

30th Council of Europe Conference of Ministers of justice
"prisons in today's Europe"
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SPEECH

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Dear organizers and distinguished participants of 30th Conference of the Ministers of Justice of the Council of Europe,

I would like to thank you for being given the opportunity to address you again, this time on the subject of execution of criminal sanctions, not less inspiring than the previous one, since it also presents in a special manner other dimensions of judiciary operations.

There is a separate state administration body in Montenegro, in the form of the Institute for Enforcement of Criminal Sanctions the effectiveness and lawfulness of which are supervised by the Ministry of Justice.

In the strategic documents for the reform of our judiciary for the period 2007-2012, strengthening of the prison system represents a special chapter. The previous three years included, among other, the activities focused on the improvement of all components of prison functioning in Montenegro, from strengthening the mechanisms for promotion and protection of human rights of the detainees and sentenced persons, to training and education of the staff in the Institute for the Enforcement of Criminal Sanctions.

However, as many other European countries, at the very beginning we addressed the problem of overcrowding and the task of creating adequate conditions for placement and stay in our prisons. In this area, for the purpose of providing continuity in the activities on reconstruction and adaptation of the existing facilities, as well as construction of new ones, a number of measures were defined regarding the reconstruction and adaptation of the existing prison units and construction and equipping of new facilities. Up until now, these processes have resulted in completion of construction, equipping and putting into operation three new prison facilities such as: facility for placement of sentenced male prisoners, facility for placement of juveniles, for female prisoners and foreigners, facility for serving short term sentences – up to 6 months, with the capacity of around 300 places.

In addition to the aforementioned, aiming at solving the problems of overcrowded prison units, and as an alternative to detention, a new measure which will secure both the presence of the accused and the undisturbed conducting of the criminal procedure is to be introduced. It is the measure of supervision – home arrest (under electronic supervision), stipulated by the new Criminal Procedure Code.

Professional education, further training and verification of knowledge of the officers in the Institute for the Enforcement of Criminal Sanctions was treated as an aim that must have its continuity, having in mind the legal obligation of educating civil servants and state employees, as well as the fact that there is a Center for Staff Education, as a separate division within the Institute. Therefore, the measures defined to achieve the relevant aim have the character of permanent activities, and these are: delivering professional training according to the determined curricula, organizing professional trainings through workshops and round tables, and improving the training curricula.

The realization of the measure of equipping and putting into operation the workshop capacities is in progress, while the realization of the measure of increasing the book fund of

the prison library refers to the period 2008-2012, as well as the measures of expansion of the possibility of educating and training the prison population. The measure, envisaged to ensure that the certificate obtained by a sentenced person for professional knowledge acquired through prison treatment, is of equal value as the certificate obtained while on liberty, is not realized for the time being, and discussions with the Center for Education of Adults were initiated to that end.

As regards establishing the national mechanism for prevention of torture in line with the Optional Protocol to the UN Convention against torture and other cruel, inhuman and degrading treatment or punishment, the Law on Ratification of the Optional Protocol was adopted, and drafting the Amendatory Law on the Protector of Human Rights and Freedoms is under way all in order to make the office of the Protector of Human Rights and Freedoms capable of being a national mechanism for prevention of torture, i.e. that he/she can adequately respond to the requirements laid down in the Optional Protocol.

The number of reported cases of torture is decreasing, when it comes to prison system in Montenegro.

We have also undertaken activities for probation service establishment and to this regard opinions and comments from the experts of the Council of Europe were acquired. We are committed to full implementation of the relevant opinions, as well as the recommendations of the Council of Europe Committee of the Ministers on the sanctions and measures conducted in the community when amending the Law on Enforcement of Criminal Sanctions (in the course of 2010). In line with these recommendations, we will define supervision over serving of suspended sentence, conditional release and community service.

I will conclude this overview of reform activities by announcing that the Ministry of Justice of Montenegro will propose several projects significant for the improvement of prison system for IPA funding. The project for construction of one new prison is our priority. At the same time, strengthening of the capacities of the Department for Enforcement of Criminal Sanctions within the Ministry of Justice of Montenegro is under way.

Ladies and gentlemen,

In line with the European Prison Standards, the strengthening of the system for execution of criminal sanctions is an issue of priority in Montenegro. Thus, one of the top priorities of the Ministry of Justice and the Government of Montenegro in the next period will be further strengthening of the penal system in order to meet contemporary standards. To that end, we will prepare an action plan covering all the issues in this area with a special emphasis on the quality of treatment of the persons deprived of liberty. We will focus our activities on the affirmation of the procedures that stand as an alternative to the deprivation of liberty, on the cooperation between prison administration and companies aiming at providing work arrangement for prisoners and consequently their appropriate reintegration, as well as on other issues leading to the new quality of prison system.

In this process, we have tried to achieve the equilibrium between the execution of criminal sanctions on one side and full observance of human rights on the other, between the retributive and restorative justice, through affirmation of alternative sanctions and creation of conditions for each person deprived of liberty to express his/her creativity and social usefulness.

I am convinced that this conference will provide further guidelines for promotion of prison systems and recommendations that we will implement in the period to come, period full of new challenges and tasks.

Thank you.