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ACTION PLAN SHOULD BE SERIOUSLY IMPROVED

-general comment-

Centre for Civic Education (CCE) assess that the Action plan for monitoring the implementation of recommendations from the EC's Opinion is the **document that provides the basis for the fulfillment of seven conditions given by Brussels, identifies the necessary steps towards a faster democratization of society, as well as depoliticisation of institutions, but points out that there is still room for its serious improvement.**

Namely, the plan, as well as many similar previous documents, is largely burdened by development of strategies, action plans, analysis, reports, etc, and constant amendments to laws and regulations, **without stipulated necessary monitoring measures and analysis of the implementation, which raise the concern that the focus is not on results and that the results might actually be missing.**

Action plan, in part related to the strengthening of legislative control and the role of the Parliament of Montenegro, should be amended. Coincidentally or not, the Law on Parliament, which should specify organization and method of work of the Parliament of Montenegro, is not envisaged. This Law could, to the great extent, reform the process of adoption and monitoring the implementation of laws themselves, change relations with other branches of government, NGOs and other national and international subjects.

Furthermore, it seems necessary that the **State Audit Institution (SAI)** be obliged to prosecute detected irregularities to the relevant authorities, particularly the Prosecution. Bearing in mind the quantity of government investments in the **education sector**, but also the extent of corruption in the this area, SAI would have to continuously and with more attention perform the audit of finance of the University of Montenegro and other educational institutions, make recommendations for harmonization of normative development and the factual situation, for which itself has confirmed that is in the discrepancies, and consequently contribute to reducing the level of corruption in this important area for development of Montenegrin society.

The Plan does not imply a fundamental change in terms of ensuring the quality of the constitutional framework for establishing the independence of courts and judges, as a more certain guarantees of the right to fair and impartial trial within the reasonable time. One gets the impression that everything will be reduced to the talk about the procedures that should guarantee the independence and impartiality of courts and judges. **Essentially, once again we remain without a specific indicator in the form of very clear verdicts on corruption and organized crime, without which we will not have a judiciary of integrity and trust.** The



article 86 of the Constitution should guarantee the immunity of judges, as well as MPs, ministers and other holders of executive and judicial power.

When it comes to ensuring **the uniform implementation of laws by the courts**, it is necessary to amend the Plan in terms of obligation of ensuring that the content and the method of the uniform application of the law are closely set by the law, which would be a significant guarantee of a fair and impartial trial.

When it comes to administrative reform, focusing on administrative capacity, along with the fact that it is common knowledge that public administration is persistent and resistant to the slightest, and especially fundamental changes, it is necessary to form impartial and highly professional team of local and international experts, which would, with the full involvement of the Administrative inspection, analyze and make a programme of measures for further action.

Since **Administrative inspection** has broad authority of insight, monitoring, taking and proposing to undertake appropriate measures in improving the organization and functioning of public administration, the same should be made organizationally and functionally independent, strengthen personnel and material in order to become a key factor in the process of improving the organization and functioning of public administration.

Newly formed, highly professional team would, with the assistance of Administrative inspections and other agencies and offices, monitor the implementation of the Plan, propose undertaking beforehand measures for the more consistent implementation of the responsibilities established by law and the Plan, to the extent of accountability measures for noncompliance with the undertaken obligations.

Establishing a system of accountability of agents provided by the Plan for undertaken obligations should be self-imposed recommendation.

It is clear that this Action Plan can't, during the period of seven months, solve all the pressing issues, such as issues of organized crime and corruption, nor such indicators can significantly change the perception of judicial independence, **but may, if seriously approached, set a good basis for the work, which could, in future, give concrete results. And exactly political will and sustainable basis that will continuously show visible results of democratization and Europeanization of the Montenegrin society is what the EC expects in the forthcoming period.**

Realistic and professional approach, with strong political support is now much more important than the easily promised pace by the ruling elite or unnecessary speculations about (not)meeting some of the specific activities that provide some social actors.

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