

Montenegrin Anti-discrimination Legislation and European Law Standards

SPEECH HELD AT THE OPENING OF THE CONFERENCE ORGANIZED TOGETHER WITH THE CENTER FOR DEMOCRACY AND HUMAN RIGHTS IN MONTENEGRO (BECICI, 22-23 MARCH 2012)

I am delighted to welcome you to this seminar on „New Anti-Discrimination Legislation and European Law Standards“ on behalf of the Rule of Law Program South East Europe of the Konrad-Adenauer-Stiftung. We are very happy to support this seminar because we highly appreciate Montenegro's efforts to move closer to the European Union by reforming the judicial system, by adopting and implementing new laws that are in conformity with EU law and international conventions and by promoting and protecting human rights.

But let me start with providing you with some information on Konrad-Adenauer-Foundation in general and the Rule of Law Program in particular.

Konrad Adenauer Stiftung is a political foundation affiliated to the Christian Democratic Movement. Its precursor, the Society for Christian Democratic Education Work, was founded in 1955. Nine years later the name was changed to its present one. We are proud to bear the name of Konrad Adenauer. The first

chancellor of the Federal Republic of Germany's name and principles are our guidelines, duty and obligation. We stand for the Christian Democratic values of freedom, solidarity, and justice.

As a think-tank and consulting agency our soundly researched scientific fundamental concepts and current analyses are meant to offer a basis for possible political action.

Our headquarters are located in Berlin and St. Augustin near the former West German capital of Bonn. Berlin is also the seat of our Academy which is the national forum of dialogue between the spheres of politics, economy, science and society. We do, however, work in more than 120 countries, having more than 80 offices all around the globe, which are in charge of more than 200 projects. We focus on consolidating democracy, on the unification of Europe and the strengthening of transatlantic relations, as well as on development cooperation.

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Our conferences and events attract people "who have a say" – like you. We provide moral and material support to intellectually gifted people young people not only from Germany but also from Central, Eastern, and South Eastern Europe and we stay in close contact with more than 10000 alumni.

The Rule of Law Program exists since 1990. It consists of five regional programs, one for Latin America, based in Mexico City, one for Asia, based in Singapore, one in Sub-Saharan Africa based in Nairobi, one in South East Europe, which was founded in 2005 and is based in Bucharest and one is currently being set up and will be based in Tunis.

The Rule of Law Program South East Europe comprises Romania, Bulgaria, Croatia, Serbia, Albania, Macedonia, Kosovo, Montenegro, Moldova and Bosnia Herzegovina.

We concentrate on the following six subject areas in which there is substantial need for reform and consultation within and among the countries of the region.

- Constitutional Law insofar as to guarantee separation of powers and provide mechanisms to ensure an effective system of checks and balances within the state as well as the independence of the judiciary.

- Protection of Human and Civil Rights by both the Constitution and the ordinary legal acts and strengthening of international human rights protection systems

- Protection of Minority Rights by supporting compliance with the internationally recognized principle of non-discrimination. The Rule of Law program aims to secure full compliance with this

principle in relation to any minority group, i.e. not only ethnic minorities, but also other socially discriminated groups

- Fight against Corruption above all the promotion of a professional and ethical conduct by legal professionals by means of education about and promotion of international and regional codes of conduct and ethics for the judiciary and by supporting further development of laws and measures aiming at the prevention of conflicts of interest, and the promotion of transparency and free access to public information

- Coping with the Past by Legal Means by promoting the exploration of possibilities of the legal mastering of the authoritarian or totalitarian past

- European Legal Order by assisting the countries of the region to develop their legal structures and cultures to match those of the European Union. In this area there are of course significant differences between the two EU member countries Romania and Bulgaria and the other countries of the program region.

By cooperating with local partners the Rule of Law Program seeks to ensure that it responds to the most urgent needs and developments both in each country, and in the region as a whole.

Let me now come back to our project which aims at accelerating the adoption of European human rights standards in law and practice by facilitating the implementation of key European Partnership priorities and the establishment of a working anti-discrimination institutional framework is such a priority.

Montenegro has already become a member of the Council of Europe and has therefore committed herself to a full implementation of European standards in

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the area of human rights. And last year a comprehensive anti-discrimination law was passed by the parliament of your country, a big step in the right direction and what you can particularly be proud of is the large majority it was adopted with, with 67 votes for the bill, 6 against, and 4 abstentions.

I am convinced that this majority was not only obtained because the European Union wants comprehensive anti-discrimination laws but because the vast majority of parliamentarians realized that it is an important instrument to steer this country in the right direction.

Already the World Summit for Social Development, held in March 1995, established the concept of social integration to create an inclusive society, "a society for all" as one of the key goals of social development. And the Millennium Declaration, adopted by the Millennium Summit in September 2000 subsumes social integration in its synthesis of peace, security, development of human rights, and further embodies social inclusion principles as well as the objectives and goals set out in the Copenhagen Declaration. Both declarations are strong commitments to promote social integration through fostering inclusive societies that are stable, safe, just and tolerant, and respect diversity, equality of opportunity and participation of all people, including disadvantaged and vulnerable groups and persons. An inclusive society respects the rights and dignity of all.

We promote inclusive societies because we think that they translate the values of freedom, justice and solidarity into reality but I am also convinced that this is also a condition for economic success in a globalized world. There are many studies that prove that companies that employ a diverse workforce and that have diversity managers are more creative, innovative,

and better able to understand the demographics of the marketplace it serves and thus are more competitive and successful. And what is true for companies is also true for societies. No country can afford to scare away bright and talented people just because they are different, because the loss of human resources inevitably leads to a decline in prosperity.

Today education and educated individuals constitute the most important source of capital in highly developed societies; wealth is less and less generated by raw materials and mass production. The most successful societies are "creative" ones that are the best and quickest at combining existing knowledge to create new, lucrative products and services. According to the American economist Richard Florida who developed this theory of the "creative economy", such an economy requires a society in which talent, technology and tolerance can all flourish. According to him access to talented and creative people is to modern business what access to coal and iron ore is to steelmaking. But creative people are very often unconventional and if you want to attract them and not to scare them away you are very well advised to promote tolerance, to embrace and celebrate diversity and not to fight it.

In the last two decades Montenegro has undergone profound political, social and economic transformations. There have been substantial efforts to establish the rule of law and to promote and protect human rights. However, our partner, the Centre for Democracy and Human Rights, has when submitting the proposal for this project pointed at some challenges and key weaknesses in this country that need to be addressed. According to their judgement effective mechanism for full implementation of the human rights obligations Montenegro has committed her-

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self to are still insufficient, the preconditions for the violation of these rights to be effectively and impartially proceeded before judicial authorities are not fully met, and that the percentage of discrimination towards most vulnerable social groups is still at very high level.

As Konrad Adenauer Foundation we want to support your country, we want to support those who want to protect and promote human rights also by fully implementing the new anti-discrimination act.

I would like to express my profound thanks to the Center for Democracy and Human Rights for all the work that they have dedicated to this project and for the excellent co-operation, I would like to thank you who have accepted the invitation to attend this seminar very much, I look forward myself to the forthcoming two days and I hope that you will find this seminar beneficial for your important work and that you will take home many new and fresh ideas and facts.