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„The right to an effective defense in criminal proceedings, the European Convention on Human Rights and Montenegrin legislation and practice“

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Becici, September 30, 2013

I am very pleased to welcome you to our seminar on behalf of the Rule of Law Program South East Europe of the Konrad Adenauer Foundation.

(...)

Montenegro has already made considerable progress on its path towards the European Union. On the 15th October 2007 Montenegro signed a Stabilisation and Association Agreement and an Interim Agreement on trade and trade related issues which have meanwhile entered into force.

Since the 19th of December 2009 Montenegro's citizens have visa-free access to all 26 Schengen member states. On the 17th of December 2010 the EU granted Montenegro the official status of a candidate country, the accession negotiations started on the 29th of June 2012.

In its enlargement strategy 2012-2013 the

EU puts the rule of law at the centre of the enlargement policy, in the framework for negotiations with Montenegro, thus firmly anchoring the rule of law at the heart of the accession process; laying the foundations also for future generations. Chapter 23 – Judiciary and Fundamental Rights and Chapter 24 – Justice, Freedom and Security are therefore probably the most challenging of the process, and they are likely to be opened by the end of the year.

According to the enlargement strategy countries aspiring to join the Union have to establish and promote from an early stage the proper functioning of the core institutions necessary for democratic governance and the rule of law, from the national Parliament through Government and the judicial system, including the courts and public prosecutor, and law enforcement agencies.

The strategy defines the key challenges as regards the judicial system, the fight against corruption and organized crime, public administration reform and civil, social

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and economic rights, as well as the rights of persons belonging to minorities.

Our seminar is about "New Institutes of Criminal procedure Code and the European Convention of European Rights", we are thus addressing two key challenges.

The Criminal Procedure Code that entered into force in 2011 in full capacity structurally changed the entire system of criminal proceedings and the way criminal cases are handled. Because these changes are so fundamental there is of course a tremendous need for trainings and support not only for judges and prosecutors but for other entities that are part of the court proceeding, such as police units.

The enlargement strategy of the EU explicitly states that countries must ensure that their judicial system is independent, impartial, accountable and capable of ensuring fair trials. The proper application of the provisions of the new CPC is one of the conditions for meeting these requirements.

In this context Article 6 of the European Convention on Human Rights, which protects the right to a fair trial, also needs to be respected.

It is the objective of this seminar to provide legal professionals with additional knowledge and skills to apply the legal instruments they have been provided with and especially to properly apply human rights laws and standards. It must be our common goal to reduce the number of complaints against Montenegro before the European Court of Human Rights in Strasbourg.

We also intend to better connect different actors within the legal community of Montenegro and we wish to connect them with international experts as well as to provide space for experts' debates on the ongoing legal reform and its challenges.

I wish to thank our partners with whom we organize this seminar for their excellent cooperation: The Centre for Democracy and Human Rights, the Supreme Court of Mon-

tenegro, the British Embassy in Montenegro, and the AIRE Centre.

Last but not least I wish to thank you who participate in this seminar, I hope you will find it beneficial for your responsible work.