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1.

Pursuant to Article 15, paragraph 1, of the Law on the Procedure for the Adoption and Promulgation of the New Constitution of Montenegro (*Official Gazette of the RCG*¹, number 66/06), the Constitutional Assembly of the Republic of Montenegro, at its third sitting of the second regular session in 2007, held on 22 October 2007, adopts hereby the following

D E C I S I O N

ON THE PROMULGATION OF THE CONSTITUTION OF MONTENEGRO

The CONSTITUTION OF MONTENEGRO, adopted by the Constitutional Assembly of the Republic of Montenegro, at its third sitting of the second regular session in 2007, held on 19 October 2007, is hereby promulgated.

SU-SK Number 01-514/22
Podgorica, 22 October 2007

Constitutional Assembly of the Republic of Montenegro
President
Ranko Krivokapić, signed

Mindful of:

the decision adopted by referendum on 21 May 2006 of the citizens of Montenegro to live in the independent and sovereign state of Montenegro;

¹ RCG: Republic of Montenegro

the commitment of the citizens of Montenegro to live in a state in which the fundamental values are: freedom, peace, tolerance, respect for human rights and freedoms, multiculturalism, democracy and the rule of law;

the determination that as free and equal citizens, persons belonging to nations and national minorities living in Montenegro: Montenegrins, Serbs, Bosniaks, Albanians, Muslims, Croats and others, are committed to a democratic and civic Montenegro;

the conviction that the state is responsible for the preservation of nature, a healthy living environment, sustainable development, the balanced development of all its regions and the establishment of social justice;

the dedication to equality in cooperation with other nations and states and to European and Euro-Atlantic integrations,

the Constitutional Assembly of the Republic of Montenegro, at its third sitting of the second regular session in 2007, held on 19 October 2007, hereby adopts the following

C O N S T I T U T I O N O F M O N T E N E G R O

PART ONE

BASIC PROVISIONS

The State

Article 1

Montenegro is an independent and sovereign state, with a republican form of government.

Montenegro is a civic, democratic, ecological state and a state of social justice founded on the rule of law.

Sovereignty

Article 2

Sovereignty is vested in citizens with Montenegrin citizenship.

Citizens shall exercise their powers directly and through freely elected representatives.

An authority shall not be established nor recognised if it is not the free expression of the will of citizens expressed in democratic elections in accordance with the law.

Territory of the State

Article 3

The territory of Montenegro is a single whole and is inalienable.

State Symbols

Article 4

Montenegro has a coat of arms, a flag and a national anthem.

The coat of arms of Montenegro is a golden double-headed eagle with a lion on its chest.

The colour of the flag of Montenegro is red with the coat of arms in its centre and it has a golden rim.

The national anthem of Montenegro is "Oj svijetla majska zoro".

The Capital City and Royal Capital City

Article 5

The capital city of Montenegro is Podgorica.

The royal capital city of Montenegro is in Cetinje.

Human Rights and Freedoms

Article 6

Montenegro shall guarantee and protect rights and freedoms.

Rights and freedoms are inviolable.

Every person shall respect the rights and freedoms of others.

Prohibition of Provocation to Hatred

Article 7

The provocation or incitement to hatred or intolerance, on any ground, shall be prohibited.

Prohibition of Discrimination

Article 8

Direct or indirect discrimination, on any ground, shall be prohibited.

Regulations and the introduction of special measures to create conditions for national, gender and overall equality and to protect persons who are in a position of inequality on whatever basis shall not be considered as discrimination.

The special measures shall be in force up to the fulfilment of the objectives for which the measures have been introduced.

Legal Order

Article 9

Ratified and published international contracts and generally adopted rules of international law shall be an integral part of the domestic legal order, shall have primacy over domestic legislation and shall be implemented directly if they regulate relations differently from the domestic legislation.

Limitations to Freedoms

Article 10

In Montenegro a freedom is all that which is not prohibited by the Constitution and the law.

Every person shall abide by the Constitution and the law.

Division of Powers

Article 11

Power shall be established on the principle of the division of powers into: legislative, executive and judicial power.

Legislative power is vested in the Assembly, executive power is vested in the Government and judicial power is vested in the courts.

The powers are restricted by the Constitution and the law.

The relationship among the powers shall be one of balance and mutual control.

Montenegro shall be represented by the President of Montenegro.

The protection of constitutionality and legality is vested in the Constitutional Court.

The Army and security services shall be under democratic and civil control.

Montenegrin Citizenship

Article 12

In Montenegro there shall be Montenegrin citizenship.

Montenegro shall protect the rights and interests of Montenegrin citizens.

A Montenegrin citizen shall not be expelled or extradited to another state, except in keeping with the international obligations of Montenegro.

Language and Script

Article 13

The official language in Montenegro is the Montenegrin language.

The Cyrillic and Latin script shall be equal.

The Serbian, Bosnian, Albanian and Croatian languages shall be in official use.

Separation of Religious Communities from the State

Article 14

Religious communities shall be separated from the state.

Religious communities shall be equal and free in the performance of religious rites and conduct of religious affairs.

Relations with Other States and International Organisations

Article 15

Montenegro shall cooperate and develop friendly relations with other states, regional and international organisations in keeping with the principles and rules of international law.

Montenegro may accede to international organisations.

The Assembly shall decide on the manner of accession to the European Union.

Montenegro shall not enter into a union with another state the consequence of which may be the loss of its independence and full international personality.

Legislation

Article 16

The law shall regulate in keeping with the Constitution:

1) the manner in which human rights and freedoms shall be exercised when this is necessary to ensure that they are enjoyed;

2) the manner in which special minority rights shall be exercised;

3) the manner in which organs of power are established and organised, their respective competencies, and the procedures to be followed before these organs, if this is necessary to ensure their functioning;

4) the system of local self-government;

5) other matters of interest to Montenegro.

PART TWO

HUMAN RIGHTS AND FREEDOMS

1. COMMON PROVISIONS

Basis and Equality

Article 17

Rights and freedoms shall be exercised on the basis of the Constitution and ratified international agreements.

Every person shall be deemed equal before the law irrespective of his specificity or personal attribute.

Gender Equality

Article 18

The state shall guarantee the equality of women and men and shall develop the policy of equal opportunities.

Protection

Article 19

Every person shall have the right to equal protection of his rights and freedoms.

Legal Remedy

Article 20

Every person shall have the right to a legal remedy against a decision on his rights or legally based interests.

Legal Aid

Article 21

Every person shall have the right to legal aid.

Legal aid shall be provided by attorneys-at-law, as an independent and autonomous profession, and by other services.

Legal aid may be provided free of charge, in keeping with the law.

Right to Local Self-government

Article 22

The right to local self-government shall be guaranteed.

Living Environment

Article 23

Every person shall have the right to a healthy living environment.

Every person shall have the right to timely and full information about the situation in the living environment, to have impact on decisions on issues relevant to the living environment, and to a legal protection of these rights.

It is the duty of every person, the state in particular, to preserve and better the living environment.

Restrictions of Human Rights and Freedoms

Article 24

Guaranteed human rights and freedoms may be restricted only by law within the scope permitted by the Constitution and to such an extent as is necessary to fulfil, in an open and democratic society, the objective of the restriction.

Restrictions shall not be imposed except in cases for which restrictions have been determined by regulations.

Temporary Restrictions of Rights and Freedoms

Article 25

The exercise of certain human rights and freedoms may be restricted as necessary for the duration of a declared state of war or emergency.

Restrictions shall not be imposed on the grounds of gender, nationality, race, religion, language, ethnic or social origin, political or other beliefs, financial status or any other personal attribute.

There shall be no restrictions of the right: to life, to legal remedy and legal aid, to dignity and respect of person, to a fair and public trial and the principle of

legality, to presumption of innocence, to defence, to compensation for damages caused by unlawful arrest or arrest without probable cause or conviction without cause, to freedom of thought, conscience and religious confession, to enter into marriage.

There shall be no abolishment of the prohibition of: provocation and incitement to hatred and intolerance, discrimination, a retrial and pronouncement of a judgement twice for the same crime, forcible assimilation.

Restrictions may be in force only for the duration of a state of war or emergency.

2. PERSONAL RIGHTS AND FREEDOMS

Prohibition of the Death Penalty

Article 26

The death penalty shall be prohibited in Montenegro.

Bio-Medicine

Article 27

The right of a person and dignity of a human being shall be guaranteed with regard to the implementation of biology and medicine.

Any intervention aimed at creating a human being that is genetically identical to another human being, living or deceased, shall be prohibited.

The performance of medical or other experiments on human beings without their permission shall be prohibited.

Dignity and Inviolability of the Person

Article 28

The dignity and security of a person shall be guaranteed.

The inviolability of the physical and mental integrity of a person, his privacy and individual rights shall be guaranteed.

No one shall be subjected to torture or inhuman or degrading treatment.

No one shall be held in slavery or in servitude.

Arrest

Article 29

Every person shall have the right to personal freedom. Arrest is permitted only for reasons and in proceedings determined by law.

A person who is arrested shall be informed immediately in his language or in a language he understands of the reasons thereof.

A person who has been arrested shall be informed when arrested that he may remain silent.

At the request of the arrested person, the organ shall immediately inform thereof a person of the arrested person's own choosing.

The arrested person shall have the right to the presence of defence counsel of his choosing during his hearing.

Unlawful arrest is punishable.

Detention

Article 30

A person for whom there is reasonable doubt that he has committed a crime may be detained, on the basis an order by the relevant court, and held in detention only if this is necessary for the purpose of the criminal proceedings.

A detained person shall be served a reasoned detention order at the moment of detention but not later than 24 hours from his detention.

A detained person shall have the right of appeal against the detention order and it shall be considered by the court within 48 hours.

The length of detention must be kept to the shortest possible time.

Detention ordered by a first-instance court may not exceed three months from the date of detention, and a higher court may order an extension of the detention for an additional three months.

If, upon expiry of these time limits, no indictment has been raised the suspect shall be released.

The detention of minors may not exceed 60 days.

Respect for the Person

Article 31

Respect for the person and his dignity in criminal or other proceedings, in case of arrest or restriction of freedom of movement and for the duration of his serving a prison sentence, shall be guaranteed.

Any form of violence, inhuman or degrading conduct against a detained person or a person whose freedom of movement has been restricted, and any extortion of a confession or statement shall be prohibited and punishable.

Fair and Public Trial

Article 32

Every person shall have the right to a fair and public trial within a reasonable time limit before an independent and impartial court established by the law.

Principle of Legality

Article 33

No one shall be punished for an act which, prior to its commission, was not deemed a punishable offence by the law, nor be given a punishment which was not established for such an act.

More Lenient Law

Article 34

Crime and other punishable acts are determined and punishments are pronounced pursuant to the law in force at the time the act was committed, unless the new law is more lenient to the perpetrator.

Presumption of Innocence

Article 35

Every person shall be deemed innocent until his guilt has been established in a final and binding court decision.

The burden of proof of innocence shall not lie with the accused.

In case of reasonable doubt as to the guilt of the defendant the court shall interpret it in favour of the defendant.

Ne bis in idem

Article 36

No one shall be taken to trial twice or be sentenced twice for the same offense.

Right to Defence

Article 37

Everyone shall be guaranteed the right to defence, in particular: to be informed in the language he understands about the charges brought against him, to have sufficient time to prepare his defence and to defend himself on his own or to be represented by defence counsel of his own choosing.

Compensation for Damages Caused by Unlawful Action

Article 38

A person who has been arrested unlawfully or without probable cause or who has been convicted without cause shall have the right to compensation for damages by the state.

Movement and Residence

Article 39

The right to freedom of movement and residence shall be guaranteed, as well as the right to leave Montenegro.

The freedom of movement, to reside in and to leave Montenegro may be restricted if so needed in order to conduct criminal proceedings, to prevent the spreading of contagious diseases or for reasons of security of Montenegro.

The movement and residence of aliens shall be regulated by the law.

Right to Privacy

Article 40

Everyone shall have the right to the respect of his private and family life.

Inviolability of the Home

Article 41

The home shall be inviolable.

No one shall enter the home or other premises against the will of the occupant and carry out a search thereof without a court warrant.

A search shall be carried out in the presence of two witnesses.

A person in an official capacity may enter the home of a person or other premises without a court order and carry out a search in the absence of witnesses if this is necessary to prevent a crime, for the purposes of immediately apprehending a perpetrator of a crime or to save human lives and property.

Confidentiality of Correspondence

Article 42

Confidentiality of correspondence, telephone conversations and other means of communication is inviolable.

The principle of inviolability of confidentiality of correspondence, telephone calls and other means of communication may be departed from only pursuant to a court order if this is indispensable for the conduct of criminal proceedings or for the security of Montenegro.

Data Concerning a Person

Article 43

Protection of secrecy of data concerning a person shall be guaranteed.

The use of data concerning a person collected for a specific purpose shall be prohibited for use for other purposes.

Everyone shall have the right to be informed about the data collected about him and the right to court protection in case of abuse.

Right to Asylum

Article 44

An alien who has reasonable grounds to fear persecution due his race, language, religion or national affiliation or affiliation with another group or due to his political convictions may request asylum in Montenegro.

An alien shall not be expelled from Montenegro to a place where due to his race, religion, language or national affiliation he faces the threat of a death sentence, torture, inhuman humiliation, persecution or a grave violation of the rights guaranteed by this Constitution.

An alien may be expelled from Montenegro only pursuant to an order of a therein competent organ and following a procedure provided for by the law.

3. POLITICAL RIGHTS AND FREEDOMS

Right to Vote

Article 45

A citizen of Montenegro who has reached the age of 18 and has been a resident of Montenegro for not less than two years shall have the right to vote and to be elected.

The right to vote shall be exercised in elections.

The right to vote is universal and equal.

Elections shall be free and direct and voting shall be held by secret ballot.

Freedom of Thought, Conscience and Religion

Article 46

Everyone shall be guaranteed the right to freedom of thought, conscience and religion, as well as the right to change his religion or belief and freedom to, either alone or in community with others, and in public or private, to manifest his religion or belief, in worship, teaching, practice and observance.

No person shall have to declare his religious or other beliefs.

Freedom to manifest one's religious beliefs may be subject to such limitations as are necessary for the protection of the life and health of people, public law and order, and of the other rights guaranteed by the Constitution.

Freedom of Expression

Article 47

Everyone has the right to freedom of expression verbally, in writing, in images and other means.

The right to freedom of expression may be restricted only by the right of others to dignity, reputation and honour or if it represents a threat to public morality or the security of Montenegro.

Conscientious Objection

Article 48

Everyone shall have the right to conscientious objection.

No person shall have to carry out military or other duties that involve the use of arms against his religious or other convictions.

Freedom of Press

Article 49

The freedom of press and other public information media shall be guaranteed.

The right to found newspapers and other public information media, without seeking permission, subject to registration with the competent organ, shall be guaranteed.

The right to a response and the right to a correction of false, incomplete or incorrectly conveyed information that violates a person's right or interest and the right to compensation for damage caused by the publication of false data or information shall be guaranteed.

Prohibition of Censorship

Article 50

There is no censorship in Montenegro.

The competent court may prevent the dissemination of information and ideas in the public media if this is indispensable in order to: prevent calls for the forcible overthrow of the constitutionally established order, safeguard the territorial integrity of Montenegro, prevent the propagation of war or incitement to violence or crime, prevent the foment of racial, national or religious intolerance or discrimination.

Access to Information

Article 51

Everyone shall have the right of access to information maintained by state organs and organizations exercising public authority.

The right of access to information may be restricted if it is in the interest of: the protection of life, public health, morality and privacy, the conduct of criminal proceedings, the security and defence of Montenegro, foreign, monetary and economic policy.

Freedom of Assembly

Article 52

The freedom of peaceful assembly, without seeking permission, subject to prior notification of a competent organ, shall be guaranteed.

The freedom of assembly may be temporarily restricted by a decision of a competent authority for the purpose of preventing riots or the commission of a crime, threat to health, morality or safety of people and property, in keeping with the law.

Freedom of Association

Article 53

The freedom of political, trade union and other association and action, without seeking permission, subject

to the registration with the competent organ, shall be guaranteed.

No one shall be forced to become a member of an association.

The state shall support political and other associations when there is a public interest to do so.

Prohibition to Organise

Article 54

It is prohibited to organise politically in state organs.

A judge of the Constitutional Court, a judge, a public prosecutor and his deputy, an Ombudsman, a member of the Council of the Central Bank, a member of the Senate of the State Audit Institution, a professional member of the Army, Police or other security services shall not be a member of any political organization.

A foreigner or a political organization with headquarters outside Montenegro shall be prohibited from organising politically.

Prohibition of Activity and Establishment

Article 55

The activity of political or other organizations aimed at forcibly overthrowing the constitutional order, violation of the territorial integrity of Montenegro, violation of the guaranteed freedoms and rights or the provocation of national, racial, religious or other hatred and intolerance shall be prohibited.

The establishment of secret subversive organisations and irregular armies shall be prohibited.

Right of Recourse to International Organisations

Article 56

Everyone shall have the right to recourse to international organisations for the protection of his rights and freedoms guaranteed by the Constitution.

Right of Recourse

Article 57

Everyone shall have the right of recourse, either alone or in community with others, to a state organ or a public authority and to receive a response.

No one shall be held responsible, or suffer other harmful consequences due to the views expressed in the recourse unless if in doing so he has committed a crime.

4. ECONOMIC, SOCIAL AND CULTURAL RIGHTS AND FREEDOMS

Property

Article 58

The right to property shall be guaranteed.

No one shall be deprived of or restricted in his property rights, except in the public interest, subject to fair compensation.

Natural resources and goods in the public domain shall be state-owned.

Entrepreneurship

Article 59

The freedom of entrepreneurship shall be guaranteed.

The freedom of entrepreneurship may be restricted only if this is indispensable for the protection of the health of the people, the environment, the natural resources, cultural heritage or the security and defence of Montenegro.

Right to Succession

Article 60

The right to succession shall be guaranteed.

Rights of Aliens

Article 61

Aliens may hold property rights in accordance with the law.

Right to Work

Article 62

Everyone shall have the right to work, to choose freely his profession and employment, to fair and humane working conditions and to protection during unemployment.

Prohibition of Forced Labour

Article 63

Forced labour shall be prohibited.

Forced labour shall not include: work required to be done in the ordinary course of detention, any service of a military character or service exacted instead of it, any service exacted in case of an emergency or calamity threatening human life and property.

Rights of Employees

Article 64

Employees shall have the right to appropriate remuneration.

Employees are entitled to limited hours of work and paid annual leave.

Employees are entitled to protection at the workplace.

Young persons, women and disabled persons shall enjoy special protection at the workplace.

Social Council

Article 65

The social position of employees shall be determined in the Social Council.

The Social Council is composed of representatives of trade unions, employers and the Government.

Strike

Article 66

Employees shall have the right to strike.
The right to strike may be restricted to employees in the Army, police, state organs and the public service for the purpose of the protection of public interest, in accordance with the law.

Social Insurance

Article 67

Social insurance of employees shall be mandatory.
The state shall provide financial security to a person incapacitated for work and with no means of subsistence.

Protection of Disabled Persons

Article 68

Special protection of disabled persons shall be guaranteed.

Health Care Protection

Article 69

Everyone shall have the right to health care protection.
A child, a pregnant woman, an elderly person and a disabled person shall have the right to health care protection from public revenues if they cannot claim such an entitlement from another scheme.

Consumer Protection

Article 70

The state shall protect the consumer.
Activities harmful to the health, security and privacy of consumers shall be prohibited.

Marriage

Article 71

Marriage may be entered into only with the free consent of a woman and a man.

Marriage shall be based on the equality of spouses.

Family

Article 72

The family shall enjoy special protection.

Parents shall be bound to care for their children, to care for their upbringing and education.

Children shall be bound to care for their parents in need of assistance.

Children born out of wedlock shall have the same rights and duties as those born in wedlock.

Mother and Child Protection

Article 73

The mother and child shall enjoy special protection.

The state shall create incentives to encourage natality.

Rights of the Child

Article 74

The child shall enjoy rights and freedoms appropriate to his age and maturity.

The child shall be guaranteed special protection from psychological, physical, economic or any other exploitation or abuse.

Education

Article 75

The right to education under equal conditions shall be guaranteed.

Elementary education shall be compulsory and free.

The autonomy of universities, higher education and scientific institutions shall be guaranteed.

Freedom of Creation

Article 76

The freedom of scientific, cultural and artistic creation shall be guaranteed.

The freedom of publishing scientific and artistic work, scientific discoveries and technical inventions shall be guaranteed, which shall also apply to the moral and property rights of their creators.

Science, Culture and Arts

Article 77

The state shall promote and support the development of education, science, culture, the arts, the sports, physical and technical culture.

The state shall protect scientific, cultural, artistic and historic objects of value.

Protection of Natural and Cultural Heritage

Article 78

Everyone shall have to preserve the natural and cultural heritage of general interest.

The state shall protect the national and cultural heritage.

5. SPECIAL - MINORITY RIGHTS

Protection of Identity

Article 79

Members of national minorities and other national minority communities shall be guaranteed the following rights and freedoms which they can exercise either alone or in community with others:

- 1) to express, cherish, develop and publicly manifest national, ethnic, cultural and religious characteristics;
- 2) to choose, use and manifest publicly national symbols and to celebrate national holidays;

3) to use their own language and script in private, public and official use;

4) to education in their own language and script in state institutions and the right to have included in the curricula the history and culture of the members of national minorities and other national minority communities;

5) in areas where they represent a significant part of the total population, to have local self-government organs, state organs and courts conduct proceedings in the languages of the national minorities and other national minority communities;

6) to establish educational institutions, cultural and religious associations with financial aid by the state;

7) to write and use their full name in their own language and script in official documents;

8) in areas where they represent a significant part of the total population, to have traditional local names, names of streets and settlements, as well as topographic signs written in the language of the national minorities and other national minority communities;

9) to be represented in the Assembly of the Republic of Montenegro and in the assemblies of the local self-government in areas where they represent a significant part of the total population, in compliance with the principle of affirmative action;

10) to proportionate representation in public services, organs of the state authorities and of local self-government;

11) to receive information in their own language;

12) to establish and maintain contacts with citizens and associations outside Montenegro, with whom they have common national and ethnic origins, cultural and historic heritage, as well as religious beliefs;

13) to establish councils for the protection and promotion of special rights.

Prohibition of Assimilation

Article 80

The forceful assimilation of persons belonging to national minorities and national minority communities shall be prohibited.

The state shall protect persons belonging to national minorities and national minority communities from all forms of forceful assimilation.

6. OMBUDSMAN FOR HUMAN RIGHTS AND FREEDOMS

Article 81

The Office of the Ombudsman for human rights and freedoms of Montenegro is an independent and autonomous organ that takes measures for the protection of human rights and freedoms.

The Office of the Ombudsman for human rights and freedoms shall carry out its work in compliance with the Constitution, the law and ratified international agreements, and pursuant to the principles of justice and fairness.

The Office of the Ombudsman for human rights and freedoms shall be appointed for a period of six years and may be removed from office in cases envisaged by law.

PART THREE ORGANISATION OF POWERS

1. THE ASSEMBLY OF MONTENEGRO

Responsibility

Article 82

The Assembly shall:

- 1) adopt the Constitution;
- 2) adopt laws;
- 3) adopt other regulations and general enactments (decisions, conclusions, resolutions, declarations and recommendations);
- 4) proclaim the state of war and emergency;
- 5) adopt the budget and annual balance sheet;
- 6) adopt the national security and defence strategy;
- 7) adopt the plan of development plan and spatial plan of Montenegro;
- 8) decide on the deployment of units of the Army of Montenegro to international forces;
- 9) regulate the system of state administration;
- 10) effect control over the army and security services;
- 11) announce a national referendum;

12) elect and remove from office the Prime Minister and the members of the Government;

13) elect and remove from office the President of the Supreme Court, the President and the judges of the Constitutional Court;

14) appoint and remove from office: the Supreme Public Prosecutor and public prosecutors, the Ombudsman, the Governor of the Central Bank and the members of the Council of the Central Bank of Montenegro, the President and members of the Senate of the State Audit Institution, and other senior officials as specified by law;

15) decide on immunity rights;

16) grant amnesty;

17) ratify international agreements;

18) announce public loans and decide on the debt contracting of Montenegro;

19) decide on the use of state property which exceeds the value regulated by law;

20) perform other duties stipulated by the Constitution or law.

Composition of the Assembly

Article 83

The Assembly shall be composed of members of the Assembly who shall be elected directly in general and equal voting rights by secret ballot.

The Assembly shall consist of 81 Members.

The Mandate of the Assembly

Article 84

The mandate of the Assembly shall be four years.

The mandate of the Assembly may be terminated prior to the expiry of the period for which it was elected by dissolution or the reduction of the mandate of the Assembly.

If the mandate of the Assembly expires during a state of war or state of emergency, its mandate shall be extended for up to 90 days following the termination of the circumstances that brought about such a state.

At the proposal of the President of Montenegro, the Government or not less than 25 deputies, the Assembly may reduce the duration of its mandate.

Rights and Responsibilities of Deputies

Article 85

A deputy shall decide and vote according to his own conviction.

A deputy shall have the right to perform the duty of deputy professionally.

Immunity

Article 86

A deputy shall enjoy immunity.

A deputy shall not be called to account in criminal proceedings, or detained for an opinion expressed or a vote cast in carrying out his duty as deputy.

No deputy may be subject to criminal proceedings, or detained, without the approval of the Assembly, unless he has been caught in the act of committing a crime which carries a penalty of more than five years of imprisonment.

Apart from a deputy, immunity shall be enjoyed by: the President of Montenegro, the Prime Minister and the members of the Government, the President of the Supreme Court, the President and the judges of the Constitutional Court, and the Supreme Public Prosecutor.

Termination of the Mandate of a Deputy

Article 87

The mandate of a deputy shall be terminated prior to the expiry of the period for which he was elected:

- 1) by resignation;
- 2) if he has been convicted to a mandatory sentence of imprisonment of no less than six months in a final and binding court decision;
- 3) if he has been deprived of his civil capacity in a final and binding decision;
- 4) upon termination of his Montenegrin citizenship;

Constitution of the Assembly

Article 88

The first session of a newly elected Assembly shall be called by the President of the previous Assembly and it

shall be held within 15 days from the date of publication of the final results of the elections.

President and Vice-President of the Assembly

Article 89

The Assembly shall have a President and one or more Vice-Presidents elected from among the deputies for a four year term.

The President of the Assembly shall represent the Assembly, call and chair the sessions of the Assembly, supervise the enforcement of the Rules of Procedure of the Assembly, call for elections for the President of Montenegro and perform other affairs as provided by the Constitution, the law and the Rules of Procedure of the Assembly.

The Vice-President shall replace the President of the Assembly in the performance of his duties if the President has been prevented to do so or if the President entrusts the Vice-President to replace him.

Sessions of the Assembly

Article 90

The Assembly shall convene in regular and extraordinary sessions.

There shall be two regular sessions per year.

The first regular session shall begin on the first working day in March and shall terminate end of July, and the second regular session shall begin on the first working day in October and shall terminate end of December.

An extraordinary session shall be called at the request of the President of Montenegro, the Government or not less than one third of the total number of deputies.

Decision-making

Article 91

The Assembly shall reach decisions by majority vote of deputies present in a session attended by more than one half of the total number of deputies, unless otherwise required by the Constitution.

The Assembly shall adopt with a majority vote of the total number of deputies laws that regulate: the manner in

which the freedoms and rights of citizens are exercised, Montenegrin citizenship, referendums, the material responsibilities of citizens, the state symbols and their use, defence and security, the army, the establishment, merging and abolition of municipalities; proclaim the state of war and state of emergency; adopt the spatial plan; adopt the Rules of Procedure of the Assembly; decide to calling a state referendum; decide to shorten the mandate; decide to remove from office the President of the Republic; elect and remove from office the Prime Minister and the members of the Government and decide to entrust the Government; elect and remove from office the President of the Supreme court, the presidents and judges of the Constitutional Court; appoint and remove from office the Ombudsman for human rights and freedoms.

The Assembly shall adopt by a two-third majority of the total number of deputies laws on the electoral system and property rights of foreigners.

The Assembly shall adopt by a two-third majority of the total number of the deputies in the first round of voting and by majority of the total number of deputies in the second round of voting laws on the exercise of granted minority rights and the deployment of the units of the Army units in international forces.

Dissolution of the Assembly

Article 92

The Assembly shall be dissolved if it fails to elect a Government within 90 days from the date the President of Montenegro proposes, for the first time, a prime minister delegate.

If the Assembly fails to perform its duties stipulated by the Constitution for a longer period of time, the Government may dissolve the Assembly upon hearing the opinion of the President of the Assembly and the presidents of the caucuses in the Assembly.

The Assembly shall be dissolved by a decree of the President of Montenegro.

The Assembly shall not be dissolved during the state of war or state of emergency, if no-confidence proceedings against the Government have been initiated, nor in the first three months of its establishment or three months prior to the expiration of its mandate.

The President of Montenegro shall call elections on the first day following the dissolution of the Assembly.

Proposing Laws and Other Enactments

Article 93

The Government and a deputy shall have the right to propose laws and other enactments.

The right to propose laws shall also be vested in six thousand voters through a deputy they authorise to do so.

A proposal to call for a state referendum may be submitted by: not less than 25 deputies, the President of Montenegro, the Government or not less than 10% of citizens with the right to vote.

Promulgation of Laws

Article 94

The President of Montenegro shall promulgate a law within seven days following the date on which the law was adopted, and within three days if the law was adopted in an accelerated procedure or shall refer the law to the Assembly for a renewed decision-making process.

The President of Montenegro shall promulgate a law that has been adopted for a second time.

2. THE PRESIDENT OF MONTENEGRO

Responsibility

Article 95

The President of Montenegro shall:

- 1) represent Montenegro in the country and abroad;
- 2) command the Army pursuant to the decisions of the Defence and Security Council;
- 3) promulgate laws by decree;
- 4) call Assembly elections;
- 5) propose to the Assembly: a prime minister delegate to form the Government following consultations with representatives of the political parties represented in the Assembly, a President and judges of the Constitutional Court, an Ombudsman for human rights and freedoms;
- 6) at the proposal of the Government and upon the opinion of the Assembly Committee for International Relations, appoint and revoke ambassadors and heads of

other diplomatic representative offices of Montenegro abroad;

7) receive letters of accreditation and revocation of foreign diplomats;

8) confer decorations and awards of Montenegro;

9) grants pardons;

10) conduct other affairs in accordance with the Constitution and law.

Election

Article 96

The President of Montenegro shall be elected directly and by secret ballot following general and equitable voting right.

A citizen of Montenegro who has been residing in Montenegro for not less than 10 years in the past 15 years may be elected President of Montenegro.

The President of the Assembly of Montenegro shall call the presidential elections.

Mandate

Article 97

The President of Montenegro shall be elected for a five-year term.

The same person may be elected President of Montenegro no more than twice.

The President of Montenegro shall assume his office on the date when he takes the oath before the deputies of the Assembly.

If the mandate of the President expires in a state of war or state of emergency, the mandate shall be extended for not more than 90 days following the termination of the circumstances that have brought about such a state.

The President of Montenegro shall not engage in any other public function.

Cessation of Mandate

Article 98

The mandate of the President of Montenegro shall cease with the expiry of the period for which he has been elected, by resignation, if he is permanently prevented

from performing his function as president, and in the event of his impeachment.

The President shall be held responsible for violating the Constitution.

The procedure aimed at determining if the President of Montenegro has violated the Constitution shall be instituted by the Assembly at the proposal of not less than 25 deputies.

The Assembly shall submit the proposal to institute such a procedure to the President of Montenegro to hear his plea.

The Constitutional Court shall decide whether there has been a violation of the Constitution and shall publish the decision and submit it to the Assembly and the President of Montenegro without delay.

The Assembly may impeach the President of Montenegro if and when the Constitutional Court finds that he has violated the Constitution.

Discharge of Duties in Case of Impediment or Termination of Mandate

Article 99

In case of termination of the mandate of the President of Montenegro, until the election of a new President, or in case of a temporary impediment of the President to discharge his function, the President of the Assembly shall assume this function.

3. THE GOVERNMENT OF MONTENEGRO

Responsibility

Article 100

The Government shall:

- 1) pursue the internal and foreign policy of Montenegro;
- 2) implement laws, other regulations and general enactment;
- 3) adopt decrees, decisions and other instruments necessary for the implementation of laws;
- 4) conclude international agreements;
- 5) propose the development plan and spatial plan of Montenegro;

- 6) propose the budget and annual balance sheet;
- 7) propose the national security strategy and defence strategy;
- 8) decide on the recognition of states and establishment of diplomatic and consular relations with other states;
- 9) propose ambassadors and heads of diplomatic representative offices of Montenegro abroad;
- 10) attend to other business in accordance with the Constitution and the law.

Statutory Decrees

Article 101

During a state of war or state of emergency, the Government may adopt statutory decrees, if the Assembly is cannot sit.

The Government shall submit statutory decrees to the Assembly for ratification as soon as the Assembly can sit.

Composition of the Government

Article 102

The Government shall be composed of a prime minister, one or more deputy prime ministers and ministers.

The Prime Minister shall represent the Government and be in charge of conducting its business.

Election

Article 103

The President of Montenegro shall propose a prime minister delegate within 30 days from the day of constitution of the Assembly.

The prime minister delegate shall present his programme and propose the composition of the Government to the Assembly.

The Assembly shall decide simultaneously on the programme of the prime minister delegate and the proposal for the composition of the Government.

Incompatibility of Function

Article 104

The Prime Minister or a member of the Government may not serve as a deputy or perform any other public function nor engage professionally in other activities.

Resignation and Removal from Office

Article 105

The Government and a member of the Government may submit their resignation.

The resignation of the Prime Minister shall be deemed a resignation of the Government.

The Prime Minister may propose to the Assembly to remove from office any member of the Government.

Vote of Confidence

Article 106

The Government may itself ask the Assembly for a vote of confidence

Vote of No Confidence

Article 107

The Assembly may give a vote no confidence in the Government.

The proposal for a vote of no confidence in the Government may be submitted by no less than 27 deputies.

If the Government has received a vote of confidence, gained confidence, the signatories of the proposal may not submit a new proposal for a vote of no confidence before the expiration of 90 days.

Interpellation

Article 108

An interpellation to examine certain issues regarding the work of the Government may be submitted by no fewer than 27 deputies.

An interpellation shall be submitted in writing and shall contain a statement of reasons.

The Government shall submit an answer within thirty days from the date of receipt of the interpellation.

Assembly Investigation

Article 109

The Assembly may, at the proposal of no fewer than 27 deputies, establish a fact-finding board to gather information and facts about occurrences related to the work of the state organs.

Termination of Mandate

Article 110

The mandate of the Government shall be terminated: when the mandate of the Assembly is terminated, when it submits its resignation, when it receives a vote of no confidence or when it fails to propose the budget by 31 March 31 of the budgetary year.

The Government whose mandate has been terminated shall remain in office until the election of the new Government.

A Government whose mandate has been terminated may not dissolve the Assembly.

State Administration

Article 111

The affairs of the state administration shall be conducted by the ministries and other administrative organs.

Transfer and Entrustment of Duties

Article 112

Certain duties of the state administration may be transferred to the local self-government or other legal entity.

Certain duties of the state administration may be entrusted to the local self-government or other legal entity by a regulation of the Government.

4. LOCAL SELF-GOVERNMENT

Decision-making Process

Article 113

Decision-making in the local self-government shall be carried out directly and through the freely elected representatives.

The right to local self-government shall include the right of citizens and local self-government organs to regulate and attend to certain public and other business at their own responsibility and in the interest of the local population.

Form of Local Self-government

Article 114

The basic form of local self-government shall be the municipality.

Other forms of local self-government may be established.

Municipality

Article 115

The municipality shall have the status of a legal entity.

The municipality shall adopt a statute and general enactments.

The organs of a municipality shall be the Assembly and President.

Property Rights and Financing

Article 116

The municipality shall have property rights state owned assets in accordance with the law.

The municipality shall have property.

The municipality shall be financed from its own revenues and state funds.

The municipality shall have a budget.

Autonomy

Article 117

The municipality shall be autonomous in the performance of its duties.

The Government may dismiss the municipal Assembly or remove from office the President of the municipality only if the municipal Assembly or the President of the municipality fails to perform their respective duties for a period in excess of six months.

5. COURTS

Principles of the Judiciary

Article 118

Courts shall be autonomous and independent.

Courts shall administer justice on the basis of the Constitution, laws and ratified and published international agreements.

The establishment of courts-martial or extraordinary courts shall be prohibited.

Panel of Judges

Article 119

Courts shall hear cases in chamber except in matters specified by law when cases may be heard by a single judge.

Jurors shall also hear cases when this is prescribed by the law.

Public Trial

Article 120

Hearings before a court shall be public and judgements shall be pronounced publicly.

Exceptionally, a court may exclude the public from the hearings or a part of the hearings for reasons deemed necessary in a democratic society and only to the extent deemed necessary: in the interests of morality, public order, in the hearings of minors, to protect the privacy of the parties, in marital disputes, in proceedings on

guardianship or adoption, to protect military, business or official secrets, and to protect the security and defence of Montenegro.

Permanency of Tenure

Article 121

Judges shall have permanent tenure.

A judge's tenure of office shall terminate at his own request, when he meets conditions for retirement or if he has been given a mandatory sentence of imprisonment.

A judge shall be removed from duty if he has been convicted for a crime which makes him unsuitable to perform a judicial function, or if he performs his judicial function unprofessionally and unconscientiously, or if he has permanently lost the capacity to perform a judicial function.

A judge shall not be transferred or referred to another court against his will, except by a Judicial Council decision on the reorganisation of the courts.

Judicial Immunity

Article 122

A judge and a juror shall enjoy judicial immunity.

A judge or a juror shall not be called to account for an opinion expressed or vote given in a court ruling except this represents a crime.

A judge shall not be detained without the approval of the Judicial Council in proceedings instituted for a crime committed while performing a judge's function.

Incompatibility of Function

Article 123

A judge may not be a deputy in the Assembly or perform any other public function and neither engage in any professional activity.

Supreme Court

Article 124

The Supreme Court shall be deemed the highest instance court in Montenegro.

The Supreme Court shall ensure uniformity in the implementation of law by the courts.

The President of the Supreme Court shall be elected and removed from office by the Assembly at the joint proposal by the President of Montenegro, the President of the Assembly and the Prime Minister.

If the proposal for the election of the President of the Supreme Court is not submitted within 30 days, the President of the Supreme Court shall be elected at the proposal of the competent working body of the Assembly.

Election of Judges

Article 125

A judge and a president of the court shall be elected and removed from office by the Judicial Council.

A president of a court shall be elected for the period of five years.

The president of a court shall not be a member of the Judicial Council.

Judicial Council

Article 126

The Judicial Council shall be an autonomous and independent organ which shall ensure the autonomy and independence of the courts and judges.

Composition of the Judicial Council

Article 127

The Judicial Council shall have a president and nine members.

The President of the Judicial Council shall be the President of the Supreme Court.

The following shall serve as members of the Judicial Council:

- 1) four judges elected and removed from office by the Judicial Conference;
 - 2) two deputies elected and removed from office by the Assembly from amongst the Assembly's majority and the opposition;
 - 3) two renowned jurists elected and removed from office by the President of Montenegro;
 - 4) the Minister of Justice.
- The President of Montenegro shall proclaim the composition of the Judicial Council.
- The Judicial Council shall have a four-year mandate.

Responsibility of the Judicial Council

Article 128

- The Judicial Council shall:
- 1) elect and remove from office a judge, a president of a court and a juror;
 - 2) establish the cessation of a judge's function;
 - 3) determine the number of judges and jurors in a court;
 - 4) review the activity reports of courts, petitions and complaints on the work of courts and shall take a position therein;
 - 5) decide on the immunity of a judge;
 - 6) propose to the Government court budgets;
 - 7) perform other business determined by the law.
- The Judicial Council shall decide by majority vote of all the members.
- The Minister of Justice shall not vote in disciplinary proceedings against judges.

6. THE ARMY OF MONTENEGRO

Principles

Article 129

- The Army shall defend the independence, sovereignty and state territory of Montenegro, in accordance with the principles of international law on the use of force.
- The Army shall be subject to democratic and civil control.
- The members of the Army may be part of international forces.

7. THE DEFENCE AND SECURITY COUNCIL

Responsibility

Article 130

The Defence and Security Council shall:

- 1) take decisions on the command over the Army;
- 2) analyse and assess the security situation in Montenegro and take decisions on the undertaking of adequate measures;
- 3) appoint, promote and remove from office the officers of the Army;
- 4) propose to the Assembly the proclamation of a state of war or state of emergency;
- 5) propose the deployment of the Army in international forces;
- 6) perform other business determined by the Constitution and law.

Composition

Article 131

The Defence and Security Council of Montenegro shall be composed of: the President of Montenegro, the President of the Assembly and the Prime Minister.

The President of Montenegro shall be the President of the Defence and Security Council.

Proclamation of a State of War

Article 132

A state of war shall be proclaimed when there is an imminent threat of war against Montenegro, if Montenegro is attacked or if war is declared against it.

If the Assembly is not able to meet, the Defence and Security Council shall adopt the decision on the proclamation of a state of war and shall submit it to the Assembly for ratification as soon as the Assembly is able to meet.

Proclamation of a State of Emergency

Article 133

A state of emergency may be proclaimed in the territory or part of the territory of Montenegro in case of the following:

- 1) major natural disasters;
- 2) technical, technological and environmental disasters and epidemics;
- 3) major disruptions of public law and order;
- 4) threat to or attempt to overturn the constitutional order.

If the Assembly is not able to meet, the Defence and Security Council shall adopt the decision on the proclamation of a state of emergency and shall submit it to the Assembly for ratification as soon as it is able to meet.

The state of emergency shall be in force until the circumstances that have caused it have ceased to exist.

8. THE PUBLIC PROSECUTOR'S OFFICE

Status and Responsibility

Article 134

A public prosecutor's office shall be a unique and independent state organ which prosecutes the perpetrators of crimes and other punishable acts which are prosecuted *ex officio*.

Appointment and Mandate

Article 135

The duties of the public prosecutor's office shall be performed by a public prosecutor.

The public prosecutor shall have one or several deputies.

The Chief Public Prosecutor and public prosecutors shall be appointed for five years.

Prosecutorial Council

Article 136

The Prosecutorial Council shall ensure the independence of the public prosecutor's office and public prosecutors.

The Prosecutorial Council shall be elected and removed from office by the Assembly.

The election, mandate, competencies, organisation and methods of work of the Prosecutorial Council shall be regulated by law.

Prosecutorial Immunity

Article 137

A public prosecutor and a deputy of the public prosecutor shall enjoy prosecutorial immunity and shall not be called to account for an opinion expressed or a decision taken in the performance of his function except if a crime has been committed therein.

Incompatibility of Function

Article 138

A public prosecutor and a deputy public prosecutor may not be a deputy in the Assembly or perform any other public function and neither engage in any professional activity.

PART FOUR

THE ECONOMIC ORDER

Principles

Article 139

The economic order is based on a free and open market economy, the freedom of entrepreneurship and competition, the independence of enterprises and their respective liability for obligations taken over legal undertakings, the protection and equality of all forms of ownership.

Economic Space and Equality

Article 140

The territory of Montenegro is a unique economic space.

The State shall promote a balanced economic development in all its regions.

It shall be prohibited to violate and limit free competition and to incite an unequal, monopolistic or dominant position in the market.

State Property

Article 141

Goods owned by the state shall belong to the state of Montenegro.

Tax Obligation

Article 142

The state shall be financed from taxes, duties and other revenues.

Everyone shall pay taxes and other duties.

Taxes and other duties can be introduced only by law.

The Central Bank of Montenegro

Article 143

The Central Bank of Montenegro shall be an independent organisation, responsible for monetary and financial stability and the functioning of the banking system

The Central Bank of Montenegro shall be managed by the Council of the Central Bank.

The Central Bank of Montenegro shall be managed by the Governor of the Central Bank.

State Auditing Institution

Article 144

The State Auditing Institution of Montenegro shall be an independent and supreme organ of the state auditor.

The State Auditing Institution shall audit the legality of and success in the management of state owned property and liabilities, the budgets and all the financial business of entities whose sources of financing are public or are generated through the exploitation of state property.

The State Auditing Institution shall submit an annual report to the Assembly.

The Senate shall manage the State Auditing Institution.

PART FIVE

CONSTITUTIONALITY AND LEGALITY

Conformity of legal regulations

Article 145

The law shall be in conformity with the Constitution and ratified international agreements, and any other regulation shall be in conformity with the Constitution and law.

Publication and Entry into Force of Regulations

Article 146

A law and other regulations shall be published prior to entry into force and shall enter into force no earlier than the eighth day from the date of publication.

Exceptionally, when the reasons for such action are present and have been established in the adoption procedure, a law and other regulations may enter into force no earlier than on the date of publication.

Prohibition of Retroactive Effect

Article 147

A law and other regulations shall have no retroactive effect.

Exceptionally, if so required in the public interest, and as established in the adoption procedure, certain provisions of a law may have retroactive effect.

A provision of the Criminal Code may have retroactive effect only if it is more lenient for the perpetrator of a crime.

Legality of Specific Enactments

Article 148

A specific legal enactment shall be in conformity with the law.

A final specific legal enactment shall enjoy judicial protection.

PART SIX

THE CONSTITUTIONAL COURT OF MONTENEGRO

Responsibility

Article 149

The Constitutional Court shall decide on:

- 1) the conformity of laws with the Constitution and ratified and published international agreements;
- 2) the conformity of other regulations and general enactments with the Constitution and the law;
- 3) constitutional complaints for violations of human rights and freedoms guaranteed by the Constitution, if all legal remedies have been exhausted;
- 4) determine if the President of Montenegro has committed a violation of the Constitution;
- 5) conflicts of jurisdictions between courts and other state organs, between state organs and organs of the units of local self-government, and between the organs of the units of local self-government;
- 6) the banning of a political party or a non-governmental organisation;
- 7) electoral disputes and disputes on referendums which are not within the competence of other organs;
- 8) the conformity with the Constitution of the measures and actions of state organs taken during a state of war or state of emergency;
- 9) shall perform other tasks stipulated by the Constitution.

If a regulation has become null and void during a procedure instituted to establish its constitutionality and

legality, and the consequences of its implementation persist, the Constitutional Court shall determine if such a regulation was in conformity with the Constitution or law while it was in force.

The Constitutional Court shall monitor the enforcement of constitutionality and legality and shall inform the Assembly about the noted cases of unconstitutionality and illegality.

Initiating Proceedings to Assess Constitutionality and Legality

Article 150

Any person may propose the initiation of proceedings for assessing constitutionality and legality.

Proceedings before the Constitutional Court for assessing constitutionality and legality may be initiated by a court, other state organ, an organ of local self-government or and deputies of the Assembly.

The Constitutional Court may itself initiate proceedings for assessing constitutionality and legality.

During the proceedings, the Constitutional Court may order the suspension of the implementation of a specific enactment or action enforced on the basis of law, other regulation or general enactment, the constitutionality or legality of which is being assessed, if the enforcement thereof could cause irreparable damage.

Decisions of the Constitutional Court

Article 151

The Constitutional Court shall render decisions by the majority vote cast by the judges.

The decisions of the Constitutional Court shall be published.

A decision of the Constitutional Court shall be binding and enforceable.

In case of need, the implementation of a Constitutional Court decision shall be ensured by the Government.

Cessation of Validity of Regulations

Article 152

When the Constitutional Court has established that a law is not in conformity with the Constitution or ratified and published international agreements, or that a regulation is not in conformity with the Constitution and law, such a law and regulation shall cease to be valid as of the date of publication of the decision of the Constitutional Court.

When the Constitutional Court has established that a law or other regulation, or their respective provisions, are not in conformity with the Constitution or law, they shall not be applicable to the relations established prior to the publication of the Constitutional Court's decision, if, by such a date, they have not become binding.

Composition and Election

Article 153

The Constitutional Court shall have seven judges.

The tenure of office of a Constitutional Court judge shall be nine years.

The President of the Constitutional Court shall be elected from among the judges for a three-year term.

Elected as a judge of the Constitutional Court may be a person who enjoys a reputation of a renowned legal expert with a minimum of 15 years of experience in the profession.

The President or a judge of the Constitutional Court shall not perform the duty of a deputy of the Assembly or other public function and neither engage in any professional activity.

Cessation of Function

Article 154

The office of the President or a judge of the Constitutional Court shall terminate before the expiration of his mandate at his own request, when he meets the requirements for entitlement to a pension, or if he has been given a mandatory sentence of imprisonment.

The President or a judge of the Constitutional Court shall be removed from office if he has been found guilty of an offense that makes him unworthy of performing his

function, if he has permanently lost the ability to discharge his function, or if he has expressed publicly his political convictions.

The Constitutional Court shall establish at its session that the reasons for a cessation of duty or removal from office obtain and shall inform the Assembly thereof.

The Constitutional Court may decide that the President or a judge of the Constitutional Court, against whom criminal proceedings have been initiated, are not to discharge their respective duties while the proceedings are in progress.

PART SEVEN

AMENDING THE CONSTITUTION

Proposals to Amend the Constitution

Article 155

A proposal to amend the Constitution may be submitted by the President of Montenegro, the Government or by no less than 25 deputies of the Assembly.

A proposal to amend the Constitution may propose the amendment of certain provisions of the Constitution or the adoption of a new Constitution.

A proposal to amend certain provisions of the Constitution shall indicate the provisions whose amendment is being proposed and a statement of reasons accordingly.

It shall be considered that a proposal to amend the Constitution has been adopted in the Assembly if two thirds of the total number of deputies has voted in favour.

If a proposal to amend the Constitution has not been adopted, such a proposal may not be submitted again before the expiry of one year from the date when it was rejected.

Instrument to Amend to the Constitution

Article 156

Certain provisions of the Constitution shall be amended in amendments.

The instrument on amendments to the Constitution shall be drafted by the competent working body of the Assembly.

The instrument on amendments to the Constitution shall be adopted in the Assembly by two-thirds of the total number of deputies.

The adopted instrument to amend the Constitution shall be submitted by the Assembly for a public debate which shall not be less than one month.

Upon completion of the public debate the competent working body of the Assembly shall draft the instrument to amend the Constitution.

The instrument to amend the Constitution shall be considered adopted if two thirds of all the deputies vote in favour of it.

The Constitution may not be amended during a state of war and state of emergency.

Ratification by Referendum

Article 157

Amendments to Articles 1, 2, 3, 4, 12, 13, 15, 45 and 157 shall be final if ratified by a state referendum by no less than three-fifths of the total number of voters.

PART EIGHT

TRANSITIONAL AND FINAL PROVISION

Constitutional Law on the Implementation of the Constitution

Article 158

A constitutional law on the implementation of the Constitution shall be adopted.

The constitutional law on the implementation of the Constitution shall be adopted by the Assembly with a majority vote of all the deputies.

The constitutional law shall be promulgated and shall enter into force simultaneously with the Constitution.

**SU-SK Number 01-514/21
Podgorica, 19 October 2007**

**Constitutional Assembly of the Republic of Montenegro
President
Ranko Krivokapić, signed**

2.

Pursuant to Article 16 of the Law on the Procedure for the Adoption and Promulgation of the New Constitution of Montenegro (*Official Gazette of the RCG*, number 66/06), the Constitutional Assembly of the Republic of Montenegro, at its third sitting of the second regular session in 2007, held on 22 October 2007, adopts hereby the following

D E C I S I O N
ON THE PROCLAMATION OF THE CONSTITUTIONAL LAW ON THE
IMPLEMENTATION OF THE CONSTITUTION OF MONTENEGRO

The CONSTITUTIONAL LAW ON THE IMPLEMENTATION OF THE CONSTITUTION OF MONTENEGRO, adopted by the Constitutional Assembly of the Republic of Montenegro, at its third sitting of the second regular session in 2007, held on 19 October 2007, is hereby promulgated.

SU-SK Number 01-523/8
Podgorica, 22 October 2007

Constitutional Assembly of the Republic of Montenegro
President
Ranko Krivokapić, signed

C O N S T I T U T I O N A L L A W
ON THE IMPLEMENTATION OF THE CONSTITUTION OF MONTENEGRO

Article 1

The Constitution of Montenegro (hereinafter: the Constitution) shall be applied from the date of its promulgation by the Constitutional Assembly of the Republic of Montenegro, unless stipulated otherwise by this Law with regard to some specific provisions.

Article 2

The organs of authority of Montenegro and other state organs, organisations and services and organs of local-self-government shall continue with their work until the

termination of their mandate, within the legal framework and with the competencies stipulated by the Constitution, unless stipulated otherwise by this Law.

Article 3

The Public Prosecutor shall continue with his work as the Public Prosecutor's Office until the adoption of the law which shall regulate the status, organisation and work of the Public Prosecutor's Office.

Article 4

The Defence and Security Council shall constitute itself not later than 10 days following the date this Law enters into force.

Article 5

The provisions of international agreements on human rights and freedoms which Montenegro entered into before 3 June 2006 shall be applicable in legal relations which obtained following their signing.

Article 6

Laws and other regulations shall remain in force until brought in line with the Constitution within the time limits specified by this Law.

Article 7

The following shall be adopted within two months of the date this Law enters into force:

- 1) Law on Montenegrin Citizenship;
- 2) Law on Travel Documents of Montenegrin Citizens;
- 3) Law on Permanent and Temporary Residence of Citizens;
- 4) Law on Identity Cards;
- 5) Law on the Social Council;

The following shall be adopted within six months of the date this Law enters into force:

- 1) Law on the Judicial Council, and
- 2) Law on the Territorial Organisation of Montenegro.

Article 8

The following shall be harmonised with the Constitution within three months of the date this Law enters into force:

- 1) Law on the Election of Board Members and Deputies;
- 2) Law on the Election of the President of Montenegro;
- 3) Law on Polling Lists;
- 4) Law on the Courts;
- 5) Law on the Public Prosecutor;
- 6) Law on the State Administration;
- 7) Law on the Property of the Republic of Montenegro;
- 8) Law on Expropriation;
- 9) Law on Minority Rights and Freedoms.

Article 9

The other laws and the other regulations shall be harmonised with the Constitution within two years following the date this Law enters into force and the regulations on the implementation of the laws within time limits determined by the respective laws.

Article 10

The assemblies of the units of local self-government shall harmonise their respective regulations with the Constitution not later than one year following the date this Law enters into force.

Article 11

Until the adoption of the respective regulations of Montenegro the regulations of the state community of Serbia and Montenegro shall be accordingly implemented unless they are in opposition with the legal order and interests of Montenegro.

Article 12

Every citizen of Montenegro who on 3 June 2006, in addition to his Montenegrin citizenship, had the citizenship of another state shall have the right to retain Montenegrin citizenship.

A citizen of Montenegro who obtained another citizenship as of 3 June 2006 may retain his Montenegrin citizenship up to the signing of a bilateral agreement with

the state whose citizenship he obtained but not longer than one year as of the date of the adoption of the Constitution of Montenegro.

Article 13

On the date of the promulgation of the Constitution and of this Law the Constitutional Assembly of the Republic of Montenegro shall continue its work as the Assembly of Montenegro and the Constitutional Board shall terminate its work.

Article 14

Elections for deputies in the Assembly of Montenegro shall be held by end 2009 the latest.

Article 15

On the date this Law enters into force, the title of the official gazette of the Republic of Montenegro shall be changed to read: *Official Gazette of Montenegro*.

Article 16

This Law shall enter into force on the date of its promulgation.

SU-SK Number 01-523/7
Podgorica, 19 October 2007

Constitutional Assembly of the Republic of Montenegro

President
Ranko Krivokapić, signed

C O N T E N T S

No.		Page ²
1.	Constitution of Montenegro	1
2.	Constitutional Law on the Implementation of the Constitution of Montenegro	17

² Tr. note: page numbers as in original.