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**Comments of the Government of Montenegro on the Fourth Opinion of the Advisory
Committee on the implementation of the Framework Convention for the Protection of National Minorities
by Montenegro**

received on 7 October 2024

The comments have been submitted under the sole responsibility of Montenegro and made public by the Council of Europe Secretariat in accordance with Rule 29 of Resolution CM/Res(2019)49 on the revised monitoring arrangements under Articles 24 to 26 of the Framework Convention for the Protection of National Minorities.

Established as a civic state, Montenegro holds to the highest esteem the principles of multi-ethnic, multi-confessional, and multicultural tolerance, equality and unity of diversity. The Constitution of Montenegro, as the highest legal act, provides a range of fundamental human and minority rights and prohibits the assimilation of members of minority nations and other minority national communities.

The Government of Montenegro is dedicated in its commitment to upholding and advancing these values, appreciating every contribution directed towards enhancing the current state and offering recommendations for future action. The Ministry of Human and Minority Rights carries a major role in this context, being directly responsible for monitoring the situation and taking action to improve the status of national minorities.

Thus, we express our profound appreciation for the 4th Evaluation Report adopted on 30 May 2024 by the Advisory Committee on the Implementation of the Framework Convention for the Protection of National Minorities of the Council of Europe. Its recommendations will serve as the basis for the continuation of efforts of the Government to enhance the position of national minorities in Montenegro. In addition to acknowledging the quality recommendations in the Report, we believe there are several open questions, and in this regard, we wish to offer the following comments:

Paragraphs 7 and 15

The Administrative Service of the Fund consistently monitors and assesses projects within its mandate and is unrelated to politics. It ensures that the findings of the Project Implementation Report are transparent, accessible, and verifiable. This approach was validated by the Conclusion from the fifth session of the second regular session of the Parliament of Montenegro (No. 00-72/23-51/3 on 26 December 2023) subsequent to the approval of the Fund's Work Report for 2022. In the Parliament's Conclusion (point no 4), it is emphasized that the activities of the Fund are particularly significant in fulfilling the recommendations on project financing. Internal regulations for monitoring and evaluating projects have been established, along with guidelines explaining the proper presentation of project implementation costs for beneficiaries. The Parliament also underscores the importance of the Fund's Administrative Service, responsible for project implementation monitoring, which improved procedures for assessment. Presently, the Fund's Administrative Service regularly requests beneficiaries to supplement their reporting, submit comprehensive documentation, and provide credible evidence of project implementation based on its findings. The Fund submits annual Activity Reports to the Parliament of Montenegro, enclosing all data on the Fund's operations and received projects. These reports, including data on fund allocation and annual statistical indicators, are publicly disclosed on the Fund's official website (www.fzm.me) to ensure transparency and accessibility for public.

Paragraphs 54 and 55

Report suggest that it was noted that some interlocutors of the Advisory Committee representing national minorities expressed concern about the politicization of minority culture protection. Croatian representatives expressed disappointment at the limited support received from the Fund for projects promoting Croatian culture and identity. Similarly, Serb representatives highlighted the minimal funds allocated to them. However, data from the Fund's 2023 Work Report contradicts their claims. Out of 380 project applications received, only 7 were related to the Croatian community, of which 6 received support totaling €50,990.00, out of a requested €84,452.79. For the Serbian national community, 22 applications were received, with 14 projects receiving support amounting to €174,770.00 out of a

requested €357,867.90. This information is available on the Fund's official website. Furthermore, the Fund has undertaken significant monitoring and evaluation reforms, as the Parliament of Montenegro acknowledged. The reforms have been deemed as substantial progress, with the State Audit Institution of Montenegro recommending further activities in 2024. The Fund's Administrative Service provided recommendations and supervision, leading to the adoption of innovative project monitoring and evaluation rules. In 2023, the Parliament acknowledged these efforts and noted that the new internal rules significantly enhanced the process for Fund beneficiaries to submit project implementation documentation.

Paragraph 55 footnote 42

The data presented in the Report displays marginal differences from the information conveyed to the Ministry in February 2022. In 2020, the distribution of financial resources for various community projects was as follows: Bosniak community 21%, Albanian 11%, Roma 10%, Croat 7%, Muslim 5%, Serb 3%, and multinational/intercultural projects 43%. Furthermore, for 2019, the accurate allocation of funds stood at: Bosniak community 16%, Albanian 12%, Roma 12%, Croat 6%, Muslim 7%, Serbian 3%, and multinational projects 44%. Owing to the adoption of the Decision on allocating funds to projects for 2023 in December 2023, the data was unavailable, as outlined in paragraph 53. This information should have been incorporated into this document to ensure transparency and comparability. Consequently, 22% of the funds were designated for projects on the Bosniak community, 8% for Albanian, 8% for Roma, 4% for Croat, 4% for Muslim, and 12% for Serb, while 42% of the funds were earmarked for multinational projects.

The Project Financing Agreement, established between the Fund and the project implementation party, outlines the obligation of fund beneficiaries to reimburse any unjustified funds following an assessment by the Administrative Service. The State Treasury has thus far recompensed €88,000.00 from non-compliant beneficiaries. Legal action has been pursued against over 50 beneficiaries who have failed to fulfill their reimbursement obligations. Additionally, in accordance with Article 36f of the Law on Minority Rights and Freedoms, the Fund is mandated to provide its employees with a minimum of five days of regular professional development for the purpose of project monitoring and evaluation. This requirement is consistently met, enhancing the expertise and quality of project supervision among employees. The Fund's commitment to transparency and its systematic approach to project evaluation are evident, with ongoing efforts to refine operational processes and procedures. Notably, the Fund's dedication has resulted in continual enhancements to operational efficiency and methodologies, aspects which warrant recognition in this Report.

Paragraph 125

In municipalities with a substantial Roma population, the annual observance of International Roma Day takes place in schools. This celebration includes educational programs where children are acquainted with the rich culture and history of the Roma people and participate in commemorating the Roma language.

Paragraph 132

The scholarship funds allocated to Roma high school and university students have been adjusted to align with those received by students with the highest average grades. Previously, Roma students were granted a monthly scholarship of 150 euros, which has now been increased to 225 euros. Additionally, there is a proposed boost in student loans from the current 225 euros to 300 euros for the academic

year 2024/2025. The primary objective of the state and the Ministry is to foster the integration of Roma and Egyptian children at all educational levels through the standard education framework.

Paragraph 134

The Ministry of Education, Science, and Innovation provides free transportation for primary school students in six Podgorica schools to prevent segregation. Transport is provided for over 600 students from the Roma population across Podgorica, Nikšić, Berane, and Cetinje.

Paragraph 135

Every year, in partnership with relevant institutions and partners, competent authorities work to increase enrollment in pre-primary, primary, and secondary education in municipalities with a significant Roma population.

Paragraph 137

Currently, there are 26 education system associates/mediators in Montenegro, located in the capital city of Podgorica, as well as in the municipalities of Berane, Bar, Nikšić, Tivat, Herceg Novi, and Ulcinj. There is a proposed initiative to amend the rulebook for associates/mediators, suggesting that there should be 35 Roma children per one mediator. The National Council is expected to adopt amendments to the Ordinance.

Paragraph 153

It is important to underscore that the Law on Civil Servants and State Employees does not establish a separately standardized priority right of employment for minorities. The law is designed to uphold equal employment rights for all individuals, without advocating for positive discrimination. Montenegro, as defined by its Constitution, operates as a civic state, granting citizens from minority groups the same employment rights as other Montenegrin citizens. Consequently, there are no legal limitations to promoting their employment opportunities.

Paragraph 11

The date should be from 3 to 30 December 2023.

Paragraph 14

The Municipality of Tivat has adopted the Local Action Plan for Social Inclusion of Roma and Egyptians in the Municipality of Tivat 2023-2027.

26. The date should be 30 December 2023.