0	1	0	4	3	1	1	0	2	13
Gusinje, Vruja	1	2	0	0	0	1	1	0	0	0	1	6
Humci	1	11	0	3	5	13	4	1	7	8	1	54
KC Trudbenik	0	0	0	0	0	1	0	0	0	0	0	1
Kumbor	0	1	0	0	0	0	0	0	0	0	0	1
MUP barake	0	0	0	0	0	0	0	0	1	0	0	1
Njemacka kuca, Zagoric	0	1	1	0	1	3	1	0	1	0	2	10
NKC zlatibor	0	0	0	0	0	0	0	0	1	0	0	1
Radnicka Meljine	1	0	1	0	0	5	3	2	4	1	2	19
Rudes	0	6	0	0	1	9	2	3	3	1	1	26
Safari Kamp	0	0	0	0	0	2	0	0	0	0	0	2
Smailagica Polje	0	2	0	0	0	5	2	0	1	0	6	16
Sokolana	0	0	0	0	1	2	0	0	3	1	0	7
Vrela Ribnicka	0	7	0	3	4	31	11	4	3	5	4	72
Total	6	38	2	9	14	88	31	14	32	19	20	273

1.17. Breakdown by personal documents that persons have stated they need assistance in obtaining (necessary for the status of foreigner with permanent residence)

Address	Personal documents needed from country of origin				Personal documents needed in Montenegro				
	Birth certificate	Citizenship certificate	ID card	Passport	IDP card	DP card	Foreigner ID card	Montenegrin ID card	Other
Bandzovo Brdo	8	6	0	0	0	0	6	2	4
Baosici	2	2	16	15	0	0	46	7	0
Dumidran	9	9	7	7	5	0	21	0	0
Evropska kuca	5	5	5	5	0	0	4	0	0
Gusinje, Vruja	13	13	10	15	0	0	11	0	0
Humci	80	81	1	1	0	0	4	0	0
KC Trudbenik	0	0	0	0	0	0	2	0	0
Kumbor	0	0	3	3	0	0	3	0	0
MUP barake	1	1	2	2	3	0	0	0	0
Njemacka kuca	6	6	0	0	0	0	0	0	0
Njemacka kuca, Zagoric	3	7	3	6	0	1	32	23	0
NKC zlatibor	2	2	0	0	0	0	0	0	0
Radnicka Meljine	14	14	5	9	0	0	20	3	1
Rudes	24	26	20	24	10	15	20	23	1
Safari Kamp	0	0	3	3	3	0	0	0	0
Smailagica Polje	11	11	4	4	0	0	1	0	0
Sokolana	21	21	19	24	0	7	28	3	0
Vrela ribnicka	57	56	27	31	0	0	86	58	0
Total	256	260	125	149	21	23	284	119	6

1.18. Breakdown by personal documents in possession (obtained) - per persons

Address	Personal documents obtained in country of origin				Personal documents obtained in Montenegro				
	Birth certificate	Citizenship certificate	ID card	Passport	IDP card	DP card	Foreigner ID	Montenegrin ID card	None Declared
Balabanda	3	3	2	1	0	3	0	5	1
Bandzovo Brdo	4	0	2	0	0	3	0	1	5
Baosici	1	2	43	41	0	59	7	12	14
Dumidran	1	0	29	22	0	44	1	6	5
Evropska kuca	4	5	8	3	0	11	0	4	7
Gusinje, Vruja	3	2	6	3	0	19	0	1	4
Humci	109	82	94	63	31	138	18	61	30
KC Trudbenik	0	0	2	2	0	0	0	0	0
Kumbor	0	0	0	0	0	2	0	0	3
MUP barake	3	3	0	0	3	0	0	0	0
Njemacka kuca	6	5	3	1	5	1	0	1	0
Njemacka kuca, Zagoric	24	20	29	32	2	25	6	22	3
NKC zlatibor	2	2	1	0	0	2	0	0	0
Radnicka Meljine	1	0	32	16	2	88	0	16	5
Rudes	5	5	14	8	0	35	3	29	15
Safari Kamp	3	3	0	0	0	3	0	0	0
Smailagica Polje	36	31	15	14	3	36	1	19	3
Sokolana	19	17	18	18	6	23	2	1	19
Vrela Ribnicka	45	46	87	65	9	129	18	77	27
Total	266	223	383	288	61	618	56	250	140

2. Private accommodation

2.1. Breakdown by gender

Municipality	Male	Female	Total persons
Bar	19	20	39
Danilovgrad	1	0	1
Herceg Novi	1	1	2
Niksic	7	5	12
Podgorica	2	3	5
Total	30	29	59

2.2. Female headed households

Municipality	Female Head of Household
Bar	2
Danilovgrad	0
Herceg Novi	0
Niksic	1
Podgorica	1
Total	4

2.3. Heads of household over 60 years old

Municipality	Male	Female
Herceg Novi	1	0
Niksic	3	0
Podgorica	1	0
Total	5	0

2.4. Breakdown by age

Municipality	C: 7-14	D: 14-18	E: 18-60	F: 60 and over	Total persons
Bar	4	4	29	2	39
Danilovgrad	0	0	1	0	1
Herceg Novi	0	0	1	1	2
Niksic	0	0	5	7	12
Podgorica	0	0	3	2	5
Total	4	4	39	12	59

2.5 Breakdown by country of birth

Municipality	BH	Montenegro	Croatia	Germany	Serbia/ Kosovo	Total persons
Bar	22	0	9	4	4	39
Danilovgrad	0	0	1	0	0	1
Herceg Novi	2	0	0	0	0	2
Niksic	12	0	0	0	0	12
Podgorica	2	2	0	0	1	5
Total	38	2	10	4	5	59

2.6. Breakdown by type of accommodation

Municipality	At parents/relatives/friends	Rented house/apartment	Owner of the house/apartment	Total families
Bar	1	2	7	10
Danilovgrad	1	0	0	1
Herceg Novi	0	0	1	1
Niksic	2	0	3	5
Podgorica	1	2	0	3
Total	5	4	11	20

2.7. Breakdown by family size and accommodation size

No of Fam members	Studio	1 room	2 rooms	3 rooms	No answer	Total families
1	1	2	1	0	0	4
2	2	1	1	0	1	5
3	0	0	2	0	1	3
4	0	2	3	1	0	6
6	0	1	0	1	0	2
Total	3	6	7	2	2	20

2.8. Breakdown by family size, accommodation size and municipality

Municipality	No of Fam members	Studio	1 room apartment	2 rooms apartment	3 rooms apartment	No answer	Total	Total families
Bar	1	1	0	0	0	0	1	10
	3	0	0	1	0	1	2	
	4	0	2	2	1	0	5	
	6	0	1	0	1	0	2	
Danilovgrad	1	0	1	0	0	0	1	1
Herceg Novi	2	0	0	0	0	1	1	1
Niksic	1	0	1	0	0	0	1	5
	2	1	1	0	0	0	2	
	3	0	0	1	0	0	1	
	4	0	0	1	0	0	1	
Podgorica	1	0	0	1	0	0	1	3
	2	1	0	1	0	0	2	
Total		3	6	7	2	2	20	20

2.9. Breakdown by access to sanitation - per family

Municipality	Bathroom inside accommodation	Common bathroom
Bar	10	0
Danilovgrad	1	0
Herceg Novi	1	0
Niksic	4	1
Podgorica	0	3
Total	16	4

2.10. Breakdown by accommodation standards - per family

Municipality	No electrical installation	Sub-standard accommodation	Leaking roof	Humidity in accommodation
Bar	1	1	2	1
Danilovgrad	0	0	1	1
Herceg Novi	0	0	0	0
Niksic	0	2	2	3
Podgorica	0	3	3	3
Total	1	6	8	8

2.11. Breakdown by type of income

Municipality	Per family	Per persons			
	Social welfare assistance (for material hardship)	Pension	Salary	Income in agriculture	Occasional jobs
Bar	4	3	1	1	6
Danilovgrad	1	0	0	0	0
Herceg Novi	0	1	0	0	0
Niksic	2	3	0	0	0
Podgorica	2	1	0	1	1
Total	9	8	1	2	7

2.12. Breakdown by number of incomes in a family

Municipality	1	2	3	Total families
Bar	5	5	0	10
Danilovgrad	1	0	0	1
Herceg Novi	1	0	0	1
Niksic	5	0	0	5
Podgorica	2	0	1	3
Total	14	5	1	20

2.13. Breakdown by types of medical problems

Opstina	Kidney disease	Bones disease	Respiratory system diseases	Digestive system diseases	Heart disease	Gland disease	Neurological disease	Psychiatric disease	Total persons
Bar	1	0	1	1	3	2	0	1	9
Danilovgrad	0	0	0	0	0	0	0	1	1
Herceg Novi	0	0	0	0	0	0	1	0	1
Niksic	0	0	2	1	3	0	0	3	9
Podgorica	0	3	1	0	0	1	0	0	5
Total	1	3	4	2	6	3	1	5	25

2.14. Breakdown by disability

Municipality	Yes	No	Total persons
Bar	0	39	39
Danilovgrad	1	0	1
Herceg Novi	1	1	2
Niksic	9	3	12
Podgorica	0	5	5
Total	11	48	59

2.15. Breakdown by personal documents that persons have stated they need assistance in obtaining (necessary for the status of foreigner with permanent residence)

Municipality	Personal documents needed from country of origin				Personal documents needed in Montenegro		
	Birth certificate	Citizenship certificate	ID card	Passport	DP card	Foreigner ID card	Montenegrin ID Card
Bar	17	27	9	9	1	4	1
Danilovgrad	1	0	1	1	0	1	0
Herceg Novi	2	2	2	0	0	2	0
Niksic	4	4	7	8	0	9	0
Podgorica	2	2	2	3	0	4	0
Total	26	35	21	21	1	20	1

2.16. Breakdown by personal documents in possession (obtained) - per persons

Municipality	Personal documents obtained in country of origin				Personal doc. obtained in Montenegro			
	Birth certificate	Citizenship certificate	ID card	Passport	DP card	Foreigner card	Montenegrin ID Card	None Declared
Bar	24	19	18	15	25	2	0	2
Danilovgrad	0	1	0	0	1	0	0	0
Herceg Novi	0	0	0	0	2	0	0	0
Niksic	2	2	4	1	8	0	2	1
Podgorica	1	1	3	0	3	0	2	0
Total	27	23	25	16	39	2	4	3

3. Breakdown by personal documents from country of origin, that persons in collective settlements and private accommodation have stated they need assistance in obtaining (necessary for the status of foreigner with permanent residence)

Country of Origin	Birth certificate	Citizenship certificate	ID card	Passport
BiH	234	243	151	186
Croatia	59	67	56	72
Serbia/Kosovo	5	5	6	9
Total	298	315	213	267

4. Persons with Montenegrin ID card – breakdown by personal documents the family members possess

Family identification number	Personal doc. from Country of Origin				Personal doc. from Montenegro			
	Birth certificate	Citizenship certificate	ID card	Passport	IDP card	DP card	Foreigner ID card	Montenegrin ID card
FI-11001	0	0	2	0	0	2	0	1
FI-11003	0	0	2	1	0	2	0	1
FI-11005	0	0	0	0	0	0	0	5
FI-11008	0	0	2	0	0	2	0	5
FI-11009	0	0	0	0	0	1	0	3
FI-11010	0	0	1	1	0	0	0	4
FI-11011	0	0	2	0	0	0	0	1
FI-11014	6	6	6	0	0	6	0	1
FI-11016	4	3	0	0	0	3	0	2
FI-11018	0	0	0	0	0	1	0	1
FI-11019	1	1	1	1	0	1	0	2
FI-11020	2	2	0	0	0	2	0	1
FI-11021	1	0	0	0	0	0	0	3
FI-11022	3	3	1	0	0	3	0	1
FI-11025	2	2	0	0	0	1	0	1
FI-12003	1	1	1	0	0	4	0	1
FI-12004	0	0	0	0	0	0	0	3
FI-12005	1	0	0	1	0	1	0	3
FI-12007	0	0	0	0	0	0	0	2
FI-12010	0	0	1	1	0	3	0	1
FI-12012	0	0	0	0	0	0	0	2
FI-12015	1	1	1	1	2	2	3	2
FI-13001	2	3	0	0	0	1	0	1
FI-13004	7	7	1	0	0	1	0	4
FI-13005	0	0	0	0	0	1	0	4
FI-13006	3	3	0	0	0	0	0	3
FI-13009	0	0	2	0	0	5	0	1
FI-13017	0	0	0	0	0	2	0	1
FI-13020	10	10	0	0	0	2	0	8

FI-14002	3	1	1	1	0	4	1	2
FI-14005	0	0	0	0	0	1	0	1
FI-14006	0	0	0	1	0	1	1	1
FI-14008	0	0	0	0	0	1	0	1
FI-14019	3	3	2	1	0	3	0	1
FI-14020	2	2	2	2	0	3	0	2
FI-14021	0	0	0	0	0	1	0	2
FI-14025	2	0	0	0	0	0	0	3
FI-20006	0	1	2	2	0	0	0	2
FI-20007	0	0	3	3	0	1	0	2
FI-20009	0	0	0	0	0	0	0	4
FI-20010	0	0	2	2	0	1	0	1
FI-20013	0	0	0	0	0	2	3	2
FI-20023	0	0	0	0	0	2	0	1
FI-20028	0	0	0	0	0	2	0	2
FI-20034	0	0	1	0	0	1	0	3
FI-2006	0	0	2	2	0	0	0	1
FI-2008	0	0	2	0	0	0	0	2
FI-2009	0	0	2	1	0	1	0	1
FI-2010	0	0	0	0	0	2	0	2
FI-2011	0	0	0	0	0	2	0	2
FI-2012	5	4	0	0	0	1	0	2
FI-2013	4	0	0	0	0	1	0	4
FI-2015	1	1	1	1	0	0	0	6
FI-2016	0	0	0	0	0	3	0	2
FI-2020	0	0	0	0	0	1	0	2
FI-2024	1	0	2	2	2	0	0	1
FI-2026	0	0	0	0	0	0	0	2
FI-2027	3	0	0	3	0	0	0	1
FI-2030	1	1	1	1	0	0	0	3
FI-22011	3	0	0	0	0	3	0	1
FI-22018	0	0	0	0	0	1	0	2
FI-22019	0	0	0	0	0	0	1	1
FI-22022	0	0	0	0	0	3	0	1

FI-22023	0	0	0	0	0	2	0	3
FI-22024	0	0	0	0	0	0	0	2
FI-22025	1	1	1	1	0	2	0	2
FI-22026	0	0	0	0	0	1	0	3
FI-22030	0	0	0	0	0	2	0	1
FI-22031	0	0	1	0	0	1	0	1
FI-22032	0	0	0	0	0	0	0	2
FI-22033	0	0	0	0	0	0	0	3
FI-22036	0	0	0	0	0	0	0	3
FI-22038	0	0	0	0	0	4	0	2
FI-22040	0	0	0	0	0	0	0	2
FI-22042	0	0	0	0	0	2	0	1
FI-22043	0	0	2	1	0	3	0	1
FI-22044	1	1	0	0	0	0	0	3
FI-22045	2	2	0	0	0	0	0	1
FI-22054	0	0	0	0	0	1	0	1
FI-22057	0	0	1	0	0	1	0	1
FI-3002	1	1	0	0	0	0	0	3
FI-3003	0	0	0	0	0	1	0	3
FI-3004	0	0	0	0	0	0	0	2
FI-3006	0	0	0	0	0	2	0	2
FI-3007	0	0	0	0	0	1	0	1
FI-3009	0	0	1	1	0	0	1	1
FI-3010	0	0	1	0	0	1	0	2
FI-3011	0	0	1	1	0	1	0	1
FI-3013	0	0	0	1	0	2	0	1
FI-3015	0	0	0	0	0	1	0	2
FI-3017	0	0	2	0	0	2	0	2
FI-3019	0	0	0	0	0	2	0	1
FI-3020	0	0	0	1	0	2	0	2
FI-3023	0	0	0	0	0	0	0	2
FI-3029	0	0	0	0	0	3	0	1
FI-3030	0	0	0	0	0	0	0	3
FI-3034	0	0	0	0	0	3	0	1

FI-3035	0	0	0	0	0	0	0	1
FI-3038	0	0	0	0	0	0	0	1
FI-3045	0	0	0	0	0	0	0	6
FI-40001	0	0	2	1	0	4	0	1
FI-40002	0	0	0	0	0	0	0	4
FI-40007	0	0	2	2	0	3	0	1
FI-40010	0	0	0	0	0	2	0	1
FI-41004	0	0	0	0	0	2	0	1
FI-41007	0	0	0	0	0	0	0	4
FI-42001	1	0	0	0	0	2	0	1
FI-42003	0	0	1	0	0	4	0	1
FI-42005	0	0	3	1	0	3	0	1
FI-42006	0	0	0	0	0	5	0	1
FI-50001	1	1	2	0	0	1	0	1
FI-50002	0	0	1	0	0	1	0	1
FI-51002	0	0	1	0	0	0	0	2
FI-55002	0	0	2	0	0	2	0	1
FI-6004	0	0	0	0	0	0	0	5
FI-6005	0	0	0	0	0	1	0	3
FI-6007	0	0	0	0	0	2	0	2
FI-6008	0	0	0	0	0	0	0	2
FI-6009	0	0	0	0	0	2	0	2
FI-6010	0	0	1	1	0	2	0	1
FI-6011	0	0	0	0	0	3	0	1
FI-6017	0	0	1	0	0	1	0	1
FI-6019	6	6	6	6	0	0	0	6
FI-8001	0	0	0	0	0	3	0	1
FI-8004	1	1	1	1	0	0	0	1
FI-9001	1	0	0	0	0	1	0	1
Total	87	68	79	46	4	171	10	251