

PRESIDENT OF MONTENEGRO, Mr Filip Vujanović
PRESIDENT OF GOVERNMENT OF MONTENEGRO, Mr Milo Đukanović
PRESIDENT OF PARLIAMENT OF MONTENEGRO, Mr Ranko Krivokapić

Podgorica, 5.11.2009.

Subject: PROTEST ABOUT THE MANNER OF ELECTION OF OMBUDSMAN

Honorable Gentlemen,

We express our protest since the President of Montenegro, Mr Filip Vujanović, yesterday, on 4 November 2009, proposed to the Parliament a candidate for the Protector of human rights and freedoms without prior alignment of the Law on Protector of Human Rights and Freedoms with the Constitution and without consultation with representatives of civil sector and scientific institutions.

We remind that the Venice Commission criticized the procedure for appointment of Ombudsman stipulated by the Constitution, considering "questionable" the solution where the President of the state is proposing the candidate, and where the Parliament elects the Ombudsman by a simple, instead of a qualified majority vote, all because of fear that such selection will not lead to a choice of a person who will act autonomously and independently, especially in relation to the executive branch of the Government.

We believe that the Law on Protector of Human Rights and Freedoms should have been promptly aligned with the Constitution, which would oblige the President of the state to consult with NGO representatives who advocate for advancement of human rights in Montenegro for years, as well as with the representatives of the scientific institutions before nominating the candidate. Given that the Constitution abolished the procedure stipulated by the Law and that it clearly stipulates that the expert public shall be consulted in the process of nomination, we consider that an adequate amendment on the Law could influence the advancement of this Constitutional provision.

Protector of human rights must be an autonomous and independent person, determined and brave to actively and uncompromisingly combat human rights violations by state officials. NGOs signed below argue that the existing Constitution stipulates the procedure of election which does not provide sufficient guarantees of the expected quality from a candidate for this position, and we appeal that the Constitution and the Law should be amended, as outlined above.

We notice that our request to determine who is responsible for the fact that the Law on Protector of Human Rights and Freedoms for two years could not have been aligned with the Constitution is still unanswered. Media reported that the Ministry for Human and Minority Rights sent to the Parliament in May 2009 Draft amendments on the Law on Protector of Human Rights and Freedoms, but in the meantime, the office of President of the Parliament issued a statement that such proposal never arrived. The Ministry for Human and Minority Rights to this day did not grant us with information on this issue.

We write this letter fully aware that it cannot change the personnel castling within the ruling political elite in Montenegro, but with the intent to leave a written mark that we have consistently opposed the manner of election of Ombudsman, which is in exclusive competence of the political coalition in power without acknowledgment of the views of expert public.

Human Rights Action
ANIMA - Centre for Women and Peace Education
Centre for Anti-Discrimination EKVISTA
Centre for Civic Education
Centre for Development of NGOs
European Movement in Montenegro
Youth Initiative for Human Rights
Institute Alternative
Youth Cultural Centre Juventas
Women's Safe House
Aleksandar Zeković, Human Rights Violation Researcher