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EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES

APPLICATION OF THE CHARTER IN MONTENEGRO

3rd monitoring cycle

- A. Report of the Committee of Experts on the Charter**
(adopted on 2 December 2014)

- B. Recommendation of the Committee of Ministers of the Council of Europe on the application of the Charter by Montenegro**
(adopted on 12 May 2015)

The European Charter for Regional or Minority Languages provides for a control mechanism to evaluate how the Charter is applied in a State Party with a view to, where necessary, making recommendations for improving its legislation, policy and practices. The central element of this procedure is the Committee of Experts, set up under Article 17 of the Charter. Its principal purpose is to report to the Committee of Ministers on its evaluation of compliance by a Party with its undertakings, to examine the real situation of regional or minority languages in the State and, where appropriate, to encourage the Party to gradually reach a higher level of commitment.

To facilitate this task, the Committee of Ministers adopted, in accordance with Article 15, paragraph 1, an outline for periodical reports that a Party is required to submit to the Secretary General. This outline requires the State to give an account of the concrete application of the Charter, the general policy for the languages protected under Part II and, in more precise terms, all measures that have been taken in application of the provisions chosen for each language protected under Part III of the Charter. The Committee of Experts' first task is therefore to examine the information contained in the periodical report for all the relevant regional or minority languages on the territory of the State concerned. The periodical report shall be made public by the State in accordance with Article 15, paragraph 2.

The Committee of Experts' role is to evaluate the existing legal acts, regulations and real practice applied in each State for its regional or minority languages. It has established its working methods accordingly. The Committee of Experts gathers information from the respective authorities and from independent sources within the State, in order to obtain a fair and just overview of the real language situation. After a preliminary examination of a periodical report, the Committee of Experts submits, if necessary, a number of questions to each Party to obtain supplementary information from the authorities on matters it considers insufficiently developed in the report itself. This written procedure is usually followed up by an on-the-spot visit by a delegation of the Committee of Experts to the State in question. During this visit the delegation meets bodies and associations whose work is closely related to the use of the relevant languages, and consults the authorities on matters that have been brought to its attention. This information-gathering process is designed to enable the Committee of Experts to evaluate more effectively the application of the Charter in the State concerned.

Having concluded this process, the Committee of Experts adopts its own report. This evaluation report is submitted to the Committee of Ministers, together with suggestions for recommendations that the latter may decide to address to the State Party.

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A. Report of the Committee of Experts on the application of the Charter in Montenegro

adopted by the Committee of Experts on 2 December 2014
and presented to the Committee of Ministers of the Council of Europe
in accordance with Article 16 of the Charter

Chapter 1 Background information

1.1 The Charter's ratification by Montenegro

1. The European Charter for Regional or Minority Languages (hereafter "the Charter") was signed by Serbia and Montenegro on 22 March 2005. The Assembly of Serbia and Montenegro adopted the Law on the Ratification of the Charter on 21 December 2005. After the ratification by the President of Serbia and Montenegro, pursuant to Article 18 of the Charter, the instrument of ratification of Serbia and Montenegro was deposited with the Secretary General of the Council of Europe on 15 February 2006.

2. After declaring its independence from the State Union on 3 June 2006, Montenegro sent a letter to the Secretary General in which it made a declaration of succession to treaties, meaning that it declared that it would "respect and implement all Conventions and Protocols of the Council of Europe that the State Union of Serbia and Montenegro ha[d] signed and ratified so far". Then, at their 967th meeting, the Deputies took note of this declaration and agreed to consider Montenegro as a signatory or a party to the conventions and protocols signed or ratified by Serbia and Montenegro (which included the Charter). The instrument of ratification was updated by a letter from the Ministry of Foreign Affairs of Montenegro on 13 October 2006. The Charter entered into force for Montenegro on 6 June 2006. The instrument of ratification is set out in the appendix to this report.

3. Article 15.1 of the Charter requires States Parties to submit three-yearly reports in a form prescribed by the Committee of Ministers.¹ The Montenegrin authorities presented their third periodical report to the Secretary General of the Council of Europe on 15 May 2014.

1.2 The work of the Committee of Experts

4. This third evaluation report is based on the information obtained by the Committee of Experts from the third periodical report of Montenegro and through interviews held with representatives of the minority language speakers in Montenegro and with the Montenegrin authorities during the on-the-spot visit, which took place from 3 to 5 September 2014.

5. The Committee of Experts will focus on the provisions and issues under both Part II and Part III which were singled out in the second evaluation report as raising particular problems. It will evaluate, in particular, how the Montenegrin authorities have reacted to the observations and recommendations made by the Committee of Experts and the recommendations made by the Committee of Ministers. The Committee of Experts will also examine new issues detected during the third monitoring cycle.

6. The report contains detailed observations and recommendations which the Montenegrin authorities are urged to take into account when developing their policy on regional or minority languages. On this basis, the Committee of Experts has also established proposals for recommendations to be addressed to Montenegro by the Committee of Ministers, as provided in Article 16.4 of the Charter.

7. This report is based on the political and legal situation prevailing at the time of the Committee of Experts' on-the-spot visit to Montenegro in September 2014. It was adopted by the Committee of Experts on 2 December 2014.

1.3 Presentation of the regional or minority language situation in Montenegro: update

¹ MIN-LANG(2009)8 Outline for three-yearly periodical reports as adopted by the Committee of Ministers of the Council of Europe

1.3.1 *The Census of 2011*

8. The latest census was conducted in April 2011. The results as regards “mother tongue speakers” were as follows: Serbian – 265 895 (42,88%), Montenegrin – 229 251 (36,97%), Bosnian – 33 077 (5,33%), Albanian – 32 671 (5,27%), Romani – 5 169 (0,83%), Croatian – 2 791 (0,45%).

1.3.2 *Status of Bosnian and Croatian under the Charter*

9. In the first monitoring cycle, the Montenegrin authorities did not rule out the possibility of granting Bosnian and Croatian protection under Part III of the Charter at a later stage. In the second monitoring cycle, the Committee of Ministers recommended that Montenegro “**clarify the situation regarding the level of protection of Bosnian and Croatian in terms of the Charter**”.

10. During the on-the-spot visit, the Montenegrin authorities informed the Committee of Experts that they do not intend to extend the application of Part III to Bosnian and Croatian.

1.3.3 *Status of Serbian under the Charter*

11. In the second evaluation report, the Committee of Experts asked the Montenegrin authorities to clarify the status of Serbian under the Charter.

12. At the adoption of Committee of Ministers Recommendation CM/RecChL(2012)4 concerning the second evaluation report in 2012, Montenegro declared that according to its constitution, the Serbian language is not a minority language in terms of the Charter. According to Article 13 of the constitution, “[t]he official language in Montenegro shall be Montenegrin. [The] Cyrillic and Latin alphabet[s] shall be equal. Serbian, Bosnian, Albanian and Croatian shall also be in official use”.

13. The definition of a regional or minority language is laid down in Article 1.a of the Charter. According to this definition, the concept of “regional or minority languages’ means languages that are: (i) 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 (ii) different from the official language(s) of that State; it does not include either dialects of the official language(s) of the State or the languages of migrants.”

14. Serbian is traditionally used within Montenegro’s territory. As far as the relation between Serbian and Montenegrin is concerned, Serbian is, to a very limited extent, different from the official language (minimal phonetic and lexical differences) and is mentioned in the constitution separately from Montenegrin. In addition, Serbian differs from Montenegrin in terms of legal status as its “official use” is not equivalent to the status of an official language which is reserved to Montenegrin.

15. However, the Council of the Serbian National Minority already informed the Committee of Experts in the second monitoring cycle that the Serbian speakers do not wish their language to be covered by the Charter. Taking this wish into account, the Committee of Experts has decided not to monitor the application of Part II to the Serbian language. Should the representatives of the Serbian speakers in Montenegro revise their position in the future, the Committee of Experts will return to the issue.²

1.4 **General issues arising from the evaluation of the third periodical report**

1.4.1 *Territorial application of the Charter*

16. At the deposition of its instrument of ratification on 15 February 2006, Serbia and Montenegro made the following declaration: “As to Article 1.b of the Charter, Serbia and Montenegro declares that the term ‘territory in which the regional or minority languages is used’ will refer to areas in which regional and minority languages are in official use in line with the national legislation.” According to Article 11 of the Law on Minority Rights and Freedoms, the language of the minority shall be in official use in those local self-government units in which persons belonging to national minorities make up the “majority or a considerable part of the population, pursuant to the results of the last census”. The law further specifies that the official use applies in particular to the use of a language within judicial, administrative and public bodies, including signage and topographical names. In cases where the percentage of those belonging to a given national minority is below the minimum threshold, a municipality may on its own initiative amend its statute to the effect that a minority language is introduced in official use.

17. In the first and second evaluation reports, the Committee of Experts encouraged the Montenegrin authorities to clarify what constituted a “considerable part” of the population. According to different

² See 2nd evaluation report on Finland, ECRML(2004)7, paragraph 17

representatives of the local and central authorities, as well as to the representatives of the minority language speakers, 3%, 5% or 10% constitutes a “considerable part of the population”.

18. As regards *Romani*, the Committee of Experts noted in its first and second evaluation reports that this language was not in official use in any municipality in Montenegro, since the percentage of members belonging to the Roma minority was not felt to be high enough and no municipality had decided to grant *Romani* this status. Furthermore, Article 13 of the Constitution does not mention *Romani* as a language that can be in official use even though the declaration contained in the instrument of ratification presupposes this. Against this background, in the second monitoring cycle, the Committee of Ministers recommended that Montenegro “**clarify the territorial application of Part III of the Charter with regard to Romani**”.

19. The third periodical report does not contain any information about these issues. The territorial scope of the application of the Charter to *Romani* remains unclear because this language is still not in official use in any municipality of Montenegro. During the on-the-spot visit, the Montenegrin authorities were not in a position to clarify the meaning of the concept “considerable part of the population”.

20. As far as Albanian is concerned, the Charter is applied in the municipalities where this language is co-official, namely Plav-Plavë, Tuzi-Tuz and Ulcinj-Ulqin. However, there are still other municipalities where the number of Albanian speakers justifies the application of the Charter, for example Bar municipality.

21. The Committee of Experts considers that the legal uncertainty with respect to the aforementioned concept can, in practice, lead to situations where municipalities take only the first criterion (majority of the population) into account when deciding about the co-officiality of a minority language. However, the requirement that persons belonging to a national minority shall make up more than 50% of the population in order to permit the official use of a minority language and consequently the application of the Charter is clearly incompatible with the Charter. Such practice would prevent the Charter from being applied to both Part III and Part II languages which are not in official use but which are still present in sufficient numbers in municipalities for the provisions of the Charter to be applicable. The Committee of Experts underlines that it has reached the same conclusion even with regard to 20% thresholds applied in other States Parties.³ In that respect, the proportions mentioned in paragraph 17 would suffice.

22. The Committee of Experts urges the Montenegrin authorities to identify, in co-operation with the national minorities concerned, the municipalities where persons belonging to the Albanian, Bosnian, Croatian and Roma national minorities are present in sufficient numbers for the provisions of the Charter to be applicable and where, if necessary, municipality statutes could be modified so as to ensure the official use of the given minority language and, as a consequence, the application of the Charter.⁴

The Committee of Experts urges the Montenegrin authorities to secure the implementation of the Charter in all municipal territories where the speakers of the minority languages are present in sufficient numbers for the application of provisions of the Charter.

1.4.2 Reporting obligations

23. The third periodical report does not contain information about the application of the individual Part II provisions to Albanian, Bosnian, Croatian and *Romani*. Furthermore, it does not indicate what steps have been taken following the specific recommendations made by the Committee of Experts in its second evaluation report. As the lack of such information hampers the monitoring work of the Committee of Experts, the Montenegrin authorities are asked to include, in their fourth periodical report, information about the implementation of each Part II provision as well as about the follow-up given to the recommendations contained in this third evaluation report.

³ See for example 1st evaluation report on the Slovak Republic, ECRML(2007)1, paragraphs 592-593; 1st evaluation report on Romania, ECRML(2012)3, paragraphs 35, 37; 3rd evaluation report on Ukraine, ECRML (2014) 3, paragraph 17

⁴ See 1st evaluation report on Serbia, ECRML(2009)2, paragraphs 24-31; 2nd evaluation report on Serbia, ECRML(2013)3, paragraphs 7-11

Chapter 2 Conclusions of the Committee of Experts on how the Montenegrin authorities reacted to the recommendations of the Committee of Ministers

Recommendation no. 1:

"clarify the situation regarding the level of protection of Bosnian and Croatian in terms of the Charter;"

24. The Montenegrin authorities have informed the Committee of Experts that they do not intend to extend the application of Part III to Bosnian and Croatian.

Recommendation no. 2:

"clarify the territorial application of Part III of the Charter with regard to Romani;"

25. Montenegro's instrument of ratification states that the Charter is applied in territories where the regional or minority languages are in official use pursuant to national legislation. According to the Constitution of Montenegro, Romani does not belong to the languages that are in official use. Nevertheless, the authorities have taken measures to promote the use of the language in public. However, the territorial scope of the application of the Charter to Romani remains unclear.

Recommendation no. 3:

"intensify the efforts to codify Romani in close co-operation with the speakers;"

26. The Montenegrin authorities have co-operated with the Romani speakers on the codification of this language. Codification is in process, but not yet formally completed. Nevertheless, the newly codified Romani is already used in publications, including a literacy book for children, published by the authorities.

Recommendation no. 4:

"take all necessary measures to ensure the use of Romani in education, including by providing teacher training and teaching material."

27. Montenegro is not yet complying with its undertakings regarding the use of Romani in education and has not yet started the training for teachers of Romani. However, the first literacy book in Romani for children has been published.

Chapter 3 The Committee of Experts' evaluation in respect of Parts II and III of the Charter

3.1 Evaluation in respect of Part II of the Charter

Article 7 Objectives and principles

28. The Committee of Experts will not comment on those provisions of Part II for which no major issues were raised in the second evaluation report and for which the Committee of Experts has not received any new significant information. This concerns Article 7.1.a, b and 7.5. The Committee of Experts reserves, however, the right to evaluate the implementation of these provisions again at a later stage.

Paragraph 1

In respect of regional or minority languages, within the territories in which such languages are used and according to the situation of each language, the Parties shall base their policies, legislation and practice on the following objectives and principles:

c *the need for resolute action to promote regional or minority languages in order to safeguard them;*

29. In the second evaluation report, the Committee of Experts asked the Montenegrin authorities to provide information about the implementation of the Strategy for Minority Policy and about the support granted to the minority language speakers through the Fund for Minorities.

30. According to the third periodical report, the Strategy for Minority Policy of 2008 contains specific measures and activities concerning the implementation of the Law on Minority Rights and Freedoms. The measures concern *inter alia* the fields of education, culture and media and are planned to be implemented over a period of ten years. The strategy also deals with timeframes, costs and administrative responsibilities. However, the periodical report does not contain specific information concerning the promotion of minority languages in the framework of the strategy. The Committee of Experts asks the Montenegrin authorities again to provide such information in the next periodical report.

31. Furthermore, the third periodical report specifies that the Fund for Protection and Exercising of Minority Rights finances or co-finances, through public tenders, projects carried out by national minorities *inter alia* in the fields of language and culture. Applications can be submitted in Montenegrin and Albanian. In 2012, the rules for the distribution of the funds were amended to the effect that not only the population share of the given minority is taken into account, but also other aspects such as positive discrimination. As a result, the Bosnian, Croatian and Roma national minorities will receive higher funding compared to the past, when most funds were allocated to the Serb national minority, owing to its high population share.

32. During the on-the-spot visit, representatives of minority language speakers mentioned that the fund supports Serbian TV, Croatian Radio and Roma Radio as well as publications in minority languages. However, they also pointed out that the project-based funding system does not guarantee long-term planning. It was suggested to set up a television channel, a minority theatre and a minority library for all minorities which would be financially supported by the fund.

33. The Committee of Experts notes that the Charter provisions are primarily obligations for the authorities of the State Party. Therefore, the authorities need to ensure that the implementation of these obligations can rely on a stable financial basis. A funding system largely based on project applications cannot on its own guarantee the application of the Charter provisions on a permanent basis. The Committee of Experts therefore encourages the Montenegrin authorities to take steps ensuring that the implementation of the Charter has a stable financial basis.

d *the facilitation and/or encouragement of the use of regional or minority languages, in speech and writing, in public and private life;*

34. In the second evaluation report, the Committee of Experts “urge[d] the Montenegrin authorities to promote the use of Romani in public life and to report on this issue in the next periodical report”.

35. The third periodical report refers to the Strategy for Improving the Position of Roma and Egyptians in Montenegro 2012-2016, which was adopted in 2012. Although the strategy foresees specific measures and activities *inter alia* in the fields of education and culture, the promotion of *Romani* plays no particular role.

There exists no strategy on how to promote the use of Romani in public life and to apply the Charter to this language.

36. In the second evaluation report, the Committee of Experts also encouraged the Montenegrin authorities to find appropriate solutions to the under-representation of *Croatian* in the media, in close co-operation with the speakers.

37. During the on-the-spot visit, representatives of the Croatian national minority stated that the private Radio Dux Tivat broadcasts in *Croatian*, seeking to preserve the identity and cultural heritage of the Croatian national minority. The Montenegrin authorities do not provide earmarked support to this radio station. There is no radio programme in Croatian broadcast by Montenegro's public broadcaster.

38. In addition, representatives of the *Bosnian* speakers expressed the view that their language was underrepresented in the public media.

39. Bearing in mind that the Montenegrin authorities have decided not to apply Part III to Bosnian and Croatian (see section 1.3.2 above), the development of strategies concerning the promotion of both languages in public life (especially media and culture) in accordance with Article 7.1.d becomes essential. The Committee of Experts encourages the Montenegrin authorities to prepare and adopt such strategies in co-operation with the representatives of the *Bosnian* and *Croatian* speakers, to begin their implementation and to report about the steps taken in the next periodical report.

- e ***the maintenance and development of links, in the fields covered by this Charter, between groups using a regional or minority language and other groups in the State employing a language used in identical or similar form, as well as the establishment of cultural relations with other groups in the State using different languages;***

40. In the first and second evaluation reports, the Committee of Experts asked the Montenegrin authorities to report about this provision.

41. According to the third periodical report, the Montenegrin authorities set up a Centre for the Protection and Development of Minority Cultures. The Centre produces multilingual publications and organises cultural activities relating to national minorities.

42. Apart from the aforementioned information, the third periodical report does not deal more specifically with Article 7.1.e. The Committee of Experts understands that the system of national minority councils (see under Article 7.4) ensures the maintenance and development of links, in the fields covered by the Charter, between groups using the same minority language. In addition, it contributes to the establishment of cultural relations between the different language groups. The Committee of Experts nonetheless asks the Montenegrin authorities to include specific information about the application of this provision in the next periodical report.

- f ***the provision of appropriate forms and means for the teaching and study of regional or minority languages at all appropriate stages;***

43. In the second evaluation report, the Committee of Experts encouraged the Montenegrin authorities to provide information about the teaching of *Bosnian* and the history, culture and music related to it as well as to extend the teaching of *Croatian*.

44. According to the third periodical report, in 2011, the school subject "mother tongue" was renamed "Montenegrin - Serbian, Bosnian and Croatian Language and Literature", grouping together "four languages with the same base and origin". Those belonging to a national minority have the right to education in their minority language. The curricula include topics in the field of mother tongue as well as literature, history, art and culture of the respective minority. In addition to the contents included in regular subjects, teachers may use 20% of the curriculum for particularities of the given minority in terms of culture, history and art.

45. With regard to *Bosnian*, the Committee of Experts was informed that this language is included in the framework of the subject "Montenegrin - Serbian, Bosnian and Croatian Language and Literature", for example in Plav-Plavë municipality. However, the way in which this teaching is organised in practice is at the discretion of each teacher. As a result, the emphasis placed on the history and culture related to Bosnian differs in each case. During the on-the-spot visit, representatives of the Bosnian speakers expressed their wish that more literary works by Bosniak authors be included in the curricula.

46. As far as *Croatian* is concerned, the Committee of Experts was informed during its on-the-spot visit to Kotor that extracurricular courses of Croatian language and culture are offered. These courses are financed by the Croatian authorities and carried out by a teacher from Croatia. There is no teaching of Croatian in state education, despite the relatively high population share of Croats in municipalities such as Tivat and Kotor. Furthermore, associations of the Croatian minority in the municipalities located at the Bay of Kotor (Boka Kotorska) promote the use of *Boka*, a regional variety containing a considerable number of Italian words.

47. The Committee of Experts is aware that Montenegrin, Bosnian and Croatian are treated as separate languages. In practice, however, because of the close proximity of the three languages, the teaching of Bosnian and Croatian is limited to the teaching of certain particularities of these languages. Against this background, the Committee of Experts considers that the curriculum should place emphasis on the teaching of the literature, history and culture related to these languages.

48. The Committee of Experts encourages the Montenegrin authorities to develop the existing model of teaching Bosnian and Croatian further focusing on the history and culture reflected by these languages.

g *the provision of facilities enabling non-speakers of a regional or minority language living in the area where it is used to learn it if they so desire;*

49. In the second evaluation report, the Committee of Experts asked the Montenegrin authorities to provide information about facilities enabling non-speakers of *Romani*, *Bosnian* and *Croatian* to learn these languages.

50. According to the information obtained during the on-the-spot visit, the facilities required by this provision exist neither for *Romani*, nor for *Bosnian* or *Croatian*.

51. The Committee of Experts encourages the Montenegrin authorities to provide facilities enabling non-speakers of *Romani* to learn it.

h *the promotion of study and research on regional or minority languages at universities or equivalent institutions;*

52. In the second evaluation report, the Committee of Experts asked the Montenegrin authorities to provide information on the on-going codification of *Romani*. Furthermore, the Committee of Ministers recommended Montenegro to **“intensify the efforts to codify Romani in close co-operation with the speakers.”**

53. The Committee of Experts received contradictory information about this issue. The third periodical report underlined that *Romani* is not yet used in education or before judicial authorities because it is not yet codified. There are plans to produce a first *Romani* dictionary and subsequently a grammar book. Once *Romani* has a written standard, teaching staff shall be trained so that *Romani* can be introduced in the education system. The Montenegrin authorities also support activities of non-governmental organisations aiming to codify *Romani*. On the other hand, the periodical report referred to the first literacy book for children, published in *Romani* and a magazine (*Alav*) using *Romani*. During the on-the-spot visit, the Committee of Experts received a copy of this book in *Romani* for children (*Romano abecedari*).

54. The Committee of Experts is of the view that, while the codification process is being completed and formally finalised, the Montenegrin authorities could already use local varieties of *Romani* at least in pre-school education and at the lower grades of primary education on a systematic basis as well as initiate teacher training.⁵

The Committee of Experts urges the Montenegrin authorities to take measures with a view to finalising the codification of Romani and, without delay, starting the teaching of Romani at least in the lower grades.

55. In the second evaluation report, the Committee of Experts also asked the Montenegrin authorities to provide information about possibilities to study *Bosnian*, *Croatian* and *Romani*.

⁵ See 2nd evaluation report on Hungary, ECRML(2004) 5, paragraph 50

56. Representatives of the national minorities concerned informed the Committee of Experts during the on-the-spot visit that these three languages cannot be studied in Montenegro.

57. The Committee of Experts encourages the Montenegrin authorities to promote study and research on *Romani* at universities or equivalent institutions. Furthermore, it encourages the authorities to examine how the particularities of *Bosnian* and *Croatian* could be included in study and research at higher education.

i **the promotion of appropriate types of transnational exchanges, in the fields covered by this Charter, for regional or minority languages used in identical or similar form in two or more states.**

58. In the second evaluation report, the Committee of Experts asked the Montenegrin authorities to provide concrete examples of transnational co-operation regarding *Albanian*, *Bosnian*, *Croatian* and *Romani*.

59. During the on-the-spot visit, representatives of the *Albanian* speakers stated that textbooks are imported from Albania and school exchanges are organised with this country. *Bosnian* speakers informed the Committee of Experts that transnational exchanges exist to a limited extent with the *Bosnian* speakers in Serbia. However, such exchanges are usually project-based and not specifically encouraged by the Montenegrin authorities. Regarding *Croatian*, the Committee of Experts refers to the *Croatian* language courses financed by Croatia (see under Article 7.1.f). The Committee of Experts has no information at its disposal regarding the application of this provision to *Romani*.

60. In general, there is no indication that the Montenegrin national authorities, pursuant to Article 7.1.i., initiate transnational exchanges in a systematic way. Montenegro has not ratified any undertaking under Article 14 (transfrontier exchanges) either. The Committee of Experts considers that the adoption and implementation of language-specific strategies in the field of transnational exchanges could create synergies regarding the further development of the infrastructure in minority language promotion. Such co-operation could facilitate the implementation of several Charter undertakings.

61. The Committee of Experts encourages the Montenegrin authorities to promote appropriate types of transnational exchanges, in the fields covered by the Charter, for *Albanian*, *Bosnian*, *Croatian* and *Romani*.

Paragraph 2

The Parties undertake to eliminate, if they have not yet done so, any unjustified distinction, exclusion, restriction or preference relating to the use of a regional or minority language and intended to discourage or endanger the maintenance or development of it. The adoption of special measures in favour of regional or minority languages aimed at promoting equality between the users of these languages and the rest of the population or which take due account of their specific conditions is not considered to be an act of discrimination against the users of more widely-used languages.

62. In the second evaluation report, the Committee of Experts asked the Montenegrin authorities to provide information about the 2010 Law on the Prohibition of Discrimination.

63. The information contained in the third periodical report does not specifically deal with language use. According to the report, the Law on the Prohibition of Discrimination sets out mechanisms to fight discrimination *inter alia* on the grounds of race and national affiliation or ethnic origin. Discrimination on the ground of language use is, however, explicitly mentioned in the law. The law also deals with discrimination in proceedings before public authorities, in education and in vocational training, which are fields where language use may play a role. Furthermore, the law establishes a Protector of Human Rights and Freedoms (Ombudsman) as a mechanism for prevention of and protection from discrimination. The Ombudsman shall inform the Parliament about observed cases of discrimination and actions undertaken. The law obliges all authorities, including the Ministry for Human and Minority Rights, to keep separate records of cases of discrimination and to deliver such records to the Ombudsman. Court authorities, inspection authorities and misdemeanour authorities are also obliged to keep records.

64. The Committee of Experts asks the Montenegrin authorities to inform it in the next periodical report about the practice of the Ombudsman with respect to the use of minority languages.

Paragraph 3

The Parties undertake to promote, by appropriate measures, mutual understanding between all the linguistic groups of the country and in particular the inclusion of respect, understanding and tolerance in relation to regional or minority languages among the objectives of education and training provided within their countries and encouragement of the mass media to pursue the same objective.

65. In the second evaluation report, the Committee of Experts urged the Montenegrin authorities to promote mutual understanding and tolerance between all the linguistic groups of the country, especially in relation to minority languages, by appropriate measures, in particular in education.

66. The third periodical report listed a considerable number of school subjects which promote mutual understanding and tolerance in general. Regarding mainstream education, the third periodical report states that the curricula designed for schools where the teaching is carried out in Montenegrin include topics such as minority language, literature (e.g. Albanian writers), history and culture. Furthermore, teachers have the possibility to devote 20% of the teaching content to topics of their choice, for example to the history and culture of the national minorities. However, information is lacking with regard to the mass media. The Committee of Experts asks the Montenegrin authorities to provide more specific information in the next periodical report.

Paragraph 4

In determining their policy with regard to regional or minority languages, the Parties shall take into consideration the needs and wishes expressed by the groups which use such languages. They are encouraged to establish bodies, if necessary, for the purpose of advising the authorities on all matters pertaining to regional or minority languages.

67. In the second evaluation report, the Committee of Experts asked the Montenegrin authorities for information on the work of the national minority councils representing the national minorities concerned by the Charter.

68. The third periodical report specified that the councils of national minorities are elected bodies having *inter alia* the following functions:

- representing and acting on behalf of the relevant minority;
- submitting 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;
- lodging initiatives to the President of Montenegro for refusal to promulgate a law by which the rights of minorities and those belonging to them are violated;
- participating in planning and founding of educational and pedagogic institutions;
- providing an opinion on curricula which reflect specificities of minorities;
- suggesting enrolment of a certain number of students at the University of Montenegro;
- launching initiatives for amendment of legislation and other acts which regulate rights of persons belonging to minorities.

69. The Committee of Experts considers that the system of national minority councils is a very appropriate way of consulting the minority language speakers.⁶ During the on-the-spot visit, the Committee of Experts met with representatives of the Albanian, Bosnian, Croatian and Roma national minority councils and got the impression that language issues play a central role in the work of these bodies.

⁶ See 1st evaluation report on Serbia, ECRML(2009)2, paragraph 76

3.2 Evaluation in respect of Part III of the Charter

3.2.1 Albanian

70. The Committee of Experts will focus on the provisions of Part III which were singled out in the second evaluation report as raising particular problems. It will therefore not comment in the present report on provisions where no major issues were raised in the second evaluation report and for which the Committee of Experts did not receive any new information requiring it to reassess their implementation. These provisions are as follows:

Article 8 paragraph 1 a iii, b ii, e ii, h

Article 9 paragraph 2 a

Article 10 paragraph 2 d, 4 a, c, 5

Article 11 paragraph 1 a iii, e i, 2

Article 12 paragraph 1 a, b, c, f.

Article 8 – Education

71. During the on-the-spot visit, representatives of the Albanian national minority pointed out that Albanian language education was available in a systematic way only in the municipalities where Albanian is in official use. The Committee of Experts encourages the Montenegrin authorities to examine, in co-operation with the representatives of the Albanian speakers, in what other areas Albanian language education could be made available in conformity with the Charter undertakings.

Paragraph 1

With regard to education, the Parties undertake, within the territory in which such languages are used, according to the situation of each of these languages, and without prejudice to the teaching of the official language(s) of the State:

Secondary education

- c** **iii** ***to provide, within secondary education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum;***

72. In the second evaluation report, the Committee of Experts considered this undertaking fulfilled.

73. During the on-the-spot visit, the Committee of Experts visited a secondary school in Ulcinj-Ulqin and was informed that there continues to be a lack of textbooks in Albanian. As a result, teachers at times have to improvise and produce teaching materials themselves. Imports of textbooks from Albania remedy these problems only to some extent.

74. The Committee of Experts still considers this undertaking fulfilled. It nevertheless asks the Montenegrin authorities to make sure that all the necessary textbooks in Albanian are provided.

Technical and vocational education

- d** **i** ***to make available technical and vocational education in the relevant regional or minority languages; or***
ii. ***to make available a substantial part of technical and vocational education in the relevant regional or minority languages; or***
iii ***to provide, within technical and vocational education, for the teaching of the relevant regional or minority languages as integral part of the curriculum; or***
iv ***to apply one of the measures provided for under i to iii above at least to those pupils who, or where appropriate whose families, so wish in a number considered sufficient.***

75. In the second evaluation report, the Committee of Experts considered this undertaking fulfilled. It nevertheless asked the Montenegrin authorities to report on the provision of textbooks in Albanian for vocational subjects.

76. According to the third periodical report, technical and vocational schools teaching in Albanian use textbooks in Albanian which have been published abroad. In addition, the Centre for Vocational Education has called a tender for the translation into Albanian of the student and teacher book for the course “Young Entrepreneurs”.

77. The Committee of Experts considers this undertaking fulfilled.

Adult and continuing education

f ...

iii *if the public authorities have no direct competence in the field of adult education, to favour and/or encourage the offering of such languages as subjects of adult and continuing education;*

78. In the second evaluation report, the Committee of Experts considered this undertaking fulfilled. It nevertheless encouraged the Montenegrin authorities to raise the awareness of the possibilities for adult education in Albanian.

79. According to the third periodical report and information obtained during the on-the-spot visit, adult and continuing education in Albanian is available in Ulcinj-Ulqin municipality, but not yet in other municipalities where Albanian speakers constitute a significant part of the population.

80. The Committee of Experts considers this undertaking partly fulfilled. It encourages the Montenegrin authorities to promote the offering of Albanian as a subject of adult and continuing education also in municipalities other than Ulcinj-Ulqin.

Teaching of history and culture

g *to make arrangements to ensure the teaching of the history and the culture which is reflected by the regional or minority language;*

81. In the second evaluation report, the Committee of Experts considered this undertaking formally fulfilled. It encouraged the Montenegrin authorities to increase the teaching of the history and the culture reflected by the Albanian language in the general Montenegrin curriculum.

82. Regarding mainstream education, the third periodical report states that the curricula designed for schools where the teaching is carried out in Montenegrin include topics such as minority language, literature (e.g. Albanian writers), history and culture. Furthermore, teachers have the possibility to devote 20% of the teaching content to topics of their choice, for example to the history and culture of the national minorities. During the on-the-spot visit, however, representatives of the Albanian national minority stated that the teaching of the history and culture related to the Albanian language was insufficient in mainstream schools.

83. As regards schools teaching in Albanian, the teaching of the history and culture of national minorities is implemented as part of the new curricula for mother tongue, history and culture in primary and secondary education.

84. The Committee of Experts considers this undertaking fulfilled regarding schools teaching in Albanian and formally fulfilled for mainstream education at present. It appears, however, that the new curricula could lead to the fulfilment of this undertaking also for mainstream education in the near future. The Committee of Experts therefore asks the Montenegrin authorities to consult the representatives of the Albanian speakers about remaining difficulties in the implementation and to inform about the outcome in the next periodical report.

Article 9

Paragraph 1

The Parties undertake, in respect of those judicial districts in which the number of residents using the regional or minority languages justifies the measures specified below, according to the situation of each of these languages and on condition that the use of the facilities afforded by the present paragraph is not considered by the judge to hamper the proper administration of justice:

a *in criminal proceedings:*

...

ii *to guarantee the accused the right to use his/her regional or minority language; and/or*

iii *to provide that requests and evidence, whether written or oral, shall not be considered inadmissible solely because they are formulated in a regional or minority language; and/or*

iv *to produce, on request, documents connected with legal proceedings in the relevant regional or minority language,*

if necessary by the use of interpreters and translations involving no extra expense for the person concerned;

b) *in civil proceedings:*

...

- ii *to allow, whenever a litigant has to appear in person before a court, that he or she may use his or her regional or minority language without thereby incurring additional expense; and/or*
- iii *to allow documents and evidence to be produced in the regional or minority languages,*

if necessary by the use of interpreters and translations;

c) *in proceedings before courts concerning administrative matters:*

...

- ii *to allow, whenever a litigant has to appear in person before a court, that he or she may use his or her regional or minority language without thereby incurring additional expense; and/or*
- iii *to allow documents and evidence to be produced in the regional or minority languages,*

if necessary by the use of interpreters and translations;

85. In the second evaluation report, the Committee of Experts considered these undertakings fulfilled. It nevertheless asked the Montenegrin authorities for more detailed information on the use of Albanian in courts in practice.

86. According to the third periodical report, the Ministry of Justice has appointed 39 interpreters/translators for Albanian in places where Albanians account for a significant part of the population. In the Basic Court in Ulcinj-Ulqin the equipment for audio and visual recording and simultaneous interpretation has been installed. However, the periodical report adds that it rarely happens that a party requests to use Albanian. There were no such cases before the Administrative Court and the Basic Court in Plav-Plavë during the period under review. During the on-the-spot visit, representatives of the Albanian national minority were of the view that there was a shortage of Albanian-speaking judges and that the possibility to use Albanian before judicial authorities should be promoted vis-à-vis the speakers.

87. The Committee of Experts considers these undertakings fulfilled. It encourages the Montenegrin authorities to take practical measures informing Albanian speakers of the possibility to use their language before judicial authorities and to encourage them to make use of these possibilities.

d to take steps to ensure that the application of sub-paragraphs i and iii of paragraphs b and c above and any necessary use of interpreters and translations does not involve extra expense for the persons concerned.

88. In the second evaluation report, the Committee of Experts considered this undertaking formally fulfilled for both civil and administrative proceedings as it had not received any specific data and concrete examples of practical implementation. It asked the Montenegrin authorities to provide detailed information in the next periodical report.

89. According to the information in the third periodical report, the costs of interpretation or translation are paid through court funds.

90. The Committee of Experts considers this undertaking fulfilled.

Paragraph 3

The Parties undertake to make available in the regional or minority languages the most important national statutory texts and those relating particularly to users of these languages, unless they are otherwise provided.

91. In the second evaluation report, the Committee of Experts considered this undertaking fulfilled. It nevertheless asked the Montenegrin authorities to report on additional national statutory texts that will be translated into Albanian.

92. The third periodical report does not contain any information about this request. The Committee of Experts has nevertheless been informed that a number of statutory texts have been translated into Albanian.

93. The Committee of Experts considers this undertaking fulfilled.

Article 10 – Administrative authorities and public services

Paragraph 1

Within the administrative districts of the State in which the number of residents who are users of regional or minority languages justifies the measures specified below and according to the situation of each language, the Parties undertake, as far as this is reasonably possible:

a ...

iii *to ensure that users of regional or minority languages may submit oral or written applications and receive a reply in these languages*

94. In the second evaluation report, the Committee of Experts considered this undertaking not fulfilled and asked the Montenegrin authorities to provide concrete information on its implementation.

95. The third periodical report does not contain specific information about the use of Albanian by local branches of the state administration. During the on-the-spot visit, representatives of the Albanian national minority stated that in Ulcinj-Ulqin such authorities (e.g. the pension fund) predominantly work in Montenegrin. The submission of applications in Albanian is possible, but prolongs the processing of the file. Furthermore, representatives from the local authorities of Ulcinj-Ulqin informed the Committee of Experts that they communicate with the state authorities exclusively in Montenegrin.

96. While the official use of minority languages by local self-government units is regulated by law, the Committee of Experts notes that there does not seem to exist a comparable legal basis for the use of minority languages in local branches of the state administration. Furthermore, the use of Albanian in practice appears inconsistent and lacks a structured approach.

97. The Committee of Experts considers this undertaking not fulfilled.

The Committee of Experts encourages the Montenegrin authorities to clarify in the legislation that users of Albanian may submit oral or written applications to local branches of the state administration and receive a reply in this language.

...

c *to allow the administrative authorities to draft documents in a regional or minority language*

98. In the second evaluation report, the Committee of Experts considered this undertaking not fulfilled and asked the Montenegrin authorities to provide concrete information on its implementation.

99. The third periodical report does not contain specific information about this undertaking. During the on-the-spot visit, representatives of the Albanian national minority stated that it is possible to obtain identity cards in Albanian.

100. The Committee of Experts is not in a position to conclude on the fulfilment of this undertaking. It asks the Montenegrin authorities to provide, in the next periodical report, information as to whether local branches of the state administration are allowed to draft documents in Albanian.

Paragraph 2

In respect of the local or regional authorities on whose territory the number of residents who are users of regional or minority languages is such as to justify the measures specified below, the Parties undertake to allow and/or encourage

b *the possibility for users of regional or minority languages to submit oral or written applications in these languages;*

101. In the second evaluation report, the Committee of Experts considered this undertaking only formally fulfilled as it was lacking examples of practical implementation.

102. During the on-the-spot visit to Ulcinj-Ulqin municipality, the Committee of Experts noted that the Albanian language is used as an internal working language and in contacts with the local population. For example, decisions by the local council are displayed at the entrance of the town hall in Montenegrin and Albanian, and local tax forms are bilingual. The same seems to apply to the Plav-Plavë and Tuzi-Tuz municipalities. However, as pointed out under section 1.4.1 above, this undertaking may concern additional municipalities concerning which the Committee of Experts currently lacks information.

103. The Committee of Experts considers this undertaking fulfilled with regard to the Plav-Plavë, Tuzi-Tuz and Ulcinj-Ulqin municipalities. Nevertheless, the Committee of Experts asks the Montenegrin authorities to clarify, in co-operation with representatives of the Albanian speakers, in what other municipalities Albanian speakers live in numbers relevant for this undertaking.

g *the use or adoption, if necessary in conjunction with the name in the official language(s), of traditional and correct forms of place-names in regional or minority languages*

104. In the second evaluation report, the Committee of Experts considered this undertaking fulfilled as it was implemented in the Tuzi-Tuz and Ulcinj-Ulqin municipalities and in the process of implementation in Plav-Plavë municipality.

105. The third periodical report does not contain new information regarding the use of topographic names in Albanian in Plav-Plavë. In addition, the Committee of Experts noted during the on-the-spot visit that Bar municipality has no bilingual place name signs nor any street name signs in Albanian. As pointed out under section 1.4.1 above, this undertaking may concern municipalities other than Tuzi-Tuz and Ulcinj-Ulqin concerning which the Committee of Experts currently lacks information.

106. The Committee of Experts considers this undertaking partly fulfilled. It asks the Montenegrin authorities to provide information about the adoption and/or use of place names in Albanian in municipalities other than Tuzi-Tuz and Ulcinj-Ulqin in the next periodical report.

Public services

Paragraph 3

With regard to public services provided by the administrative authorities or other persons acting on their behalf, the Parties undertake, within the territory in which regional or minority languages are used, in accordance with the situation of each language and as far as this is reasonably possible:

a *to ensure that the regional or minority languages are used in the provision of the service*

107. In the second evaluation report, the Committee of Experts considered this undertaking not fulfilled and asked the Montenegrin authorities to provide concrete information about its implementation.

108. The third periodical report does not contain specific information about this undertaking. During the on-the-spot visit to Ulcinj-Ulqin, the Committee of Experts was informed that the local water supplier issues bilingual bills. The Committee of Experts lacks information about the situation in other municipalities.

109. The Committee of Experts is not in a position to conclude on the fulfilment of this undertaking. It asks the Montenegrin authorities to provide information in the next periodical report about the use of Albanian in public services in municipalities other than Ulcinj-Ulqin.

Article 11 – Media

Paragraph 1

The Parties undertake, for the users of the regional and minority languages within the territories in which those languages are spoken, according to the situation of each language, to the extent that the public authorities, directly or indirectly, are competent, have power or play a role in this field, and respecting the principle of the independence and autonomy of the media:

b ...

ii *to encourage and/or facilitate the broadcasting of radio programmes in the regional or minority languages on a regular basis;*

110. In the second evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Montenegrin authorities to clarify their support for commercial broadcasters.

111. The third periodical report does not contain specific information about financial support provided by the Montenegrin authorities to private radio stations. During the on-the-spot visit, representatives of Radio Elita, an Albanian-language radio station broadcasting from Ulcinj-Ulqin, informed the Committee of Experts that it does not receive financial support from the authorities.

112. The Committee of Experts considers this undertaking not fulfilled. It encourages the Montenegrin authorities to facilitate the broadcasting of radio programmes in Albanian on a regular basis.

c ...

ii *to encourage and/or facilitate the broadcasting of television programmes in the regional or minority languages on a regular basis;*

113. In the second evaluation report, the Committee of Experts considered this undertaking formally fulfilled. It asked the Montenegrin authorities to provide precise information about specific funds allocated to “members of minorities and other minority ethnic groups” in accordance with the Law on Electronic Media.

114. The third periodical report does not contain specific information about financial support provided by the Montenegrin authorities to private television channels. During the on-the-spot visit, representatives of TV Teuta, which broadcasts in Albanian from Ulcinj-Ulqin, informed the Committee of Experts that it receives funding from the Fund for Protection and Exercising of Minority Rights. However, TV Teuta has to apply for this support in each case, which does not lead to financial stability and hampers planning. The Committee of Experts underlines that this undertaking requires the authorities to facilitate the broadcasting of private television programmes in Albanian on a regular basis.

115. The Committee of Experts considers this undertaking partly fulfilled. It encourages the Montenegrin authorities to introduce a scheme providing financial support to private television programmes in Albanian on a regular basis. The Committee of Experts asks the authorities to inform it in the next periodical report about which television channels benefit from such support.

d *to encourage and/or facilitate the production and distribution of audio and audiovisual works in the regional or minority languages;*

116. In the second evaluation report, the Committee of Experts considered this undertaking formally fulfilled, based on the possibility of the broadcasting agency, the Fund for Protection and Exercising of Minority Rights and the Centre for the Protection and Development of Minority Cultures to fund audiovisual works. The Committee of Experts asked the Montenegrin authorities to provide precise information in the next periodical report.

117. The third periodical report does not contain specific information about this undertaking.

118. The Committee of Experts is not in a position to conclude on the fulfilment of this undertaking. It asks the Montenegrin authorities to include examples of relevant audio and audiovisual works in Albanian in the next periodical report.

f ...

ii *to apply existing measures for financial assistance also to audiovisual productions in the regional or minority languages;*

119. In the second evaluation report, the Committee of Experts considered this undertaking formally fulfilled, based on the possibility of the Fund for Protection and Exercising of Minority Rights and the Centre for the Protection and Development of Minority Cultures to fund audiovisual works. The Committee of Experts asked the Montenegrin authorities to provide precise information in the next periodical report.

120. The third periodical report, however, does not contain any examples of existing measures being applied to the support for the production and distribution of audio and audiovisual works in Albanian.

121. The Committee of Experts considers this undertaking not fulfilled.

Paragraph 3

The Parties undertake to ensure that the interests of the users of regional or minority languages are represented or taken into account within such bodies as may be established in accordance with the law with responsibility for guaranteeing the freedom and pluralism of the media.

122. In the second evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking and asked the Montenegrin authorities to provide information on the composition of the consultative committee of the Montenegro Radio and Television Council.

123. As in the previous monitoring cycles, the periodical report does not deal with this undertaking. During the on-the-spot visit, representatives of the Albanian national minority expressed concern that they are not represented in the board of the Montenegro Radio and Television Council. The Committee of Experts has not been informed if the interests of the Albanian speakers are taken into account in the aforementioned council or other relevant bodies.

124. The Committee of Experts considers this undertaking not fulfilled. It encourages the Montenegrin authorities to ensure that the interests of the users of Albanian are represented or taken into account within media bodies relevant under this undertaking.

Article 12 – Cultural activities and facilities

Paragraph 2

In respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage and/or provide appropriate cultural activities and facilities in accordance with the preceding paragraph.

125. In the second evaluation report, the Committee of Experts considered this undertaking fulfilled. It nevertheless asked the Montenegrin authorities to provide concrete examples of activities related to Albanian culture and language in territories other than those in which Albanian is traditionally used.

126. The third periodical report does not contain such examples. The Committee of Experts notes that a structured implementation of this undertaking requires the identification of the territories where Albanian is not traditionally used (see in this context section 1.4.1 above).

127. The Committee of Experts is not in a position to conclude on the fulfilment of this undertaking. It asks the Montenegrin authorities to provide, in the next periodical report, concrete examples of activities related to Albanian culture and language in territories other than those in which Albanian is traditionally used.

Article 13 – Economic and social life

Paragraph 1

With regard to economic and social activities, the parties undertake, within the whole country:

...

c to oppose practices designed to discourage the use of regional or minority languages in connection with economic and social activities;

128. In the second evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

129. The third periodical report does not contain specific information about this undertaking.

130. The Committee of Experts is still not in a position to conclude on the fulfilment of this undertaking. It asks the Montenegrin authorities to inform it in the next periodical report about the pertinent practice of the Protector of Human Rights and Freedoms (Ombudsman) or other institutions with respect to the use of minority languages (see under Article 7.2 above).

3.2.2 Romani

131. The Committee of Experts will focus on the provisions of Part III which were singled out in the second evaluation report as raising particular problems. It will therefore not comment in the present report on provisions where no major issues were raised in the second evaluation report and for which the Committee of Experts did not receive any new information requiring it to reassess their implementation. These provisions are as follows:

Article 9 paragraph 2 a, 3
Article 11 paragraph 2
Article 12 paragraph 1 a, f.

Article 8 – Education

132. In the second evaluation report, the Committee of Experts, “[i]n view of the undertakings chosen by Montenegro under Article 8, ... strongly encourage[d] the Montenegrin authorities to take all necessary measures, in close co-operation with the speakers, to improve the situation of Romani at all levels of education.” Furthermore, the Committee of Ministers recommended Montenegro to “**take all necessary measures to ensure the use of Romani in education, including by providing teacher training and teaching material**”.

133. The third periodical report states that Montenegro so far “has not included [Romani] in the curriculum. [...] Romani as a minority language is not taught as a mother tongue in education institutions because it has not been standardised and because there is no qualified teaching staff to teach in Romani.” In addition, the information contained in the periodical report deals mainly with the integration of Roma children, especially refugees, into the education system, but does not concern language use. The Committee of Experts refers to its observations and recommendation made in paragraphs 53-54.

Paragraph 1

With regard to education, the Parties undertake, within the territory in which such languages are used, according to the situation of each of these languages, and without prejudice to the teaching of the official language(s) of the State:

Pre-school education

- a**
 - i* to make available pre-school education in the relevant regional or minority languages; or
 - ii* to make available a substantial part of pre-school education in the relevant regional or minority languages;
 - iii* **to apply one of the measures provided for under i and ii above at least to those pupils whose families so request and whose number is considered sufficient;**

Primary education

- b**
 - ii* **to make available a substantial part of primary education in the relevant regional or minority languages;**

Secondary education

- c**
 - iii* **to provide, within secondary education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum;**

Technical and vocational education

- d**
 - i* to make available technical and vocational education in the relevant regional or minority languages; or
 - ii* to make available a substantial part of technical and vocational education in the relevant regional or minority languages; or
 - iii* to provide, within technical and vocational education, for the teaching of the relevant regional or minority languages as integral part of the curriculum; or
 - iv* **to apply one of the measures provided for under i to iii above at least to those pupils who, or where appropriate whose families, so wish in a number considered sufficient**

134. In the second evaluation report, the Committee of Experts considered the undertakings set out above not fulfilled.

135. As mentioned above (see paragraphs 53-54), a literacy book for children has been published in Romani (*Romano abecedari*) and a magazine (*Alav-Riječ*) uses Romani. The Committee of Experts is therefore of the view that, while the codification process is being completed and formally finalised, the

Montenegrin authorities could already use local varieties of Romani at least in pre-school education and at the lower grades of primary education on a systematic basis as well as initiate teacher training.

136. Since Romani is currently not taught in Montenegro in accordance with the undertakings ratified, the Committee of Experts considers the undertakings not fulfilled.

The Committee of Experts urges the Montenegrin authorities to provide education in or of Romani at pre-school, primary, secondary, and technical and vocational education.

University and higher education

e ...

ii ***to provide facilities for the study of these languages as university and higher education subjects;***

137. In the second evaluation report, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Montenegrin authorities to provide facilities for the study of Romani at the University of Montenegro (UCG).

138. According to the third periodical report, “[t]here are still no conditions for organised studies of the Romani language as a subject within higher education due to the fact that this that language is not standardised.” However, in the view of the Committee of Experts, a lack of standardisation is no obstacle to the study of Romani at university level.

139. The Committee of Experts considers this undertaking not fulfilled. It urges the Montenegrin authorities to provide facilities for the study of Romani at the University of Montenegro (UCG).

Adult and continuing education

f ...

iii ***if the public authorities have no direct competence in the field of adult education, to favour and/or encourage the offering of such languages as subjects of adult and continuing education;***

140. In the second evaluation report, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Montenegrin authorities to integrate Romani into further education at least with respect to Romani literacy courses which representatives of the speakers had requested.

141. The third periodical report does not contain specific information about this issue.

142. The Committee of Experts considers this undertaking not fulfilled. It urges the Montenegrin authorities to favour the offering of Romani as a subject of adult and continuing education.

Teaching of history and culture

g ***to make arrangements to ensure the teaching of the history and the culture which is reflected by the regional or minority language;***

143. In the second evaluation report, the Committee of Experts considered this undertaking not fulfilled.

144. In light of the examination with respect to Article 8.1.a-f above, it is evident that the history and the culture reflected by Romani are not taught to Romani speakers. Furthermore, it appears from the information contained in the third periodical report that the situation is the same in mainstream education. In the view of the Committee of Experts, the fact that the process of codification of Romani is not yet officially completed does not constitute an obstacle to the partial implementation of this undertaking, bearing in mind that history teaching in mainstream education takes place in Montenegro.

145. The Committee of Experts considers this undertaking not fulfilled. It urges the Montenegrin authorities to make arrangements to ensure the teaching of the history and the culture reflected by Romani.

Basic and further training of teachers

- h*** to provide the basic and further training of the teachers required to implement those of paragraphs a to g accepted by the Party;

146. In the second evaluation report, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Montenegrin authorities to take the necessary measures to provide teacher training for Romani.

147. The third periodical report does not contain specific information about this issue.

148. The Committee of Experts considers this undertaking not fulfilled.

The Committee of Experts urges the Montenegrin authorities to provide the basic and further training of the teachers required to teach Romani in accordance with the undertakings ratified.

Article 9 – Judicial authorities

Paragraph 1

The Parties undertake, in respect of those judicial districts in which the number of residents using the regional or minority languages justifies the measures specified below, according to the situation of each of these languages and on condition that the use of the facilities afforded by the present paragraph is not considered by the judge to hamper the proper administration of justice:

- a*** in criminal proceedings:

...

- ii*** to guarantee the accused the right to use his/her regional or minority language; and/or
 - iii*** to provide that requests and evidence, whether written or oral, shall not be considered inadmissible solely because they are formulated in a regional or minority language; and/or
 - iv*** to produce, on request, documents connected with legal proceedings in the relevant regional or minority language,
- if necessary by the use of interpreters and translations involving no extra expense for the person concerned;***

- b*** in civil proceedings:

...

- ii*** to allow, whenever a litigant has to appear in person before a court, that he or she may use his or her regional or minority language without thereby incurring additional expense; and/or
 - iii*** to allow documents and evidence to be produced in the regional or minority languages,
- if necessary by the use of interpreters and translations;***

- c*** in proceedings before courts concerning administrative matters:

...

- ii*** to allow, whenever a litigant has to appear in person before a court, that he or she may use his or her regional or minority language without thereby incurring additional expense; and/or
 - iii*** to allow documents and evidence to be produced in the regional or minority languages,
- if necessary by the use of interpreters and translations;***

149. In the second evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of these undertakings. It asked the Montenegrin authorities to clarify the practical possibilities of using Romani in court. Furthermore, the Committee of Experts urged the authorities to take measures to ensure the provision of Romani interpreters in court.

150. According to the third periodical report, court attorneys provide free legal aid to Roma with a view to ensuring their access to court and the right to a fair trial. However, it is not clear to the Committee of Experts how this legal aid ensures the use of Romani before judicial authorities in conformity with the undertakings ratified. There is no legal basis for certified Romani-speaking interpreters to be employed by court. During the on-the-spot visit, representatives of the Romani speakers informed the Committee of Experts that Romani is not used in practice in court.

151. The Committee of Experts considers these undertakings not fulfilled. It urges the Montenegrin authorities to make it clear in the legislation that Romani can be used before judicial authorities even if the litigant does speak Montenegrin and to take organisational measures permitting the use of Romani in court and to actively inform the Romani speakers of this possibility.

d to take steps to ensure that the application of sub-paragraphs i and iii of paragraphs b and c above and any necessary use of interpreters and translations does not involve extra expense for the persons concerned.

152. In the second evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Montenegrin authorities to provide information regarding the translation of documents in civil proceedings and in proceedings before courts concerning administrative matters.

153. The third periodical report does not contain specific information about this issue.

154. The Committee of Experts considers this undertaking not fulfilled. It asks the Montenegrin authorities to provide information, in the next periodical report, regarding the translation of documents in civil proceedings and in proceedings before courts concerning administrative matters.

Article 10 – Administrative authorities and public services

Paragraph 1

Within the administrative districts of the State in which the number of residents who are users of regional or minority languages justifies the measures specified below and according to the situation of each language, the Parties undertake, as far as this is reasonably possible:

a ...

iii to ensure that users of regional or minority languages may submit oral or written applications and receive a reply in these languages

...

c to allow the administrative authorities to draft documents in a regional or minority language.

155. In the second evaluation report, the Committee of Experts considered the aforementioned undertakings not fulfilled.

156. The third periodical report does not contain specific information about the practical implementation of these undertakings for Romani. During the on-the-spot visit, representatives of the Roma national minority stated that administrative authorities and public services do not use Romani.

157. The Committee of Experts considers the undertakings not fulfilled.

Paragraph 2

In respect of the local or regional authorities on whose territory the number of residents who are users of regional or minority languages is such as to justify the measures specified below, the Parties undertake to allow and/or encourage:

...

b the possibility for users of regional or minority languages to submit oral or written applications in these languages;

d the publication by local authorities of their official documents also in the relevant regional or minority language;

g the use or adoption, if necessary in conjunction with the name in the official language(s), of traditional and correct forms of place-names in regional or minority languages.

158. In the second evaluation report, the Committee of Experts considered the aforementioned undertakings not fulfilled.

159. The third periodical report does not contain specific information about their practical implementation.

160. The Committee of Experts considers the undertakings not fulfilled.

Public services

Paragraph 3

With regard to public services provided by the administrative authorities or other persons acting on their behalf, the Parties undertake, within the territory in which regional or minority languages are used, in accordance with the situation of each language and as far as this is reasonably possible:

- a*** to ensure that the regional or minority languages are used in the provision of the service

161. In the second evaluation report, the Committee of Experts considered this undertaking not fulfilled.

162. The third periodical report does not contain specific information about its practical implementation.

163. The Committee of Experts considers the undertaking not fulfilled.

Paragraph 4

With a view to putting into effect those provisions of paragraphs 1, 2 and 3 accepted by them, the Parties undertake to take one or more of the following measures:

- a*** translation and interpretation as may be required;
- c*** compliance as far as possible with requests from public service employees having a knowledge of a regional or minority language to be appointed in the territory in which that language is used.

164. In the second evaluation report, the Committee of Experts considered these undertakings not fulfilled.

165. The third periodical report does not contain specific information about their practical implementation.

166. The Committee of Experts considers the undertakings not fulfilled.

The Committee of Experts urges the Montenegrin authorities to adopt a structured approach for the use of Romani by national and local administrative authorities as well as public services.

Paragraph 5

The Parties undertake to allow the use or adoption of family names in the regional or minority languages, at the request of those concerned.

167. In the second evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

168. The third periodical report does not contain specific information about this undertaking.

169. The Committee of Experts interprets the repeated lack of information as an indication that this undertaking is not fulfilled. It encourages the Montenegrin authorities to allow the use or adoption of family names in Romani.

Article 11 – Media

Paragraph 1

The Parties undertake, for the users of the regional and minority languages within the territories in which those languages are spoken, according to the situation of each language, to the extent that the public authorities, directly or indirectly, are competent, have power or play a role in this field, and respecting the principle of the independence and autonomy of the media:

- a*** to the extent that radio and television carry out a public service mission:

...

- iii*** to make adequate provision so that broadcasters offer programmes in the regional or minority languages;

170. In the second evaluation report, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Montenegrin authorities to pursue their efforts with a view to further improving the offer of Romani in both television and radio media.

171. According to the third periodical report, a show about Roma is broadcast on public television every two weeks. The programme is mainly in Romani and lasts 30 minutes. It presents Roma music and covers topics such as education, culture and the work of Roma associations. The Committee of Experts welcomes the broadcasting of this programme, but considers that it should be broadcast at more regular intervals in order to contribute more effectively to the promotion of Romani.

172. During the on-the-spot visit, representatives of the Roma national minority stated that there were no regular public radio broadcasts in Romani.

173. The Committee of Experts considers this undertaking partly fulfilled for public television and not fulfilled for public radio. It urges the Montenegrin authorities to make adequate provision so that broadcasters offer television programmes in Romani at more regular intervals and launch programmes in Romani on public radio.

b ...

ii *to encourage and/or facilitate the broadcasting of radio programmes in the regional or minority languages on a regular basis;*

174. In the second evaluation report, the Committee of Experts considered this undertaking not fulfilled.

175. According to the third periodical report, "Roma radio" started broadcasting in 2011. Roma radio broadcasts programmes in Romani and Montenegrin and is financed *inter alia* through the Fund for Protection and Exercising of Minority Rights. However, during the on-the-spot visit, representatives of the Roma national minority stated that the authorities have not yet granted a license for this radio station.

176. The Committee of Experts considers this undertaking partly fulfilled. It encourages the Montenegrin authorities to continue to strengthen their efforts in supporting the broadcasting of radio programmes in Romani on a regular basis.

c ...

ii *to encourage and/or facilitate the broadcasting of television programmes in the regional or minority languages on a regular basis;*

177. In the second evaluation report, the Committee of Experts considered this undertaking not fulfilled.

178. The third periodical report does not deal with this undertaking. During the on-the-spot visit, representatives of the Roma national minority informed the Committee of Experts that there are no private television programmes in Romani.

179. The Committee of Experts considers this undertaking not fulfilled. It urges the Montenegrin authorities to encourage and/or facilitate the broadcasting of television programmes in Romani on a regular basis.

d *to encourage and/or facilitate the production and distribution of audio and audiovisual works in the regional or minority languages;*

180. In the second evaluation report, the Committee of Experts considered this undertaking not fulfilled.

181. The third periodical report does not deal with this undertaking.

182. The Committee of Experts considers this undertaking still not fulfilled. It urges the Montenegrin authorities to encourage and/or facilitate the production and distribution of audio and audiovisual works in Romani.

The Committee of Experts urges the Montenegrin authorities to adopt a structured approach for the use of Romani in the public and private broadcast media.

- e i **to encourage and/or facilitate the creation and/or maintenance of at least one newspaper in the regional or minority languages;**

183. In the second evaluation report, the Committee of Experts considered this undertaking not fulfilled.

184. The third periodical report does not deal with this undertaking. During the on-the-spot visit, representatives of the Roma national minority informed the Committee of Experts that there are no newspapers in Romani in Montenegro.

185. The Committee of Experts considers this undertaking not fulfilled. It urges the Montenegrin authorities to encourage and/or facilitate the creation and/or maintenance of at least one newspaper in Romani.

- f ...

- ii **to apply existing measures for financial assistance also to audio-visual productions in the regional or minority languages;**

186. In the second evaluation report, the Committee of Experts considered this undertaking not fulfilled.

187. The third periodical report does not deal with this undertaking.

188. The Committee of Experts considers this undertaking still not fulfilled. It urges the Montenegrin authorities to apply existing measures for financial assistance to audio-visual productions in Romani.

Paragraph 3

The Parties undertake to ensure that the interests of the users of regional or minority languages are represented or taken into account within such bodies as may be established in accordance with the law with responsibility for guaranteeing the freedom and pluralism of the media.

189. In the second evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking and asked the Montenegrin authorities to provide information on the composition of the consultative committee of the Montenegro Radio and Television Council.

190. As in the previous monitoring cycles, the periodical report does not deal with this undertaking. The Committee of Experts has not been informed if the interests of the Romani speakers are taken into account in the aforementioned council or other relevant bodies.

191. The Committee of Experts considers this undertaking not fulfilled. It encourages the Montenegrin authorities to ensure that the interests of the users of Romani are represented or taken into account within media bodies relevant under this undertaking.

Article 12 – Cultural activities and facilities

192. The third periodical report states that the Centre for the Protection and Development of Minority Cultures has published a collection of short stories written by a Roma author in Romani and Montenegrin. In addition, a magazine in Romani (“Alav–Riječ”) has been published since 2011.

Paragraph 1

With regard to cultural activities and facilities – especially libraries, video libraries, cultural centres, museums, archives, academies, theatres and cinemas, as well as literary work and film production, vernacular forms of cultural expression, festivals and the culture industries, including inter alia the use of new technologies – the Parties undertake, within the territory in which such languages are used and to the extent that the public authorities are competent, have power or play a role in this field:

- b **to foster the different means of access in other languages to works produced in regional or minority languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;**

193. In the second evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

194. The third periodical report indicates that a book (“Od gnijezda do zvijezda”) has been translated from Romani into Montenegrin. The Committee of Experts notes, however, that the fulfilment of this undertaking requires the authorities to support different activities in the fields of translation, dubbing, post-synchronisation and subtitling.

195. The Committee of Experts considers this undertaking not fulfilled. It encourages the Montenegrin authorities to foster the different means of access in other languages to works produced in Romani by aiding and developing translation, dubbing, post-synchronisation and subtitling activities.

- c** *to foster access in regional or minority languages to works produced in other languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;*

196. In the second evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

197. According to the third periodical report, the Centre for the Protection and Development of Minority Cultures has translated a book from Albanian into Romani. As regards Article 12.1.b, the Committee of Experts observes that the fulfilment of this undertaking requires the authorities to support different activities in the fields of translation, dubbing, post-synchronisation and subtitling.

198. The Committee of Experts considers this undertaking not fulfilled. It encourages the Montenegrin authorities to foster access in Romani to works produced in other languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities.

Paragraph 2

In respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage and/or provide appropriate cultural activities and facilities in accordance with the preceding paragraph.

199. In the second evaluation report, the Committee of Experts considered this undertaking fulfilled. It nevertheless asked the Montenegrin authorities to provide concrete examples of activities related to Romani culture and language in territories other than those in which Romani is traditionally used.

200. The third periodical report does not deal with this undertaking. The Committee of Experts notes that a structured implementation of this undertaking requires the identification of the territories where Romani is not traditionally used (see in this context section 1.4.1 above).

201. The Committee of Experts is not in a position to conclude on the fulfilment of this undertaking. It asks the Montenegrin authorities to provide, in the next periodical report, concrete examples of activities related to Roma culture and language in territories other than those in which Romani is traditionally used.

Article 13 – Economic and social life

Paragraph 1

With regard to economic and social activities, the parties undertake, within the whole country:

...

- c** *to oppose practices designed to discourage the use of regional or minority languages in connection with economic and social activities;*

202. In the second evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

203. The third periodical report does not contain specific information about this undertaking.

204. The Committee of Experts is still not in a position to conclude on the fulfilment of this undertaking. It asks the Montenegrin authorities to inform it in the next periodical report about the pertinent practice of the Protector of Human Rights and Freedoms (Ombudsman) or other institutions with respect to the use of minority languages (see under Article 7.2 above).

Chapter 4 Findings of the Committee of Experts in the third monitoring cycle

A. The Committee of Experts would like to express its gratitude to the Montenegrin authorities for their commitment to the implementation of the Charter, which was also demonstrated through their active input and participation during the on-the-spot visit. In municipalities where the Albanian language is in official use, Montenegro shows best practice in implementing the Charter.

B. The implementation of the Charter undertakings, especially Article 10, with regard to *Romani* is hampered by the fact that the territorial scope of application of Part III of the Charter is still not defined. The territory in which Part II of the Charter applies to *Bosnian* and *Croatian* also still has to be defined. In addition, there are municipalities where *Albanian* is not in official use but where the number of Albanian speakers is sufficient to justify the application of the Charter.

C. *Albanian* remains, in general, well protected and supported in the municipalities where it is in official use. In these municipalities, education in Albanian is offered on all levels. The offer of public broadcasting in Albanian is adequate, but more efforts from the authorities are needed in the support of private broadcasting. Regarding the field of administration, Albanian is effectively used by the local authorities of those municipalities where this language is in official use.

D. Most undertakings applying to *Romani* are not fulfilled. Still, there are some promising developments with regard to the use of written Romani, e.g. the translation of legal texts and literary works, and the production of a literacy book for children. However, there is an obvious need for strengthened efforts by the authorities to improve the situation, especially Romani-language education. Concerning the media, Romani is present in the public media and used by a private radio station. Nevertheless, continued financial support for these activities on the part of the Montenegrin authorities is necessary.

E. There is a need to strengthen public awareness of *Bosnian* and *Croatian* cultures and traditions present in Montenegro.

The Montenegrin government was invited to comment on the content of this report in accordance with Article 16.3 of the Charter. The comments received are attached in Appendix II.

On the basis of this report and its findings the Committee of Experts submitted its proposals to the Committee of Ministers for recommendations to be addressed to Montenegro. At the same time, it emphasised the need for the Montenegrin authorities to take in to account, in addition to these general recommendations, the more detailed observations contained in the body of the report.

At its 1227th meeting on 12 May 2015, the Committee of Ministers adopted its Recommendation addressed to Montenegro, which is set out in Part B of this document.

Appendix I: Instrument of ratification



Montenegro:

Declaration contained in the instrument of ratification deposited by the state union of Serbia and Montenegro, on 15 February 2006 - Or. Engl. - and updated by a letter from the Ministry of Foreign Affairs of Montenegro, dated 13 October 2006, registered at the Secretariat General on 19 October 2006 - Or. Engl.

In accordance with Article 2, paragraph 2, of the Charter, Montenegro has accepted that the following provisions be applied in the Republic of Montenegro, for the Albanian and Romany languages:

Article 8, paragraph 1 a (iii), a (iv), b (ii), b (iv), c (iii), c (iv), d (iv), e (ii), f (iii), g, h;

Article 9, paragraph 1 a (ii), a (iii), a (iv), b (ii), b (iii), c (ii), c (iii), d, paragraph 2 a, b, c, paragraph 3;

Article 10, paragraph 1 a (iii), a (iv), a (v), c, paragraph 2 b, d, g, paragraph 3 a, paragraph 4 a, c, paragraph 5;

Article 11, paragraph 1 a (iii), b (ii), c (ii), d, e (i), f (ii), paragraph 2, paragraph 3;

Article 12, paragraph 1 a, b, c, f, paragraph 2;

Article 13, paragraph 1 c.

[Note by the Secretariat: The Committee of Ministers of the Council of Europe decided on its 967th meeting that the Republic of Montenegro is to be considered a Party to this treaty with effect from 6 June 2006.]

Period covered: 6/6/2006 -

The preceding statement concerns Article(s): 1

Reservation contained in the instrument of ratification deposited by the state union of Serbia and Montenegro, on 15 February 2006 - Or. Engl.

As to Article 1.b of the Charter, Serbia and Montenegro declares that the term "territory in which the regional or minority languages is used" will refer to areas in which regional and minority languages are in official use in line with the national legislation.

[Note by the Secretariat: The Committee of Ministers of the Council of Europe decided on its 967th meeting that the Republic of Montenegro is to be considered a Party to this treaty with effect from 6 June 2006.]

Period covered: 6/6/2006 -

The preceding statement concerns Article(s): 2

Appendix II: Comments from the Montenegrin authorities

“We would like to inform you that the Ministry of Human and Minority Rights of Montenegro welcomes the 3rd Evaluation Report prepared by the Committee of Experts of the European Charter for Regional or Minority Languages concerning Montenegro and agrees on its content having neither comments nor suggestions.

The Minister of Human and Minority Rights of Montenegro Mr. Suad Numanovic expresses his wish to convey the message that Montenegro will continue to work on development of structured policy when it comes to minority languages, primarily guided by the comments and recommendations of the Committee of Experts. He emphasises that Montenegro will especially take into account the higher level of implementation of existing legal solutions by investing necessary efforts into this practice in order to become more functional at the national and local level.”

B. Recommendation of the Committee of Ministers of the Council of Europe on the application of the Charter by Montenegro

**Recommendation CM/RecChL(2015)3
of the Committee of Ministers
on the application of the European Charter for Regional or Minority Languages by Montenegro**

*(Adopted by the Committee of Ministers on 12 May 2015
at the 1227th meeting of the Ministers' Deputies)*

The Committee of Ministers,

In accordance with Article 16 of the European Charter for Regional or Minority Languages;

Having regard to the declaration made by Montenegro on 15 February 2006 and updated on 13 October 2006;

Having taken note of the evaluation made by the Committee of Experts on the Charter with respect to the application of the Charter by Montenegro;

Bearing in mind that this evaluation is based on information submitted by Montenegro in its third periodical report, supplementary information given by the Montenegrin authorities, information submitted by bodies and associations legally established in Montenegro and the information obtained by the Committee of Experts during its on-the-spot visit;

Having taken note of the comments made by the Montenegrin authorities on the contents of the Committee of Experts' report;

Recommends that the Montenegrin authorities take account of all the observations and recommendations of the Committee of Experts and, as a matter of priority:

1. develop a structured policy ensuring the application of the Charter in all areas where there are sufficient numbers of speakers of regional or minority languages;
2. take all necessary measures to ensure the use of Romani in education, including by providing teacher training and teaching material;
3. clarify in the legislation that users of Albanian may submit oral or written applications to local branches of the state administration and receive a reply in this language.