



**GRADANSKA
ALIJANSA**

Civic Alliance - Aleanca Qytetare



**18 YEARS OF INDEPENDENCE – GAZING AHEAD
ROADMAPS TO EU PROGRESS**

Title of the publication:

18 Years of Independence – Gazing Ahead
Roadmaps to EU Progress

Publisher:



Editor:

Amina Murić

Proofreading:

Amina Murić

For the publisher:

Milan Radović

Authors:

Predrag Zenovic
Fatmir Gjeka
Siniša Bjeković
Ivana Jelić
Valentina Pavlicic
Aleksandar Dragičević
Tamara Vujović
Janez Kopač
Zoran Rakočević
Aleksandar Đurišić
Edin Smailović
Dušan Simonović
Mirjana Volkov

Translation:

Jelena Ristović
Aleksandra Milićević
Kamal Mouhsen

Design and layout:






Studio Fler

Print:

AP Print, Podgorica

Number of copies:

100

-  Petra Dedića 26,
Građanska kuća,
Podgorica
-  +382 20 513 687
-  office@gamn.org
-  www.gamn.org
-  GradjanskaAlijansaCG
-  GACrnaGora
-  gradjanskaalijansa

Citation and use of information from this publication in non-profit publications or citizens' public information media, as well as use for other non-commercial purposes, is permitted, with mandatory citation of the source and owner of the copyright. Use of the material for any other purpose is not permitted without the prior approval of the Civic Alliance. Certain images in the publication are taken from the Internet in accordance with the "Creative Commons license". The terms used in this publication for natural persons in the male gender imply the terms in the female gender. Civic Alliance is not responsible for parts of the publication taken from external sources. The views expressed in the author's texts do not necessarily express the views of the Civic Alliance.

CIP - Каталогизација у публикацији
Национална библиотека Црне Горе, Цетиње

ISBN 978-9940-741-25-9
COBISS.CG-ID 29371396

CONTENT

INTRODUCTION	5
The progress of Montenegro towards the EU - a journey through reforms and perspectives	7
Minority rights and challenges on the road to the EU	11
Protection of Vulnerable Groups on Montenegro's Path to EU Membership.....	16
On the European Convention on Human Rights, the Significance of Implementing Judgments of the European Court of Human Rights and the Rule of Law	23
Creating a better judicial framework for the preservation of human rights	30
Green Vision.....	35
Freedom of the media and new technologies - - How to ensure a healthy media environment?	42
The prices of carbon dioxide emissions are becoming a reality in the Western Balkans – – will countries pay the EU or rather raise funds in their own budgets?.....	48
Art as a means of social change: Simulacrum in the limbo of change	54
Analysis of Montenegro's progress towards EU membership: Perspective from the Bar Association.....	60
Seeking the truth in memories.....	67
Montenegro's journey towards European integration through sports	73
Protection of personal data and the age of technological expansion	78





INTRODUCTION



Dear citizens,

In a year that marks 18 years since the restoration of independence and 12 years since the start of negotiations on membership in the European Union, Montenegro faces new challenges and opportunities that require a visionary approach and determination to achieve the goals that lie ahead. Thanks to the geopolitical opportunities and the fulfillment of several important steps by Montenegro, the European Union is opening its doors to us like never before, and this is an opportunity that should not be missed. While we celebrate the achievements and progress we have made as a society and while we are one step closer to receiving IBAR, we simultaneously look back at the road ahead and ask the question: How to proceed?

In this publication, we have gathered different authors from relevant fields, who provide us with answers from their fields and expertise. They offered their perspectives and analyses on the state of Montenegro nowadays, but also provided concrete proposals for improvement in various segments of society. Through their texts, we explore different aspects of our reality, from progress towards membership in the European Union to the protection of human rights, from challenges in the judiciary to the role of media and technology in modern society.

Each author brings a unique angle and expertise in the analysis of the situation, but also inspiration for future steps, and we thank them for understanding the importance of this mission of ours and participating with extremely high-quality texts. The publication is not only a review of the current situation, but also a call to action. It represents our commitment to contribute to the improvement of the entire situation in Montenegro, as well as to the acceleration of the road to the European Union.

Through this publication, we hope to stimulate thinking and open space for debate about how we can together build a better and more prosperous future for all citizens of Montenegro. May it serve as inspiration and guidance in our efforts towards progress and development, because only together can we create a better future for all of us.

Happy Independence Day!

Civil Alliance Team



The progress of Montenegro towards the EU – – a journey through reforms and perspectives

Dr. Predrag Zenović

Chief negotiator of Montenegro with the European Union

Gazing at the European future, the countries of the Western Balkans have passed a long way and a very complex period of transformation, especially in the direction of constant adaptation to the legal system of the European Union, and thus harmonization with European standards and adoption of values. Speaking about the future of the European project, the enlargement process, as one of the most successful policies of the EU, actually represents the essence of Europe, and therefore the question of the success of this policy is undeniably linked to the further fate of the countries of the Western Balkans.

Throughout that journey, the perspective of the EU membership was a clear roadmap for reforms within countries and regional cooperation. Namely, the path to membership in the EU is essentially focused on harmonizing the needs and movements of the entire society in a certain country, cooperation, agreements and negotiations that finally lead to the application of all the rules that were agreed upon along the way. From the very beginning of that journey, we know that the rules for Montenegro were significantly different, more complex and demanding, and the procedures more complicated. Namely, as the first candidate country that negotiated in accordance with *the New Approach in negotiations*, and as the country that in May 2020 accepted *the New Enlargement Methodology*, which states that “no chapter will be temporarily closed until the temporary benchmarks in chapters 23 and 24 are met”, Montenegro has been preparing for the European reality for many years, and the challenges that the small Montenegrin administration saw within the negotiation process are not negligible. Nevertheless, aware of the journey we have made, the effort we have put in and some kind of setbacks, but also wandering, the fact that we feel new energy in the Enlargement Policy and the possibility to evaluate all the results we have achieved with clear guidelines for the end of the road is a special pleasure. In other words, the results we achieve prove that we are up to that demanding task and we are really at a moment when we have the opportunity to be very close to the European family.

Before all of that, we must always remind ourselves that Montenegro is the missing part of the European mosaic and it shows this in the long term, in terms of values, because it is dedicated to peace, solidarity and democracy on the one hand, while, in its essence, it was created through anti-fascist tradition and multiethnic harmony on the other side. Secondly, Montenegro, as the first candidate country with all open chapters, as a country that consistently aligns itself with the Common and Security Policy of the EU from the very beginning of the process, and as a voice for the good neighborly policy and regional cooperation, remains an encouraging example to its neighbors, reminding that the enlargement policy is a safe harbor for this part of Europe. And most importantly, the majority of Montenegrin citizens wants it and feels that they belong to European civilization.

Taking all this into account, it is really the moment when we should look at ourselves, evaluate what we have done so far, what were the biggest obstacles in the process and draw a precise path along which we want to continue to reach our goal. Bearing in mind the exceptional efforts of the Montenegrin administration invested in this process during a number of years of negotiations, particularly encouraging messages came from the European partners at the right moment when Montenegro also showed that it is ready to initiate new energy in this process and wishes that the next period be decisive in terms of European integration. We are aware that there is a lot of work ahead of us, but Montenegro's direction towards fostering democracy and strengthening all aspects of the rule of law is unquestionable, in parallel with other important tasks on the European agenda. From the very beginning of the opening of negotiations in chapters 23 and 24 in December 2023, Montenegro has gone through significant and measurable reform processes in terms of strengthening the rule of law in all areas, especially in the judiciary, fundamental rights, prevention of corruption, the fight against organized crime and corruption, as well as in terms of migration, visa policy, asylum and external borders. Observing from the interim benchmarks in these chapters, we have made clear progress in all 83 interim benchmarks and are well prepared for the final benchmarks we expect in June 2024. Extensive legislative reforms have been implemented in all areas under Chapters 23 and 24, reformed judicial system, a new legal framework for the fight against corruption and organized crime was created, the system for the protection of human rights and freedoms is being continuously improved, and the legislative framework in the field of migration and asylum is harmonized to the greatest extent with the EU acquis. The institutional framework in this area was significantly strengthened, by strengthening existing administrative capacities and establishing new institutions, primarily the Special State Prosecutor's Office and the Agency for the Prevention of Corruption, the Special Police Department, the

Judicial Training Center and the State Prosecutor's Office, the Office for Asset Recovery in the Police Directorate and the Center for Asylum Seekers and the Reception Center for Foreigners. Based on the estimates of the European Commission, we can be satisfied with the initial balance of the results achieved in investigations, criminal prosecutions and final convictions in high-level corruption cases, as well as in the field of financial investigations and temporary confiscation of property. The initial balance of results in investigations in the field of combating human trafficking was consolidated, and the initial balance of results in the area of money laundering was further developed.

All the while working on rounding off obligations from other chapters of the legal acquis, we work tirelessly on rethinking activities and road maps for fulfilling other final benchmarks. Certainly, the focus on the implementation of policies is both a challenge and a task, but also a path to the further development of a stimulating environment for the development of Montenegrin society. In the direction of addressing key obligations in the coming period, **the EU Accession Program of Montenegro 2024-2027** gives a concrete plan of next steps and medium-term plans, which within the framework of 33 chapter negotiators includes about 714 plans, i.e. 158 strategic and 556 legislative activities. In that strategic document, it is clear that Montenegro is determined to complete most of the work in the next year and a half, and 335 obligations are planned in 2024 and 228 in 2025.

Finally, all these and many other results in the 12th year of negotiations for Montenegro's EU membership, as well as the determination we have revealed, clearly show that we have the possibility to enter the final phase of negotiations. For this, above all, the synergy of all important actors of Montenegrin society is essential, which, in addition to the executive, legislative and judicial authorities, also includes civil society organizations and the media. By maintaining an approach in which the rule of law retains a central role in the EU rapprochement process even after obtaining the final benchmarks, we show that we are aware that the construction of a modern and economically prosperous society goes hand in hand with democratic development. We are aware of the many challenges that lie ahead of us and we will try to address them in cooperation and in a constructive relationship with all actors in society and our European partners. At the same time, we must keep in mind that accession to the Union is a two-way process, and we will strive to make this historical aspiration of Montenegro a reality as soon as possible.



Dr Predrag Zenović (1986) is a political science professor and researcher at the Humanities Studies of the University of Donja Gorica in Podgorica (Montenegro). He graduated from the Faculty of Political Sciences of the University of Belgrade, and received his master's degree in international law and human rights from the Faculty of Law in Riga (Riga Graduate School of Law). After completing his doctoral studies (Erasmusmundus, EU) in the field of political theory and European studies at LUISS (Libera Università Internazionale degli Studi Sociali Guido Carli, Italy) and the University of Geneva (Université de Genève, Switzerland), he was a fellow in the postdoctoral program New Europe College in Bucharest (Romania) with a project on citizenship and constitutional identity that included a study visit to the Wissenschaftskolleg in Berlin (Germany). He is the winner of the prestigious Fulbright Fellowship for 2020/2021 for a research project in the field of feminist political theory at the The New School for Social Research, United States of America. He is the author of two books in the field of political theory and over thirty academic papers in national and international scientific journals on citizenship, constitutionalism, identity, gender studies and other areas of normative political theory.

He is also employed at the Faculty of Legal Sciences and the Faculty of Culture and Tourism - study program of International Studies for Hotel Industry and Management - Vatel at the University of Donja Gorica.

Minority rights and challenges on the road to the EU

Fatmir Gjeka

Minister of Human and Minority Rights

As a civil state, Montenegro emphasizes its prominent degree of multicultural pluralism and is dedicated to the full respect of rights of minority population and other minority national communities.

Continuous commitment to improvement of the overall position of minorities has set Montenegro as an example for the countries of the region. At the same time, minorities and other minority national communities made a huge contribution to the restoration of Montenegro's independence and maximum support for the most important strategic decisions in the construction of modern Montenegro, democratization of the society, its Euro-Atlantic and European road, as well as the overall development of the country.

Through various initiatives, project ideas and programs, Montenegro works to promote the importance of mutual tolerance and coexistence, inter-ethnic dialogue, the specificity of national culture, history, as a country of rich cultural diversity. It is also developing towards a society that nurtures inclusion and respect for diversity in the full sense of the word.

In Montenegro, where the wealth of diversity lives, the civil concept of the state is inherited, the constitutional determination and adequate legal solutions are respected to guarantee minorities and all national communities special minority rights and freedoms.

The Constitution of Montenegro clearly defines the rights of national minorities, including freedom of expression, religious freedom, the right to education in the mother tongue and active participation in social life. The Constitution of Montenegro guarantees the basic principles for the development of further policies that empower national minorities. By

developing basic human rights, Montenegro strives to advance the principles of multi-national, multicultural and multi-religious tolerance, dialogue and respect into models of coexistence, solidarity and unity in diversity. The rights of minorities are regulated by the Law on Minority Rights and Freedoms from 2017, which provides a legal framework for the protection of human rights and freedoms guaranteed to all citizens, as well as the protection of special minority rights and freedoms that also guarantees the right to expression, preserving and developing, transmitting and public expression of national, ethnic, cultural, religious and linguistic identity, as part of their tradition.

This Law will soon be subject to amendments in order to harmonize it with the umbrella anti-discrimination Law on the Protection of Equality and the Prohibition of Discrimination and to further improve the protection of the rights of minorities. Montenegro regularly implements the National Minority Policy Strategy, which aims to strengthen inclusion, promote diversity and combat discrimination. A new five-year strategy is in the phase of developing. By fulfilling the goals outlined in this document, the living conditions of minority peoples and other minority national communities in Montenegro are improved and their better integration into Montenegrin society is enabled. Emphasis is placed on the preservation and promotion of their identity in the field of education, employment, minority culture and identity, political participation of minorities, and a set of specific measures aimed at raising the level of awareness of minorities and the general public about the status, rights and obligations of minorities.

In Montenegro, there are institutional mechanisms for the protection and improvement of the rights of minority peoples and other minority national communities. In addition to the Ministry of Human and Minority Rights, within which operates the Directorate for the Improvement and Protection of the Rights of Minority Peoples and other Minority National Communities, which primarily deals with the issue in question, then the Directorate for Interculturalism aiming to further affirm the multicultural values of Montenegro, the Fund for the Protection and Exercising of Minority rights, the Center for the Preservation and Development of Minority Culture, and councils of national minorities. For their smooth functioning, the Government of Montenegro strives to provide adequate financial resources.

Within its competences, the Ministry of Human and Minority Rights implements policies in the field of minority rights protection in regular communication with all relevant actors at the local and central level, the NGO sector, international partners, in order to contribute to their continuous improvement. Through the strengthening of cooperation with the

civil sector, we are working on fulfillment of joint strategic goals in the implementation of national policies. Since 2018, the Ministry has been allocating significant funds through public calls in priority areas, including the protection and promotion of minority rights, for the financing of non-governmental organizations whose focus is on minority rights. In 2023, EUR 350,000.00 was allocated, while EUR 450,000.00 was allocated for the implementation of projects of non-governmental organizations for this year.

The process of joining the European Union brings a number of challenges, especially in terms of minority rights. While the candidate countries are facing requirements for harmonizing the legal framework with European Union standards, issues of protection and promotion of the rights of minority peoples arise at the same time.

Minority rights and freedoms, as an integral part of human rights, are an important part of Montenegro's European agenda for full EU membership. Acknowledging this fact on the way to the full integration of the country in the society of democratic and developed countries, especially in the part of social stability, affirmation and overall security as a precondition for the progress and prosperity of a country, the protection and exercising of minority rights is of particular importance in everyday public, political and legal life of the country in all multinational and multicultural societies.

As in everything, there are current challenges in exercising the rights of national minorities. Language policies, which support the use of minority languages in educational institutions and administration, represent an important segment of national minority policies. This initiative is not only recognition of linguistic diversity, but also a step towards preserving and improving the identity of minority peoples. Some of these challenges include the lack of adequate implementation of policies at the local level, as well as the need to strengthen awareness of the importance of inclusion and respect for diversity in society. Accordingly, the government's continuous support to national minorities is still crucial and implies not only the strengthening of institutional mechanisms, but also the improvement of education and awareness among citizens about the importance of inclusion and respect for diversity.

What we will certainly pay more attention to is the work of the Council of National Minorities and its intensification, so that, in accordance with their competences, they are more strongly involved in conceiving and fulfilling the goals of minority policy. Also, among the

challenges, we recognize a greater dedication to achieving gender equality, especially in the part of stronger representation of female members of minorities in the political and public life of Montenegro. There is also a challenge in promoting tolerance and inter-ethnic dialogue within society. This requires continuous efforts in education and raising awareness of the importance of diversity and inclusion. A constructive dialogue between the authorities, minority communities and civil society is a key for creation of a sustainable environment that respects the rights of all citizens. Discrimination, hate speech are some of the negative phenomena that are on the rise. Montenegro will advocate for the further reduction of ethnic distance in Montenegro, as a country that respects and protects its minorities and as a country that wants to become a member of the European Union. In light of these standards, Montenegro, like all member and candidates countries for joining the EU, must continuously work on strengthening institutional mechanisms for the protection of minority rights and the promotion of tolerance in society. The adoption of effective laws and policies, education of the public about the importance of diversity and inclusion, as well as promoting dialogue and cooperation between all communities in Montenegro, is necessary to complete this process and to create an inclusive society in the legal sense of the word.

Policies related to national minorities in Montenegro represent an important step towards building an inclusive society that nurtures diversity and respects the rights of all citizens. Through the further development of political, institutional and educational measures, Montenegro can continue to be an example of successful multi-ethnic harmony and shared prosperity.





Fatmir Gjeka was born on April 17, 1975 in Bar. He is the Minister of Human Rights and Justice in the previous 43rd and current 44th Government of Montenegro. He graduated from the Faculty of Economics of the “Luigj Gurakuqi” University in Shkodër in 1997, and later post-graduate studies in the field of entrepreneurial economics at the Faculty of Economics of the University of Montenegro. In the period from 2002 to 2011, he was the Secretary of the Secretariat for Budget and Finance of the Municipality of Ulcinj. He was a member of the Commission for Local Self-Government Financing and President of this Commission for one term. At the Constituent Assembly of the Democratic Party, held on December 24, 2011, he was elected President of this party. As a representative of the Albanian coalition (Democratic Party, Albanian Alternative and Democratic Union in Montenegro), he was elected as MP in the Parliament of Montenegro, in the parliamentary elections held on October 14, 2012. As a MP, he was also the president of the Club of MPs of Albanian Parties, the Croatian Civic Initiative and the Liberal Party of Montenegro. Fatmir Gjeka was elected Mayor of Ulcinj on February 24, 2014, as a candidate of the coalition “Together for the Future of Ulcinj”, New Democratic Forces and Positive Montenegro. He held this position until March 21, 2016. As a representative of the Albanian coalition “Unanimously”, he was elected as an MP in the Parliament of Montenegro, in the parliamentary elections held on August 30, 2020.



Protection of Vulnerable Groups on Montenegro's Path to EU Membership

Mr. Siniša Bjeković

Protector of Human Rights and Freedoms of Montenegro

The past 14 years since Montenegro gained candidate status for European Union membership have been characterized by continuous support provided by this organization to Montenegro, providing the necessary impetus both internally and externally to prompt national decision-makers to act more swiftly in implementing reforms necessary to complete this process. Alongside this fact, it is important to emphasize the internal consensus, primarily political, that there is no alternative to this process for Montenegro. Adding to this is a significant portion of society that supports this process without an alternative, making the perspective more certain, at least in terms of the principles upon which Montenegrin society and state are developing.

In such conditions, key aspects of European integration are often overlooked, especially the basic criteria that need to be met to become a member of the European Union. This is

not a requirement directed solely at Montenegro; it applies to all future EU members. The perspective often uses the colloquial term *rules of the game* that apply to future members, but a more acceptable term would certainly be the *rules of behavior in a society and state based on equality and the rule of law*. Of course, without respect for human rights and freedoms, none of the mentioned principles, including the rule of law as a concept, can be achieved. This is precisely the obligation of the state, which on the path to the EU must fulfill, in addition to economic, political criteria encompassing democratic principles of organization and functioning of government, respect for human rights and freedoms, and minority rights. Within the political criteria is the principle of the rule of law, which certainly overlaps with the other two components related to economic and legislative criteria.

From the very beginning, certain criteria contained in the negotiating chapters indicate the special importance of certain areas, so formally two out of 33 chapters (23 and 24) stand out, those related to justice, freedom, and security. Although not specifically emphasized, from the perspective of protecting vulnerable groups, Chapter 19 concerning social policy and employment should also be mentioned for several reasons.

Since the signing of the *Stabilization and Association Agreement* (2007), changes have occurred not only in Montenegro but also within the European Union. One of the important changes that has occurred is the Lisbon revision of the treaties, which from the perspective of human rights and freedoms has two substantively important components in the new Article 6 of the *Treaty on European Union (TEU)*: first, that the Union recognizes the rights, freedoms, and principles of the *Charter of Fundamental Rights of the European Union* of December 7, 2000, as amended in Strasbourg on December 12, 2007, which has the same legal force as the treaties; and second, that the Union accedes to the *European Convention for the Protection of Human Rights and Fundamental Freedoms*, which does not affect the competencies of the Union already established by the treaties.

It is evident that in society, as well as within the European Union, there are special groups whose social power is not at the level of others. Specifically, this means that some groups do not have the same starting position in society that would enable them equality with others. Precisely because of this, the Treaty on European Union (TEU) in the preamble emphasizes the inspiration of this document by the “cultural, religious, and humanistic heritage of Europe, from which universal values such as inviolable and inalienable human rights, such as freedom, democracy, equality, and the rule of law, have developed.” Furthermore, Article 2 of the TEU lays down the foundations of this organization based

“on the values of respect for human dignity, freedom, democracy, equality, the rule of law, and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity, and equality between women and men prevail.”

In addition, Article 3 of the TEU provides that “the Union fights against social exclusion and discrimination and promotes social justice and protection, equality between women and men, solidarity between generations, and protection of children’s rights.”

The Treaty on the Functioning of the EU (TFEU) contains provisions prescribing the rights of individual (vulnerable) social groups, in the form of combating discrimination based on gender, race, ethnic origin, religion or belief, disability, age, or sexual orientation.

All of the above is also reflected in the consequences of the entry into force of the Stabilization and Association Agreement - SAA concluded between Montenegro and the European Communities, i.e., the EU, in 2010. Article 72 of this act obliges Montenegro to ensure the gradual alignment of its existing laws and future legislation with the Community’s legal provisions, i.e., *to ensure the adequate implementation and enforcement of existing and future legislation*. From this provision, it follows that the subject of alignment is law and practice. This provision literally obliges the state to harmonize all components of the legal framework with EU law, including the obligation of courts to adapt their practice to EU law. From the above, it can be concluded that one of the essential goals of approaching the EU is the harmonization of rights, practices, and policies ensuring substantial equality and protection of the rights of vulnerable groups. Starting from the status of individual categories of society, EU policies aim to harmonize their treatment within the Union, thus providing guidelines for the development of policies at the national level to address key challenges in European integration and achieve a level of equality protection inherent in the environment awaiting candidates after accession.

When it comes to specific groups, we will first mention the most vulnerable ones, among which children certainly stand out. According to the EU Strategy on the Rights of the Child (*European Commission document COM(2021) 142 of March 24, 2021*), based on the participation of children in the process of drafting the Strategy, it should include all children and support children in vulnerable situations. This is a strategy that promotes and supports the child’s right to participate in decisions that affect them because

decisions about children should not be made without children. This Strategy covers six thematic areas that are the focus of decision-makers' measures: empowering children's participation; fighting poverty and social exclusion; combating violence against children and ensuring child protection; child-friendly justice; a safe digital environment; protection and empowerment of children worldwide, among other things during crises and conflicts.

In the *European Commission document COM(2021) 101 of March 3, 2021*, entitled "*Union of Equality: Strategy on the Rights of Persons with Disabilities for the period 2021-2030*," the basic principles emphasized by President *Ursula von der Leyen* on the occasion of the European Day of Persons with Disabilities 2020 are highlighted:

"Persons with disabilities have the right to good working conditions, independent living, equal opportunities, and full participation in the life of their community. Everyone has the right to a life without obstacles, and it is our obligation as a community to ensure their full participation in society on an equal basis with others."

The Strategy contains a series of principles contained in international law and regional documents, but also warns of key obstacles to the inclusion of persons with disabilities in the environment in which they live and exercise their rights.

In the EC document "*Union of Equality: Gender Equality Strategy 2020-2025*," marked COM(2020) 152 of March 5, 2020, containing key principles and directions of EU action in this area, this goal is projected through two principles: *incorporating gender-based policies* in all areas; and an *intersectional approach, i.e., overlapping gender with other characteristics or identities of the person*, and the contribution of these overlaps to the unique experience of discrimination. Among other things, the key areas of action include *combating all forms of violence and stereotypes against women; gender-based economy; and equality in leadership positions in all areas of society*.

The European Union promotes fight against racism and xenophobia by adopting various instruments and policies aimed at combating this phenomenon. It is borne in mind that different manifestations of this phenomenon require appropriate forms of action: from combating discrimination to measures of a criminal nature that influence its elimination, from legislation to activities aimed at raising awareness and campaigns that influence the general population; from researching the phenomenon to eliminating its causes, from

statistics to concrete measures to empower victims and establish accountability. The Union's legislative framework includes founding treaties and secondary law, including the *Racial Equality Directive (2000/43/EC)*, the *Employment Equality Directive (2000/78/EC)*, the *Framework Decision on combating certain forms and expressions of racism and xenophobia by means of criminal law (2008/913/JHA of November 28, 2008)*, the *Directive establishing minimum standards for the rights, support, and protection of victims of crime and replacing (2012/29/EU)*, and others.

As for national-level developments, they can be summarized in a few sentences. Gender equality records fluctuations in progress and occasional stagnation, with a continuous trend of domestic violence and violence against women, as well as entrenched prejudices and stereotypes about women within the patriarchal society that is Montenegro.

Part of children still live in conditions at risk of poverty and with unequal access to resources for education, healthcare, lacking standards defining community life, especially the vulnerable position of children from marginalized groups such as Roma and Egyptians, as well as children in rural areas.

Members of LGBTIQ community still languish on the margins of society, both in terms of the pressures they face and lack of normative basis for implementing adopted and adopting new laws that enable the exercise of their rights.


Persons with disabilities live in a lack of even basic conditions for social inclusion, such as various barriers - from architectural to communication. The lack of support services and inadequate treatment significantly limit the rights not only of this category, but also of those who are inevitably tasked with caring for them, such as parents and guardians of children with special needs and adults with disabilities in conditions requiring the involvement of family members and other forms of support to this, in many ways, most vulnerable social group. In the assessment of the situation, it should be emphasized that in certain areas, some progress has been noted, especially concerning the visibility of this population, primarily thanks to the engagement of the civil sector. However, all this is still far from the conclusion that everything possible has been done to improve the position of this social group.

In conclusion, it can be stated that the path of European integration is neither short nor simple. It contains numerous challenges, but also obligations. Within these, it is always necessary to remember that this is a matter of national choice. And if the state embarks on this path, then it should be known that any failures are punished by slowing down the process, and even by its blockade in the most drastic cases of violating the principle that contracts/agreements are executed in good faith. In these processes, due attention must be paid to each area, especially to the key principles that determine the fundamental values and requirements of EU membership. In doing so, the unequal position of certain social groups in the process of social reforms must be taken into account, which is why they cannot bear the disproportionate burden of change or remain on the margins of the accession process, as they are already on the margins of their societies. Their position is an issue also here for now, not an issue of their perspective. Therefore, responsibility towards the general population means responsibility towards minority, vulnerable groups. Nothing more or less than that.





Siniša Bjeković was born in Pljevlja, on April 12, 1963. He is a graduate lawyer and Master of Legal Sciences. He has been a long-time activist in the civil sector with work engagement focused primarily on human rights education and protection of fundamental rights and freedoms for more than two and a half decades. Among other things, he served as program manager of the Human Rights Center of the University of Montenegro and head of the Human Rights Center of the Faculty of Law in Podgorica. In the context of expert engagement, he worked on EU projects, Council of Europe, OSCE, UN agencies, and other international partners. From 2008 to 2023, he was an independent member of the European Commission against Racism and Intolerance and served two terms as a member of the Bureau of this Commission. On the domestic front, he is engaged in training at the Judicial Training Center and the State Prosecutor's Office, and at one point, he was a lecturer at the Police Academy in Danilovgrad. In international settings, he was engaged in the ERMA program implemented at Universities of Sarajevo and Bologna, as well as in human rights school projects in the country and abroad. Within the Council of Europe program, he was involved in projects related to combating hate speech. He speaks English and Italian.



On the European Convention on Human Rights, the Significance of Implementing Judgments of the European Court of Human Rights and the Rule of Law

Prof. Dr. Ivana Jelić

Judge of the ECtHR in Strazbourg

Introductory notes

Purpose and Essence of the European Convention on Human Rights are related to its legal nature. It is an international legal multilateral instrument for the protection of human rights. The Convention gains its full meaning through the practice of the European Court of Human Rights, which has repeatedly emphasized the necessity of interpreting and applying the Convention in a manner that ensures that the prescribed rights are practical and effective, rather than theoretical and illusory¹.

Judgments of the European Court of Human Rights are a source of law in Montenegro based on the assumed international obligations prescribed by the European Convention on Human Rights, namely: 1. the obligation of states - High Contracting Parties to the Convention, under Article 1 of the Convention, to respect and protect human rights prescribed by the Convention and its Protocols, and 2. the obligation to respect the decisions of the European Court of Human Rights and execute judgments, under Article 46 of the Convention. In this regard, decisions of domestic, or national courts must be in line with the practice of the Court in Strasbourg, which is a promoter of the protection of human rights and freedoms, as well as the guardian of the rule of law and democracy at the European level.

¹ VSee, for example, *Soering protiv Ujedinjenog Kraljevstva*, (7.7.1989.), Serija A, No. 161. p. 87.

The alignment of domestic legal framework and judicial practice with European standards is also a confirmation of respect for European values and legal principles, with the most important being the principle of the rule of law, under which law must prevail, not force, fear, politics, interests, and the like. The rule of law should be understood in the international sense of the term, which implies the imperative of aligning domestic laws and judicial practice with international legal standards.

The rule of law is, therefore, a fundamental principle of democratic states aimed at ensuring the equality of all citizens before the law and in the protection of human rights. It requires every state to act within the limits prescribed by law, without subjecting its citizens to arbitrary controls or interventions.² Let us remind, the rule of law encompasses several principles, including that laws be democratically adopted, general, specific, and accessible, and that they provide individuals with access to justice and protection of human rights.³

Although the rule of law is not mentioned in any substantive provision of the European Convention on Human Rights, the Court considers that the entire Convention draws inspiration from this principle, as the rule of law is ‘inherent in all members of the Convention’⁴ and that it is ‘one of the basic components of the European public order’.⁵

From the practice of the European Court of Human Rights regarding Montenegro so far, it is clear that much more needs to be done to improve the protection of the right to a fair trial (Article 6), protection against degrading and inhuman treatment, especially during police actions to maintain order and peace (Article 3), and to ensure effective investigations, particularly in the context of protecting the right to life and prohibiting torture and similar acts, to protect the right to peaceful enjoyment of property (Article 1 of Protocol 1),

2 Geranne Lautenbach, *The Concept of the Rule of Law and the European Court of Human Rights* (Oxford University Press 2013), str. 68.

3 Jörg Polakiewicz and Julia Katharina Kirchmayr, ‘Sounding the Alarm: The Council of Europe As the Guardian of the Rule of Law in Contemporary Europe’, u: Armin von Bogdandy et al (eds), *Defending Checks and Balances in EU Member States* (Springer 2021), str. 367.

4 *Lekić v Sloveniji*, (11. 12.2018.) para 94., *Selahattin Demirtaş v Turkey (Br. 2)*, (22.12.2020.), para 249.

5 *Al-Dulimi and Montana Management INC. v Szwitzerland*, (21.06.2016.), para 145.

as well as the right to private and family life (Article 8). Given a couple of judgments from the domain of gender equality, but also the situation in Montenegro, I believe that the situation regarding the occurrence of femicide, gender-based violence, as well as mobbing and bullying against women, both in the public and private sectors, is particularly alarming. However, the positive aspect is that Montenegro has no outstanding issues regarding the execution of judgments in the previous year, nor does it have cases under enhanced supervision by the Committee of Ministers.

In this sense, it is important to pay attention to the evolving practice of the Court in Strasbourg because it points to the progressive development of law and the interpretation of legal norms in the spirit of the present moment, where the doctrine of the European Convention on Human Rights as a living instrument has its full application.

European Convention on Human Rights as a Living Instrument

European Convention is interpreted as a living instrument, that is, in an evolutionary manner and in the context of the present moment. This is confirmed by the latest cases related to climate change, as well as cases related to gender equality, the right to parenthood and children's rights obtained through surrogacy, freedom of expression in the digital age, etc.

The essence of the living instrument doctrine is clear - the Convention is interpreted in the spirit of the progressive development of law, in order to protect the rights of individuals that have emerged through the progressive development of humanity and social relations, and which were not explicitly codified in the Convention as such, nor could its creators have thought about these rights 74 years ago.

For all member states of the Council of Europe, including Montenegro, it is crucial to follow the practice of the Court in Strasbourg so that national courts judge in accordance with European legal standards for the protection of human rights. When domestic courts judge correctly, then the meaning of the principle of subsidiarity is achieved. Because the European Court of Human Rights acts as a corrective judicial mechanism (and not as a court of fourth instance), with full respect for the principle of subsidiarity. In this sense, it is not said accidentally that national courts are, in fact, the first Strasbourg judicial bodies.

The Significance of Implementing Judgments of the Strasbourg Court

The work of the European Court of Human Rights, in this case, ends when it adopts a decision on a specific case. The Court does not consider the execution of its judgments, nor does it interfere in the work of the Committee of Ministers, which is responsible for supervising the execution of the Court's judgments.

The obligation of the High Contracting Parties, under Article 46 of the European Convention, is to abide by the final judgments of the Court (Article 46 (1)), the execution of which is monitored by the Committee of Ministers (Article 46 (2)). All cases remain under the supervision of the Committee of Ministers until the necessary measures are taken, and the state executes the judgment of the Court in Strasbourg.

The concrete meaning of executing judgments actually means turning abstract rights prescribed by the Convention into concrete reality for victims of violations of their rights. In a more general sense, the execution of judgments is a step closer to realizing the rule of law.

In other words, the primary importance of executing judgments of the European Court of Human Rights is to provide a legal remedy for victims of violations of rights prescribed by the Convention and its Protocols. And the secondary importance is of a preventive and educational nature, which is to ensure that similar violations do not occur in the future, as well as to correct any structural problems at the national level.



The Relationship between the Execution of Judgments and Rule of Law

The preamble of the Convention states that the signatory states share a “common heritage” of the rule of law. For example, the Court considered, regarding lawful deprivation of liberty under Article 5, that such deprivations must be in accordance with the rule of law.⁶ This has become a standard that must be respected.

The failure of some countries to implement judgments of the Court is essentially their opposition to the basic principles on which democratic states and the entire system of the Council of Europe are based. In this regard, the Court has noted that ‘failure to execute a final, binding judicial decision will likely lead to situations that are not in accordance with the principle of the rule of law, which the Contracting States have undertaken to respect when ratifying the Convention’.⁷ Similarly, the Committee of Ministers found that the failure of the Azerbaijani government to deliver a judgment in the Mammadli group of cases arose ‘defying the principle of the rule of law’.⁸

Judgments of the Court and decisions of the Committee show that the rule of law is an essential cornerstone of the European human rights protection system and the Council of Europe system. Non-execution of judgments of the Court, which are binding, results in flagrant disrespect and defiance of the fundamental principle on which European democracies are built. This is particularly dangerous because it destabilizes not only the fundamental principles of the state or this international organization, but also has negative consequences for the individual applicant and all citizens of the respective state.

As demonstrated by numerous cases whose execution has been, or still is, an open issue on the agenda of the Committee of Ministers, such as the *Mammadov v. Azerbaijan*, *Navalny v. Russia*, *Kavala v. Turkey*, *Paksas v. Lithuania*, *Sejdić and Finci v. Bosnia and Herzegovina*, or a whole series of cases against Azerbaijan from the Mammadli group

6 See, for example, case *Del Rio Prado vs Spain* [Great Council, 2013], § 125, in relation to criminal legislation on sentencing guidelines and their application by the Supreme Court.

7 *Proceeding from the article 46(4) in case Ilgar Mammadov vs Azerbejdžana* (n 29) para 215.

8 Council of Europe (Committee of Ministers) ‘Interim Resolution CM/ResDH(2021)41’ (n 48).

of cases, domestic courts must play a crucial role in executing judgments of the Court in Strasbourg. As has been emphasized several times in the Court's practice, this can only happen if the rule of law is respected.

The connection between the rule of law and the execution of court judgments is clear. The execution of judgments of the Strasbourg Court by states is their obligation under international law. Respect for judgments, through their execution, strengthens the convention system, makes the human rights contained in the Convention real and achievable, thereby demonstrating the rule of law.

In practice, the execution of judgments of the Court in Strasbourg ensures a path to EU membership, part of whose legal acquis includes the European Convention on Human Rights and its Protocols, as well as the case law of the European Court of Human Rights.

On the Independence Day of Montenegro, May 21, 2024, I am honored to address the importance of the European Convention on Human Rights, the obligation to execute judgments of the European Court of Human Rights and the principle of the rule of law; and I thank the Civic Alliance for inviting me to do so.



Ivana Jelić is a judge of the European Court of Human Rights representing Montenegro, elected by the Parliamentary Assembly of the Council of Europe for the term 2018-2027. Prior to that, she worked as an associate professor at the Faculty of Law and the Faculty of Political Sciences of the University of Montenegro, where she taught a group of subjects in the field of international public law and was the vice-dean for international cooperation of the Faculty of Law for two terms. She was a member of several international expert bodies, the most significant of which was the United Nations Human Rights Committee, of which she was also vice-chair. Before taking up the position of judge, she conducted five monitoring missions as an expert for human rights of the Council of Europe, and in two was the rapporteur.

Creating a better judicial framework for the preservation of human rights

Valentina Pavličić

*Former representative of Montenegro before the ECtHR
and National Consultant of the Council of Europe*

We have witnessed that in everyday professional - institutional or laic jargon, the rule of law is one of the most frequently mentioned phrases.

The rule of law carries within it the principle of limiting the arbitrary power of an individual or an institution, so we can freely say that only in systems where the rule of law really rules and where this principle of limiting power and responsibility exists, human rights and democracy have their central place in the work of the government. In the legal system, the limitation of power, both of individuals and institutions, is achieved through the implementation of the constitution and laws, which direct and limit the actions of the holders of all three branches of government. Modern democratic systems are based on the rule of legal frameworks that set the basic rules for the proper functioning of society. When determining the index of the rule of law, the World Justice Project very vividly explains it year after year. In this sense, it pointed out that “when the rule of law is weak, medical resources do not reach health institutions; criminal violence occurs uncontrollably, laws are enforced selectively, and economic prosperity and foreign investments are on hold.”⁹

Currently, the Montenegrin legal system has a very responsible and at the same time a difficult task, which is to achieve and finally successfully complete its decade-long negotiation process for membership in the family of high Western democracies,

⁹ World Justice Project Indeks of the rule of law of the World Justice Project for 2014. Available at: http://worldjusticeproject.org/sites/default/files/files/wjp_rule_of_law_index_2014_report.pdf

and become a full member of the EU with an effective, independent, professional and efficient judiciary. The comparative practice of the EU member states indicates that the state system can deal with social anomalies only if they are treated in a legally valid and uniform manner. In order to achieve this, the social system must be free of “deep infiltration of corruption and organized crime into state structures, including the highest level of the judiciary”.

What is necessary to know on that way?

It is necessary for the entire society to be fully aware that the idea of the rule of law is not an idea that will be fulfilled by itself or that someone will bring it with them. It is built by the key carriers of the development of the social system, which must rely on two key principles, such as:

- general acceptance in the social system by all participants that the law applies equally to all its members, regardless of the amount of power any individual has, *Legge auguale per i tutti*;
- the existence of strong institutions with capable and professional individuals who apply, implement and interpret the law in the spirit of respect of a minimum international standards.

If, as a system, we have a secured and harmonized level that most laws are formally harmonized with the highest standards of respect for human rights, and thus the rule of law, then we reach the level whether our institutions and current personal capacities have the ability to act in accordance with the law and implement it; that is, whether laws containing democratic values and standards are implemented and respected in the same way in practice. The current moment is not in favor of any positive thesis on this issue, because a number of holders of high judicial and executive functions in society are either in the phase of investigative procedures, or are already on the bench; while the media columns are filled on a daily basis with certain information that have the character of “social scandals”, and their protagonists are again holders of judicial or executive functions. In all

of this, there is no clear response from the judicial system in the form of legally binding court decisions. We will agree that it is very difficult in such a social situation to find the right measure of the reasonableness of all of this and to ensure the measurable effect of the judicial institutions as a whole (meaning both the state prosecutor's office and the judiciary) in all of this.

When it comes to the improvement of human rights, certainly one part takes place through the criminal-legal procedure, where primarily the state prosecutor's organization has a decisive role, which is reflected in the efficient, independent and effective management of that part of the procedure (which is under their jurisdiction). In this way, preventive action is ensured for all perpetrators to refrain from repetitive criminal activities and committing both the same and similar criminal acts, but also sends a message to all others to refrain from any criminal behavior because "crime does not pay". Another aspect of the judicial system, namely the judiciary, should ensure that the trial takes place within a legal and time-reasonable period, with respect for uniform court practice in both criminal and labor law, economic family and property law disputes. Simply put, the judiciary must ensure the positive obligation of the state, which is based on exercising and enabling everyone to fulfill the right that belongs to them by law. And on the other hand, if it concludes the guilt of the individuals against whom proceedings are being conducted, it must impose criminal sanctions which will not be encouraging, but a strong warning to everyone that such phenomena will not and cannot be tolerated anymore.

It is clear to us as lawyers that human rights are older than law and that they cannot be placed only in one branch of law and be its privilege, but rather they extend through the entire body of legal science as a whole and are improved with it. Despite the differences that naturally exist both in the approach and the angle of observation of their development, what is *conditio sine qua non*, is that they are the central place of the rule of law and the legal county.

In the end, in order to respond to all social anomalies in a proper, legal way based on international standards, it is necessary to provide practical answers to certain questions concerning the rule of law, and thus the advancement of human rights itself, such as:

- whether the action of the executive branch of government is in accordance with the Constitution and the law on one side, and whether the acts and regulations passed by the Government are implemented in an effective manner;
- whether there is effective judicial control of compliance of the acts and decisions of the executive branch with the law, that is, whether there is constitutional-legal protection in real time, and whether there are adequate examples in practice of the established responsibility of civil servants if non-compliance or violation of the law is established from their side;
- how, in what way and whether the decisions of international courts on one side, as well as national courts on the other side, are implemented and executed to a sufficient extent by national authorities, whether adequate enforcement control is ensured;
- whether the implementation of the law in practice by the courts is uniformed and whether guarantees of respect for human rights have been established, that is, whether the supreme judicial authority in a practical way implements its constitutional and legal authority to control the uniformity of judicial practice.

Without answers to these questions and their adequate fulfillment; the reform of any legal system, including the Montenegrin one, cannot deserve a positive assessment. On this way, the actors and participants of these reforms, as well as the entire social system, must keep in mind the famous message of the European unifier and visionary Jean Monnet:

„Nothing is possible without man, but nothing lasts without institutions“





Valentina Pavličić graduated at the Faculty of Law, where she received numerous student awards for her success in studies. She was the Youth President of the Faculty of Law Student Conference. She has a rich work and professional experience as a long-term judge in criminal matters in the Montenegrin judiciary, where she judged the most complex cases of a procedural and substantive nature. Until recently, she was a Representative of Montenegro before the ECtHR and a member of the CDDH and several working groups for human rights at the level of the Council of Europe. She was a long-term representative of Montenegro in the Council of European Judges and a participant in the USA IVLP (International Visitor Leader Program). She is a lecturer at a series of training conferences, seminars and round tables at the national and international level, OSCE Expert and National Consultant of the Council of Europe. Ms. Pavličić is the author of a large number of professional publications, guides and scientific articles in the field of criminal law, human rights and practice of the European Court, as well as standards related to the Convention on the Protection of Human Rights. She speaks, reads and writes English and Italian.



Green Vision

Aleksandar Dragičević

Civil and environmental activist

The discussion about climate change began in 1938 for the first time. During the 1960s, the scientific community debated whether there would be global cooling or warming, and in the 1970s, they agreed that warming would occur. By the 1990s, with the development of computer technology, it was proven that an inevitable catastrophe and climate change awaited us.

Over the past thirty years, Montenegro, despite all the indicators and warnings, has missed the chance to prepare for what is coming. The climate catastrophe is already here, and we can all feel the consequences. The past six consecutive months have been the hottest months ever recorded; we had a year without snow, and forest fires started as early as February.

Every year, due to climate change, Montenegro, which is among the first in Europe in terms of forest cover percentage, loses tens of thousands of hectares of forest in forest fires. In 2017 alone, more forest was lost in forest fires in our country than in the period between 1955 and 1985. We could say that this is one of the reasons for alarm and for investing in fire prevention and fighting. However, in the 2024 fire season, Montenegro entered with only one operational firefighting aircraft, lacking equipment and personnel, and without a formed civil protection network, which in many developed countries constitutes the basis for fighting the consequences of disasters caused by climate change.

Unsustainable forest management has led to the complete destruction of the timber industry, leaving us without final production, and our best trees end up as firewood or pellets. Additionally, despite the moratorium on exports, timber ends up in neighboring countries through illegal forest roads to fuel their wood industry. Due to inadequate energy efficiency promotion programs, despite significant EU funds and desire, we missed the opportunity to have lower energy consumption, cleaner air, and to preserve forests and waterways. As a result, over half a million trees in Montenegro end up as firewood every year. Not only are habitats destroyed, but clear cutting induces erosion, root systems fail to retain water, leading to frequent and devastating floods that destroy infrastructure, resulting in the loss of tens of millions of euros annually through flood damage repair. During the winter months, citizens in Montenegro breathe air that is hazardous and among the most polluted in Europe due to reliance on wood and coal as primary energy sources.

We recycle only 0.5% of waste, lacking a sustainable and developed waste management system. Consequently, illegal landfills are found in every corner of Montenegro, often resulting in fires and, more frequently, ending up in waterways, later contaminating agricultural products and entering our bodies. We have examples of hazardous waste, such as tires, which, when burned daily, pollute the environment with some of the most dangerous pollutants like dioxins, with only nuclear waste being more hazardous.

There are indeed many negative examples and missed opportunities, and even three publications wouldn't be enough to list everything we've failed to do. Therefore, I will focus on the vision and what we must do in the future to survive as a society and preserve Montenegro, while simultaneously putting sustainable development at the forefront.

Sustainable Forest Management

Više studija rađenih od 2010. godine pokazalo je da bi potencijalno učešće održive drv-
Several studies conducted since 2010 have shown that the potential contribution of sus-
tainable forestry to GDP could be around 13.5%, making it one of the primary sectors of
the economy after tourism. Therefore, it is necessary to undergo FSC certification in line
with EU standards to trace the origin of every tree, manage forest resources sustainably,
and thus develop the timber industry.

Combatting the bark beetle, which is spreading more due to climate change and posing
a threat to forests across Europe, should be a priority. Installing thousands of pheromone
traps, careful sanitation cutting, and a strategy to combat the bark beetle would prevent
our forests from drying out at an unprecedented rate and reduce the risk of forest fires.

Reforestation all parts of Montenegro with native species, especially fire-affected areas,
with the help of a volunteer network, would contribute to reducing temperatures, cleaner
air, and better water quality. Forests are also the best protection against floods.

System civil protection

We need thousands of volunteers who would receive training, following the example of
EU countries, and who could help institutions deal more effectively and efficiently with
the effects of climate change in crisis situations such as fires, floods, landslides, and
earthquakes. By amending legislation and investing in the protection and rescue sector,
we preserve the environment and resources that would later be used for the recovery of
the consequences.

Investing in innovation and people

A group of young scientists from Montenegro has developed a wildfire early detection system based on artificial intelligence (AI). These systems function in both urban and forest environments, alerting authorities when a fire is in its early stages. A startup from Podgorica has created an efficient and affordable plastic recycling system, which is used to produce benches, bins, furniture, and even traps for bark beetles. Supporting local knowledge and innovation always yields significant returns; it helps develop society, create jobs, and retain young people in Montenegro.

Energy efficiency and energy transition

Through numerous EU grants available to us, we must create programs that are applicable in practice, without excessive bureaucratic hurdles, to motivate citizens to use heat pumps instead of coal and firewood, insulate their buildings, and consume less energy. Every kilowatt of energy saved is a kilowatt we don't need to produce. By harnessing solar and wind potential, we can diversify our energy sector, which currently relies on coal and hydroelectricity. Just a few dry years could pose a significant problem for Montenegro, and every year we see that rainfall is not evenly distributed due to climate change. It is extremely important not to allow the construction of gas infrastructure and to replace dependence on coal with dependence on gas. Sustainable strategies, such as producing electricity on the roofs of institutions and reducing the amount of electricity consumed through insulation and clear regulations, should be a priority. Institutions would thus lead the way in energy efficiency.

Waste Management

In addition to the Waste Management Law, we have over a hundred subordinate acts pending to ensure the law's enforceability and alignment with EU standards. This is a law that potentially will cost us between 500 million and one billion euros by 2030. Waste is not only a challenge but also an opportunity for development, and recycling is not just an obligation and responsibility towards future generations and the environment, but also a potential for growth.

Tourism and agriculture development

The rapid urbanization and import-oriented economy have resulted in a tourism season lasting only a few months, with the majority of products served to tourists being imported. Fortunately, we have avoided the development of mass agricultural production, monoculture, and unrestricted use of pesticides and artificial fertilizers. By connecting small-scale agricultural farms with hospitality establishments and developing the offering of rural households, we can not only diversify the tourism sector but also strengthen local communities and make them more resilient to climate change.



Water protection

The abundance of water from the Boljesestre springs has decreased by over five times in the past decade due to illegal gravel exploitation and the effects of climate change. The tourist season depends on this water source as it supplies a significant portion of coastal municipalities. Illegal gravel exploitation in the north of the country has become rampant, endangering rivers like the Tara, Lim, and others. Water protection should be declared a matter of public interest, and punitive measures and oversight should be tailored to the situation on the ground.

We have one, final chance to decisively embark on reforms and combat the effects of climate change. As a society, we must seize this opportunity because it is our obligation to preserve Montenegro for future generations, and our legacy to give our all because of our ancestors. The idea and vision of a green Montenegro are not unattainable and impossible - it is the only acceptable and sustainable direction of development we can take. To expedite progress, decision-makers need to finally become interested and educated. It is up to us to constantly remind and guide them towards the directions of development and the green vision.





Environmental and sustainable development activist.

Organizer and participant of numerous protests against environmental devastation. He cooperates with local communities and institutions in the implementation of the green agenda and adaptation to climate change. Through his activism, he stands for responsible and progressive political leadership and promotion of democratic principles and rule of law.

He continuously works to raise public awareness of the importance of the work of state administration and institutions, political dialogue, with a special focus on environment protection issues through organizing various events aimed at preventing devastation of nature, through amendments to laws and providing support to local fighters for nature preservation.

Freedom of the media and new technologies – How to ensure a healthy media environment?

Dr. Tamara Vujović

Minister of Culture and Media

The digital revolution we are witnessing both supports and threatens journalism. I deliberately do not say ethical journalism because journalism, by definition, must be ethical.

However, not all content reaching us is the result of journalism and our fundamental right to be truthfully, comprehensively, and timely informed, but rather intentions to manipulate us to align with this or that ideology, personality, product...

Today, there is far more of this content than when print, radio, and TV were our only sources of information. Every minute, we are bombarded with hundreds of (mis)information, drawn into a vortex that is growing stronger. Articulate laypeople without scruples become “experts” even in medicine, spreading conspiracy theories and thereby endangering public health, armies of bots impose views that suit the goals of those who pay them. Spin aims to control public opinion, and thereby influence decisions. Simply put, for waging war, bombers and tanks are no longer necessary.

Therefore, it is crucial to build a society defense system. We closely observe how the EU is doing this, but we also formulate our own policies. What is clear at this moment is that the fight for a healthy media environment, and thus for a healthy society, will not be concluded anytime soon. It will be ongoing, exhausting us, and the winner will be the one with more knowledge, resources, and energy. This naturally means that we must invest more in this area because we have no choice - we cannot afford to be defeated.

There are several directions of action because it is not advisable to only defend ourselves. We need to create multiple mechanisms that will make the entire society resilient by building immunity to so-called malignant influences, and those that are more

sophisticated and manage to bypass the initial defenses should be stopped at the next level of defense. It is crucial to preserve and strengthen free and professional journalism. Faced with hundreds of addresses from which content is broadcasted, we must know which addresses are verified. In the new laws and the Action Plan for implementing the Media Strategy, there are a series of measures through which the state supports ethical journalism. This includes media strengthening their credibility through an agreement on authoritative self-regulation, as well as enhancing their presence on all current and future digital platforms.

Apart from propaganda and media manipulation, the most dangerous weapons we face are misinformation, hate speech, and online violence. The criminal code should be amended in that regard, and before that, we, as media professionals, need to prepare a series of new steps. The key response we must collectively offer is how to reduce the reach of misinformation and hate speech and bring them to a level that does not pose a societal threat. The solution is neither easy nor quick, but I believe we can agree on what the solution is and implement it. Hate speech and misinformation are primarily spread by tabloids from the surrounding regions and instant news portals that are usually founded temporarily to discredit political opponents. Additionally, the source of misinformation is predominantly fake profiles on social media platforms.

Regarding the fight against misinformation, and since their sources are typically also the creators of hate speech, the proposed Media Strategy suggests a series of measures, starting with:

- Establishing a Network to Combat Hate Speech and Disinformation;
- Defining hate speech as a criminal offense;
- Establishing cooperation with global internet companies and social media platforms to define responsibility for disseminating information on these channels;
- Amendments to the Media Law to specify that urgent judicial proceedings for hate speech through the media can be initiated by the target of hate speech, not just the public prosecutor.



Fake News

Of course, we pay special attention to media literacy, to which even 15 measures are dedicated in the Action Plan for implementing the Media Strategy. The first measure is the establishment of the National Council for Media Literacy, followed by:

- Introducing media literacy in all primary and secondary schools as a mandatory elective subject;
- Reviewing and improving all media literacy programs in schools.

According to current legislation, investigative authorities have the power to initiate proceedings before the court for the dissemination of hate speech. I believe that this is certainly not enough in the fight against this societal danger and that sanctions alone are not a sufficient mechanism, although they are indispensable. It is necessary for all public actors to contribute to creating a more tolerant atmosphere in society by setting an example during debates on topics that evoke emotions in every individual.

The drafts of the three media laws envisage more than 20 substantial changes compared to the current norms. For example, to encourage self-regulation, it is proposed that only media registered in the record and involved in the self-regulation mechanism can access the Fund for Pluralism and Media Diversity. Additionally, these media outlets must not have been subject to a broadcasting ban in the previous 6 months, as was the case with a foreign TV channel sanctioned for spreading hate speech. The same applies to print media and online publications if their founder has been convicted of hate speech or spreading misinformation. Urgent judicial proceedings for hate speech can also be initiated based on the request of the party seeking protection of special rights; thus, parties targeted by hate speech, not just based on the prosecutor's request.

Since it is clear that there is no legal norm in media or any other laws that can completely solve this issue, we place special emphasis on the Network to Combat Hate Speech and Disinformation. The goal is for Montenegro to establish an authoritative body that can publicly identify all those who dare to spread misinformation and hate speech. We count on collaboration with the University, media outlets adhering to the Ethical Code, and non-governmental organizations engaged in fact-checking. The solution lies in robust and daily exposure of hate speech and misinformation, their sources, platforms through

which they are disseminated, and those who propagate them, thus poisoning society. This approach entails joint action by state institutions, professional media, and civil society organizations. The point is to identify authors and disseminators of fake news, to do so in a manner that everyone in Montenegro is aware of, and simultaneously to strengthen free and professional journalism. This would be the key role of the Network, which would address this issue on a daily basis.

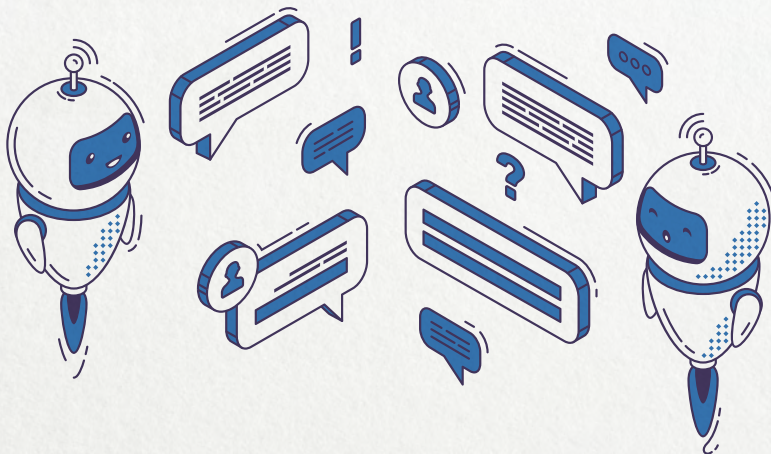
I believe it's crucial to react immediately, and it's the role of both the media and civil society organizations to do so. Identifying those who abuse journalism and knowingly deceive the citizens of Montenegro is essential to eradicate this issue. Not every instance of misinformation is punishable by law, but it should be a subject of attention for self-regulatory mechanisms. To shield ourselves from misinformation and hate speech, it's necessary to expose every media outlet and individual engaged in such activities to public scrutiny.

Media literacy is the most effective long-term defense mechanism and a strong societal response to those who propagate such rhetoric, typically influential public figures from all spheres of society who use harsh language in their discourse and inspire others to behave similarly on social media or elsewhere. Concurrently, our goal is to bolster support for media in producing content of public interest! Through the Fund for Pluralism and Media Diversity in 2024, approximately 1.2 million euros are allocated to commercial media producing content of public interest. After the adoption of the new Media Law, this amount will increase to over 2.5 million euros. We have stipulated that the public sector cannot advertise in media outlets that are not registered, and only media outlets registered and engaged in self-regulation, with no broadcasting bans or criminal convictions related to hate speech, can access the Fund. Fighting against hate speech and misinformation is among the supported topics funded by the Fund.

The development of artificial intelligence is a special topic. Its misuse in the form of convincing manipulations will likely see an expansion, but it seems to me that artificial intelligence tools can greatly assist newsrooms in being more efficient, especially when it comes to processing large databases and uncovering abuses. All of this means just one thing - we must learn, quickly adopt new technologies, be agile, aware of how important it is to succeed, and, most importantly, act together.

The future brings us content creation by artificial intelligence – the response to this is the identification and labeling of content by the platforms where it is located – indicating whether artificial intelligence participated in its creation or if the content was generated by some mechanism of artificial intelligence. As for all news outlets, our response – we must be constantly in contact with major platforms, which is not easy because our media field is very small (I will note that the contact person for platforms is currently located in Ukraine), but with mechanisms such as the Network, we will manage to keep up. Also, our accession to the European Union will bring the need to harmonize our legislation with the Media Freedom Act and the Digital Service Act, which target these issues.

However, in the end, let me conclude on an optimistic note. I believe that artificial intelligence cannot replace journalists. There was an experiment where Chat GPT wrote on a given topic. The text too closely resembled mere material, lacking the educational substance, the familiar personal touch, and the style that distinguishes every established journalist with integrity, which ultimately instills trust in the news itself. Also, this topic needs to be clear to journalists. If you write too generically and empty, overly politically correct, and in any other way devoid of your own stance, style, and form, you will start to resemble Chat GPT – you will not be believed. You are trusted because you are autonomous, honorable, professional, and authentic. If you are not true to yourselves and independent, artificial intelligence will not defeat you; communicators will, the faces we see, who present and bear witness to the truth, who do not necessarily have to be journalists. Because in the end, what matters is achieving the goal - for the truth to find its way to the citizen.





Dr. Tamara Vujović was born on August 25, 1975. She is the Minister of Culture and Media in the 44th Government of Montenegro. She completed her studies at the University of Belgrade Medical School in 2001. From 2005 to 2010, she specialized in physical medicine at the same faculty. She worked at the Voždovac Health Center, the Institute “Dr. Simo Milošević,” and the PZU “Dr. Dimitrijević” in Herceg Novi. In 2015, she served as the Deputy Mayor of Herceg Novi Municipality, and in 2016, as the Assistant Minister of Health in the transitional Government. She became the advisor to the Mayor of Herceg Novi in 2017. She was a professor of medical subjects at the Secondary Mixed School “Ivan Goran Kovačić” in Herceg Novi and a teaching associate in Applied Physiotherapy in Igalo for several academic years. In 2016, she participated in the IVLP program of the U.S. Department of State, and in 2023, in the Women Democracy Forum program organized by the IRI as a representative of the Western Balkans. From 2015 to 2020, she was a member of the Presidency of the Montenegrin Association of Psychiatrists. In two terms, from 2017 to 2023, she served as a councilor in the local Assembly of Herceg Novi Municipality. In the parliamentary elections held on August 30, 2020, she was elected as a Member of the Parliament of Montenegro.

The prices of carbon dioxide emissions are becoming a reality in the Western Balkans - will countries pay the EU or rather raise funds in their own budgets?

Dr. Janez Kopač

*Commissioner of the Energy Regulator of Slovenia
and former Director of the Secretariat of the Energy community*

Development of carbon prices in the EU

The European Union introduced carbon prices in 2005 through the so-called ETS scheme. The logic was that the price of greenhouse gas emissions should drive production processes towards decarbonized technologies based on market forces. For many years, the prices per ton of CO₂ emissions were low, somewhere around 5 euros per ton, which had little impact on the behavior of coal-fired power plants and other industries emitting greenhouse gases. Producing one megawatt-hour of electricity from lignite releases approximately one ton of CO₂ emissions. If the price for one MWh has been around 50 euros for years, an additional 5 euros was not very noticeable, for example, for Croatia, which joined the EU ETS as early as 2013. In the last five years, the EU has become much more ambitious in decarbonization, and CO₂ emission prices, influenced by the decisions of the European Commission, have risen to as much as 100 euros per ton. The average price in 2023 was 86 euros. This price almost doubles the price of electricity from coal-fired power plants. As a result, in the European Union, electricity production from cheaper renewable sources has quickly surpassed that from coal. However, one consequence has been increased imports of coal-based electricity from non-EU countries, such as Montenegro. Electricity producers based on coal from non-EU countries have

historically enjoyed high extra profits due to the lack of taxation on CO₂ emissions from old, amortized coal-fired power plants that operate without expensive filters to prevent the emission of sulfur dioxide and particulate matter, which would harm the population.

CO₂ “customs” tariff

Such a fairy tale cannot last long. It is unfair in decarbonization efforts and lacks economic logic. As a result, the European Union proposed a Regulation establishing a Carbon Border Adjustment Mechanism (CBAM), which was adopted in May 2023. This legal action seeks to equalize the burden of paying carbon prices between producers from the EU and non-EU countries. The obligation to pay will come into effect on January 1, 2026. This will have a significant impact on the economies of some Western Balkan countries, especially on coal-fired power producers, such as the Pljevlja thermal power plant.

CBAM requires importers of goods into the EU to pay an additional price for the carbon embedded in the imported product. The CBAM obligation is paid directly into the EU budget. For now, the EU has placed steel, aluminum, cement, artificial fertilizers, and electricity on the list of products subject to CBAM. In the future, by 2030, most likely, all products subject to carbon pricing in the EU will be on the list.

CBAM calculation - the case of Montenegro

The electricity exporter, EPCG, will become less competitive due to the coal component in its production. Let's assume that the production from the Pljevlja Thermal Power Plant accounts for 45% of all electricity produced in Montenegro. This means that importers of electricity from Montenegro to the EU will have to add about 45% of the carbon price in addition to the purchase price. If EPCG exports one megawatt-hour (MWh) for about 80 euros, which is currently close to the market price in the neighboring EU market, the importer of this electricity will have to purchase CBAM certificates for about 45% of the assumed embedded CO₂ emissions in electricity produced in Montenegro at the EU ETS price of 86 euros (which would cost the importer an additional approximately 39 EUR/MWh). Of course, EPCG will have to reduce the selling price of electricity to remain

competitive. Instead of earning 80 euros per MWh as they do today, they will only earn $80 - 39 = 41$ euros per MWh. Fortunately, Montenegro has already introduced an obligation to pay CO₂ emissions, which amounts to 24 euros per ton of CO₂. The domestic cost of CO₂ emissions can be deducted from the importer's obligation to pay CBAM. Therefore, CBAM does not amount to 39 euros per MWh but only $39 - 24 = 13$ euros. Therefore, EPCG will earn $80 - 13 = 67$ euros per MWh. This is still profitable because the production cost in the Pljevlja Thermal Power Plant is around 55 euros per MWh and even lower in hydroelectric power plants, but EPCG will indirectly contribute to the European budget instead of the domestic one.

This is relevant for all producers solely from renewable sources because the calculation takes into account imports from the country and its energy mix. The consequence will be a reduction in exports to the EU area. So far, EPCG has indirectly subsidized lower prices for households, its investments, and the state budget through highly profitable exports to the EU area, but that source will cease.

Due to the non-payment of CO₂ emission costs (at a price of 86 euros per ton), the current avoided costs, i.e., unpaid CO₂ taxes to state budgets throughout the Western Balkans. I calculated the data for neighboring Bosnia and Herzegovina, where such payments would amount to around 900 million euros only in 2022 from the electricity production sector.

Exporters of steel, cement, aluminum, and fertilizers from the Western Balkans will also earn much less. CBAM without domestic carbon prices could dramatically worsen the situation in the economies of all Western Balkan countries, which will sell their products at lower prices, indirectly contributing to the EU budget by hundreds of millions of euros annually.

How to avoid CBAM?

To avoid CBAM, Montenegro could implement its own carbon price for electricity and reduce it for other industrial products by introducing its own carbon pricing equivalent to the EU's by 2033 and collecting funds for CO₂ emissions itself. By signing the Sofia Declaration as early as 2020 and joining the Energy Community, Montenegro pledged to implement the EU ETS, but now it must truly fulfill those plans.

Steel, cement, and other industries can no longer avoid CBAM. From January 1, 2026, it will become a reality, but CBAM prices for these products will gradually take full effect during the period 2026-2034. Only for the export of electricity, CBAM will immediately be one hundred percent applicable. On the other hand, Montenegro can obtain a full exemption for the electricity sector until 2030 if it meets certain conditions. The first is the integration of the electricity market with neighboring countries by mid-2025. The next is a clear roadmap for gradually increasing the price of carbon dioxide emissions to EU levels by 2030 and establishing a mechanism for monitoring, reporting, and verifying greenhouse gas emissions from coal-fired power plants and some industrial facilities by 2025.

In the CBAM Regulation, there is a theoretical possibility for producers of electricity from renewable sources to avoid CBAM by signing long-term contracts (PPAs) and reserving cross-border capacities in the long term, and many are hoping for this possibility. However, in practice, it is almost unfeasible because the condition for exemption is that congestion never occurs on export capacities, which traders cannot control, and this regularly happens.



It is up to politicians to decide

These prerequisites require some political decisions. The first is the merging of the electricity market. Montenegro is in the process, but it is at least a year behind schedule and has probably already missed January 1, 2026. There is still no nominated electricity market operator, which can only start formal procedures, and they last for about two years.

The second prerequisite requires appropriate political decisions regarding raising the prices of CO₂ emissions to the EU level in the period 2026-2030 and a legally binding decision on complete decarbonization by 2050. The first place where this plan must be outlined is in the National Energy and Climate Plan (NECP). All member countries of the Energy Community must adopt this plan by June of this year, and all have already submitted drafts last year, except for Montenegro.

The stakes are high. Without exemptions from CBAM or without their own pricing for CO₂ emissions, something tragic will occur: the Pljevlja thermal power plant will continue to harm the health of its own population and indirectly contribute significant amounts of money to the EU budget instead of its own.





Dr. Janez Kopač served three terms (2012-2021) as the Director of the Secretariat of the European Energy Community in Vienna. Prior to that, he spent ten years as a Member of Parliament in Slovenia, Director of the Directorate for Energy in the Ministry, Slovenian Minister of Finance, and Minister of the Protection of Environment and Energy. In the last two years, Dr. Kopač has been a member of the Regulatory Council of the Slovenian Energy Regulator and a consultant to the energy ministries of Bosnia and Herzegovina, Moldova, Georgia, and Ukraine.

Art as a means of social change: Simulacrum in the limbo of change

Zoran Rakočević

Theatre Director and Political Scientist

A full 18 years have passed since the acquisition of absolute responsibility for one's own actions (no one can blame anyone anymore from the outside for failures), and Montenegrin society is still on the wasteland today. The wounds from the relatively recent past have not been cleaned yet, when inevitably this society got its hands dirty, when structures from the government and those close to the government began to create serious capital in the circumstances of war and on the misfortunes of ordinary people; when actually a new social order began to form. Many things were grafted onto such a social order - new socio-political elites were formed without the desire to build an essentially better society, but a facade that should bring us only limited real-political benefits.

From the secession of the federal republics from the SFRY until 2020, Montenegro can be freely called Đukanović's Montenegro, which is characterized by the creation of new elites, the strengthening of criminal clans, the cooperation of the judicial and prosecutorial (and executive) branches of government with serious criminal and corrupt structures, the creation of state and local concentrations of power of devoted to authority, and on the other hand, the deepening of inter-ethnic intolerance among different population structures and the constant manipulation of this conflict and disagreements. In such an environment, institutions were formed that should correspond to the needs of survival in power, and even in the field of art itself the structures were strengthened that would not question the authority of one man, the entire state apparatus, or decision makers, and

that would not - and what would in matter be their goal and mission – question the phenomena of government and the behaviour of the new quasi-aristocracy, and which will only somewhat question certain social discourses, but not cross the border of servility. Đukanović's Montenegro also devised a system of incentives for loyalists, so a narrow structure of the population was always lulled in the honey of privilege and the butter of security.

Đukanović's Montenegro was, on top of that, a kind of simulacrum of a small successful Balkan democracy, simulating an alleged exception in the region for its successful multi-ethnic conglomeration, parliamentary culture and pro-European orientation (despite flirting with big Russian oligarchs). Montenegro also had some successes in the international field, but essentially these successes did not contribute to the reform, but rather served as a cover and screen for the dirty business to relax when it comes to privatization processes and turn the public good into a currency of acquisition and a currency of control. And such a Montenegro managed to achieve a lot: it pushed through the referendum on independence, it managed to achieve some kind of success when it comes to EU integration (although, it seems to me, we are the country with the longest experience of negotiating membership after Turkey) and gained sympathy of the relevant international partners, more thanks to the fact that it is surrounded by very unstable conditions in the neighbourhood, than thanks to its own wisdom and dedication.

From this distance, unfortunately, we know that neither independence nor integration were supposed to serve everything we hoped for - a better society, but only to consolidate the government and control all its branches, in order to keep the simulacrum alive and gain the impression of progress and to some extent achieved harmony and well-being. Of course, everything that happened during that time had to reach its own peak and begin to disintegrate by itself: the elites began to fill their ranks with arrogant mediocrities who no longer managed to maintain the system at an enviable level; individual affairs slowly began to reveal the real character of the government and the motives of the government. In the world of art, only mere individuals came forward and started talking about nepotism, corruption and misuse of public goods. Of course, we are talking about second-class citizens who could no longer get a job in such a Montenegro, nor could they deal with their

work in the right way. In the last five or six years, Đukanović's Montenegro resembled some vindictive junta of a compromised army of subjects who was given an apartment or two here and there, or a function or two, and whose children, in their own rampancy and from their own luxury jeeps, were already sending us an already worn-out message that out of respect for this publication and the publisher, I will not quote.

Đukanović's Montenegro, after the national resurgent, which nevertheless mobilized many politically inactive and even marginalized people, who set their hearts on building a better society and with the desire for a truly independent state, ultimately gave us high-ranking officials in culture who employ only the loyal and verified, the minister of culture who introduces nationalist laws to protect state symbols from art, the minister of education who not only collects tycoon money, but also delivers it to the home address of the bosses, state and local leaders who brutally sanction any dissent and wavering.

Unfortunately, this Montenegro today cannot yet be called post-Đukanović's, because all the structures of government, power, public goods and values are in a kind of political limbo: governments have changed, parties have factionalized and new currents have been created anew, reforms are too slow and unconcentrated, because political motives are more focused on governing in any manner, rather than creating progress and change. There is no desire to even lustrate the previous period, let alone the one from the nineties; some structures have even attempted to take over dubious crime-related businesses.

This period of today's Montenegro is a period of ignorance, arrogance and nonsense. The era of petty-proprietorship. Only a few new structures, such as the Special State Prosecutor, instil some kind of hope, but systemic support to create social betterment does not exist. Most new structures don't seem to need it. It is about practices of continuity: every segment of society is still tried to be controlled through the fitted and the new-old order of polity and control is created. In culture, directors and managers are still chosen through political suitability and by creating pressure on artists and collectives, and artists depend on the redistribution of spoils among coalition partners. The independent scene in culture, in which I have a lot of experience and in which I often create, is neglected to the ultimate extent, so the creators have to turn to either leaving the country or do other jobs in order to ensure their existence, or possibly to get international funds, if they manage to

find them and manage to apply. Đukanović's hypothesis, probably created on the diagonal of cooperation of cabinets of the group of economic subjects at a private college and conversations throughout the presidential apartments built during the privatization of hotels on the coast just for his person, that in this neoliberal gibberish of input and output of the market, or, read: slapping the middle class with a fist of tycoonization, everything has to be a free game, so no matter who manages it, it has never been more alive than today when it comes to cultural workers. In addition, to make things worse for us, one part of the government structure, sometimes metaphorically and sometimes essentially flat-earthly, behaves in a radically censorious manner towards common sense, let alone towards art and culture. And that layer, which today is domesticated in certain state companies and institutions, is a direct product of the actions of the thirty-year-old government and the saddest evidence of this limbo, the empty space in which Montenegro is drowning today.



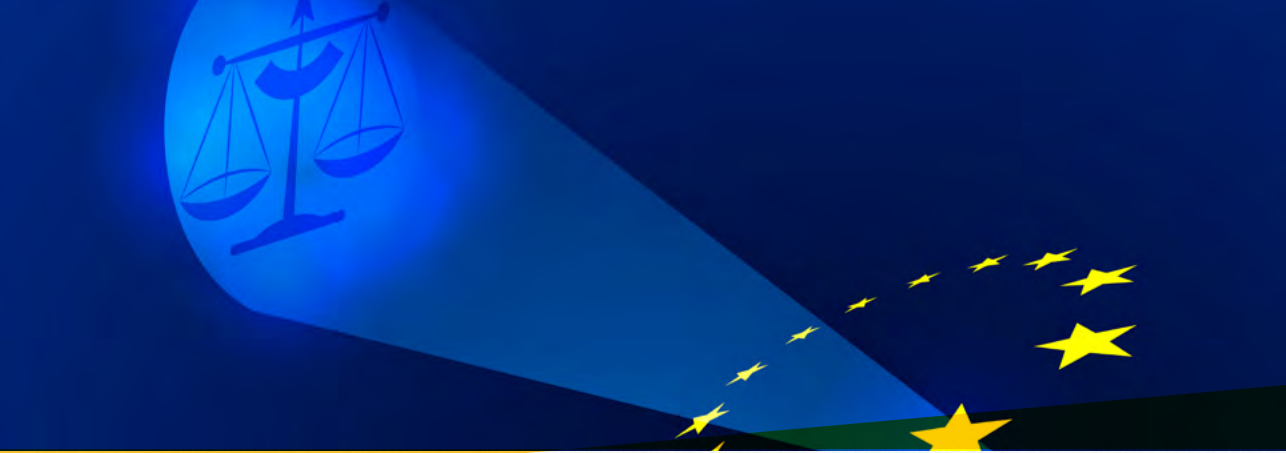
I can hardly say that the independence of Montenegro met the expectations of the average citizen. Neither a society of equality and freedom, nor a quality system of values was created. An order of control, party employment and dead institutions was created, to which new governments easily get used to. What is encouraging is the fact that more and more artists are speaking out and resenting various abuses and inactions. If this rebellion is not used in the future and people, creators, eager for real changes do not support it, Montenegro will not succeed. It will continue to be a sleepy province that is not ready to look in the mirror and that, like some village bride from soap operas, wine in her own backwardness and balances on the rope of indolence and self-sufficiency.

If we don't finally start to perceive Montenegro first and foremost as a severely injured green oasis that still needs to recover its natural resources that are not permanently lost, that needs to draw a line and reinvent itself, its institutions, directions of action and will, which is painstaking and painful process, and which needs to dignify, courageously and culturally rise above the backroom political petty bourgeoisie and boldly start to represent free speech, free artistic expression and free cultural institutions, and then selflessly but planned to invest millions of euros to position itself as a society of culture and education, we will forever have not a society, but a state-like creation that oscillates between nationalisms, smuggling and a complete and for man devastating overall dilettantism.





Zoran Rakočević, a Theatre Director, born in Kolašin, Montenegro, in 1985. He completed his basic and specialist studies in theatre direction at the Faculty of Dramatic Arts in Cetinje, after completing his four-year studies at the Faculty of Political Sciences in Podgorica, majoring in International Relations and Diplomacy. Staged plays in the Royal Theatre “Zetski dom” Cetinje, Montenegrin National Theatre Scena Studio, City Theatre Podgorica, Budva City Theatre, Nikšić Theatre, Mostar National Theatre, cultural centres Tivat, Kotor, Kolašin, Bijelo Polje, Berane, Podgorica and almost all independent productions in Montenegro: ATAK Podgorica, Jazz Art Podgorica, Korifej theatre, KC Homer, Ars-Industrija, NGO TNT, Association for Children and Youth “Kuća”. He also directed for children, young people and adults. The founder, main organizer and program editor of the Korifej International Festival of Alternative Theatre, which has been held in Kolašin since 2014, as well as the artistic director of the NGO “Korifej Theatre”, an independent troupe that primarily deals with professional theatre production.



Analysis of Montenegro's progress towards EU membership: Perspective from the Bar Association

Aleksandar V. Đurišić

Vice President of the Bar Association of Montenegro, lawyer

Unfortunately, the Bar Association, collectively or individually, hasn't been actively involved in the Euro-Atlantic integration processes, or only in a symbolic manner through panel participation, which we considered to have more internal media significance. Could more have been done? Probably. Nevertheless, the most critical path ahead is completing the process of accession to full membership in the European Union.

Rule of law, democracy, respect for human rights, and anti-corruption efforts are particularly important for the legal profession. In such conditions, knowledge and skills become even more crucial, making legal assistance meaningful. Otherwise, criminogenic structures come to the forefront, and the authority of defenders and attorneys loses its purpose, established millennia ago.

The fact is that predominantly political processes, namely, the years-long instability in Montenegro, as well as the criminalization of our legal system, society, and the state in the broadest sense, have resulted in the slow advancement of our country in that direction. The insatiable desire for prolonged and unproductive power has had its consequences.

We believe there are signs of improvement following the presidential and parliamentary elections held in 2020 and 2023, and that conditions are emerging for a somewhat smoother progress towards democratization, rule of law, and decriminalization. The initial results are evident: the selection of the Prosecutorial Council, the Judicial Council, the Special State Prosecutor, judges of the Constitutional Court, the Chief State Prosecutor, and hopefully soon, a quality selection of the President of the Higher and Supreme Court. The agony of indecision and prolongation of acting positions has lasted too long, resulting in the appointment of inadequate candidates, even for four or more terms. Undoubtedly, these results are tied to the intensive work primarily of the prosecution in exposing criminal activities within the judiciary, resulting in intense investigative and judicial procedures in that regard. The continuation of this process aligns with the sacred principle for us that everyone is innocent until proven otherwise in a fair, public, and just trial, despite numerous lay objections voiced publicly on this matter.

If we are to trust media headlines and officials' statements, the EU integration process will continue for the next five to seven years. We believe this time should be primarily used for two synchronized and organized activities. Firstly, there should be a review of the work done by judges and prosecutors so far, along with limiting their mandates (currently without limitations), establishing an effective and efficient system to control their work, and intensifying the activities of the Judicial and Prosecutorial Councils in this regard. Simultaneously, efforts should be made to fill judicial positions, as well as those of associates, prosecutors, and their associates, with more competent, educated, responsible, and honourable personnel, which this country undoubtedly possesses. The previous selection, often in collusion with criminal justice and political leaders, has yielded disastrous results.

Indeed, there is a noticeable trend, stemming from recent history, of the leading figures in the judiciary losing interest in judicial and prosecutorial positions. There's also a sudden

interest from highly unsuitable candidates in leadership positions, as they see it as a “now or never” opportunity for career advancement “while they are still visible.” We believe this is a consequence of the previous period, and that by regaining the public’s trust, this process must yield results over the next 10 years.

On the other hand, a serious problem that we recognize as a recurrence from previous years is the laws that were changed ad hoc as needed by state or local authorities, or by criminal structures. This includes the adoption of so-called special laws that don’t fit into the framework required by the new era. So, we have: earlier laws with errors, new ones resulting from partial interests, and laws demanded by the new era. It is necessary for a serious group of legal experts to thoroughly review our laws, which have in the meantime become deeply contradictory and opposed to themselves in this way, making them a poor basis for implementation by judicial actors who are often confused when applying them.

As a consequence, previously enacted systemic laws have been degraded by piecemeal amendments to the point where, believe it or not, courts hardly apply them. Instead, they reduce their work not to principles of fairness, objectivity, legality, and impartiality as sacred rules, but to trials of “how I want” under the guise of judicial discretion, with the segregation of facts and evidence and the prioritization (by manipulating facts) over the millennia-old postulates of modern law from Latin to today’s rules. It’s not uncommon for court judgments to be based on “he said, she said” facts and witness testimonies, avoiding the application of rules. They receive support from mentors, older colleagues who teach them these tricks, which are very transparent. It all boils down to the trial record, which they create prejudicially, without considering the language of each individual separately. Thus, pressure is exerted on attorneys to sign records that do not reflect the true state of affairs, and the institute of judge recusal has long been an ineffective legal remedy as it is symbolically adopted. With the absence of control and the earlier period when cases were judged in a manner interesting to the powerful “as they wanted” through the judiciary’s leaders, and in other cases “as the judge wished”.

It doesn't meet the needs of the population

Fears are present in all of this as well. Still, reliable media has played a significant role in bringing these issues to the attention of the general public, which is primarily ignorant. Trials are open to the public, unless there are special circumstances.

Therefore, **stenography and cameras** should be introduced into Montenegrin courtrooms to provide a clearer picture to the broader population and professional community, not only about judges and prosecutors, but also about defenders, i.e., attorneys and their actions. Without clear evidence of progress in this regard, there can be no progress. Unfortunately, many actors do not understand the basic and elementary principles of law, that only the accused, or the defendant, can manipulate the law if it is in their interest, and not the judge and prosecutor.

Despite the incorporation of **international law** as a superior field over domestic law within our legal system, it's disheartening that even after nearly two decades; this aspect isn't a part of the curriculum at law faculties. This leads to a situation where current practitioners in the judiciary only possess a superficial understanding, often gained during brief judicial seminars. The absence of a dedicated subject on case law means that studies often commence abruptly from the Nuremberg trials.

It's not uncommon to witness our judges and prosecutors misinterpreting basic tenets of international law. For instance, in cases involving international crimes, there's often confusion between defining displacement and deportation.

Furthermore, individuals occupying public roles such as directors of local water companies, lawyers, or low-level officials are sometimes erroneously categorized as such. Despite their positions, which are inherently linked to the state apparatus and warrant full legal protection, they are occasionally subjected to undue scrutiny. In contrast, it's these very individuals who should bear greater responsibility for their actions, especially when they impact ordinary citizens.

Criticism of police conduct within criminal proceedings, though not within their purview, is another issue that arises. Additionally, the excessive number of courts needs to be addressed by reducing their numbers and concurrently increasing the pool of assistant judges. This restructuring is essential for streamlining the judicial process and ensuring efficient and fair dispensation of justice.

There are enough skilled laborers

The narrative often presented to the public, suggesting Montenegro **lacks adequate personnel**, is a creation of a former president who repeatedly asserted this claim to international actors for personal gain. This narrative aimed to justify his desire for power and position himself as the sole competent individual in the country. I have personally witnessed this manipulation firsthand.

However, the reality paints a different picture. Skilled, educated, and experienced professionals have been hesitant to collaborate with the corrupt political regime and its leaders. They think independently and are not easily swayed. Despite the political changes in 2020, these professionals are in no rush to engage, having already established stability over the past few decades. They carefully assess the capabilities, credibility, knowledge, and intentions of the emerging political structures.

Capable, wise, and educated individuals are selective about whom they associate with, often aligning themselves with movements promoting European integration and community improvement. They should be approached with sincerity, as finding suitable personnel in Montenegro is not a challenge given the country's modest needs, particularly on the international stage. However, reforms cannot progress amidst egotism, obsessions, paranoia, and frustrations.

The Bar Association, though previously overlooked in this process, has the potential to significantly contribute to the country's progress, provided there is genuine interest.

Intellectuals do not impose themselves; rather, they offer their expertise for the betterment of society. Our belief in possessing highly qualified personnel and valuable knowledge underscores our commitment to pro bono work for the advancement of our community and the preservation of human values.

Understanding the importance of safeguarding collective human rights and preserving cultural diversity, we acknowledge the pivotal role lawyers and the Bar Association play in this endeavor.





Aleksandar Đurišić was born in 1967 in Podgorica. He completed his undergraduate studies at the Faculty of Law, University of Montenegro, specializing in International Relations in 1991. He passed the bar exam in 2002. He received the title of Master of Laws from St. Thomas University School of Law in Miami, Florida in 2005. From 2008 to 2012, he was a member of the Advisory Board of the Center for American and International Law in Plano, Texas. He served as a member of the Parliament and was part of the Network of Parliamentarians of Southeast Europe. He was also employed at RTCG as a journalist, editor, and analyst. In addition to his legal knowledge and experience, quality political education, and communication skills, he possesses a good understanding of domestic, regional, and global affairs.

Seeking the truth in memories

Edin Smailović
Historian

The journey toward European Union membership for Montenegro is one that garners support from both the government and opposition, as well as from the populace. However, the reality often diverges from the rhetoric, as is the case in our country. Despite the optimistic signals from EU member states regarding Montenegro's accession, there are numerous hurdles and responsibilities ahead. One such challenge lies in confronting the past, particularly in fostering a collective societal consciousness that unequivocally denounces the war crimes of the 1990s. Unfortunately, Montenegro has yet to achieve this, largely due to the lack of appropriate punishment for the perpetrators and orchestrators of these atrocities. Moreover, opportunism among officials and citizens, electoral strategies, political maneuvering, judicial capacity constraints, and inadequate personnel policies further complicate matters.

Despite some political factions' beliefs that EU accession will automatically absolve Montenegro of its recent past due to increased prosperity, this notion is misguided. The reality is that addressing the lingering guilt from past conflicts requires a genuine reckoning with the truth. As Montenegro moves forward, it must acknowledge and prosecute all those responsible for war crimes, including both direct perpetrators and those who facilitated or turned a blind eye to these acts.

Ultimately, true progress and reconciliation demand a commitment to justice and accountability, ensuring that the mistakes of the past are not repeated. As Montenegro continues its EU integration journey, it must prioritize confronting its past and upholding the principles of justice and human rights for the betterment of society as a whole.

When addressing the fact that our society was largely complicit, or silent, regarding the crimes committed against citizens and the state beyond our borders, as well as the crimes within Montenegro itself, we must assert that this was not an act of heroism, but rather a manifestation of ruthless evil and cowardice. Furthermore, if we genuinely aspire to be a civilized society, it is imperative that we establish memorials at every site of individual and collective suffering endured by innocent people. From 1991 to 1998, there were numerous such instances, which I will attempt to list chronologically: the establishment of the Morinj camp for captured residents from the Dubrovnik area, the deportation of Bosnian-Herzegovinian refugees, the murder of the Klapuh family, the massacre in Štrpci, the atrocities in Bukovica, and the crimes in Kaluđerski laz. Additionally, citizens of Montenegro, as part of military or paramilitary groups, perpetrated numerous individual and collective crimes in Croatia, Bosnia and Herzegovina, and Kosovo.

Another critical issue is the question of providing material compensation to the victims and their families for the loss and pain inflicted upon them. Unfortunately, the state continues to offer feeble excuses for its failure to address this matter. The first step towards truly confronting our past requires those in power to summon the courage to do so. Instead of engaging in political maneuvering, they should choose to act as statesmen and undertake measures beneficial to the country in the long term. Equally important is the process of memorialization, as a means of preserving the memory of the victims and the atrocities committed, thereby enabling us to prevent and address such horrors in the future. Presently, we lack a single street dedicated to commemorating the victims of these crimes. Excuses claiming it is not the right time will only deprive us of the opportunity to adequately prepare for membership and leave us perpetually in the waiting

room, deceiving ourselves into believing that we desired it, but were hindered by powerful figures. To move forward, we must acknowledge the need for courage, humanity, and knowledge in addressing the past. Someone must step up to undertake this crucial task, or we risk remaining mired in the mistakes of history.

It's essential to recognize that the creation of robust frameworks for memorialization and education serves as a safeguard against repeating past atrocities. By fostering a collective consciousness that values truth, justice, and remembrance, we can prevent future governments from veering towards similar transgressions. Moreover, it's imperative for the government to lead by example and prioritize these initiatives without hesitation or political calculations. Only by demonstrating a genuine commitment to confronting the past can we pave the way for genuine reconciliation and progress. Ultimately, the task of memorialization and education is not just about fulfilling European aspirations; it's about upholding fundamental human values and ensuring that the mistakes of the past are never forgotten. It's time for Montenegro to take decisive action and build a brighter future founded on truth, justice, and remembrance.



When considering concrete steps the government should take in the upcoming years to address historical reckoning, I would outline the following actions:

Trials for war crimes

Even though the responsible individuals are likely advanced in age now, seeking truth and justice remains crucial, no matter the delay. Therefore, it's imperative to enhance the judiciary's capacity, but this requires unwavering political commitment above all.

Memorials

- Construct a monument honoring the victims of deportation in Herceg Novi.
- Build a memorial for the victims of atrocities in Kaluđerski laz.
- Extend an offer to Dubrovnik for Montenegro to create a monument commemorating the innocent civilians killed during the city's 1991 aggression, as a gesture of reconciliation and unity within the European Union.

Streets and squares

In cities where tragedies occurred, dedicate streets in memory of the crimes and their victims.

Education

- Integrate comprehensive lessons about the nineties' wars and the committed crimes into the educational curriculum.
- Expand informal education through workshops, summer schools, and youth camps focused on these historical events.

Culture

Support and fund cultural institutions to address this subject through various art forms such as film and theater. Additionally, encourage individual cultural projects related to this topic.

Day of Remembrance

Institute an official Day of Remembrance in Montenegro for the nineties' war victims, with the specific date subject to discussion but acknowledging the necessity of such commemoration.

Reparations

In conclusion, swift implementation of these measures over the next few years is essential. While resistance is expected, the benefits for Montenegrin society, excluding war criminals and their supporters, are indisputable. Success in this endeavor, regardless of external factors like European Union membership, will forge a community grounded in integrity and capable of facing challenges with resilience.





Edin Smailović was born in Bijelo Polje in 1980. He completed his undergraduate studies in history at the Faculty of Philosophy in Sarajevo in 2005. He pursued master's studies in librarianship in Ljubljana. His professional career began at the Local Museum in Bijelo Polje in 2007, and in 2009, he started working at the National Library in the same city. He has been the head librarian of the National Library in Bijelo Polje since 2012. He has published two books, and his poems and stories have appeared in numerous publications.

Montenegro's journey towards European integration through sports

Dušan Simonović

President of the Montenegrin Olympic Committee

After regaining independence on May 21, 2006, Montenegro has used sports as a dynamic platform for both national development and international integration, in addition to continuing its European path as a sovereign state. The field of sports in Montenegro has reflected the broader aspirations of the nation, including its desire for European Union membership and commitment to democracy, rule of law, and human rights. In Montenegro, our strength lies in our diversity, and sports have undeniably proven to be the most effective tool for promoting diversity, inclusion, peace, and equality. By embracing our diversity and promoting inclusivity, we strengthen the foundation of Montenegrin sports and inspire upcoming generations to pursue their aspirations boundlessly.

In independent Montenegro, the sports narrative unfolds with the reorganization of national associations and the Montenegrin Olympic Committee. Before regaining independence, Montenegrin athletes competed under the flag of Yugoslavia, and later Serbia and Montenegro. The formation of Montenegrin national teams was not only a matter of national pride but also a crucial step in affirming Montenegro's new identity on the global stage. Since then, sports have been a unifying force in a country striving to highlight its culture, heritage, and potential.

The first official match of the national football team in March 2007 marked the symbolic beginning of Montenegro's journey in international sports. At the same time, team sports such as handball, water polo, basketball, and volleyball played crucial roles, with national teams excelling in international competitions, contributing to the promotion of Montenegrin identity and fostering national solidarity. Montenegro has also excelled in individual sports, demonstrating exceptional ability and resilience. Montenegrin athletes, proudly representing their country on international podiums, embodied a spirit of dedication, pride, and excellence.

Despite modest conditions, Montenegro has managed to preserve the quality of its sports. This success has been facilitated by adaptability and a transformation of sports leadership focused on the process rather than just individuals, exceptional athletic talent, and a strong presence in the international sports community. These factors have been crucial in maintaining high standards in Montenegrin sports, contributing to a culture of excellence where each team member contributes to a greater goal.

The admission of the Montenegrin Olympic Committee (COK) to the International Olympic Committee (IOC) was a significant milestone, not only for the COK but also for the entire country. This positioned Montenegro prominently in sports circles as a nation with exceptional athletic talent, enhancing its international reputation. Montenegro's sports achievements on global platforms, such as the Olympic Games, not only demonstrated the nation's resilience and strength but also its national pride.

The culmination of these efforts was undoubtedly the Olympic Games in London, only the second at which Montenegro competed as an independent state, and the Olympic silver medal won by our women's handball team better known as "Lionesses".



Since regaining independence, Montenegro has truly achieved incredible sports results at both the continental and global levels. All these accomplishments have positioned us prominently in the world sports environment, as the international sports community has been impressed by our achievements, including the size of our team at the Olympic Games and continental competitions, especially considering the small size of Montenegro. Montenegro has made significant progress in its participation at the Olympic Games—from 19 participants in Beijing 2008 to 34-35 in the recent editions of the Olympic Games in Rio and Tokyo. Despite the generational changes in many sports, which we are witnessing now in the qualification period for the Paris Olympic Games, a promising new team is emerging for the Olympic Games in Los Angeles.

Enhanced training programs and long-term initiatives to support athletes by the Montenegrin Olympic Committee support the team, and highlighting athletes' achievements and their individual efforts is essential. We believe that in future editions, Montenegro will have a respectable team, “the best among the best” - Montenegrin athletes among only 10,500 athletes from around the world.

Montenegro's participation on the global sports stage reflects our commitment to international cooperation and mutual respect, simultaneously strengthening ties with the European Union and promoting its core values. The Montenegrin Olympic Committee is actively engaged in enhancing international relations, establishing strategic partnerships with counterparts from national Olympic committees, international sports organizations, and diplomatic entities. Through the promotion of dialogue, collaboration, and cultural exchange through sports, we not only enhance Montenegro's reputation on the world stage but also actively contribute to spreading peace, understanding, and friendship among nations.

This sports diplomacy is vital in the context of Montenegro's integration into the European Union, demonstrating our readiness to align with European standards. As a candidate country for EU accession, Montenegro embraces the EU *acquis* and addresses sports within Chapter 26 – Education and Culture, which was one of the first chapters provisionally closed. Under this chapter, Montenegro is committed to aligning its legislation and actions with other international legal instruments to combat discrimination in sports, abuse of young athletes, racism, violence in sports, and other related issues. The Montenegrin Olympic Committee, in collaboration with the Government of Montenegro and the Ministry of Sports and Youth, is actively working on adopting strategic documents, amending laws, and implementing supporting regulations to meet these obligations.

This year, a particularly significant event that will further strengthen our ties with Europe is the European Olympic Committees (EOC) Seminar, which will be held in Budva in September. This seminar will bring together over 200 representatives from 48 European National Olympic Committees, reaffirming Montenegro's importance as a key player in the European sports movement.

Active collaboration with partners from the region and wider Europe, especially on projects funded by the European Union, further highlights our commitment and openness to international and regional initiatives. As Montenegro marks another year of independence, its sports narrative provides deep insights into the social progress of our country. Through team and individual sports, sports have provided a platform for expressing national pride and unity, assisting Montenegro on its path towards European integration.

The relationship between Montenegro's sporting achievements and its aspirations for EU membership remains significant in its future narrative. Upholding the principles of fairness, excellence, and unity in sports, Montenegro is progressing towards EU membership, embracing each challenge as an opportunity for growth and integration. As the nation continues to succeed both on and off the field, its path towards a more prosperous future in Europe is poised to inspire many.





Dušan Simonović has been serving as the President of the Montenegrin Olympic Committee since 2003. He has held the position of Honorary Consul of Mongolia in Montenegro since 2023. From 2015 to 2021, he was a lecturer at the Faculty of Sports and Physical Education at the University of Montenegro. Simonović previously served as the President of the Council of Radio and Television of Montenegro from 2009 to 2014 and as President of the Management Board of INFOFEST from 1998 to 2008. Additionally, he was the President of the Management Board of Electro industry “OBOD” in Cetinje from 2000 to 2002. Simonović also held the role of Secretary General in the Secretariat for Development of the Government of Montenegro for ten years, starting in 1998. Before this, he was the general manager of Alliance Tourse Company in Podgorica from 1992 to 1998 and the general manager of Sinjajevina Kolašin enterprise from 1988 to 1992. Simonović’s academic qualifications include a Master’s degree in Law from the University of Montenegro. In addition to his role as President of the Montenegrin Olympic Committee (COK), he has held numerous significant positions in the field of sports, such as Vice President of the Olympic Committee of Serbia and Montenegro, and has participated in the management boards of associations such as the Karate Federation and Skating Federation. He was also the long-time president of Karate Club Budućnost. Outside of his professional life, Dušan Simonović is married and a father of four children, and he is the founder of successful family businesses.

Protection of personal data and the age of technological expansion

Mirjana Volkov

*Head of the Department for Cases and Complaints
at the Agency for the Protection of Personal Data and free access to information*

In the light of contemporary social trends reflected through the expansion of technology and its increasing accessibility to individuals, the right to personal data protection is brought into focus and faces numerous challenges. The widespread use of social networks, the development and integration of artificial intelligence, the utilization of so-called smart devices, and the rapid exchange and manipulation of information necessitate ongoing upgrades to personal data protection systems. This involves improving the legislative framework and strengthening institutional mechanisms for protection. In Montenegro, the adoption of the Law on Personal Data Protection in 2009 empowered the Agency for Personal Data Protection as an independent and autonomous body responsible for overseeing personal data protection.

The current legislative framework does not offer a sufficient response to the evolving and increasingly complex technological challenges in this field. However, it is promising that a new Law on Personal Data Protection is currently in process, which will incorporate standards, principles, and norms from the GDPR adapted to the legal framework of Montenegro. The adoption of this law is planned for the current year, providing a more robust framework for addressing modern data protection challenges.

In Montenegro, there is a growing trend of awareness about personal data protection among both data controllers and citizens year after year. The level of personal data protection among public bodies and businesses operating in Montenegro is still not satisfactory, but progress and efforts to improve are evident. Difficulties in implementing legal regulations mostly stem from inadequate application, misinterpretation, or lack of information, with intentional non-compliance being extremely rare. Challenges in implementing legal regulations often arise due to inadequate application, misinterpretation, or lack of information, rather than intentional non-compliance. It is worth highlighting the cooperative approach of regulated entities in adhering to directives from the Agency for Personal Data Protection and their willingness to seek expert assistance when faced with uncertainties or risks related to personal data processing, outsourcing tasks, sharing data with third parties, establishing video surveillance systems, and other relevant scenarios.

The General Data Protection Regulation (GDPR) of the European Parliament and Council of the European Union was adopted in 2016 and came into effect on May 25, 2018. According to experts, GDPR represents the “gold standard of personal data protection” and is designed to address technological advancements in automated processing of personal data to prevent potential misuse. GDPR replaces Directive 95/46/EC on the protection of individuals with regard to the processing of personal data and on the free movement of such data, representing a comprehensive reform of the personal data protection system.

The regulation places a special emphasis on digital and online technologies, granting individuals greater control over the processing of personal data and establishing conditions for transparent processing procedures. In EU member states and the European Economic Area (EEA), the regulation applies directly, ensuring uniformity in the personal data protection system and facilitating business operations, while also imposing numerous requirements on data controllers. For member states and those aiming to align their legal frameworks with European standards, this regulation offers various alternatives for specific situations and provides the flexibility to choose the most suitable approach. This approach allows for adaptation to national contexts and preferences within the overarching framework of GDPR compliance.

The reality is that complete protection of personal data is not achievable, but GDPR outlines procedures to prevent misuse by requiring data controllers to demonstrate that they have taken necessary measures to avoid breaches of personal data protection rights. Additionally, individuals must be informed about all stages of their personal data processing,

fostering trust and transparency. Therefore, successful implementation of GDPR necessitates education for professionals within supervisory authorities and employees of data controllers, including legal experts, IT specialists, and those directly handling personal data. This educational effort is crucial and ultimately more financially sustainable than facing high fines. The Agency for Personal Data Protection and Free Access to Information serves as a dependable partner in ensuring compliance with GDPR requirements.

GDPR primarily affects organizations in the public and private sectors that engage in extensive and significant processing of personal data for a large number of individuals. Therefore, those most affected and prepared for the forthcoming changes under the new Law on Personal Data Protection in Montenegro include telecommunications companies, internet firms, banking and financial institutions, service providers, tourism-related businesses, and government agencies that handle substantial amounts of citizens' personal data.

GDPR mandates that individual sectors (associations) must develop codes of conduct governing the processing of personal data, which contribute to the proper implementation of the Regulation. These codes require approval from the data protection supervisory authority. Additionally, with the consent of the supervisory authority, codes of conduct can be adjusted, modified, or expanded. Furthermore, the supervisory authority is responsible for approving binding corporate rules that are legally binding and apply to all interested members of affiliated companies or groups of enterprises engaged in common economic activities.

The Data Protection Officer (DPO) plays a crucial role in organizations and companies, particularly in the context of personal data protection. Currently, only a few data controllers across Montenegro's private and public sectors hold this role. According to GDPR, the DPO is central to the corporate data protection system, acting as the primary point of contact for individuals whose data is being processed.

Therefore, it is recommended that all reputable companies, including state bodies, local government authorities, and other public entities, appoint a DPO to ensure the security of clients' personal data and enhance overall data protection. The DPO will directly engage with individuals whose data is processed and interact with the data protection supervisory authority. Under the Regulation, individuals are initially directed to address any concerns

with the data controller. If issues remain unresolved with the controller, individuals can then file a complaint with the relevant data protection authority. In addition to appointing a Data Protection Officer (DPO), a measure to ensure that a data controller meets data protection standards will be the certification of adequacy of personal data protection measures issued by a body designated by national law for a limited period of time, after which it must be reviewed.

A data controller managing data from numerous individuals, including EU citizens, and whose business is built on client trust and reputation, must not risk violating data protection rights or breaching GDPR due to untimely actions. Montenegro, aiming for EU membership, is aligning its legislation with European standards, which includes harmonizing the Data Protection Law with the GDPR in the near future. The adoption of a new law will resolve many implementation dilemmas related to the Regulation in Montenegro, provide specific solutions for all data controllers operating within the country, strengthen the authority of the Agency, and ultimately enable citizens of Montenegro to benefit from a level of data protection similar to that enjoyed by EU citizens.





She completed her legal studies at the Faculty of Law in Podgorica and currently serves as the Head of the Department for Cases and Complaints at the Agency for Personal Data Protection and Free Access to Information. Over the past 15 years, she has actively participated in various trainings, seminars, and workshops focused on personal data protection, both locally and internationally. She has also gained experience as a lecturer and educator in this field and has authored several professional articles published in Montenegro.

