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**EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES**

**Second periodical report  
presented to the Secretary General of the Council of Europe  
in accordance with Article 15 of the Charter**

**MONTENEGRO**



**Montenegro**  
**GOVERNMENT OF MONTENEGRO**  
**Ministry of Human and**  
**Minority Rights**

**SECOND REPORT OF MONTENEGRO**  
**ON IMPLEMENTATION OF EUROPEAN CHARTER**  
**FOR REGIONAL OR MINORITY LANGUAGES**

Podgorica, February 2011

## **Introduction**

In the introduction we will give official information with which we dispose based on the Census conducted in 2003, as well as based on some other researches. Please note, however, that the new Census in Montenegro will be conducted from 1 to 15 April 2011. We believe that until the visit of the Expert Working Group to Montenegro we will have new information which we will make available to the Committee of Experts.

According to the data of the Statistical Office of Montenegro (MONSTAT) in Montenegro there are 620,145 citizens as follows: Montenegrins 267,669 (43.16%), Serbs 198,414 (31.99%), Albanians 31,163 (5.03%), Bosniaks 48,184 (7.77%), Muslims 24,625 (3.97%) and Roma 2,601 (0.42%).

According to the data of the Statistical Office of Montenegro (MONSTAT) in Montenegro overall linguistic picture is as follows: Serbian language speak 393,740 citizens or 63.49% of the population, the Montenegrin language speak 136,208 citizens or 21.96% of the population, the Albanian language speak 32,603 citizens or 5.26% of the population, the Bosnian language speak the 14,172 citizens or 2.28% of the population, the Bosniak language speak 19,906 citizens or 3.21% of the population, the Romani language speak 2,602 citizens or 0.42% of the population and Croatian language speak 2,791 citizens or 0.45% of the population.

The Statistical Office of Montenegro in cooperation with the National Roma Council and the Coalition Roma Circle, with the goal to implement the "Strategy for Improvement of the Situation of REA Population in Montenegro", during October 2008 conducted a survey for the creation of the database of RAE population in Montenegro.

This survey covers all persons who voluntarily came to the place where the data were gathered and gave the information for themselves and the members of their families and households. This means that the survey covers also persons who do not currently live in Montenegro, but were registered by members of their households who on their behalf gave the data. Thus, the survey includes a total of 11,001 persons. Of these, 9,943 persons are present in Montenegro, and the rest are in abroad.

According to this survey from a total of 9,943 persons the Romani language speak 65% of the Roma, the Albanian language 5% of the Roma, the Serbian language 2% of the Roma and other languages 1%.

National legislation does not define the concept of regional or minority languages.

The new Constitution of Montenegro (“Official Gazette of Montenegro” No. 01/07 of 25 October 2007) in Article 13, paragraph 1 stipulates that in Montenegro the official language is Montenegrin, while paragraph 3 provides that the Serbian, Bosnian, Albanian and Croatian are in official use.

The Government of Montenegro has a policy of protecting the rights of minorities and other minority communities through the Ministry of Human and Minority Rights, and through the Centre for Preservation and Development of Minority Cultures.

On the proposal of the Government of Montenegro, in February 2008 the Montenegrin Parliament adopted the Decision on establishing the Fund for Minorities (“Official Gazette of Montenegro”, No. 13/08). The Fund for Minorities was established to support activities relevant to the preservation and development of national or ethnic specificities of minorities and other minority ethnic communities and their members in the area of national, ethnical, cultural, linguistic and religious identity.

The Law on Minority Rights and Freedoms in Article 11 stipulates:

“Minorities and persons belonging to them shall have the right to use their language and alphabet.

In the local self-government units in which persons belonging to minorities make majority or considerable part of the population, pursuant to results of the last census, the language of that minority shall be in official use.

The official use of the language of minorities, for the purpose of paragraph 2 of this article, shall particularly imply the following: use of language in administrative and court proceedings and in conducting administrative and court proceedings, issuance of public documents and keeping official records, ballot papers and other electoral material as well as in the work of representative bodies.

On the territory of the local self-government units as of paragraph 2 of this Article the names of public bodies, name of the local self-government unit, settlements, squares and streets, institutions, businesses and other entities and the topographical indications shall also be written in the language and alphabet of the minority.”

The Law on Minority Rights and Freedoms defines minority as a group of citizens of Montenegro, numerically smaller than the rest of predominant population, having common ethnic, religious or linguistic characteristics, different from those of the rest of the population, being historically tied to Montenegro and motivated by the wish to express themselves and maintain their national, ethnic, cultural, linguistic and

religious identity. Minorities are considered to be: autochthones minority peoples, national minorities and ethnic minorities.

In order to implement the Law on Minority Rights and Freedoms, the Ministry of Human and Minority Rights adopted *Rules for the first elections of the minority councils and Guidelines on the unique forms for the election of Council members* ("Official Gazette of the Republic of Montenegro" No. 46/07). These Rules and Guidelines specify the composition and number of members of a council of minorities, the manner of calling and work of electoral assembly, the manner of election of council members, and give clear guidance in this process. This legislation created the legal preconditions for the election of the first minority councils. In addition, all these documents are published on the official website of the Ministry, are published as a supplement to the daily newspaper "Pobjeda" and also in the Albanian language in the weekly newspaper "Koha javore", are made public through public service RTCG, IN TV and local radio and television stations, furthermore, are held the meetings with nongovernmental organizations of all minority communities in what occasions was presented the process of establishing minority councils. In accordance with the legal provisions, so far the electoral assembly was held for the election of the following councils: Croatian Council (21 December 2007), Bosniak Council (15 March 2008), Roma Council (22 March 2008), Muslim Council (29 March 2008), Albanian Council (19 April 2008) and the Serbian Council (27 September 2008). The Constitutive sessions of councils are held and councils are registered with the Ministry of Human and Minority Rights.

The Council shall:

- represent and act on behalf the relevant minority;
- submit proposals to state bodies, local self-government bodies and public services in charge of promotion and development of the rights of minorities and persons belonging to them;
- lodge initiative towards the President of the Republic for refusal to promulgate a legal act by which the rights of minorities and persons belonging to them are violated;
- participate in planning and founding of educational and pedagogic institutions;
- provide an opinion on curricula which reflect specificities of minorities;
- suggest enrolment of certain number of students at the University of Montenegro;
- launch initiative for amendment of legislation and other acts that regulate rights of persons belonging to minorities

- also, perform other activities in accordance with the Law on Minority Rights and Freedoms.

On issues falling within the competence of state bodies and public services which relates to rights of minorities and persons belonging to them, a necessary cooperation with the Council shall be established in order to build mutual confidence.

Within 30 days from the day of launching the initiative or request mentioned above, state and other competent bodies shall inform the Council about undertaken measures.

Charter for Regional or Minority Languages defines minority languages as the languages traditionally used within a given territory of a state by nationals of that state who form a group numerically smaller than the rest of the state's population and are different from the official languages of that state what does not include either dialects of the official languages or of the state or the languages of migrants. In preparing the ratification of the Charter for Regional or Minority Languages, starting from the current practice of official use of language and script and use of language in culture, education, judicial and administrative procedures, etc, it was specified that the Albanian and Romani minority languages are languages for which the Montenegro take on the obligations of the third part of the Charter.

The Constitution of Montenegro guarantees equal rights and obligations for all citizens, regardless of any particularity or personal feature, and prohibits any direct or indirect discrimination on any grounds. Also, the Constitution defines affirmative action, and says that regulations and introduction of special measures aimed at creating the conditions for the exercise of national, gender and overall equality and protection of persons who are in an unequal position on any grounds shall not be considered discrimination. Guarantees given in the highest legal act of Montenegro are developed in a series of laws that regulate labour relations, employment, pension and disability insurance, education, health and social care, safety at work, family relations, criminal acts, etc.

In addition, on the proposal of the Government of Montenegro, on 27 July 2010, the Parliament adopted a general Law on Prohibition of Discrimination. The Law on Prohibition of Discrimination is a framework law which provides the basis and mechanisms to combat discrimination on any personal characteristic (race, colour, citizenship, nationality or ethnic origin, religious or political beliefs, sex, gender identity, sexual orientation, birth, genetic characteristics, health, disability, marital and family status, age, membership in political, trade union and other organizations, and other

real or supposed personal characteristics). In this Law, the incitement to discrimination is seen as discrimination. The Law also aims at protecting every conscientious citizen who reports the case of discrimination or in any capacity, testifies before a competent authority in proceedings which examines the case of discrimination - protection from victimization.

The extent of the Law is defined, namely the Law applies to all persons to whom the legislation of Montenegro applies (nationals, foreigners, IDPs, asylum seekers, etc.). Also, norms of the Law relate to legal persons if their attitude towards these subjects makes discrimination on any of the defined grounds. It also defines the terms of harassment, mobbing, segregation, and a severe form of discrimination is especially accentuated, which should be guidance for the court in deciding on the sanction or the compensation of damage. Qualification of illegal actions immediately address all, and especially the courts and other bodies with the task of protecting human rights, to a stricter legal response as a result of unlawful behaviour. So, whether it is a civil law, criminal or other legal protection from discrimination, the state authority is addressed to use more severe sanctions for those forms of discrimination which the legislator is qualifying as extremely serious.

Among many forms and cases of discrimination, the Law contains those which from the standpoint of the legal system and moral standards prove to be particularly severe violation of the principle of equality of human beings, and those cases which are not treated separately in the set of specific laws. The meaning of separation of certain forms of discrimination is, above all, to mark and qualify those illegal acts that are considered particularly dangerous for the community and to complement any case of possible discrimination which is not contained in specific legislation. It is particularly accentuated discrimination in proceedings before public authorities, discrimination in the use of facilities and areas in public use, discrimination based on health, discrimination based on age, discrimination in the field of education and vocational training, discrimination in the field of labour, discrimination on the basis of religion and belief, disability discrimination, discrimination based on gender identity and sexual orientation.

As a mechanism of prevention and protection from discrimination, the law envisages the Protector of Human Rights and Freedoms. Procedures before the Protector of Human Rights and Freedoms are regulated by the Law and secondary legislation. Also, there is the obligation for the Protector of Human Rights and Freedoms to in a separate part of its annual report inform the Parliament of Montenegro on the observed phenomena of

discrimination and actions taken, as well as the possibility of filing a separate report on noted cases of discrimination.

In order to complete and round the entire system of protection from discrimination, in addition to the protection afforded by the institution of the Protector of Human Rights and Freedoms, with its responsibilities and appropriate measures, which are immanent to that institutional form of protection of human rights and freedoms, is also regulated the area of judicial protection from discrimination. Specifically, a developed and clearly established area of judicial protection is a necessary tool in the fight against discrimination.

It is important to emphasize that the burden of proof that there was no discriminatory behaviour, is shifted to the defendant / respondent, which is the standard of democratic societies in the fight against discriminatory behaviour. The proceeding before the court is regulated, as well as the complaint, the deadline for filing a complaint, filing a complaint by the third person and notifying the Protector.

Inspection over the implementation of this Law in relation to discrimination in various areas will be done by the inspection in charge of that area (service providers, construction, health, education, labour and employment, safety on work, transport, tourism, etc.). This way, the role of the inspection in the protection against discrimination is clearly established.

This Law is obliging all authorities to keep separated records on cases of discrimination and submit these to the Protector of human rights and freedoms. Also, records are required to be taken by judicial authorities, inspection authorities and misdemeanour authorities. It also prescribes the obligation for the Ministry of Human and Minority Rights to design a form and template for keeping records of all cases of discrimination within six months from the entry into force. The Law clearly indicates violations sanctioned by it, given that the violations in the exercise of certain rights are defined by other laws, and criminal responsibility is defined in criminal legislation.

Legal documents where the European Charter for Regional or Minority Languages is applied are the following: the Law on Minority Rights and Freedoms, Article 11; the Law on Preschool Education, Article 24; the General Law on Education, Article 4, Article 11, Article 22 and Article 46; the Law on Higher Education, Article 6 and Article 7; the Law on Broadcasting, Article 95, items 3, 5, 6 and Article 100; the Law on Media, Article 3 and Article 10; the Law on Public Broadcasting Services “Radio of Montenegro” and “Television of Montenegro”, Article 4 and Article 11 paragraph 2 and Article 15 item 8; the Law on Personal Name,



Article 2 paragraph 3; the Law on Publishing, the Law on Cinematography and Law on Theatre; the Law on General Administrative Procedure, Article 15; the Law on Local Self-Government, Article 10 and Article 83; the Law on Election of Councillors and MPs; the Law on Prohibition of Discrimination; the Law on Protector of Human Rights and Freedoms; the Statute of the Capital City; the Rules of Procedure of the Assembly of the Capital City; the Statutory Decision of the City Municipality of Tuzi; the Rules of Procedure of the City Municipality of Tuzi; the Statute of Municipality of Ulcinj; the Statute of the Municipality of Plav; the Rules of Procedure of the Assembly of the Municipality of Ulcinj; the Rules of Procedure of the Assembly of the Municipality of Plav; Decision on determining the polling stations for the election of five Members of the Parliament of Montenegro.

## **P a r t I a n d I I**

In Montenegro, there is no special regulatory body that monitors the implementation of the European Charter for Regional or Minority Languages, but is being done by the relevant ministries according to their field of work, within which there are departments or units dealing with issues of promotion of minority rights and freedoms.

The Committee of Ministers of the Council of Europe in its report of September 2009 recommended to the authorities of Montenegro to specify the territories where the Albanian and Romani languages are in official use and to which the Part III of the Charter for Regional or Minority Languages is applicable. In this sense, following the recommendations of the Committee of Ministers, we hereby inform you the following:

- 1. clarify the territories where the Albanian and Romani languages are in official use and where the Part III of the Charter on Minority or Regional Languages applies;*

Albanian language is in official use in Podgorica in the Municipalities of Plav and Ulcinj, as well as in the City Municipality of Tuzi.

Romani language, by the ratification of the European Charter for Regional or Minority Languages, has been recognized by the Government of Montenegro as a distinct minority language, but was not included in the system of education. Namely, the Romani language as a minority language is not taught as a mother tongue in educational institutions due to the fact

that it is not standardized and there are no qualified teachers who could perform teaching in the Romani language.

- 2. take the necessary steps to promote the codification and development of written Romani language, in cooperation with the speakers;*

The Ministry of Education and Sports supports projects that are important for improving the situation of the Roma population, especially those relating to the exercise of the right to education. In addition, the Ministry supports the activities of the non-governmental sector aimed at standardization and codification of the Romani language

In Montenegro, there is good regional cooperation with former Yugoslav republics when it comes to issues related to education in minority and regional languages, and particularly education in the Romani language. Good experience in this area are monitored and applied to the extent possible. The goal is to first standardize and codify the Romani language in order to obtain a form of literary language and to train personnel required for conducting teaching, after what the Romani language could be introduced in the education system. The Ministry of Education and Sports will support the achievements of codification and standardization of the Romani language achieved in neighbouring countries if the relevant representatives of the Roma population in Montenegro have a positive attitude in relation to these achievements.

- 3. introduce teaching of Romani language at preschool, primary and secondary levels;*

In Montenegro there are still no conditions to perform teaching in Romani language at the preschool institutions, elementary and secondary schools. After the codification and standardization of the Romani language and professional training of educational staff who can teach in Romani language, the conditions will be met for implementation of education in the Romani language on the level of preschool, primary and secondary education.

Until fulfilling these conditions, which would lead to full inclusion of Romani language in the education system, there is a possibility and the idea that through implementation of optional teaching as well as organizing summer schools, camps and other known forms of organising classes for

studying mother tongue, the Roma students will have the possibility to study the Romani language, culture, history, as well as customs and traditions of the Roma people.

4. *strengthen teacher training in the Albanian language, especially for lower and upper secondary level education (third cycle of elementary school and secondary school).*

In accordance with paragraph 2 of Article 2 of the Charter we set out the standpoints and/or points that can be applied to selected minority or regional languages.

## **Chapter II**

### **Article 7**

#### **Paragraph 3**

Promotion of mutual understanding and tolerance among all linguistic groups in the country especially in relation to minority and regional languages in the area of education is reflected in conceiving compulsory and optional subjects.

Specifically, knowledge and skills in the field of human rights and multiculturalism, students gain within the study of compulsory and optional subjects. The compulsory subjects that have such content are: Civic Education - VI and VII grade of the elementary school, History - in the upper grades of elementary school and high school, Geography - in upper grades of elementary schools and high schools, Sociology - in high school, Mother tongue - in all grades of elementary and high schools.

Optional subjects within which are studied issues related to human rights and multiculturalism are: Exploring Humanitarian Law in VIII or IX grade of the elementary school, the European Union in the VIII or IX grade of the elementary school, History of religion in the VIII grade of the elementary school, Civic Education in high school, History of religion in high school, European integration in high school.

Multiculturalism is, in addition, inherent part of the study of Musical culture and foreign languages, compulsory and optional subjects: English language, French language, Italian language, German language, Spanish language, Russian language and Turkish language.

Law on Elementary Education stipulates that the same class can have at most 30 students, and exceptionally, by the approval of the minister responsible for education, at most 33 pupils. Also, the Law on Minority

Rights and Freedoms provides that the class with instruction in minority languages and scripts can be organized for a smaller number of pupils than set for such an institution, which can not be less than 50% of pupils provided by law. The minimum number of pupils per class is established by the regulation of the Ministry of Education and Sports, which provides that the combined class (class with pupils of different grades) can have at least five pupils. This provision also applies to classes with instruction in minority languages and scripts.

## Article 8- Education

a) chosen paragraphs or items are specified in bold

paragraph	1
item	a, i):
“	a, ii):
“	<b>a, iii):</b>
“	<b>a, iv):</b>
item	b, i):
“	<b>b, ii):</b>
“	b, iii):
“	<b>b, iv):</b>
item	c, i):
“	<b>c, ii):</b>
“	c, iii):
“	<b>c, iv):</b>
item	d, i):
“	d, ii):
“	d, iii):
“	<b>d, iv):</b>
item	e, i):
“	<b>e, ii):</b>
“	e, iii):
item	f, i):
“	f, ii):
“	<b>f, iii):</b>

<b>item</b>	<b>g:</b>
<b>item</b>	<b>h:</b>
item	i:
paragraph	2

### **Measures taken in order to apply every chosen paragraph or item**

#### **Article 8 of the Charter – Education**

paragraph 1

##### **Preschool Education**

item a) iii

Preschool education in the Albanian language is achieved in institutions where there is a need for that, or where the parents declared that they want the preschool education to be realized in this language.

Preschool education in the Albanian language for the school year 2009/2010 was organized in Ulcinj - in seven groups (230 children) and in Tuzi - one group (33 children), what makes a total of 263 children.

From September 2010, in preschool institutions, were organized nine educational groups where the preschool education is realized in the Albanian language. Specifically, at the Public Preschool Institution "Solidarity" in Ulcinj, was organized eight education groups, while in the Educational unit in Tuzi, which belongs to the Public Preschool Institution, "Đina Vrbica" - Podgorica, was organized one educational group. In these educational groups the preschool education is entirely realized in the Albanian language, and educational work is carried out by the teachers who meet the requirements regarding educational qualifications prescribed by law and who have completed studies in Albanian.

At this moment there is teaching staff for the realization of preschool education in the Albanian language.

##### **Primary Education**

item b) i

Improving the quality of textbooks in the Albanian language is a permanent task and responsibility of relevant institutions in Montenegro, to which is given full attention. For the area of the Albanian language and literature, in 2010, were provided sets of textbooks for teaching in the Albanian language for elementary and high school.

In the process of translation of textbooks in the Albanian language, the Institute for textbooks and teaching material adhere to the language standard of the Albanian language. In order to enhance and improve the translation of textbooks into the Albanian language, in November 2010 was held a meeting with the teachers from a number of elementary schools that teach in the Albanian language for the purpose of cooperation in this field.

In accordance with the provisions of Article 18 paragraph 2 of the Law on Minority Rights and Freedoms, the director of the school where teaching is in the Albanian language, in addition to the requirements prescribed by the General Law on Education, must have an active knowledge of Albanian language i.e. an active knowledge of the Albanian language and script.

Directors of all institutions where teaching is in the Albanian language have an active knowledge of Albanian language. In institutions where teaching is provided in both the Montenegrin language and the Albanian language, the majority of directors have an active knowledge of Albanian language, i.e. in a number of schools in which teaching is prevalent in the Montenegrin language the directors were not required to have knowledge of the Albanian language.

Please note that the election process of all directors of educational institutions is in course and that the Ministry of Education and Sports will, for the election of directors in all schools where teaching is held in the Albanian language, seek the opinion of the Albanian Council of Montenegro, in accordance with Article 18 of the Law on Minority Rights and Freedoms.

### **Secondary Education**

#### **item c) ii**

Secondary general education (grammar school) in the Albanian language is realized in High School in Tuzi, Mixed High School “Beco' Basic” in Plav, and the Mixed High School “Bratstvo i jedinstvo” in Ulcinj, which are public institutions, as well as private High School "Drita", in Ulcinj.

In high schools (grammar and vocational schools) education in the Albanian language attend 1,347 pupils, of which 973 pupils in grammar school and 374 in vocational schools.

Teaching in the Albanian language in grammar and vocational schools, perform 159 teachers. In these schools, students study the subject Albanian language and literature as a compulsory subject.

### **Technical and vocational education**

#### **item d) i**

Vocational education is performed in the Albanian language in the Public Institution Mixed High School “Beco Basic” in Plav (24 pupils) and Public Institution Mixed High School “Bratstvo i jedinstvo” in Ulcinj (374 pupils). In these schools pupils study the subject Albanian language and literature as a compulsory subject.

For teaching vocational theoretical subjects in vocational education are used textbooks in the Albanian language that were released in the neighbouring countries and whose content is compatible with the content of our educational subjects, in accordance with the recommendation of the Ministry of Education and Sports.

### **University and Higher Education**

#### **item e) ii**

In particular we stress that in the First Report was incorrectly stated that a Department for Albanian language and literature was opened. Namely, on the University of Montenegro is opened a Study Program for Teacher’s Education in the Albanian language. This is an academic degree study program in duration of four years. It is implemented as an independent study program in Podgorica.

The program started in academic year 2004/2005 when 49 students enrolled.

In the past in this Program were enrolled:

in the academic year 2005/2006. - 31 student;

2006/2007. - 15 students;

2007/2008. - 13 students;

2008/2009. - 6 students;

2009/2010. - 17 students;

2010/2011. - 21 student.

So far, 35 students have graduated. In this Program 80% of teaching is conducted in the Albanian and 20% in the Montenegrin language.

In conducting teaching, are engaged 25 professors, mostly part-time employment, and seven associates.

In order to fully enjoy minority rights, certain number of students belonging to minorities can be enrolled at the University of Montenegro on the proposal of the Albanian Council of Montenegro, in accordance with the University regulations.

### **Adults and Continuing Education**

item f)

The adult education is a part of unified educational system in Montenegro. The Ministry of Education and Sports, in accordance with the General Law on Education is responsible for issuing licenses to institutions which meet the requirements for the performance of accredited programs for the education of adults. So far, the license for performing the programs for education of adults received Public Institution Mixed High School “Bratstvo-Jedinstvo”, from Ulcinj, where teaching is conducted in the Albanian language, and in the process of obtaining licenses is the Elementary School “Bosko Strugar”, also from Ulcinj.

### **Instruction in History and Culture**

item g)

All textbooks for primary and secondary general education (grammar school), by which teaching is conducted in the Montenegrin language, have been translated into the Albanian language. The textbook for the subject Albanian language and literature is a separate book which is intended for this teaching subject.

Education program in institutions with instruction in the Montenegrin language contains topics in mother tongue and literature, history, art and culture of minorities and other topics that encourage mutual tolerance and coexistence. For example, a book of literature (čitanka) in the Montenegrin language contains the works of well known Albanian writers. Also in other textbooks is used a similar principle.

Through the concept of autonomy of teachers, who have the possibility to create and adapt to the needs and interests of pupils 20% of teaching content of the subject, can be increased the number of teaching units in culture and history of the Albanian people in relation to the number of teaching units contained in translated textbook.

In the new, reformed curricula regarding minority education (mother tongue, history, art, etc.) are already substantially integrated activities that promote history and culture of minorities in Montenegro. Measures that should provide teaching of history and culture have been already



implemented under new program for mother tongue, history and culture taught in elementary and high schools.

By providing new teaching materials in the Albanian language, Montenegro will seek to overcome this problem. This will be carried out in one of the known and accepted methods, i.e. by printing of separate textbooks in history and culture, or by printing the appendix to the existing textbooks, or by importing foreign textbooks for which it is believed to be consistent with our educational programs. In order to achieve these goals it is necessary to analyze and modify existing educational programs.

**Basic and Continuing training of teachers**  
item h)

In addition to the Institute for Education, professional development of teachers in vocational education is organized by the Centre for Vocational Education for Teachers of Vocationally Theoretical Subjects and Practical Education. These institutions have sufficient number of professional staff who is dedicated to professional development and training of teachers. Also, the professional development of teachers in vocational education is carried out within the framework of foreign projects.

Professional development and individual advancement of professional and teaching staff, as well as improving quality and efficiency of the education system, is the responsibility of the Department for continuing professional development of the Institute for Education. Training programs for professional development of employees in education system are accredited by the Institute for Education and approved by the Ministry of Education and Sports. Institute for Education selects programs through public competition and puts it into the Catalogue of programs for professional development of teachers. There are no special training programs for education of teachers in the Albanian language, but is implemented an identical training as a training for teachers who teach in schools in the Montenegrin language.

**2.2.2 ROMANI LANGUAGE**  
**Article 8 - Education**

Romany language, by ratification of the European Charter for Regional or Minority Languages by the Government of Montenegro has been recognized as a distinct minority language, but is not included in the education system. Namely, the Romani language, as a minority language is

not taught as a mother tongue in education institutions, due to the fact that it is not standardized and there is no qualified teaching staff that could perform teaching in the Romani language. In addition, according to the Statistical Office of Montenegro - MONSTAT, based on data from October 2008, the Roma population makes 1.6% of the population of Montenegro.

### **Paragraph 1**

#### **Preschool Education**

##### **item a) iv**

Coverage of children of the RAE population with the preschool education in the Montenegrin language in the school year 2008/2009 was 252 children, of whom 11 children in nursery schools and 241 children in kindergarten.

Coverage of children of the RAE population is 13.81% (data of MONSTAT). Data on coverage of boys and girls suggests that girls are included in slightly greater number - 15.02% as compared to boys - 12,69%. On the territory of Podgorica, in the settlement Vrela Ribnička, there is an educational unit that is attended only by the children of RAE population (domicile and displaced from Kosovo). Parents of children who attend these educational units are exempted from paying the cost of meals. In the Konik Camp at Vrela Ribnicka, where are placed the children of members of RAE population displaced from Kosovo, the Red Cross organized two educational groups where are conducted the programs of psychosocial support. There are engaged two teachers and two Romani assistants (trained to work with children).

According to the Law on Preschool Education, the cost of meals for children from the most vulnerable population groups in the institution is on the Centre for Social Work in whose territory is the residence of the child i.e. parents. The children from the most vulnerable population groups are: children with disabilities in development, children who have difficulties caused by social, linguistic and cultural barriers.

Within the project "Integration of Roma, Ashkali and Egyptian in City Schools" is envisaged the Program for preparation for elementary school and preschool institutions, and the Program of psychosocial support for preschoolers. Activities that will be implemented are as follows:

- developing a short program of preparation for primary school for the children aged from 5 years to 6 years, which provides educational activities in the year before starting primary school;
- training the staff for the application of a short program,

- implementation of program in Public Institution “Đina Vrbica”;
- development of program of psychosocial support and its implementation.

### **Primary Education**

#### **item b) iv**

There are a number of projects in which were engaged or are still engaged Roma assistants in primary schools.

The program “Roma Education Initiative in Montenegro” was implemented in January 2006 - December 2008, and was supported by the Roma Education Fund (REF).

“Support for the RAE population in Camps Konik” is implemented by the Red Cross of Montenegro.

Roma Scholarship Foundation (FSR), through the programs of Roma sustainable education "Integration and support of minority groups" organizes remedial classes in order to improve school achievement, with the engagement of Roma assistants.

UNHCR, the Roma Scholarship Foundation (FSR), the Roma Education Circle and Public Institution Elementary School “Bozidar Vukovic Podgoričanin” implement a program that includes the organization of remedial courses in order to improve school achievement, with the engagement of Roma assistants.

In the coming period will be implemented the following:

The project "Support for full social inclusion process" is proposed through the IPA Program 2010. The overall objective of the project is to enable the inclusion of vulnerable, socially excluded groups, through the social welfare services and throughout the education system. One of the sub-objectives of the project is the engagement of Roma assistants in kindergartens and elementary schools;

Through the planned project "Integration of Roma, Ashkali and Egyptian in City Schools, " which is going to be approved soon by the Roma Education Fund (REF) will be carried out additional classes to overcome language barriers, improve school achievement based on Individual development and education program (IROP), with planned support of assistants in teaching.

The Ministry of Education and Sports, in September of the current school year, with support of the Commission for Monitoring and Implementation of the Strategy for Improvement of the Position of RAE Population in Montenegro (2008-2012) and through the Institute for textbooks and teaching material, provided textbooks for first, second and

third grade of elementary school for pupils of RAE population in total amount of 33,387.50 EUR.

In addition to this, on the beginning of school year 2010/2011, the team of the Ministry visited the Camps Konik I and II and, with the cooperation of the Red Cross of Montenegro, made identification of children who do not attend school and the result of that was the inclusion of 55 children in city schools, with provision of textbooks, school material, necessary clothing, in the amount of 3,600.00 EUR as well as transportation for these pupils.

The number of Roma children in primary education is increasing from year to year. In the school year 2007/08 there were 1,263 of these pupils, and in school year 2008/09 were 1,461 pupils members of RAE population. Data from previous years also show that this number is constantly growing and that there is a positive trend when it comes to primary education of RAE children. In fact, during school year 2001/2002 in primary schools were 536 pupils members of RAE population; in school year 2002/2003 there were 626 pupils, in the school year 2003/2004 were 1,006 pupils; in the school year 2004/2005 were 1,169 pupils, in the school year 2005/2006 were 1,195 pupils, and in school year 2006/2007 were 1,236 pupils members of RAE population.

The Ministry of Education and Sports in coordination with the Institute for Education, through education of teaching staff creates a favourable environment and conditions for the integration and socialization of Roma children.

### **Secondary Education**

#### **item c) iv**

There is still no possibility for organizing teaching in general high schools in the Romani language, because of the fact that the Romani language is not standardized and there is no qualified teaching staff that could perform teaching in the Romani language.

Pupils of RAE population enrol in general high schools in which classes are held in the Montenegrin or the Albanian language in most cases using the principle of affirmative action. For enrolled pupils of the RAE population in high schools the Ministry of Education and Sports in cooperation with the Ministry of Labour and Social Welfare provides free textbooks and scholarships are provided by the Roma Scholarship Foundation.

### **Technical and vocational education**

#### **item d) iv**

There is still no possibility for organizing teaching in specialized high schools in the Romani language, because of the fact that the Romani language is not standardized and there is no qualified teaching staff that could perform teaching in the Romani language

Pupils of RAE population enrol in specialised high schools in which classes are held in the Montenegrin or the Albanian language in most cases using the principle of affirmative action. For enrolled pupils of the RAE population in high schools the Ministry of Education and Sports in cooperation with the Ministry of Labour and Social Welfare provides free textbooks and scholarships are provided by the Roma Scholarship Foundation.

### **University and Higher Education**

#### **item e) iv**

There is still no possibility for organizing the Studies of the Romany language as a subject within higher education, because of the fact that the Romani language is not yet standardized.

At the Faculty of Philosophy in Niksic, Department of Preschool Education, two students members of RAE population are currently studying. They are students of the third-year of studies, and recently two other students completed the same studies. All these students were and are funded from public funds.

A total of eight students members of RAE population are studying at the University of Montenegro.

### **Adults and Continuing Education**

#### **item f)**

Adults can gain education within current public educational program for primary and secondary education, suitable for educational level or part thereof, as well as by the adult education programs in accordance with the Law on Adult Education. Adult students are exempt of the costs for obtaining primary education as well as for obtaining first qualification.

Program of functional literacy and Program for primary school for adults are realized by the elementary schools and adult education providers that have a working license issued by the Ministry of Education and Sports.

Also, the Employment Agency is organizing the implementation of programs for obtaining key skills for adults Roma.

The project “Integration of Roma, Ashkali and Egyptian in City Schools” provides for realization of workshops and focus groups with parents in order to strengthen the motivation for continuation of their education, as well as provides for organization of classes of the Montenegrin language for parents.

### **Instruction in History and Culture**

item g)

In accordance with the Law on Minority Rights and Freedoms, the curriculum includes topics from the area of history, art, literature, traditions and culture of minorities. Educational program in institutions and schools in the Montenegrin language contains topics in mother tongue and literature, history, art and culture of minorities and other content that encourage mutual tolerance and coexistence.

The project “Integration of Roma, Ashkali and Egyptian in City Schools” provides for the establishment of a commission to develop 20% of free curriculum for 5 subjects and development of the curriculum in which there will be room for themes such as the Roma history, origins, traditions, economic and social status, customs, religion, etc.

### **Basic and Continuing training of teachers**

item h)

Professional development and individual advancement of professional and teaching staff, as well as improving quality and efficiency of the education system is the responsibility of the Department for continuing and professional development of the Institute for Education. Training programs for professional development of the employees in education system are accredited by the Commission of the Institute for Education and approved by the Ministry of Education and Sports. Institute for Education selects the program through public competition and puts it into the Catalogue of programs for professional development of teachers. The Catalogue of the school year 2010/2011 offers the following programs: “The integration of Roma children in primary school - support to inclusion” and “Kindergarten as a Family Centre for Roma - support to inclusion”.

The project “Integration of Roma, Ashkali and Egyptian in City Schools” will conduct the training for teachers in different modules,

respecting the rules of practical experience and concrete examples. The focus is on inclusion of Roma, violence prevention and the like. The training for teachers also will improve skills for conflict overcoming, development of Individual Development and Education Program (IROP), collaboration with parents etc. The training will also include topics such as: Roma history, origins, traditions, economic and social status, customs, religion, and all this with a goal of better cooperation and communication with parents.

## **Article 9 – Judicial Authorities**

a) Chosen paragraphs or items are specified in bold:

paragraph	1:
item	a, i):
“	<b>a,ii):</b>
“	<b>a,iii):</b>
“	<b>a,iv):</b>
item	b,(i):
“	<b>b,(ii):</b>
“	<b>b,(iii):</b>
“	b,(iv):
item	c, (i):
“	<b>c,(ii):</b>
“	<b>c,(iii):</b>
<b>item</b>	<b>d:</b>
<b>paragraph</b>	<b>2:</b>
<b>item</b>	<b>a:</b>
“	<b>b:</b>
“	<b>c:</b>
<b>paragraph</b>	<b>3:</b>

### **Measures taken in order to apply every chosen paragraph or item**

Having in mind the provisions of Article 9 paragraph 1 of the Charter, which relate to the judicial powers and which, according to the Law on Ratification, are applied on the Albanian and the Romani language, we note the following:

The Basic Court in Ulcinj has four judges of which three judges are familiar with the Albanian language, and in the area of this Court there are six permanent court interpreters, who in the opinion of the Court President and judges fully meet the needs of the Court, in terms of full use of Albanian language in court proceedings.

In 2009 and 2010, at the Basic Court in Ulcinj, in the role of plaintiff or the defendant were about 50% of persons, out of total number of cases, where in each case the parties were informed about the legal rights regarding the use of the Albanian language and other languages.

The Ministry of Justice of Montenegro has appointed a total of 30 persons as interpreters - translators for the Albanian language, what in the opinion of the courts where Albanians make significant portion of the population is enough for the full implementation of the Charter.

- In 2010 at the Basic Court in Plav were initiated criminal proceedings against eight ethnic Albanians, out of which three persons were using the Albanian language in the process with the engagement of an interpreter, while in all other cases was used the official language.

The provisions of the Law on Civil Procedure are applied in the proceedings before the Administrative Court regarding the right to use the language. The Law on Administrative Disputes ("Official Gazette of the Republic of Montenegro" No. 60/2003) in Article 55, stipulates that on the issues of procedure in administrative proceedings, which are not regulated by that law, shall be applied the provisions of the law governing the civil procedure.

- Before the Administrative Court there was no case where as the parties appeared Albanians and Roma who asked to use their language - although in each individual case they were informed of this right, since there were no obstacles to conduct the proceedings in their own language.

In the Criminal Procedure Code as well as in the Law of Civil Procedure is prescribed that parties and other participants in proceedings shall have the right to use their language or the language they understand during the proceeding. In the case the proceeding is not conducted in the language of one of the parties, than, shall be provided the translation by the interpreter. On the right to interpretation shall be instructed the person who is entitled to it, what together with the statement of the persons on the use of this right will be recorded in the minutes. Translation costs incurred by application of the provisions of the law on the right to use the proper language will not be charged to those persons but will be settled by the court. Abovementioned indicates that the Roma in the proceedings before the courts can use their own language.



## Article 10 – Administrative Authorities and Public Services

a) Chosen paragraphs or items are specified in bold:

paragraph 1:  
item a, i):  
“ a,ii):  
“ **a,iii):**  
**item a,iv):**  
“ **a,v)**

item b:  
item c:

**paragraph 2:**  
item a:  
“ **b:**  
“ c:  
“ **d:**  
“ e:  
“ f:  
“ **g:**

paragraph 3:  
**item a:**  
“ b:  
“ c:

paragraph 4:  
**item a:**  
“ b:  
“ c:

**paragraph 5:**

**Measures taken in order to implement each paragraph or item chosen**

**ARTICLE 10 – ADMINISTRATIVE AUTHORITIES AND PUBLIC SERVICES**

Republic of Montenegro accepted liability to implement the following paragraphs:

Paragraph 1:

item a: lines iv) and v);

item b; i

item c.

Paragraph 2:

item b, c, d and g;

Paragraph 3:

item c;

Paragraph 4:

item c;

Paragraph 5.

There are distinctly conspicuous indicators in Montenegro on implementing the rights of the members of the Albanian nationality with regard to official use of language and script.

In the administrative proceedings conducted in the official language, members of the Albanian nationality are allowed to follow the course of the proceeding through an interpreter and if they wish, to be delivered a copy of decision, i.e. of conclusion in the Albanian language in those municipalities where Albanians make majority or significant portion of the population. This applies to the following municipalities: Ulcinj, Podgorica, Plav and City Municipality of Tuzi. In addition, in administrative proceedings, it is allowed to the members of the Albanian nationality in the proceedings to send submissions to the competent authorities of local administration in their own language, but they have not used that right so far. The documents issued by the competent authorities of local administration are issued in the Albanian language in the mentioned municipalities, if the party in question so wishes.

It is allowed to use the Albanian language in the assemblies of local communities while discussing the acts and other documents, as well as within the working bodies of the assembly. The drafts of the acts adopted by the Assembly are being published in the Albanian language as well, whereas the publishing of official acts in the Albanian language is exercised in the City Municipality of Tuzi and partly in Municipality of Ulcinj as well.

Since the Statute of the Municipality of Plav had been brought on 26 April 2007, transcription of toponyms in the Albanian language is in course. The Statute of the Municipality of Ulcinj has not been brought yet, because the provisions in the said acts, with regard to the use of language and script, need to be conformed with the provisions of Article 11 of the Law on Minorities Rights and Freedoms (“Official Gazette of the Republic of Montenegro”, No.31/06).

In the electoral legislation procedure - in the electoral places specified by the special decision of the Parliament of Montenegro, in electoral material for the election of Councillors, Members of the Parliament, Municipality Presidents and President of Montenegro, in use is the Albanian language and script.

With regard to the mentioned areas, the following regulations have been brought in Montenegro:

Article 11 of the **Law on Minorities Rights and Freedoms** (“Official Gazette of the Republic of Montenegro”, No.31/06) provides for minorities to have the right to use their language and script.

In the local self-government units where the minority members make the majority or significant part of the population, according to the last Census results, the language of that minority is in official use.

Official use of minority language, in terms of paragraph 2 of this Article specifically means: use of such language in administrative and court proceedings and in conducting administrative and court proceedings, use of such language at issuing public documents and keeping official records, on the ballot and other election material and in the work of representative bodies.

In the territories of local self-government listed in paragraph 2 of this Article, names of bodies in charge of public authorizations, name of local self-administration unit, names of settlements, squares and streets, institutions, commercial and other companies and toponyms shall be written in both the language and script of the minority.

Article 15 of the **Law on General Administrative Procedure** (“Official Gazette of the Republic of Montenegro”, No 60/03) provides the following:

- (1) The competent authority shall conduct the proceeding using the language determined by the Constitution as the official language in Montenegro, whereas both the Cyrillic and Latin script shall be equal. In municipalities where the members of national and ethnic groups form the majority or an important part, their languages and scripts

shall also be in official use, pursuant to the Constitution and special law.

- (2) If the procedure is not conducted in the language of the party or other participants in the proceeding who are citizens of Montenegro or the Republic of Serbia, shall be provided the translation of the procedure into their language by an interpreter, as well as the summons and other writings shall be delivered in their own language and script.
- (1) Parties and other participants in the procedure, who are not citizens of Montenegro or the Republic of Serbia, shall be entitled to follow the course of the procedure with assistance of an interpreter, as well as to use their own language in the procedure.

Article 10 of the **Law on Local self-government** (“Official Gazette of the Republic of Montenegro”, No.42/03, 28/04, 75/05 and 13/06) provides that the Municipality should provide conditions for protection and promotion of minority rights, in accordance with the Constitution, international legal instruments and special law. In addition, Article 83 provides that the laws on administrative procedure should be applied before the municipal bodies and public services that hold public powers.

Article 15 of the **Statute of the Capital City** (“Official Gazette of the Republic of Montenegro - municipal regulations”, 28/06), prescribe that to the councillor, member of the minority, in the Assembly of the Capital City and the Assembly of the Municipality, in addition to the use of official language, will be provided the use his own language in accordance with the law. Article 16 of the Statute prescribes that the administrative authorities of the Capital City shall provide for the member of a minority the use of his own language and script in the administrative procedure, in the issuing of public documents and keeping official records in accordance with the law, and that in the City Municipality of Tuzi in official use is also the Albanian language. Furthermore, Article 17 provides that the drafts of the acts are presented for public discussion in the official language and the minority language, in accordance with the law and that debate on the acts mentioned above is conducted in the languages of minorities, in accordance with the law. Furthermore, Article 18 of the Statute provides that general acts adopted by local government authorities in the Capital City and the City Municipality are written and published in the official language and the minority language, in accordance with the law.

**The Rules of Procedure of Municipal Assembly of Podgorica** (“Official gazette of the Republic of Montenegro – Municipal Regulations”, No. 9/07) do not regulate the use of minority language and script

Article 9 of the **Statutory Decision of City Municipality Tuzi** (“Official Gazette of the Republic of Montenegro – Municipal Regulations”, No. 50/06), provides that the Albanian language shall also be in official use in local administrative bodies of the City Municipality of Tuzi; that the bodies of the City Municipality are obliged to provide the use of the Albanian language and script in administrative procedure, as well as in issuing public documents and keeping official records, pursuant to the law (Article 10): that in sessions of the Assembly of City Municipality Tuzi the Albanian language is also in use and that drafts of the acts are presented for public debate in both the official language and the Albanian language, as well as that debate on those acts shall be conducted in the Albanian language (Article 11). In addition, Article 12 provides that general acts adopted by the bodies of the City Municipality shall be written and published in both the official and the Albanian language.

Article 3 of the **Rules of Procedure of City Municipality of Tuzi** (“Official Gazette of the Republic of Montenegro – Municipal Regulations”, No. 6/07) provides the parallel use of Albanian language in the sessions of Assembly, as well as that the drafts of the acts are presented for public discussion in both the official language and the Albanian language; that the city administration is obliged to provide interpreters for both languages and that each councillor is entitled to the right to speak in his own language, and to use his own script. Article 4 provides that general acts brought by the Assembly shall be written and published in both the official and the Albanian language.

Article 9 Paragraph 2 of the **Statute of the Municipality of Ulcinj** (“Official Gazette of the Republic of Montenegro -Municipal Regulations”, No. 4/96) provides that members of people, national and ethnic groups shall be entitled on the free use of their own language and script, on education and information on their own language, as well as on the right to display the symbols and national flag as their national symbols to reflect their national, ethnical and cultural belonging. In addition, Article 10 of the Statute provides that the languages and scripts of all people, national and ethnic groups of Montenegro are equal. In the Municipality of Ulcinj, the Serbian language of the Iekavian dialect and the Albanian language are used officially, whereas in the Serbian language the Cyrillic and Latin script are equal, whereas the equality of the Serbian and the Albanian language and script in public life shall be ensured in the proceedings before public state

bodies, public institutions, schools, companies, and all other entities that exercise public powers in all segments of public life such as: citizens meetings, gatherings, inscription, sign boards, promulgations, etc.

Article 155 of the **Rules of Procedure of the Municipal Assembly of Ulcinj** (“Official Gazette of the Republic of Montenegro – Municipal Regulations”, No. 4/98) provides that Assembly, its bodies and working bodies shall use the language according to the Statute; that every councillor is entitled to the right to speak in the language of the people he belongs to in sessions of the Assembly and sessions of working bodies; that every councillor is entitled to submit written proposals, amendments and submissions in the language and script of the people he belongs to, that submissions written in other languages and scripts, except for the Serbian and the Albanian language, shall be translated to the Serbian and the Albanian language and that every councillor is entitled to be delivered the minutes and specific material in the Albanian language.

Article 7 of the **Statute of the Municipality of Plav** (“Official Gazette of the Republic of Montenegro – Municipal Regulations”, No. 17/07) provides that, besides the official language and script, the Bosniak and the Albanian language and script are also in official use, and that in the Municipal Assembly a councillor who is a member of national minority is entitled to use his own language and script pursuant to the law. In municipal local bodies, the Bosniak and the Albanian language and script are in official use, whereas local administrative bodies, public institutions and companies are obliged to ensure the use of the Bosniak and the Albanian language and script in administrative procedure, at issuing public documents and keeping official records, with regard to all acts connected to electoral law, expressing, preserving, cultivating, developing and publicly expressing the national and ethnic, cultural and religious specificities pursuant to the law. The name of the Municipality, names of the settlements, names of the squares, streets, public institutions, and toponyms are written both in the Bosniak and the Albanian language and script. The drafts of acts are presented for public debate in the official language, on the Bosniak and the Albanian language and script, and the debates are conducted in the Bosniak and the Albanian language and script (Article 9); General acts adopted by municipal bodies are written and published in both the official and the Albanian language.

**Rules of Procedure of Municipal Assembly of Plav** (“Official Gazette of the Republic of Montenegro – Municipal Regulations”, No. 10/93) provide that a councillor during the session of the Assembly shall be entitled to the

right to speak in the language of the people, i.e. the nation he belongs to and that the speech delivered by a councillor shall be translated to the Serbian language (Article 139): councillor is entitled to submit written proposals, amendments and other submissions to the Assembly and its working bodies in the language and script of the people, i.e. the nation he belongs to (Article 140), whereas the proposals to be decided on in the Assembly, documentary and other material, as well as the documents to be submitted, i.e. issued to the councillors, are written in the Serbian, and at the request of a councillor - member of Albanian nationality and members of the clubs of that nationality, in the language of Albanian nationality (Article 141).

Article 12 paragraph 3 of the **Law on the Election of Councillors and Members of the Parliament** (“Official Gazette of the Republic of Montenegro”, No. 4/98, 17/98, 14/06, 9/01, 41/02 and 48/06) provides that in the Republic as a single electoral unit, out of the total number of Members of the Parliament, 5 Members of the Parliament shall be elected at the polling stations defined by the special resolution passed by the Parliament of Montenegro.

**Resolution on Designation of Polling Stations for the Election of Five Members in the Parliament of Montenegro** (“Official Gazette of the Republic of Montenegro”, No.51/ 06), stipulates that 69 polling stations where members of Albanian nationality can vote for the Members of the Parliament are designated as follows: in the Municipality of Podgorica 23 polling stations, in the Municipality of Ulcinj 31 polling station, in the Municipality of Bar 11 polling stations, in the Municipality of Plav 3 polling stations, and in the Municipality of Rozaje 1 polling station.

## **Article 11 – The media**

a) Chosen paragraphs or items are specified in bold:

Paragraph	1:
item	a, i):
“	a, ii):
“	<b>a, iii):</b>
item	b, i):
“	<b>b, ii):</b>
item	c, i)

“	<b>c, ii):</b>
<b>item</b>	<b>d:</b>
<b>item</b>	<b>e, i):</b>
“	<b>e, ii):</b>
item	<b>f, i):</b>
“	<b>f, ii):</b>
item	<b>g:</b>
<b>Paragraph</b>	<b>2:</b>
<b>Paragraph</b>	<b>3:</b>

### **Measures taken in order to implement each paragraph or item chosen**

#### **Article 11 – Means of Public Communication (The media)**

From Article 11 of the Charter for Regional or Minority Languages regarding the media, the State of Montenegro has accepted and is implementing **items: a (iii), b (ii), c (ii), d, e (i), f (ii)** from the **paragraph 1; paragraph 2 and paragraph 3.**

Considering the fact that after the First periodic report on implementation of the European Charter for Regional or Minority Languages, as well as after the visit of the experts of the Committee of Ministers of the Council of Europe, who were additionally informed about this process, the process of harmonization with European media legislation is furthered, we are pointing out the new information. We especially underline the Law on Electronic Media of 30 July 2010 that in a different way regulates the financing of commercial broadcasters.

**The Law on Electronic Media** regulates the rights, duties and responsibilities of legal and natural persons engaged in production and provision of audiovisual media services (hereinafter referred to as the AVM services), services of electronic publications via electronic communication networks, competence, status and sources of financing of the Agency for Electronic Media; prevention of illegal media concentration, encourage of media pluralism and other issues of importance from the area of rendering



AVM services, in accordance with international conventions and standards (Article 1).

In accordance with Article 2 of this law, the regulation of relations in the area of audiovisual media services is based on the principles of freedom, professionalism and independence, ban of all forms of censorship; balanced development of public and commercial services providers of AVM services; free and equal access to all AVM services; development of competition and pluralism; application of international standards, objectivity, non-discrimination and transparency.

Broadcasting Agency is an independent regulatory authority for the area of AVM services who exercises public authority in accordance with the law and act in the public interest. The Agency is an independent legal subject and shall be independent of any governmental body and of all legal and natural persons engaged in the activity of producing and broadcasting radio and television programs or providing other AVM services. Founder of the Agency is the state, and the founder's rights on behalf of the state are performed by the Council of the Agency, in accordance with the law.

To promote media pluralism, production of commercial broadcasters and preserve the diversity of electronic media in Montenegro, the portion of revenues from lottery funds are provided in the amount and manner to be determined by a separate law governing lottery business.

Funding will be used to stimulate the production of program content of commercial broadcasters of the public interest, and they are especially important for: members of minorities and other minority ethnic groups in Montenegro, the promotion of prevention of all forms of discrimination, encourage and promotion of social integration of people with disabilities, encourage providers of AVM services to gradually make available its services to people with impaired hearing or eyesight, promotion of the protection of nature, environment and human health, encourage of the culture of public dialogue, encourage of cultural creative work, development of education, science and arts, preservation of Montenegrin national and cultural identity , encourage and promotion of realization and protection of human rights, encourage of awareness raising on gender equality.

The criteria for allocating funds are: the complexity of program production (application of professional standards; author's and editorial creativity, fulfilment of technical standards, engaging human and technical resources), the importance of programs in achievement of the stated

objectives of Article 138 of this law, efficiency and longevity of the program.

The funds can not be awarded for: rebroadcasting the programs of other stations, purchased programs, reran programs of own production; programs from own productions for which broadcasters covered the costs from their own resources, donations, sponsorships and grants from domestic and foreign institutions; programs already co-financed on any ground from the Budget of Montenegro or budgets of local self-government units.

Since the Report of Experts on the Charter often emphasize a financial problems of commercial broadcasters, we note that the Government of Montenegro, in the context of their sustainability in the period of economic crisis, is trying to through the procedure of state aid, which is in progress, intervene in the settlement of debts incurred for the rental of facilities for transmission and broadcasting of radio and TV signals and usage of frequencies.

Government also, through the continued support, make possible the regular production of the weekly newspaper “Koha javore” - in the Albanian language.

Pursuant to Article 10 of the **Law on Public Broadcasting Services “Radio of Montenegro” and “Television of Montenegro”**, Montenegro provides partial funds for co-financing of program content of Radio Montenegro in the Albanian language and other national and ethnic groups that are important for the development of science, culture and information of persons with impaired hearing and eyesight. In 2006, Radio and Television of Montenegro – Editorial office in the Albanian language - released in the the informative programs Albanian language as follows: “Lajmet” (News) - a total of 312 shows in duration of three minutes, “Ditari” (Daily news) - a total of 240 shows in duration of 30 minutes, “Ne fund te javes” (On the end of the week) 48 shows in duration of 30 minutes.

## **Article 12 – Cultural activities and facilities**

a) Chosen paragraphs or items are specified in bold:

paragraph	1;
<b>item</b>	<b>a:</b>
“	<b>b:</b>
“	<b>c:</b>
“	d:

“ e:  
“ f:  
“ g:  
“ h:

**Paragraph 2:**

Paragraph 3:

### **Measures taken in order to implement each paragraph or item chosen**

#### **Article 12 – Cultural facilities and activities**

Support and encouragement for cultural activities, provided by the Ministry of Culture are regulated by the Law on Culture (Official Gazette 49/2008), are related to all actors of Montenegrin cultural scene, and are realised through an annual open public competition. By mentioned competition are co-financed programs and projects in all areas of cultural and artistic creative work: fine arts, literature, magazines in the area of culture and art, musical and in connection with that scenic activities, filmmaking, theatre productions, culture amateur activity, creative industries, creativity of young opeople, creativity of persons with disabilities, the preservation of old artistic crafts, festivals and events.

Programs and projects are evaluated according to publicly announced criteria relating to: the artistic quality and importance to development of Montenegrin culture, references of implementers, contribution to the development of multinational and multicultural values, contribution to promotion of international dialogue and encourage of the development of partnerships, international recognition of Montenegrin culture, contribution to the preservation of the tradition and Montenegro's cultural heritage (Article 73 of the Law on culture).

In the field of creative work of literature one of the priorities is the creative work in languages in official use in Montenegro, as well as translations of literary works.

- In this context, the Ministry of Culture in continuity is co-financing the printing of the magazine in the Albanian language *Lemba* from Ulcinj, printing of books in the Albanian language and translations of Montenegrin literature into the Albanian language and Albanian literature into the Montenegrin language which are published by Art Club from Ulcinj, Montenegro Pen Centre and the publishing house Plima from Ulcinj.

Activities of the members of Albanian people are considerable also in other areas of culture, and the Ministry of Culture supports programs of presentation of creative work of the Association of Albanian artists from Ulcinj, a Summer festival scene in Ulcinj in the organization and implementation of the Cultural Centre, then the activities of cultural and artistic societies *Ramadan Šarkić* from Tuzi, as well as folklore society *Besa* from Zatrijebač and *Koha* from Dinosa.

Regarding the Roma population their cultural activities have so far been scarce. In recent years, it is evident the tendency of improving the work of some nongovernmental organizations dealing with the presentation of the Roma culture and creative work, particularly the Democratic Roma Centre whose projects are co-financed by the Ministry (printing books of Roma poetry and organization of exhibitions of Roma artists).

Support to the publication and presentation of the creative work in minority languages, and translation of that creative work is the primary form of increased availability of creative work in minority languages, while synchronization and subtitled translations are not sufficiently represented.

Procedure laid down by the Law on Culture to support and encourage the development of culture includes all members of minority representatives and their authors and artists, who under an equal and equitable terms are providing means through the annual competitions of the Ministry of Culture for better conditions for their creative work and for planning of cultural activities.

The Law on Culture also establishes the obligation of the Ministry of Culture to provide and create conditions for balanced development of culture in the entire territory of Montenegro. In this context the Ministry of Culture in 2009 and in 2010 implemented the Program of cultural development in the north of Montenegro, which included 11 municipalities in northern Montenegro (Kolasin, Mojkovac, Pljevlja, Zabljak, Bijelo Polje, Berane, Plav, Andrijevica, Rozaje, Plužine, Savnik). The program consisted of reconstruction and recovery of cultural facilities, purchase of new theatrical techniques for implementation of programs and projects in culture and production of cultural and artistic programs. The same procedure shall be applied for the future preparation and implementation of programs also for the other 10 municipalities in Montenegro, with what the conditions will be fully provided and balance in the culture improved for all users and all actors of Montenegrin cultural scene.

### **Article 13 – Economic and social life**

a) Chosen paragraphs or items are specified in bold:

Paragraph	1:
item	a:
“	b:
“	<b>c:</b>
“	d:

Paragraph	2:
item	a:
“	b:
“	c:
“	d:
“	e:

#### **Article 14 – Cross-border exchange**

a) Chosen paragraphs or items are specified in bold:

Paragraph	a:
“	b: