



# FOURTH OPINION ON MONTENEGRO

## ADVISORY COMMITTEE ON THE FRAMEWORK CONVENTION FOR THE PROTECTION OF NATIONAL MINORITIES

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## SUMMARY

The monitoring period in Montenegro has been marked by political turbulence and instability, with four governments leading the country over the five years. For much of the time, these governments also sat in a “caretaker” mandate. The new government was appointed on 31 October 2023, one week before the visit of the Advisory Committee. Some of this turbulence resulted from the Covid-19 pandemic, but in large part it resulted from the Law on the Freedom of Religion, which was eventually amended to remove the disputed provisions following large-scale protests and a change of government. Given the multi-ethnic and multi-religious make-up of Montenegro, the political position of the Serbian Orthodox Church and the influence of neighbouring states act as destabilising forces. Alongside an unstable political situation, these forces risk creating an imbalance in interethnic and intercultural relations which had remained relatively harmonious, but which deteriorated over the monitoring period. In this respect, one element to note was the pressure exerted on the right to free self-identification during the 2023 census.

Despite this, Montenegro remains committed to the principles of democracy, rule of law and human rights, including minority rights. Montenegro also defines itself through its diversity and the notion of interculturalism, born of the fact that no single group makes up an absolute majority in the country. In this direction, the authorities remain active in pursuing various policy measures to promote the cultures, identities and participation of national minorities – also in the face of difficult societal conditions. Whilst they operate in the hope that the situation will stabilise with time, and with a stable government now in place, there is work to do in evaluating the effects of the past five years and design policy measures to address the issues comprehensively, also engaging with civil society, minority representatives and others to (re-)build trust.

The legal framework for the protection of persons belonging to national minorities is largely unchanged and remains a solid basis for the promotion of minority rights, which are well-respected in particular with regard to Albanian minority language education. There is an impressive range of support for minority cultures through multiple funding streams, most notably through the Fund for the Protection and Exercise of Minority Rights. Improvements need to be made, however, to the operation of this Fund, which remains instrumentalised for party-political ends.

The situation of Roma and Egyptians remains troubling and requires urgent attention of the authorities at all levels to resolve local issues relating to housing, documentation and access to healthcare, among other issues. The greatest levels of ethnic intolerance are against Roma and Egyptians. Roma women are also less likely to have adequate access to healthcare, due to discrimination in the health sector and/or a lack of documentation. Based on the Advisory Committee’s visit, there is a clear absence of capacities and human rights knowledge, and an apathy towards the prevalent problems affecting national minorities, among some local authorities. Concerted efforts to boost the empowerment of Roma and Egyptian women also need to be made. The lack of information about Roma cultures, histories or identities in school curricula is troubling, as is the lack of provision of teaching of the Romani language. Access of Roma and Egyptians to education needs to be improved, notably at preschool in relation to segregation and the completion of secondary education. Some success has been noted in improving attendance rates at primary level, also through driving down rates of early marriages.

**Recommendations for immediate action:**

- The Advisory Committee urges the authorities to review the appointment procedure for the Commission for Evaluation of the Fund for the Protection and Exercise of Minority Rights to ensure it is representative of all national minorities, as well as of the diversity within minority communities, and take steps to address the instrumentalisation of the Fund in the service of particular party-political interests. Training should be provided to persons belonging to national minorities to enable them to apply for projects from the Fund on an equal footing with organisations, and monitoring and evaluation of projects as to their effectiveness in, *inter alia*, raising awareness of national minority cultures and identities and fostering intercultural understanding should be comprehensively improved.
- The Advisory Committee urges the authorities to evaluate the effects of current policy measures to foster the integration of society as a whole, and on this basis to develop a coherent and wide-ranging strategy to foster a shared civic identity based on common interests developed and defined in an open and participatory way. Opportunities for intercultural dialogue between individuals and supporting grassroots initiatives to foster exchanges between individuals and communities at all levels, especially locally, should be created, including in the fields of sport and the arts.
- The Advisory Committee urges the authorities to provide access to adequate housing to Roma and Egyptians as a matter of priority, especially in the Bijela Gora settlement and its surroundings in Ulcinj/Ulqin. Capacities should be built at the local level, and sustainable funding should be mobilised, to allow local and national authorities to co-ordinate responses to inadequate housing effectively, including through resolving issues with documentation, and in effective consultation with persons belonging to communities concerned.
- The Advisory Committee urges the authorities to ensure effective access to secondary and university education for Roma and Egyptian students, in particular by covering any costs of examinations in the final year of secondary school disproportionately faced by such students and guaranteeing that scholarship payments are made in a timely manner and provide a meaningful incentive to remain in school. A greater number of mediators should be engaged to address drop-outs or persistent absenteeism, ensure a regular rhythm of study and continuation of studies between primary, secondary and university levels.
- The Advisory Committee urges again the authorities to extend affirmative action concerning electoral thresholds for numerically small national minorities, in particular to the Roma, so as to ensure the principle of equal treatment is upheld.

### III. KEY FINDINGS

#### Monitoring process

1. This fourth cycle opinion on the implementation of the Framework Convention by Montenegro was adopted in accordance with Article 26(1) of the Framework Convention and Rule 25 of Resolution (2019)49 of the Committee of Ministers. The findings are based on information contained in the fourth state report, submitted by the authorities on 8 December 2022, other written sources and on information obtained by the Advisory Committee from governmental and non-governmental contacts during its visit to Ulcinj/Ulqin, Bar/Tivar, Tivat, Podgorica, Tuzi/Tuz, Bijelo Polje and Pljevlja from 6 to 10 November 2023.

2. The Advisory Committee expresses its gratitude to the authorities for their excellent co-operation before, during and after the visit, and to the other interlocutors it met during the visit for their valuable contributions. The draft opinion, as approved by the Advisory Committee on 9 February 2024, was transmitted to the Montenegrin authorities on 15 February 2024 for observations, according to Rule 37 of Resolution (2019)49. The Advisory Committee welcomes the observations received from the Montenegrin authorities on 17 April 2024.

3. The Advisory Committee's last opinion was translated into Montenegrin, Albanian and Romani and the Montenegrin version was published on the website of the Ministry of Foreign Affairs. No follow-up event has taken place. The Advisory Committee strongly encourages the authorities to organise a follow-up event after the publication of this fourth cycle Opinion. It considers that follow-up dialogue to review the observations and recommendations made in this Opinion would be beneficial.

#### General overview of the current situation

4. Despite a period of strong political and societal turbulence, Montenegro remains committed to the principles of democracy, rule of law and human rights protection, including minority rights, and developing the notion of interculturalism as a national process in the context of an unstable regional and European situation. Montenegrin society is constituted by diversity, with no single ethnic group making up an absolute majority. External actors may, however, seek to instrumentalise this diversity to influence the political and societal situation in the country. The Advisory Committee observed this for itself during its visit, which happened in the run-up to the population census taking place in December 2023. A billboard campaign pressuring individuals to identify in certain ways has therefore raised serious concerns regarding the exercise of the right to free self-identification. In the Advisory Committee's observation, this disproportionate influence of external actors risks, along with other factors, creating an imbalance in the country's interethnic relations, which all stakeholders, including the authorities, are clear has worsened since 2018. Genuine efforts are therefore needed to address this situation holistically and strategically, including through ensuring the protection and promotion of minority cultures alongside interculturalism, meeting demands for transitional justice, and empowering local authorities with the capacities and resources to address instances of interethnic hostility promptly and effectively.

5. There remains a strong and well documented divide between the northern areas of Montenegro, which is generally less economically developed, and the southern, coastal regions which are generally more developed, in particular thanks to a growing tourism industry. The situation in the north, given that it is more densely populated by persons belonging to Bosniak and Muslim minorities, is of concern to the Advisory Committee in particular in relation to the effective participation in socio-economic life of persons belonging to national minorities, and the impact of this on emigration rates. This regional disparity is also a source of some inter-ethnic discord, as Bosniak representatives raised the point that the poorest regions of the country are inhabited by persons belonging to the Bosniak minority, and the continued failure to address this represents also a failure to adequately address the concerns of these persons and their representatives. Attention needs to be paid to address these regional disparities.

6. The situation of Roma and Egyptians is in some senses alarming, notably as concerns housing and healthcare. Despite there being a national Strategy and several local action plans for the improvement of their situation, the Advisory Committee's visit to Bijela Gora in Ulcinj/Ulqin demonstrated a real need to improve local authorities' capacities and resources to address housing issues in particular. Urgent work with local authorities is needed to address the gap between policy documents and practice, in particular through ensuring local authorities are aware of their human rights obligations flowing from Montenegro's domestic legal order and international commitments.

7. Linguistic rights remain protected and effectively enjoyed in practice in particular for persons belonging to the Albanian minority. There is however a need for greater transparency and less politicisation vis-à-vis the Fund for the Protection of National Minorities, and for projects financed by this organ to be properly evaluated. The range of financial and cultural support for persons belonging to national minorities is impressive, although the effective, transparent and politically neutral distribution of this support needs to be ensured. Political participation of persons belonging to national minorities remains a varied picture, with Albanians and Bosniaks represented in parliament and government (for Albanians). Roma are however excluded, including legally since the positive action which exists for persons belonging to the Croat minority (a lower electoral threshold) has not been extended to persons belonging to the Roma minority. Minority women are also largely under-represented in minority councils and in political life more generally.

### **Assessment of measures taken to implement the recommendations for immediate action**

8. Whilst the authorities have continued with the Strategy for the Social Inclusion of Roma and Egyptians, adopting a new strategy for 2021 onwards, there remain serious concerns as to the social and economic situation of Roma and Egyptians. Housing in particular remains an issue requiring further attention and co-ordination of all levels of authorities – especially the local level. Healthcare, likewise, remains an area of concern. Studies in the monitoring period show a 20-year difference in life expectancy between Roma and non-Roma, and reports from Roma and Egyptian women of a reluctance to attend medical appointments also raises concerns. The situation in Bijela Gora, Ulcinj/Ulqin in terms of the provision of adequate housing, appears to have worsened over the monitoring cycle, based on what the Advisory Committee witnessed in 2018 and 2023. Addressing this situation remains therefore a priority. Regarding the second recommendation for immediate action, which concerned access to education for Roma and Egyptians and tackling early and forced marriages, some progress has been noted in the overall picture, and many efforts directed to tackling early and forced marriages have been made. Nevertheless, some problems remain, notably in areas where Roma and Egyptians live in situations of spatial segregation – leading to educational segregation – and in ensuring Roma and Egyptian students continue their education into secondary and higher levels. Mediators are tasked with dealing with 70 children each, and so work needs to be done to reduce this ratio.

9. Civic education remains an optional subject, meaning the Advisory Committee's previous recommendation has not been implemented. No compulsory teacher training or guidance has been developed for the 20% of the curriculum which teachers are free to fill themselves, notably with content about the local area, which would include national minorities and persons belonging to them. Nor has the Ministry of Education taken any further oversight over this 20% of the curriculum. According to the Advisory Committee's interlocutors, there remain problems with knowledge of the official language among some young people belonging to national minorities, which should, as previously stated, be addressed whilst taking into account the right to minority language education.

10. The Advisory Committee's recommendation to extend affirmative action in electoral legislation to persons belonging to the Roma minority (which already exists for persons belonging to the Croat minority) has not been implemented. In exchanges with the Advisory Committee the authorities appeared willing to make progress on this problem, and the Advisory Committee's other interlocutors remained steadfast in their position that this differential treatment between groups of similar numerical size is discriminatory and changing it has not only an emblematic value but is also of practical importance, as it would allow persons belonging to the Roma minority to be no longer excluded from national-level political participation. The Advisory Committee hence reiterates this recommendation in the present opinion.

### **Assessment of measures taken to implement the further recommendations**

11. Minority representatives were involved in the planning of the recent census, which took place on 3-15 December 2023. Although it took place in a tense and politicised atmosphere, the involvement of minority councils, including in discussions with the new prime minister and the statistical office MONSTAT, are welcome. The citizenship criterion in the Law on Minority Rights has not been addressed, but an article-by-article application of the Framework Convention is still pursued by the authorities.

12. The Protector of Human Rights and Freedoms (the Protector) has a well-known mandate, and the current office-holder is well respected for his work. Some of the issues highlighted in the previous recommendations have not been addressed, notably the appointment procedure, as well as the procedure for approving financing and the adequate remuneration of staff.

13. Progress on resolving statelessness and the unregulated status of many Roma and Egyptians who arrived in Montenegro as refugees from Kosovo\* has been slow, notably due to reduced possibilities for cross-border co-operation with Kosovo\* during the Covid-19 pandemic. This restricted the ability of mobile teams to travel and conduct their outreach activities. There remain individuals, including children, without proper documentation and hence without access to rights, including to education and social welfare. Therefore, little progress can be reported in this regard.

14. The Romani language remains unstandardised in Montenegro, although the recent publication of a Romani-Montenegrin dictionary is a positive step in this regard. More broadly, the continued absence of Romani language from education is a concern, even while positive steps to widen the offer of media in Romani language through private initiatives have been taken. The lack of possibility to use the language in the public sphere, whether in communication with public authorities or via topographical indications, is also concerning and linked to the non-standardised status of the language.

15. Regarding the Fund for the Protection and Realisation of Minority Rights, whilst intercultural projects continued in accordance with the Advisory Committee's recommendation, this was felt by national minority organisations and individuals to have been achieved at the expense of projects promoting national minority cultures and identities. The Fund has also continued to be controversial during the current monitoring cycle, and further efforts are therefore needed to ensure its transparency, to depoliticise its work, and to introduce evaluation of projects financed. The possibility to display symbols of national minorities has been regulated and clarified in a new law, and most national minority councils have formally adopted their symbols pursuant to this regulation, which implements the Advisory Committee's previous recommendation.

16. The prevention of hate speech is part of the media strategy for 2023-2027, and has been included in the recently adopted Law on Media, although monitoring of hate speech in the media and online has not been assured. Gender-sensitive measures targeting gender-based violence against Roma and Egyptian women have been included in the new Strategy for Roma and Egyptians. The authorities are also clearly aware of the societal tensions which have worsened, in their view, over the past five years. Whilst this is troubling in itself, the fact the authorities continue to monitor this is positive and implements the previous recommendation to this effect. Nevertheless, there is still more work to be done in addressing these divisions and reacting more rapidly to tensions when they arise.

17. No particular measures to train journalists belonging to national minorities have been reported, although some funding has been allocated to a private initiative to develop a news portal and podcasting in Romani and Montenegrin. No particular avenues of sustainable funding have been developed for minority language media, which continue to be supported on a project basis.

18. In relation to education, no progress has been made regarding the translation of textbooks which, reportedly, is done by teachers themselves for the Albanian language curriculum. National minority Councils remain with a somewhat unclear legal status, according to them, and gender balance regarding the membership of these councils has not been addressed. The situation remains troubling with very few women involved in the work of these six bodies. The Advisory Committee has observed a good level of co-operation between the six councils, including as regards the census, and hence its recommendation to form a national co-ordinating body of all six councils, though not implemented, has not been reiterated in the present opinion. Existing co-operation appears to be productive and sufficient.

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19. In the following part of the opinion, a number of articles of the Framework Convention are not addressed. Based on the information currently at its disposal, the Advisory Committee considers that the implementation of these articles does not give rise to any specific observations. This statement is not to be understood as signalling that adequate measures have now been taken and that efforts in this respect may be diminished or even halted. Rather, the Advisory Committee considers that the obligations of the Framework Convention require a sustained effort by the authorities. Furthermore, a certain state of affairs which may be considered acceptable at this stage may not necessarily be so in further cycles of monitoring. Finally, it may be that issues which appear at this stage to be of relatively minor concern prove over time to have been underestimated.

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\* All reference to Kosovo, whether to the territory, institutions or population, in this text shall be understood in full compliance with United Nations Security Council Resolution 1244 and without prejudice to the status of Kosovo.



## II. ARTICLE-BY-ARTICLE FINDINGS

### Article 3 of the Framework Convention

#### Scope of application

20. The personal scope of application has not changed during the monitoring cycle. The Framework Convention continues to be applied to Albanians, Bosniaks, Croats, Muslims, Serbs,<sup>2</sup> who are recognised in the Constitution and Law on National Minorities,<sup>3</sup> which remain the principal pieces of legislation governing the implementation of the Framework Convention in Montenegro. Roma are covered by the definition of national minority laid down in Article 2 of the said law, and exercise their rights – along with the other named national minorities – for instance through the establishment of a Minority Council, an important channel for political participation of persons belonging to national minorities (see Article 15).<sup>4</sup> Roma representatives regretted that they continue to not be named in the constitution as they find this to be a mark of disrespect against their community. There have been no official requests for recognition as a national minority by any other community, or for the establishment of a minority council, according to the authorities.<sup>5</sup> Despite the Advisory Committee's previous recommendation, no change has been made to the Law on National Minorities to remove the potentially limiting citizenship criterion and thereby to harmonise it with the Constitution.<sup>6</sup>

21. There remains a lack of clarity as to how individuals belonging to communities besides the above six would gain official recognition as a minority according to the Law on National Minorities. The authorities informed the Advisory Committee that in terms of an article-by-article approach, any individuals belonging to other groups would be able to form a Minority Council and hence have access to a certain amount of funding in this respect. It remains unclear as to whether persons belonging to such communities would then be able to access the Fund for the Protection of National Minorities (see Article 5), or other avenues of financing for minority projects. In this respect, the authorities report on projects undertaken to support Slovene culture in Montenegro. Likewise, persons belonging to the Egyptian community,<sup>7</sup> although until now not launching a demand to be recognised officially as a national minority (although there is no process by which to do this), are seeking the application of the Framework Convention to persons belonging to their community on an article-by-article basis, in particular to establish a Minority Council, about which persons belonging to the Egyptian minority appear to have been misinformed (see Article 15). Persons belonging to the Macedonian community, for which there are a number of organisations in Montenegro, have also expressed interest in the protection offered by the Framework Convention and more specifically, to be officially recognised as a national minority and establish a minority council (see Article 15).

22. The Advisory Committee reiterates that the Framework Convention's application to persons belonging to a specific group does not require a specific legal status for such a group of persons, as it considers access to minority rights should not be strictly linked to the formal status of a community or group.<sup>8</sup> However, it acknowledges also that formal recognition can have a symbolic and legal significance for persons belonging to national minorities.

<sup>2</sup> Serbs do not view themselves as a national minority in Montenegro – for example their Council set up pursuant to the Law on National Minorities is styled as a “National Council” as opposed to “National Minority Council”. However, they still claim certain minority rights, including the set-up of such a council and access to funds for cultural projects via the Fund for the Protection of National Minorities.

<sup>3</sup> ACFC, Third Opinion on Montenegro, 7 March 2019, ACFC/OP/III(2019)001rev, paras. 21-26.

<sup>4</sup> According to the previous population census (2011), the population of Montenegro in 2011 was 620 029. Montenegrins make up 44.98% of the population, Serbs 28.73%, Bosniaks 8.65%, Albanians 4.91%, Muslims 3.34%, Roma 1.01%, Croats 0.97%, and Egyptians 0.33%. As well as these groups, a wide range of multiple affiliations were indicated, for example Bosniaks/Muslims (0.03%), Montenegrins/Serbs (0.30%).

<sup>5</sup> Additional information received by the Secretariat on 8 January 2024.

<sup>6</sup> See ACFC, [Third Opinion on Montenegro](#), adopted on 7 March 2019, ACFC/OP/III(2019)001rev, para. 25.

<sup>7</sup> The term “Roma and Egyptians” is used in this opinion to reflect the different statuses of the groups under the Montenegrin system at present. Whilst Roma are effectively recognized as a minority, the Egyptian community is not. It is necessary to discuss the communities together as many policy measures designed by the Montenegrin authorities target both Roma and Egyptians. However, at times, the needs and interests of persons belonging to these communities are discussed separately, reflecting the positions expressed to the Advisory Committee during its visit.

<sup>8</sup> See also Third Opinion on Montenegro, para. 24.

23. In light of this, the Advisory Committee welcomes the authorities' open and flexible approach to the application of the Framework Convention. However, the understandable perception among Roma representatives of a two-tiered approach to minority recognition – with constitutionally-recognised groups on the one hand, and any others unnamed – is of concern and the underlying differential treatment is regrettable. The Advisory Committee notes that constitutional recognition carries a strong symbolic value for persons belonging to national minorities, including to the Roma minority. Additionally, it should be clarified further what an article-by-article application of the Framework Convention would look like, for instance for persons belonging to the Egyptian community, as to which would be the most relevant rights and how accessible they would be for respective individuals. Importantly, access for persons belonging to non-recognised communities to funding mechanisms (see Article 5) and minority councils (see Article 15) would need clarification. The Advisory Committee recalls that the requirement for persons belonging to national minorities to be citizens of the state “may have a restrictive and discriminatory effect”.<sup>9</sup> At the same time it welcomes the flexible approach in applying the Framework Convention to Roma and Egyptians without citizenship or without proper documentation.

24. The Advisory Committee strongly encourages the authorities to continue with an open and flexible approach to the scope of application of the Framework Convention and to open a dialogue with any communities or individuals who may be interested in the protection offered by the Framework Convention. They should address any imbalance and potentially discriminatory differentiation in the legal protection of persons belonging to various national minorities, in close co-operation with their representatives.

### Census and free self-identification

25. In its Second Opinion of 2013 which evaluated the 2011 census, the Advisory Committee took note of the general conduct of the census, but regretted the lack of participation of Minority Councils in the planning phases and the climate in which the census took place, including in the placing of billboards to encourage individuals to identify in particular ways.<sup>10</sup>

26. The Law on the Census was adopted in December 2022, and the decision on the date of the census was taken in March 2023.<sup>11</sup> The date was initially set for early November 2023, which was then postponed. Following a series of discussions with opposition and minority representatives since the formation of the new government at the end of October 2023, the prime minister and opposition figures, as well as representatives of Minority Councils, came to an agreement as to the process for carrying out the census, which took place on 3-15 December 2023. The authorities have informed the Advisory Committee of the active involvement of minority representatives in the design of the census process, including the minority councils. Local level census commissions were also formed at the level of each local government, which consisted of representatives of the national minority councils. Three local government commissions had one member of the Roma minority in their composition.

27. In practical terms, the census form was available in Latin and Cyrillic scripts, as well as in the Albanian language. Each interviewer also carried a template book which contained a model of the census form in Romani, as well as in English, Russian, Turkish and Ukrainian. Questions on ethnic affiliation, language and religion were included in the census, and were optional. Declaring multiple affiliations was also possible. At the time of the Advisory Committee's visit, the Montenegrin statistical office (MONSTAT) was in the process of reorganising the census and at that time it was reported that there were only eight interviewers belonging to the Roma minority recruited, out of a total of some 2 000. Ultimately, 14 persons belonging to the Roma minority and three persons belonging to the Egyptian community were recruited. Positive action to reduce the education requirement for Roma and Egyptian candidates was implemented, meaning a minimum of “third-degree” education was required for persons belonging to these communities, compared to the “fourth degree” for others. There is no data available for recruitment of census interviewers belonging to other national minorities.<sup>12</sup>

<sup>9</sup> ACFC [Fourth Thematic Commentary](#), “The Framework Convention: a key tool to managing diversity through minority rights; The Scope of Application of the Framework Convention for the Protection of National Minorities”, 27 May 2016, ACFC/56DOC(2016)001, para. 29.

<sup>10</sup> ACFC, [Second Opinion on Montenegro](#), adopted on 19 June 2013, ACFC/OP/II(2013)002, paras. 40-50.

<sup>11</sup> MONSTAT, “The 2023 Census of Population, Households, and Dwellings”, accessed -17 April 2024, available at: <https://monstat.org/eng/page.php?id=1758&pageid=1758>. The preliminary results of the census, published on 25 January 2024, indicate an increase by 2% of the population of Montenegro since the last census of 2011.

<sup>12</sup> Additional information received by the secretariat on 8 January 2024.

28. During its visit, the Advisory Committee witnessed large billboards in different areas of the country calling on individuals to register “Serb” as their ethnic affiliation in the census. There have also been reports of billboards elsewhere in the country, albeit on a smaller scale, calling on individuals to identify as Bosniak.<sup>13</sup> Interlocutors reported that politicians have also called on individuals to identify in particular ways. There was also a billboard campaign apparently launched by the political opposition to boycott the census. The Advisory Committee was informed of the same issue during the 2011 census.<sup>14</sup>

29. Persons belonging to different national minorities raised concerns about the different campaigns in this process – notably, they referred to the Serbian Orthodox Church and neighbouring and other states. They explained that this contributed to a pressure on individuals to identify in certain ways, and above all undermined faith in and the legitimacy of the census process. In particular, concerns were raised that answers given to census interviewers in relation to questions of ethnicity and religion would be accurately recorded. Others argued that this kind of campaign is symptomatic of a society in which individuals are freer than they were previously to identify however they please. Minority representatives stated that one concrete way to build trust in the process would be to allow individuals to verify that the answers they gave were properly recorded.

30. The Advisory Committee reiterates that “[a]ll persons and groups concerned should be made aware of the possibility and enabled to avail themselves of the right to self-identify freely in order to access their rights. There should be no obstacles in practice to the choice of affiliating with a minority, or several, or to the majority; rather, the choice should be made free of any fear of resulting disadvantages or of loss in social prestige.”<sup>15</sup> Equally, “the individual decision to identify or not to identify with a particular minority must be respected by others who affiliate themselves with the same group and who equally must not exert pressure one way or the other.”<sup>16</sup>

31. The Advisory Committee recognises that the previous census of 2011 took place also against a backdrop of pressure to identify in particular ways and with incidents of interethnic tension occurring. In this respect, it welcomes the approach taken by the new government to seek consensus on the issue of the census and build cross-party and cross-community support for the process, and notably through including national minority councils in this process. This approach recognises the importance of the census and of ensuring persons belonging to national minorities’ trust in the process – as does the development of software allowing individuals to verify their answers before confirming them. Nevertheless, whilst noting the intention expressed by some interlocutors that the billboard campaign would be scaled back, the Advisory Committee has serious concerns with regard to the right to free self-identification given the atmosphere of pressure created by campaigns to self-identify in a particular way, and the impact this also has on exacerbating interethnic tensions. The Advisory Committee underlines that the census should be understood solely as a statistical exercise allowing national and local authorities to design effective, inclusive and transparent public policies, including for persons belonging to national minorities.

32. In practical terms, the organisation by MONSTAT is commendable, including as regards the forms’ availability in minority languages and the format of questions. The number of census interviewers belonging to national minorities, in particular Roma and Egyptians, was however concerningly low, and it is important now that minority representatives are involved in the analysis and publication of the data collected. Equally, the authorities should interpret the census data flexibly and not use it as the only tool for policy making in this field; census data should be complemented through other independent and governmental research.

33. The Advisory Committee calls on the authorities to promptly publish disaggregated data gathered from the census. In order to ensure trust in the census and the wider implementation of minority rights based on its results, the authorities should involve representatives of national minorities in the analysis and publication of data collected in the census, and work with them to identify and address the issues around the census, including in relation to free self-identification and the billboard campaigns. Complementary disaggregated data, such as independent research and empirical surveys, and particularly in regions and municipalities where persons belonging to minorities live in substantial numbers, should also be collected.

<sup>13</sup> Balkan Insight, “Census risks sparking political storm in divided Montenegro”, 13 October 2023, available at: <https://balkaninsight.com/2023/10/13/census-risks-sparking-political-storm-in-divided-montenegro/>; Vijesti, “If you don't know, ask the politicians - the political campaign for the population census is heating up”, 11 October 2023, available at: <https://en.vijesti.me/news/politics/677297/if-you-don%27t-know%2C-ask-the-politicians%2C-the-political-campaign-for-the-population-census-is-heating-up>.

<sup>14</sup> ACFC, [Second Opinion on Montenegro](#), Article 3, para. 47, 2013.

<sup>15</sup> ACFC Thematic Commentary No. 4, para. 14.

<sup>16</sup> ACFC Thematic Commentary No. 4, para. 12.

## Article 4 of the Framework Convention

### Legal and institutional framework on non-discrimination

34. The Law on the Prohibition of Discrimination (LPD) provides the legal basis for protection against discrimination. The grounds covered by the LPD are, among others, “race”, skin colour, national affiliation, social or ethnic origin, affiliation to a minority nation or minority national community, language, religion or belief.<sup>17</sup> In order to align Montenegro’s legal order with EU *acquis*, a new Law “on the Protection of Equality and Prohibition of Discrimination” is being prepared. This will address deficiencies identified in the meaning of terms, scope, and exemptions.<sup>18</sup>

35. The Protector of Human Rights and Freedoms (the Protector) has a well-established mandate to combat discrimination. The institution acts on the basis of complaints and may also conduct investigations, issuing non-binding recommendations to address situations of concern in both of the respective processes. It also has an awareness-raising mandate. The Protector receives around 1 100 cases per year, of which around 200 concern discrimination (in 2022 this number was 236).<sup>19</sup> Around 10% of these concern national and religious affiliation, and most of these concern the field of employment.<sup>20</sup> In general, the implementation rate of recommendations has been decreasing, although this trend changed in 2021 when 33% of recommendations were implemented (compared to 14.5% in 2020, 23% in 2019, but in 2018 39% were implemented). The number not implemented over the monitoring cycle as remained steady, if high, at around 30%.<sup>21</sup> The Protector reports an increase in the number of cases dealing with hate speech notably. The use of Cyrillic or Latin scripts by authorities in public communication is also a more widespread ground for complaints (see Article 10). The Protector also highlighted his positive co-operation with national minority councils, including on the topic of the census. The institution has also conducted a wide-ranging investigation into the situation of Roma and Egyptians with respect to the right to adequate housing, and has visited settlements across the country to develop recommendations to improve the situation. The Protector reported however that there is a generally low level of implementation of recommendations made by the institution on the part of the authorities.

36. The Protector continues to be appointed by a simple majority of the parliament, and the financing of the institution has to be approved by the Ministry of Finances – which has raised questions as to the operational independence of the institution. The Protector continues therefore to be classified as a B status institution according to the Paris Principles.<sup>22</sup> In 2021, the Protector’s budget was cut by 5% despite an increase in cases. Furthermore, in order to employ staff, the institution must go through the human resources agency of the government, which also raises questions of independence. The Protector also highlighted the need to ensure staff working for the institution were adequately remunerated, also in comparison to other parts of the state administration. In terms of the mandate, the Protector raised that a position of *amicus curiae* in court proceedings would be beneficial, and give more weight to his decisions in particular cases brought to his attention through the courts – which, he stated, may often be ignored as courts do not consider the decisions binding.

37. Nevertheless, the European Commission found in 2021 that the Protector is the institution perceived as being most independent and with the greatest impact and highest level of trust with regard to the promotion and protection of citizens’ rights.<sup>23</sup> The Advisory Committee’s interlocutors generally praised the work of the Protector and highlighted his perceived independence and, hence, their trust in him. The

<sup>17</sup> European network of legal experts in gender equality and non-discrimination, p. 6.

<sup>18</sup> For further details on the draft law as it stood under the 43<sup>rd</sup> government of Montenegro, see state report, pp. 58-62.

<sup>19</sup> In 2021 there were 246 cases, 220 cases in 2020, 141 cases in 2019, 155 cases in 2018, and 135 cases in 2017. The data indicate that the number of cases in this department is slightly more than 82% higher in 2021 than in 2017. Source: State report, p. 66.

<sup>20</sup> In 2021, there were 15 cases; in 2020, there were 19 cases; in 2019, there were 18 cases; in 2018, there were 24 cases (all concerning national affiliation and connection with a minority nation or minority national community). Source: State report, p. 66.

<sup>21</sup> The other category is ‘continuous implementation’, a category into which most recommendations tend to fall. In 2021, out of a total of 74 recommendations given, 25 were followed; 27 were implemented continuously, while 22 were not followed. In 2020, out of a total of 96 recommendations given, 14 were followed, 52 were implemented continuously, while 30 were not followed. In 2019, out of a total of 81 recommendations, 19 were followed, 33 were implemented continuously, 24 were not followed, while the deadline for action is running out for five. In 2018, out of a total of 76 recommendations, 28 were followed, five were partially followed, 11 were being implemented continuously, 12 have been followed, while the deadline for action on 20 recommendations is running out. Source: State report, p. 66.

<sup>22</sup> European Network of National Human Rights Institutions, Rule of Law Report 2021, Montenegro, at: <https://ennhri.org/rule-of-law-report-2021/montenegro/>.

<sup>23</sup> European network of legal experts in gender equality and non-discrimination, p. 81.

authorities report on a number of pieces of research into anti-discrimination and the awareness and trust the population has in the legal and institutional non-discrimination framework. It shows that one fifth of citizens of Montenegro know about anti-discrimination legislation, and that awareness has decreased since 2017, and that around 60% of citizens have confidence that the state will protect them from discrimination.<sup>24</sup> They also report an increase in trust in the Protector between 2020 and 2022.<sup>25</sup> The authorities conduct awareness raising campaigns on anti-discrimination standards in co-operation with international organisations and civil society. Research shows that Roma and Egyptian individuals are perceived within society to be most exposed to discrimination, although this has decreased slightly from 2020.<sup>26</sup>

38. The Advisory Committee welcomes the general non-discrimination framework, and in particular the proposed amendments to the anti-discrimination law. The Advisory Committee also commends the active work of the office of the Protector, especially in comprehensively investigating, and on his own initiative, the socio-economic situation of persons belonging to the Roma and Egyptian minorities. The high level of trust and awareness of the institution, linked to a high level of trust in the mandate-holder himself, is commendable and reflected in the increasing number of cases brought to the institution. However, there are some structural flaws, reflected in the award of the “B status” under the Paris Principles, which need to be addressed through legal and institutional safeguards. For instance, the Advisory Committee emphasises the need for the institution to have sufficient resources and *de facto* and *de jure* independence from the authorities in its financial position, in particular to ensure the credibility of the institution in the future. Furthermore, the non-implementation of up to a third of the Protector’s recommendations is troubling as it also threatens to damage trust in the institution itself, and does not provide effective remedy for individuals who have been discriminated against.

39. The Advisory Committee calls on the authorities to address situations of non-implementation of recommendations made by the Protector of Human Rights and Freedoms to public authorities and create more effective ways to increase and systematise their implementation. Adequate resources should be provided to the Protector, and the operational, including financial, independence of the institution from government should be ensured.

40. The Advisory Committee strongly encourages the authorities to take a proactive approach to raising awareness about non-discrimination standards and remedies, in co-operation with civil society, national minority councils, other minority representatives, and the Protector of Human Rights and Freedoms.

### Promotion of effective equality for Roma and Egyptians

41. The Strategy for Social Inclusion of Roma and Egyptians 2021-2025 (the Strategy)<sup>27</sup> was elaborated in collaboration with minority representatives. It is implemented via biennial national action plans. The Strategy contains a rigorous assessment of the problems faced by these communities and persons belonging to them, and measures to address them across a number of areas including health, employment, education, housing, poverty, political and social participation, culture and discrimination (antigypsyism). The Strategy is funded by over 6.6 million EUR over the five years, of which 3.2 million is from the state budget (the rest coming from donors and the EU Instrument for Pre-accession Assistance).<sup>28</sup> According to the authorities, the previous strategy of 2016-2020 had particular success in the field of education through increasing the number of Roma and Egyptian students enrolled and attending classes (see Article 12). The Working Group tasked with developing reports on the implementation of action plans and strategic documents, is constituted by government representatives and agencies as well as members of the Roma Minority Council, the Protector, international organisations and NGOs, among others. Municipalities also develop their own local action plans.

<sup>24</sup> State report, pp. 68-69.

<sup>25</sup> Ibid.

<sup>26</sup> Council of Europe; Centre for Democracy and Human Rights; Ministry of Human and Minority Rights, ‘[Patterns and degree of discrimination in Montenegro 2022](#)’, November 2022, p. 18.

<sup>27</sup> Ministry of Justice, Human and Minority Rights, Strategy for Social Inclusion of Roma and Egyptians 2021-2025, September 2021, at: [https://adsdatabase.ohchr.org/IssueLibrary/MONTENEGRO\\_Strategy%20for%20Social%20Inclusion%20of%20Roma%20and%20Egyptians%20in%20Montenegro%202021-2025.pdf](https://adsdatabase.ohchr.org/IssueLibrary/MONTENEGRO_Strategy%20for%20Social%20Inclusion%20of%20Roma%20and%20Egyptians%20in%20Montenegro%202021-2025.pdf). See also Action Plan for 2021, at: <https://wapi.gov.me/download/ac62f522-fc63-4408-b164-546aefa52a4b?version=1.0>; and Action Plan for 2022-2023 at: <https://wapi.gov.me/download/85d5265b-8032-413b-84e4-7baedb4727be?version=1.0>.

<sup>28</sup> State report, p. 22.

42. Concerning (the risk of) statelessness, the previous strategy (2016-2020) also focused on regulating the legal status of Roma and Egyptians, which is also included in Operational Objective 8 of the current Strategy. This aims to reduce the percentage of persons belonging to these communities who do not possess personal documents and ensure that all Roma and Egyptians have birth certificates. The State report points out that Roma and Egyptian individuals who were displaced from Kosovo<sup>29</sup> are at greatest risk of statelessness.<sup>29</sup> As previously assessed by the Advisory Committee, Montenegro opened up its process of registration from 2009 to enable these persons to register more easily, and by the end of 2021, 15 161 cases have been resolved, giving permanent or temporary residency to 12 413 persons, with 87 open cases.<sup>30</sup> Mobile teams, which were working in Kosovo\* and in Montenegro with support of UNHCR and OSCE until the pandemic led to the suspension of their activities, have also allowed 1 221 persons to regulate their status – that is gain some kind of permanent or temporary right to stay (with 39 cases still outstanding). The authorities also call attention to the fact that further efforts need to be made to complete the processes of registration for those born in Montenegro – especially through municipal centres for social work. They also emphasise the need to continually raise awareness among Roma and Egyptians of the importance of registration and of having a valid legal status.

43. The UNHCR estimates that there are around 500 stateless people in Montenegro (as of 2022).<sup>31</sup> During its visit, the Advisory Committee heard that there remains a significant number of Roma and Egyptians without personal documents or birth certificates, some of whom have been in this position for 30 years. The authorities report for their part that there were in 2021 a total of 320 displaced and internally displaced persons who “needed support”, although civil society estimates the number may be larger.<sup>32</sup> It appears that these individuals live in the most marginalised situations in the country (see Article 15 on housing), and are unable to work in the formal labour market, access social welfare or indeed education. There was also the impression among many interlocutors of the Advisory Committee that progress on this issue has stalled over the past five years, notably due to the mobile teams no longer being active (in particular due to travel restraints during the Covid-19 pandemic). The Advisory Committee also heard and witnessed the need for local authorities to take a more proactive approach to resolving these issues, as well as for the state to instigate improved co-operation with Kosovo\*, which the authorities echo. They also state that they wish to see Kosovo’s\* consular capacities in Montenegro expanded in order to be able to deal with these cases more effectively. They also emphasise their focus on creating conditions for a safe and sustainable return, although it appears no individuals have returned since 2018, due, the authorities say, to the integration of internally displaced persons in Montenegrin society. Nevertheless, the authorities wish to improve their management of migration, statelessness and internally displaced persons which they wish to achieve in the coming years.<sup>33</sup>

44. With regard to the Strategy, interlocutors were generally positive that this provides a useful framework for improving the situation of Roma and Egyptians, even if concerns have been raised about implementation. There appear to be positive outcomes from the previous Strategy in the field of education (see Article 12). Roma representatives also called attention to the growing number of Roma and Egyptian individuals returning from abroad having temporarily emigrated and the problems with documentation they and their children may face. The Roma Minority Council reported that it deals with around 200 cases per year of individuals without the necessary documentation, a trend they say is growing. They underlined generally good co-operation with the government and international organisations, although underlined that there was no solution found for those returnees from abroad.

45. Local action plans are in place across the country, and the Advisory Committee heard of the inclusive approach to consultation pursued for instance in Bijelo Polje, where the local plan should even go beyond the national one in some areas (for instance promotion of culture). Such plans have been implemented in

<sup>29</sup> State report, p. 23.

<sup>30</sup> Additional information received by the secretariat on 8 January 2024.

<sup>31</sup> Statelessness Index, Montenegro, <https://index.statelessness.eu/country/montenegro>, accessed 17 April 2024.

<sup>32</sup> Broken down, this data concerns 8 585 requests for approval of permanent residency from internally displaced persons, of which 8 550 were resolved, with the acceptance of 7 369, whilst 252 were rejected, 929 were suspended (due to duplicate or incomplete requests). It also concerns 4 737 requests for permanent residency from displaced persons, of which 4352 were accepted, 24 rejected and 360 suspended. For temporary residency, 1 543 requests were made from internally displaced persons, of which 1 479 have been resolved. Of these, 445 were accepted, 17 rejected, and 1 017 suspended. For displaced persons, 315 requests have been resolved for temporary residency, of which 171 have been accepted, three rejected, while 141 were suspended. Finally, under the new Law on Foreigners (art.220), 88 requests have been made for the approval of permanent residency, of which 81 have been resolved (and seven still ongoing). Of these, 76 had the request accepted, one request was rejected, and four were suspended. Source: additional information received from the authorities on 8 January 2024.

<sup>33</sup> Additional information received from the authorities on 8 January 2024.

Podgorica, Bijelo Polje, Nikšić, Ulcinj/Ulqin, Herceg Novi, Bar/Tivar, Tivat, and Berane until 2023, and preparations are now underway for the development of new plans in these municipalities. However, it appears that some actors in local municipalities, notably Ulcinj/Ulqin, are not aware of any such plans' existence.

46. The Advisory Committee welcomes the approach to developing and implementing the Strategy, and the commitment to ensuring access to documentation for persons belonging to the communities concerned. The components addressing issues faced by Roma and Egyptian women and children are especially welcome (see Article 6). In this connection it is vital that Roma and Egyptian women and children (in line with their evolving capacities) participate in the monitoring and evaluation of the Strategy,<sup>34</sup> including in the Working Group set up for this purpose. In light of this consultation mechanism, the plan should be flexible and adapted to emerging needs – notably issues facing those returning from Western Europe. The Advisory Committee's observation of a lack of awareness and interest in implementing local action plans by local authorities is of serious concern. Awareness raising of the importance of such implementation among local authorities should therefore be considered, along with training of local authorities and officials as to how to implement the strategies, with a view to increasing their engagement and commitment in resolving the problems encountered by Roma and Egyptians in their municipalities.

47. Given the wider importance of adequate documentation, it is vital that all persons have their legal status regularised as a matter of priority, in order to ensure access to the full breadth of socio-economic rights and support. The lack of proactivity on the part of local authorities to resolve these problems as they arise is particularly troubling, as it means the *de facto* exclusion of minority children from education, meaning cycles of poverty and exclusion will not be broken. In these cases, the onus is on authorities at all levels to work with community representatives and facilitators in an atmosphere of mutual trust to proactively ensure all persons concerned have the necessary documentation. This is also linked to the implementation of local action plans, which should be ensured through earmarked funding for this purpose from the central budget and training of local officials to implement plans effectively. In terms of international co-operation, it is disappointing to note the reduced levels of co-ordination with the Kosovo\* authorities, and troubling that an increasing number of people who have returned to Montenegro and their children may be facing documentation problems. This calls for a proactive approach from the authorities. The problems with documentation are one of the root causes for many persistent socio-economic problems of Roma and Egyptians, and are used as an excuse by some local authorities for not seeking solutions to these problems.

48. The Advisory Committee calls on the authorities to ensure the implementation of the Strategy for Social Inclusion of Roma and Egyptians 2021-2025 and ensuing action plans at all levels, including through training for local authorities. The Strategy and relevant action plans should be implemented and evaluated according to needs and interests of Roma and Egyptians, with their active participation and with due regard to the diversity within their respective communities, especially women and children.

49. The Advisory Committee calls on the authorities to intensify without delay efforts to reduce (the risk of) statelessness and the number of persons belonging to national minorities without the requisite documentation, including through strengthening international and regional co-operation in this field and providing local authorities with the means and capacities to take a proactive approach to solving these issues.

## Article 5 of the Framework Convention

### Protection and promotion of minority cultures and languages

50. As previously, there is a wide range of support for the promotion of minority cultures and identities. There are three principal avenues of support – from the Ministry of Culture and Media, the Fund for the Protection and Exercise of Minority Rights (the Fund), which is an institution supervised (including for appointments) by the Parliament, and the Centre for the Preservation and Development of Minority Culture (CEKUM), an independent public institution. The Ministry of Human and Minority Rights also disburses

<sup>34</sup> The Advisory Committee also refers in this context to the UN Committee on the Rights of the Child General Comment 12 and Articles 5 and 12 of the UN Convention on the Rights of the Child.

funding pursuant to the Law on NGOs; the Directorate working on national minorities has distributed 350 000 EUR in 2023, and 150 000 EUR in 2022.<sup>35</sup> The Directorate working to improve the situation of Roma and Egyptians also distributed funds accordingly, and spent 400 000 EUR in 2023, and nearly 380 000 EUR in 2022.<sup>36</sup> National minority councils also receive 100 000 EUR each per year from the state budget.

51. The Ministry of Culture and Media disburses a range of funds to projects on an annual basis. In 2021, the Ministry financed 153 projects receiving an allocation of 507 000 EUR, including in the fields of art, music and literature. Within this, there are projects aimed specifically at the development of culture in the north of Montenegro, which is less economically developed than the southern coastal regions, for which 81 450 EUR was given in 2021.<sup>37</sup> In 2020 the Ministry financed 221 projects with 726 000 EUR, figures which are broadly similar in 2019 and 2018, based on a public call for applications.<sup>38</sup> Elsewhere, CEKUM continues to support the promotion of minority cultures and identities, also promoting interculturalism. The State report provides a detailed overview of CEKUM's activities over the monitoring period,<sup>39</sup> and the Advisory Committee notes also CEKUM's role in the publication of the first Romani-Montenegrin dictionary. It also notes concerns that its budget was significantly reduced in 2021 and 2022 – although now seems to be back at a comparable level to 2020.<sup>40</sup> There are also a number of cultural centres working at the level of municipalities across the country, which also incorporate minority cultures into their work programmes. The Advisory Committee visited a cultural centre in Pljevlja and was impressed at the efforts to mainstream minority cultures into their work.

52. The Fund effectively makes 0.15% of the state budget of Montenegro available to persons belonging to national minorities and minority organisations via an open call for applications for projects, which may also be submitted in minority languages. Since the amendments of 2017,<sup>41</sup> National Minority Councils can no longer apply to the Fund, and there is a two-instance decision making process, with a Commission for Evaluation and the management board (on which the presidents of the National Minority Councils sit). Given the link between funds and the state budget, these funds have steadily increased over the monitoring cycle. In 2020, 1.1 million EUR were allocated to 196 projects, with projects relating to the Bosniak minority receiving the most, with a quarter of the funding, followed by the Albanian national minority receiving 13.27%, the Roma minority, the Muslim minority, the Croat minority, and the Serb national community received least. Multinational or intercultural projects received 41.33% of funds.<sup>42</sup> In 2021, over one million EUR were provided for 185 projects and most funding went to multinational projects, which received almost half of available funding. Bosniak-related projects received the most with 14%, followed by Serb and Albanian related projects with 10% each, then Roma, Croat and Muslim related projects. In 2022, multinational/intercultural projects again received almost half of funds, and again Bosniak-related projects received most funding, followed by Albanian, Serb, Muslim, Roma, and Croat. Multinational/intercultural projects may contain a range of activities, including seminars, publications, roundtables and lectures on subjects such as non-discrimination, the promotion of inter-ethnic contacts, or highlighting commonalities between religious communities which cross ethnic lines. Some projects financed are also studies on inter-ethnic distance carried out by NGOs working in human rights more generally.

53. For 2023, comparable data is not available, but around 1.4 million EUR were set to be allocated to projects, but there was a perception among minority representatives that this allocation favoured one national minority disproportionately over others, with the projects relating to the Bosniak minority set to receive 60% of the funds available. The Advisory Committee's interlocutors tied this to a level of political

<sup>35</sup> In 2019, 357 667 EUR were distributed, in 2020, 177 352.16 EUR were disbursed, and in 2021, 250 000 EUR were spent. Additional information received from the authorities, 8 January 2024.

<sup>36</sup> Similarly, in 2018, 214 969.36 were distributed, compared to 135 993.92 EUR in 2020, and 319 850 EUR in 2021. Additional information received from the authorities on 8 January 2024.

<sup>37</sup> Data for 2022 and 2023 has not been made available to the Advisory Committee.

<sup>38</sup> In 2019, 220 projects were financed with 781 210 EUR. In 2018, 208 projects were financed with 754 550 EUR. Source: State report, pp. 87-88.

<sup>39</sup> State report, pp. 91-97.

<sup>40</sup> According to information submitted by CEKUM, its overall budget for 2020 was 314 974.32 EUR; in 2021 it was 190 608.68 EUR; in 2022 it was 230 410.21 EUR; in 2023 302 849.86 EUR. From 2020 to 2021, this constitutes a reduction of 39.5% in the budget of CEKUM.

<sup>41</sup> See Third Opinion on Montenegro, paras. 22-24, 155-160.

<sup>42</sup> 2020: 25.51% for Bosniaks; receiving 13.27%, 8.67% to the Roma minority, 4.59% to the Muslim minority, 4.08% to the Croat minority, and 2.55% to the Serb national community. Multinational or intercultural projects received 41.33%. 2021: most funding went to multinational projects, which received 46% of available funding. Bosniak-related projects received 14%, Serb and Albanian related projects received 10% each, Roma 9%, Croat 6% and Muslim 5%. In 2022, multinational/intercultural projects received 49% of funds, compared to Bosniak-related projects with 14%, Albanian 13%, Serbs 10%, Muslim and Roma both 5%, and Croat 4%. Fund, 'Podaci o realizovanim projektima', at: <https://www.fzm.me/v/index.php/podaci-o-realizaciji-projekatima>. In 2019, multinational projects received 46% of funds, Bosniak and Roma projects 13% each, Albanian projects 12%, Muslim 7%, Croat 5% and Serb 4%. In 2018, multinational projects received 36% of funds, Bosniak projects 28%, Croat projects 11%, Albanian 9%, Roma 8%, Serb 5%, and Muslim 3%.



influence of this minority, and to the composition of the Commission for Evaluation. They claim this is made up of a majority of persons belonging to the Bosniak minority. At the initiative of the National Minority Councils, the funding allocation for 2023 was cancelled and the public call for applications relaunched.

54. The Advisory Committee's interlocutors highlighted the importance of the Fund, and explained that this is the main way to access funds to promote their cultures themselves. They however expressed widespread dissatisfaction at the functioning of the Fund. National Minority Councils have proposed an amendment to the Law on National Minorities which would allow them to put forward three candidates each for the Commission for Evaluation to the administrative committee of the Parliament, who would then make a representative selection and forward their proposal on to the plenary of the Parliament. They explained that this would avoid the situation where one minority was allowed to take control of the Commission for Evaluation and address the perception of bias. It would also ensure that persons with knowledge of minority languages would be able to assess projects written in minority languages, as interlocutors belonging to the Albanian minority explained this was a major concern for them. The lack of monitoring and evaluation of projects to assess whether projects had reached their stated aims was also raised as a concern among the Advisory Committee's interlocutors.

55. Concerning other avenues of funding, some of the Advisory Committee's interlocutors belonging to national minorities regretted the instrumentalisation of the protection of minority cultures for political ends, evidenced by recurrent problems with the Fund's operation.<sup>43</sup> Croat representatives also regretted that relatively few projects supporting the Croat culture and identity were supported either by the Ministry of Culture, CEKUM or the Fund. Serb representatives also underlined that despite being the numerically second largest group after Montenegrins, they received a very small amount of funding and expressed their wish to see a return to a previous approach whereby a certain percentage of funding was set aside for each minority group. National minority councils expressed a desire to return to the former position they had where they were able to apply for funds from the Fund. Likewise, they expressed serious concern that a large proportion of the funds available had been allocated to multinational projects or projects promoting interculturalism, and their perception that this emphasis was reducing funds available for the promotion of minority cultures. Regarding co-operation with the Ministry of Human and Minority Rights, Egyptian representatives regretted that projects for the improvement of the situation of their community had been refused by the Ministry. It is unclear if this is due to their status as not officially recognised as a national minority, although an organisation working to promote Macedonian culture received funding from the Fund in 2021. National minority council representatives regretted that a large proportion of their 100 000 EUR per year income has to be returned to the state in taxes, and that the rest of the money allocated to them is spent on administrative costs – when they would also wish to finance some of their own cultural projects or initiatives.

56. CEKUM's view of persons belonging to national minorities as partners in their work is laudable, although the Advisory Committee takes note of some dissatisfaction on the part of some persons belonging to national minorities at their lack of involvement in individual parts of CEKUM's programme. To build confidence, it may be shrewd to involve more actively minority representatives in designing CEKUM's activities, which may also address some of the concerns expressed about politicisation. Local cultural centres are an important aspect of the cultural framework in Montenegro, and the Advisory Committee considers that greater guidance from authorities to such centres on including national minority cultures could be a way to increase knowledge about national minorities locally and foster intercultural dialogue.

57. As in the previous cycle, the Advisory Committee commends the wide range of funds available to persons belonging to national minorities to protect and develop their cultures and identities. The Ministry of Culture and Media's focus on funding in the north of Montenegro is welcome in light of the particular socio-economic challenges there (see Article 15), and the Advisory Committee underlines in this respect the nexus between promotion of culture and economic development. There are also a number of concerns as to how this large amount of funding is distributed in practice. As in the previous cycle, the Fund has again been the subject of debate and controversy. The Advisory Committee understands the need to separate national minority councils and the Fund, given the risks of conflict of interest the previous system posed. That said, this has plainly not lessened the instrumentalisation of the work of the Fund in service of particular party-political interests. Whilst again praising the sheer amount of funding available from a variety of sources, the Advisory Committee also underlines that principles of sustainability and foreseeability in funding should be integrated into the system of funding the protection and promotion of minority cultures. The sharp contrasts in amounts of funding received for different minority groups, and for individuals and organisations, which is a problem in the existing system, should therefore be counterbalanced with

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<sup>43</sup> ACFC, Third Opinion on Montenegro, Article 5, paras. 64-75.

sustainable, long-term baseline funding for particular minority NGOs or initiatives. Multi-annual support should also be considered for some initiatives.

58. The Advisory Committee therefore welcomes the National Minority Councils' proposed amendments to the Fund, as it is important that persons belonging to national minorities and their representatives have faith in the process of disbursement of funds, and that no one group is seen to be in control of the Fund. Ensuring the presence of staff with professional fluency in minority languages within the Fund, notably Romani and Albanian, would also be an important step to assess project proposals written in these languages. As far as possible, the protection and promotion of minority cultures should not be linked to the political interests of different groups, but should seek the best ways to protect and develop these cultures and identities. There is a risk that such a situation, as it is, damages faith in the avenues available to persons belonging to national minorities to protect and develop their cultures and identities. Likewise, returning to a quota-based system for the disbursement of funds may go some way to restore faith in the process, but this would not be compatible with an open call for applications – which is crucial to ensure the best projects receive funding. Indeed, the Advisory Committee recalls that “[n]umerically larger minorities whose cultures are well represented will usually not experience the same reliance on government support as numerically smaller groups or dispersed national minorities which may be struggling to preserve their distinct characteristics and resist assimilation.”<sup>44</sup> The principle of positive action for numerically smaller minorities should also be respected, and adequate funds to promote Roma and Egyptian cultures and identities, including languages, should therefore be provided.

59. The Advisory Committee has previously welcomed the Fund's tangential focus on intercultural projects as a way to foster intercultural dialogue and mutual respect. Given the tense situation with regard to inter-ethnic relations over recent years (see Article 6), these kinds of projects hold a particular importance. It is clear, however, that there is a balance to be struck between these kinds of projects, which may indeed be led by NGOs not linked to minority representatives – but which nonetheless have merit, for example to conduct research – and projects which aim to promote and protect minority cultures and identities. It should be recognised that these latter kinds of projects also contribute to intercultural dialogue through raising awareness among majorities about the histories, cultures, languages and identities of national minorities. It is also important that intercultural projects are open to organisations or individuals from different minorities, working together, as this is a very concrete way to promote interculturalism. The Advisory Committee also recognises that there may not be a level playing field when it comes to applying to access funds, with NGOs with experience at the national and international level better trained in applying for projects than minority individuals or representatives. The authorities therefore ought to address this, in co-operation with minority councils, to boost capacities among persons belonging to national minorities to apply for projects from the Fund to ensure the diversity of minority communities is well-reflected by the projects financed.

60. Furthermore, the Advisory Committee considers that monitoring and evaluation of the effectiveness of projects needs to be stepped up, and that, as part of this, the level of success in reaching out to the whole of society and hence contributing to intercultural dialogue should be assessed.

61. The Advisory Committee reaffirms the importance of sustainable, secure funding for national minority organisations. It emphasises that persons belonging to national minorities must have access to all publicly available funding opportunities, in addition to the special support for the preservation and development of their identities and cultures. Such funds should be made available to persons belonging to national minorities in a sustainable manner, ensuring the continuation of the activities of national minority organisations on a foreseeable basis. In this light, the project-based nature of almost all the support for minority cultures in Montenegro raises a structural problem, which is the sustainability and foreseeability of funding carried out on a project basis. Rules governing funding allocation should be reviewed to allow continuous pluri-annual financial support to some recurrent activities. Support for minority cultures should allow the minority organisations to apply for projects and have access to sustainable long-term baseline funding. Furthermore, the Advisory Committee has welcomed in other contexts the availability of assistance schemes not only to recognised national minorities but also to other groups who would otherwise not be able to maintain their distinct features – in this case, the Egyptian community could benefit in particular from such funding.

62. The Advisory Committee urges the authorities to review the appointment procedure for the Commission for Evaluation of the Fund for the Protection and Exercise of Minority Rights to ensure it is representative of all national minorities, as well as of the diversity within minority communities, and take steps to address the instrumentalisation of the Fund in the service of particular party-political interests. Training should be

<sup>44</sup> ACFC Thematic Commentary No.4, para. 67.

provided to persons belonging to national minorities to enable them to apply for projects from the Fund on an equal footing with organisations, and monitoring and evaluation of projects as to their effectiveness in, *inter alia*, raising awareness of national minority cultures and identities and fostering intercultural understanding should be comprehensively improved.

63. The Advisory Committee invites the authorities to develop support for local cultural centres on the promotion of minority cultures and identities as integral parts of areas in which they live.

64. The Advisory Committee strongly encourages the authorities to look into ways and means of providing sustainable, multi-annual funding to activities of national minority organisations which may benefit from such foreseeability of funds.

### Display of symbols and ownership of religious and cultural property

65. The Advisory Committee previously recommended that the authorities address the lack of clarity around the laws concerning the display of symbols of national minorities.<sup>45</sup> There had also, in the previous cycle, been reports of misdemeanour offences due to persons belonging to national minorities displaying the symbols of their minority. In response, a new Law on the Selection, Use and Public Display of National Symbols was adopted in 2020, under which the symbols of national minorities fall.<sup>46</sup> It provides for a system of establishing symbols through adoption by the National Minority Councils, with the consent of the government, which may then be displayed and used. The symbols in question are the coat of arms, the flag and the anthem. National symbols may not “offend the feelings” of others, and there are limits to where these symbols can be used or displayed – for instance they may not be used in or on government buildings or institutions, or in international meetings.<sup>47</sup> On the other hand, flags may be constantly flown on buildings of local self-government units where persons belonging to national minorities constitute a majority. Where persons belonging to national minorities make up more than 5% of the local population, the flag may be flown on official buildings on the national day of that minority.

66. Interlocutors welcomed the clarity provided in the new law, and the Advisory Committee has been informed that the Albanian, Bosniak, Croat, Roma and Serb National Councils have approved their symbols. Minority councils representing a national minority with a “kin-state” have chosen the symbols of the respective “kin-state. The Advisory Committee concurs with its interlocutors’ assessment as to the clarity provided by the new Law, which represents real progress as compared to the previous situation. The Advisory Committee notes that in Montenegro, the display of national symbols has been of particular importance to national minorities, and is satisfied to note the positive reaction of minority representatives to this Law. At the same time, given the present political context in Montenegro, the Advisory Committee shares the concerns raised by some representatives of the authorities as to how the display on public buildings of flags which are the same as those of other states might negatively impact the fostering of a shared civic identity and societal cohesion (see Article 6). The consequences of this new legislation should be closely monitored.

67. The Advisory Committee was also informed by interlocutors belonging to the Croat minority that there remain a number of properties, notably religious in nature, which were owned by the Catholic Church prior to the formation of the former Yugoslavia. They expressed their regret that these properties continued to be used as state property for various purposes, especially around the Kotor area. Additionally, they expressed concern about the ownership of the Croat House in Donja Lastva, Tivat, which they say was constructed by persons belonging to the Croat minority in 1922, before it was expropriated by the communist regime. At present it is owned by the municipality, which, the Advisory Committee has been informed, is seeking to change the use of the house so that it would no longer be available for the Croat Minority Council. Interlocutors of the Advisory Committee reported that Croatia has made an offer to buy the property, which has been accepted, but no further steps have been taken since. The Protector has also made a recommendation for the cities of Herceg Novi, Tivat and Kotor to provide a cemetery for those of the Islamic faith in their region, but there has been a lack of political will to implement it.

68. The Advisory Committee stresses the importance of ensuring authorities maintain an open dialogue with representatives of national minorities on questions relating to their religious and cultural property, and the necessity for the restitution of such property to be foreseen in law and effective in practice. The conditions for the restitution of such property should ensure all religious and national minority communities have sufficient time and equal opportunities to access the processes, and that they do not face

<sup>45</sup> See Third Opinion on Montenegro, paras. 74, 77, and State report, pp. 97-98.

<sup>46</sup> Official Gazette of Montenegro 003/20 as of 23 January 2020.

<sup>47</sup> State report, p. 98.

disproportionate obstacles such as high fees for applying, and have recourse to remedies and appeal processes. The Advisory Committee is concerned that Tivat municipality may be seeking to use the Croat House in Tivat, which functions as an important cultural centre for this minority and others. Local authorities are also responsible for creating the conditions necessary for persons belonging to national minorities to preserve and develop their cultures.

69. The Advisory Committee strongly encourages the authorities to engage in a dialogue with the Croat Minority Council as to the restitution of religious property, and to engage the municipality of Tivat and the Croat Minority Council in a dialogue as to the restitution of ownership of the Croat House in Donja Lastva.

## Article 6 of the Framework Convention

### Intercultural dialogue and integration of society as a whole

70. The authorities report that in recent years Montenegro has “been marked with deep social polarizations, increasing hate speech and intolerance, and additional efforts need to be focused on strengthening intercultural relations and social cohesion”.<sup>48</sup> The newly established Directorate for Interculturalism within the Ministry of Human and Minority Rights is tasked with improving, developing and promoting interculturality, intercultural dialogue, mutual respect, understanding and tolerance, as well as co-operation and communication across communities. It also aims to encourage the overcoming of prejudices, stereotypes and ethnic distance and raise awareness of Montenegro’s national minorities. The Fund also promotes projects for interculturalism with large amounts of funding, and CEKUM is also tasked with promoting intercultural dialogue and mutual respect (see Article 5).<sup>49</sup> Montenegro has also taken in some 170 000 Ukrainian refugees since the Russian Federation’s aggression against Ukraine in February 2022, of whom 62 000 registered some legal status by September 2023 (according to the UNHCR).<sup>50</sup> Reports have also shown a large increase in the number of citizens of the Russian Federation in Montenegro, with some 26 000 Russian citizens with some right to live in Montenegro as of 2023.<sup>51</sup> The same figures also show that there are almost 10 000 Turkish citizens who have the right to live in Montenegro.

71. Data provided by the authorities shows that the greatest level of ethnic distance is between Roma and Egyptians on the one hand, and numerically larger ethnic groups on the other,<sup>52</sup> meaning Roma and Egyptians are the most exposed to intolerance and hatred. The figures also show a degree of ethnic distance towards persons belonging to the Croat and Albanian minorities.<sup>53</sup> This also changes depending on the population being surveyed, and the State report informs that Serbs have different attitudes – with a much higher level of ethnic distance towards Albanians (0.74) and Roma (0.71), as well as Croats (0.63), Bosniaks (0.48) and Muslims (0.45) – compared to distance towards Montenegrins (0.05).<sup>54</sup>

72. The Advisory Committee also takes note of the role of an agreement between the Serbian Orthodox Church and the 43<sup>rd</sup> government of Montenegro which ultimately led to its downfall in August 2022.<sup>55</sup> This came just months after the fall of the 42<sup>nd</sup> government in February 2022, reportedly also due to internal disputes within the coalition about the role of the Serbian Orthodox Church.<sup>56</sup> Prior to this, in 2019-2020, there had been extensive protests following the adopted, then recanted, Law on Religious Freedom, elements of which were strongly opposed by the Serbian Orthodox Church.<sup>57</sup> Protests also erupted in 2021

<sup>48</sup> State report, p. 6.

<sup>49</sup> State report, p. 13.

<sup>50</sup> UNHCR Montenegro, available at: <https://www.unhcr.org/countries/montenegro>, accessed 16 January 2024.

<sup>51</sup> Balkan Insight, ‘Montenegro’s Population Rise linked to influx of foreigners, demographers say’, 26 January 2024, at: <https://balkaninsight.com/2024/01/26/montenegros-population-rise-linked-to-influx-of-foreigners-demographers-say/>; Balkan Insight, ‘Russian business influx into Montenegro is more a means to a residence’, 30 October 2023, at: <https://balkaninsight.com/2023/10/30/russian-business-influx-into-montenegro-more-a-means-to-residence/>.

<sup>52</sup> According to the survey, this level of “ethnic distance” is 0.61, with 1 being the greatest level of distance and 0 the least.

<sup>53</sup> Levels of 0.41 and 0.40, respectively.

<sup>54</sup> Levels of 0.74 and 0.71, respectively, compared to 0.63 for Croats, 0.48 for Bosniaks, 0.45 for Muslims, and 0.05 for Montenegrins.

<sup>55</sup> Radio Free Europe, ‘Montenegro’s Government Falls Over Controversial Pact With Serbian Orthodox Church’, 20 August 2022, at: <https://www.rferl.org/a/montenegro-government-no-confidence-serbian-orthodox-church/31996863.html>.

<sup>56</sup> Radio Free Europe, ‘Montenegro’s Pro-Serbian Government Collapses In No-Confidence Vote’, 4 February 2022, at: <https://www.rferl.org/a/montenegro-government-no-confidence/31687174.html>.

<sup>57</sup> Balkan Insight, ‘Montenegro alters contentious religion law, satisfies Serbian church’, 18 December 2020, at: <https://balkaninsight.com/2020/12/18/montenegro-alters-contentious-religion-law-satisfies-serbian-church/>.

when the new head of the Serbian Orthodox Church in Montenegro was inaugurated at the historic monastery in Royal Capital Cetinje.<sup>58</sup> Whilst these events highlight competing views as to the future of the state, the Advisory Committee observes too an increased potency in the politicisation of religious issues in the country, to the detriment of the overall atmosphere of tolerance and mutual respect, as well as inter-ethnic relations.

73. Also in this context, the Advisory Committee's interlocutors were near-unanimous in their concurrence with the government that the situation of intercultural dialogue has worsened over the past five years, notably since 2019.<sup>59</sup> This is accompanied by an impression that political actors aim to satisfy the Serbian Orthodox Church more than other religious communities, for instance the Islamic, Jewish and Catholic communities (as well as the canonically-unrecognised Montenegrin Orthodox Church) stated that they did not have enough time to provide substantive feedback on the amendments to the Law on Freedom of Religion, whereas it appears the Serbian Orthodox Church was more extensively consulted and ultimately more satisfied with the outcome.<sup>60</sup> One of the governments in place during the monitoring period was the first in 20 years not to have the support of a single minority party, with those parties refusing to join it.<sup>61</sup> Authorities at different levels are keen to stress that such tension surfaces at elections and for example around the census. The ethno-political aspect of Montenegrin politics also lends itself to such tensions. Likewise, interlocutors raised the perceived or real influence of the Serbian Orthodox Church and Serbia in other issues, also raising inter-ethnic tensions – for instance in allegedly posting billboards urging people to identify as Serb (see Article 3).

74. There have been a number of high-profile incidents of inter-ethnic intolerance and hatred (see also Protection from hostility sub-chapter, below). For instance, in Pljevlja, the municipality has changed the day of celebration from the date on which the city was liberated in World War II to Holy Friday in the Orthodox calendar,<sup>62</sup> following elections the Islamic Community office in the city had its windows smashed,<sup>63</sup> and the mayor was forced to resign over his opposition to removing graffiti paying homage to war criminal Ratko Mladić.<sup>64</sup> It is notable that there has been high-level condemnation, including by the Parliament, of some of these instances. The display of the flag of the Serb minority in Pljevlja also provoked tension (see also Article 5),<sup>65</sup> and some of the Advisory Committee's interlocutors raised concerns about the use and display of symbols of other states as the symbols of national minorities in Montenegro, viewing this as hampering the creation of a shared civic identity. The appointment of a Bosniak individual as chief of police in the city also sparked protests.<sup>66</sup> Interlocutors of the Advisory Committee stressed the political and local dimensions of many of these issues – and that rather than being indicative of strong inter-ethnic tensions between individuals, are demonstrative of politicians using these distinctions for potential gain. During its visit to the municipality, the Advisory Committee was impressed by local initiatives such as the FK Breznica football club who work to promote intercultural dialogue between children and young people. The local authorities should be actively supporting such initiatives, which contribute tangibly to the improvement of intercultural dialogue and inter-ethnic relations.

75. The Advisory Committee observes the increasing instrumentalisation of historical memory for various political ends, in particular the various groups who fought in the territories of the Western Balkans in World

<sup>58</sup> The Guardian (UK), 'Montenegro police teargas protesters against Serbian Orthodox Church', 5 September 2021, at: <https://www.theguardian.com/world/2021/sep/05/montenegro-police-teargas-protesters-against-serbian-orthodox-church>.

<sup>59</sup> Radio Free Europe (Slobodna Evropa), "Ključni događaji u godinu dana Zakona o slobodi vjeroispovijesti u Crnoj Gori", 28 December 2020, at: <https://www.slobodnaevropa.org/a/godinu-dana-zakona-o-slobodi-vjeroispovijesti-u-crnoj-gori/31022713.html>.

<sup>60</sup> Balkan Insight, 'Montenegro alters contentious religion law, satisfies Serbian church', 18 December 2020, at: <https://balkaninsight.com/2020/12/18/montenegro-alters-contentious-religion-law-satisfies-serbian-church/>.

<sup>61</sup> Balkan Insight, "Montenegro's ethnic minority parties refuse to join new government", 17 November 2020, at: <https://balkaninsight.com/2020/11/17/montenegros-ethnic-minority-parties-refuse-to-join-new-govt/>.

<sup>62</sup> Vijesti, "The municipality wants to collapse civic and multinational relations in Pljevlja on a new day", 11 September 2023, at: <https://en.vijesti.me/news/politics/673087/dps%2C-the-municipality-wants-to-collapse-civic-and-multinational-relations-in-Pljevlja-on-a-new-day>.

<sup>63</sup> Balkan Insight, "Ethnic tensions rise and Muslims targeted after Montenegro elections", 2 September 2020, at: <https://balkaninsight.com/2020/09/02/ethnic-tensions-rise-muslims-targeted-after-montenegro-elections/>.

<sup>64</sup> Balkan Insight, "Montenegro mayor resigns over Ratko Mladić graffiti dispute", 10 February 2022, at: <https://balkaninsight.com/2022/02/10/montenegro-mayor-resigns-over-ratko-mladic-graffiti-dispute/>; Aljazeera Balkans, "Gradonačelnik Pljevalja podnio ostavku zbog izjave o grafitu Mladiću", 10 February 2022, at: <https://balkans.aljazeera.net/news/balkan/2022/2/10/gradonacelnik-pljevalja-podnio-ostavku-zbog-izjave-o-grafitu-mladicu>.

<sup>65</sup> CDM.me, "Vranes: All municipal buildings will fly Serbian tricolor flags; I'll stop the practice of turning Pljevlja into a circus performance on 21 May", 2 June 2023, at: <https://www.cdm.me/english/vranes-all-municipal-buildings-will-fly-serbian-tricolor-flags-ill-stop-the-practice-of-turning-pljevlja-into-a-circus-performance-on-21-may/>.

<sup>66</sup> Balkan Insight, "Police chief's appointment raises ethnic tensions in Montenegrin town", 20 April 2021, at: <https://balkaninsight.com/2021/04/20/police-chiefs-appointment-raises-ethnic-tensions-in-montenegrin-town/>.

War II and their veneration or disapprobation by various present-day political forces or states. For example tributes paid to Četnik groups are perceived as offensive by many, including persons belonging to some minorities and ethnic Montenegrins due to the atrocities committed by them in World War II. Croat representatives spoke of instances where they have been referred to as Ustaše or fascists, and indicated they face also religious intolerance.

76. The Advisory Committee also takes note of increasing demands for effective transitional justice following the conflicts in the 1990s. Bosniak representatives drew the Advisory Committee's attention to a number of outstanding atrocities for which no individual had yet stood trial or been convicted – for instance the deportation of 79 Bosniak refugees from Herceg Novi in 1992,<sup>67</sup> the Strpci massacre of Bosniaks and Croats in 1993,<sup>68</sup> as well as ethnic cleansing around Pljevlja in 1993.<sup>69</sup> Human rights organisations are calling for Montenegro to play its part in ensuring justice is done for those killed and tortured during this period. The Bosniak Minority Council explained how it tried to call attention to these offences and the victims and their families in order that the state might provide more support and ensure effective investigations.

77. At the individual level, several interlocutors of the Advisory Committee mentioned that there are relatively few ethnically diverse couples or families. Some referred to research showing that up to 50% of university students would not marry someone of a different religion. There were also anecdotal reports of individuals being “disowned” by their parents should they marry someone of a different ethnicity or religion.<sup>70</sup> Indeed, the ethnic distance survey mentioned above found a high level of ethnic distance on this issue, whilst noting that it had not increased.<sup>71</sup>

78. The Advisory Committee stresses that programmes promoting respect and intercultural understanding and societal integration need to be developed as an all-encompassing process, involving persons belonging to minorities and majorities alike and including all relevant spheres of life, based on the recognition of minority communities and persons belonging to them as an equal and integral part of society. The task of societal integration must not be left to persons belonging to national minorities alone; it is a process of mutual accommodation and active engagement involving all members of society as individuals or organised groups.<sup>72</sup>

79. The Advisory Committee takes note of differing views of the role of the Serbian Orthodox Church in public life, as well as the geopolitical involvement of other states in the life of Montenegro. Increasing ethno-religious tensions in public and political life are concerning, irrespective of the reasons or which side is perceived to be at fault. Equally, regardless of the nature of this involvement, the Montenegrin authorities need to work to foster and (re-)build a shared civic identity based on common interests – as defined in Montenegro's constitution – based on the principles of intercultural dialogue, and with concrete action taken to make such principles real. It behoves all sides to de-escalate any societal tensions, especially along ethnic, religious or linguistic lines, and seek solutions which are mutually agreeable for different sectors of society.

80. The Advisory Committee regrets that the possibilities for and context of intercultural dialogue over the past five years, and in relation to previous cycles of monitoring, has worsened. Whilst Montenegro prides itself on its civic identity and the principles of interculturalism underpinning its society, these have been threatened in recent years, at national and local levels. The authorities' commitment to interculturalism is strong, but this is not reflected at the societal level or implemented in practice (despite the many multinational/intercultural projects financed by the Fund (see Article 5), given the phenomenon of ethnocentrism which persists, as demonstrated in the ethnic distance surveys. It is hence welcome that there has been condemnation from the highest political levels of instances of intolerance and flashpoints

<sup>67</sup> Gradjanska Alijansa (Civic Alliance), ŠKOLA TRANZICIONE PRAVDE, 'Istraživački rad na temu "Deportacija Muslimana Bošnjaka iz Herceg Novog 1992. godine"', December 2022, at: <https://gamn.org/wp-content/uploads/2022/12/Istrazivacki-rad-na-temu-Deportacija-Muslimana-Bosnjaka-iz-Herceg-Novog-1992.-godine.pdf>.

<sup>68</sup> Balkan Insight, "Serb fighters' indictment details Strpci train massacre plot", 1 March 2019, at: <https://balkaninsight.com/2019/03/01/serb-fighters-indictment-details-strpci-train-massacre-plot/>.

<sup>69</sup> Vijesti, "It remained a secret who politically protected thugs in Pljevlja in the early 90s", 27 December 2011, at: <https://en.vijesti.me/news/society/334802/it-remained-a-secret-who-politically-protected-thugs-in-Pljevlja-in-the-early-90s>; See also: Građanska alijansa (Civic Alliance), Bilten I BUKOVICA – SAVRŠEN ZLOČIN, December 2018, at: <https://gamn.org/wp-content/uploads/2022/06/GA-bilten-Bukovica-dec-2018.pdf>; Kodex.me, "Crna Gora nema volje da se suoči sa zločinima u Bukovici", 31 January 2022, at: <https://kodex.me/clanak/250072/crna-gora-nema-volje-da-se-suoči-sa-zločinima-u-bukovici>.

<sup>70</sup> Balkan Insight, 'In Multi-Cultural Montenegro, Mixed Marriage Remains a Challenge' 26 April 2023, at: <https://balkaninsight.com/2023/04/26/in-multi-cultural-montenegro-mixed-marriage-remains-a-challenge/>.

<sup>71</sup> CEDEM, 2019 study on ethnic distance, 17 September 2019, at: <https://www.cedem.me/en/news/nema-povecanja-etnicke-distance-u-crnoj-gori/>.

<sup>72</sup> Advisory Committee's Thematic Commentary No. 4, paras. 53-54. OSCE High Commissioner on National Minorities (2012), The Ljubljana Guidelines on Integration of Diverse Societies, Guideline 12.

of tension, but this does not necessarily impact upon individuals' attitudes. There is a need for genuine intercultural dialogue achieved through exchange and resulting in mutual knowledge and recognition – carried out in diverse spheres including through the arts, culture and sport. It is clear that to some extent, inter-ethnic tensions and related issues flare up around elections and contentious events and are stirred up for political purposes, but the authorities state that it remains unclear as to how indicative this is of wider inter-ethnic tensions among people. Nevertheless, a lack of effective transitional justice and the instrumentalisation of historical memory also play a role in fomenting these kinds of tensions and make their politicisation more straightforward and more potent. Likewise, the political turbulence of the past four years has made Montenegrin society and individuals within it more receptive to these destabilising forces, which also operates along ethno-political lines with different outlooks and visions for Montenegro's future, and are also symptomatic of a deeper political problem which also runs along ethnic lines, manifesting itself partly through public discussion of religious issues.

81. In light of the notable demographic changes which have taken place in Montenegro since 2022, particularly regarding Ukrainian and Russian nationals, and given the particular situation of Montenegro, with a numerically small population and a diverse range of ethnic groups, the authorities should remain alert to any potential issues arising and continue to ensure the integration of society as a whole in relation to these individuals also. This is particularly important given the general situation of fragility which the Advisory Committee has noted.

82. A structural approach, going beyond individual projects, funding or speeches, is needed to build mutual trust. Measures to solve the imbalances and issues which fuel distrust need to be taken, and in particular attention needs to be paid to the potential impact on societal cohesion of the display of national symbols of other states as minority symbols. It is important that systems are put in place to enable rapid reactions to interethnic issues as they arise. In particular, investment in grassroots-level initiatives fostering genuine intercultural dialogue and mutual respect need the active financial and political support of authorities at all levels – especially initiatives working to foster intercultural dialogue through culture and sport. This can also be a crucial way to change attitudes of individuals and have a broader impact on the political life of municipalities and the state. The Directorate of Interculturalism, whilst in the very early stages of its work, provides a potentially important structural means for addressing the issues raised, and the Advisory Committee looks forward to learning more about the tangible results of the work of this administrative entity.

83. The Advisory Committee urges the authorities to evaluate the effects of current policy measures to foster the integration of society as a whole, and on this basis to develop a coherent and wide-ranging strategy to foster a shared civic identity based on common interests developed and defined in an open and participatory way. Opportunities for intercultural dialogue between individuals and supporting grassroots initiatives to foster exchanges between individuals and communities at all levels, especially locally, should be created, including in the fields of sport and the arts.

### **Protection from hostility**

84. In terms of hate crime, a hate motivation (national or ethnic affiliation, “race” or religion) is taken into account as an aggravating factor in sentencing.<sup>73</sup> A number of training sessions have been held to improve police officers' capacities in dealing with hate crime, including anti-Muslim hate crimes.<sup>74</sup> Incitement to violence or hatred against a particular group or member of a group on the same grounds as the aggravating factors in sentencing is also prohibited by the Criminal Code.<sup>75</sup> No data on cases of hate speech or hate crime targeting persons belonging to national minorities have been provided. The state report informs that the recently adopted Law on Media expressly prohibits the publication “of information in the media that expresses ideas, claims and opinions that cause, spread, incite, or justify discrimination, hatred or violence against a person or group of persons because of their personal characteristics, political, religious and other beliefs, xenophobia, racial hatred antisemitism or other forms of hatred based on intolerance, including intolerance expressed in the form of nationalism, discrimination and hostility against minority groups and other minority national communities.”<sup>76</sup> The law also obliges the “founders” of online media to remove a comment which represents obvious illegal content within 60 minutes of receiving a report of an alleged

<sup>73</sup> Article 42a, Criminal Code of Montenegro, as of 2018.

<sup>74</sup> State report, p. 104.

<sup>75</sup> Article 370, Criminal Code of Montenegro, as of 2018.

<sup>76</sup> State report, p. 101. Article 36 of the Law on Media.

contravention of the above article. If this is not done, the complainant can request that a court orders the removal of the comment in question. There is the possibility of a fine to be imposed on the “founder”, the legal entity responsible, if they do not follow the procedures set out in law.<sup>77</sup>

85. A complementary effort to amend the Law on Media to more effectively fight counter hate speech by taking a proactive approach to its prosecution is also planned in the Media Strategy.<sup>78</sup> This would take the form of an observatory or inter-agency co-ordination group, establishing links between the Ministry of Justice, the Ministry of Internal Affairs, the Prosecutor’s office and the courts to monitor and report on criminal policy and make recommendations to improve. It would also record cases of hate speech, online violence and misinformation, and monitor the sources of such problems, as well as run an SOS line for victims.<sup>79</sup> The 2023-2027 media strategy also aims to tackle hate speech in the media.

86. The Council of Europe and EU are supporting the Protector of Human Rights and Freedoms in conducting a hate speech mapping exercise, which should provide further guidance to the authorities on how to plan their responses to hate speech. The European Commission, in its 2023 progress report, criticised “uneven application of the journalistic Code of Ethics and professional standards. Credible and effective self-regulation mechanisms need to be set up to strengthen media integrity and professionalism.”<sup>80</sup> Research has shown that Montenegrin citizens judge that hate speech most often occurs in politicians’ speeches, followed by online, on TV and at sporting events.<sup>81</sup> Regarding victims of hate speech, 55.2% of those surveyed said that hate speech targeted often or very often Roma and Egyptians, and 28.4% for persons belonging to other minorities.<sup>82</sup> The most common ground for those who have experienced hate speech is national and religious grounds.<sup>83</sup> The vast majority of those concerned stated that they did not report hate speech when it happened, with only 7.6% having actually done so.<sup>84</sup>

87. Minority representatives and the Protector highlighted online hate speech as a particular concern. Below the line comments on press articles were underlined as particularly problematic, although minority representatives also regretted the sensationalist headlines on the part of media. The Protector highlighted that social networks are not effectively controlled, as there are insufficient administrators from the networks available to moderate content, and that anyway, accounts pushing hate speech are often anonymous. However, even where accounts are not anonymous, there is a lack of effective investigation.

88. The Advisory Committee welcomes the authorities’ intention to create a mechanism to monitor hate speech and make recommendations on improvements. The new Law on Media contains promising provisions, although the Advisory Committee echoes concerns of its interlocutors as to the effectiveness of the implementation of many of these provisions, notably due to the lack of enforcement mechanism at present, and the apparent lack of moderators in the social media companies. These concerns are more acute given the apparent increase in online hate speech. In implementing the media strategy, the authorities should follow guidance contained in the Committee of Ministers Recommendation on combating hate speech, especially concerning online hate speech, the relationship between state authorities and social networks, and the important role of regulatory bodies.<sup>85</sup>

89. Minority interlocutors also pointed out that football matches may often be the scene of widespread hate speech, with one notable case in 2021 of supporters chanting derogatory terms for Albanians,<sup>86</sup> and even

<sup>77</sup> State report, p. 101. The fines range from 1 000 to 8 000 EUR.

<sup>78</sup> State report, p. 102.

<sup>79</sup> State report, p. 102. Media Strategy, activities 1.3.2 and 1.3.4.

<sup>80</sup> European Commission, Press Corner, “Key findings of the 2023 Report on Montenegro”, 8 November 2023, at: [https://ec.europa.eu/commission/presscorner/detail/ga/qanda\\_23\\_5615](https://ec.europa.eu/commission/presscorner/detail/ga/qanda_23_5615).

<sup>81</sup> Centre for Democracy and Human Rights; Ministry of Human and Minority Rights, ‘Patterns and degree of discrimination in Montenegro 2022’, November 2022, p. 52.

<sup>82</sup> *Ibid.*, p. 53.

<sup>83</sup> *Ibid.*, p. 56.

<sup>84</sup> *Ibid.*, p. 55. 47.2% said they would never report it; 31% that they should have reported it; 14.3% that they wanted to but did not know how to.

<sup>85</sup> [Recommendation CM/Rec\(2022\)16](#) of the Committee of Ministers to member States on combating hate speech (adopted 20 May 2022).

<sup>86</sup> Balkan Insight, ‘Montenegro football fans criticized for anti-Albanian chants’, 31 May 2021, at: <https://balkaninsight.com/2021/05/31/montenegro-football-fans-criticised-for-anti-albanian-chants/>



about killing Albanians,<sup>87</sup> and another in 2023 of supporters invoking the genocide in Srebrenica in 2023.<sup>88</sup> Public officials, including the then-president, condemned the fans in these instances, or else prosecution proceedings initiated. Other matches have seen overt racist chanting by Montenegrin fans targeting foreign footballers, for which the Montenegrin Football Association was sanctioned by UEFA.<sup>89</sup>

90. The Advisory Committee has serious concerns about the persistent problem of racism and hate speech in stadiums in Montenegro, which stands in stark contrast to the positive effect football can have for intercultural integration to the grassroots initiative embodied by FK Breznica in Pljevlja (see above). Although prosecutions in some of the cases mentioned have been launched, there has not been a conviction for any of these acts. The Advisory Committee calls attention to General Policy Recommendation No. 12 of the European Commission against Racism and Intolerance on combating racism and racial discrimination in the field of sport and the concrete measures, including to ensure participation of persons belonging to minorities in sports clubs and to ensure persons known to commit racist acts are not permitted to enter stadiums, contained therein to tackle this scourge, in particular insofar as it threatens interethnic relations in Montenegro.<sup>90</sup> In this connection, the Montenegrin authorities may also benefit from an exchange of good practice with other states which have effectively tackled this common issue.

91. The Advisory Committee calls on the authorities to move forward with their plans to develop a mechanism for monitoring and reacting to hate speech, and to develop a method of systematic enforcement of legal provisions relating to online hate speech.

92. The Advisory Committee calls on the authorities to effectively tackle racism, intolerance and anti-minority rhetoric and violence at football matches.

### Law enforcement and protection from violence

93. In the framework of the Action Plan of the Strategy for Roma Inclusion 2016-2020, a number of activities were organised to tackle issues such as early marriages and gender-based violence against women, including workshops for Roma and Egyptians and training sessions for state officials.<sup>92</sup> Training sessions for police officers have also focused on their capacities to deal with Roma and Egyptian individuals in a non-discriminatory way. The Police Academy in Danilovgrad also organises events on International Roma Day, and the Academy promotes affirmative action for persons belonging to national minorities. Awareness-raising of the nature of harmful practices such as early and forced marriages, domestic violence and child begging and the harmful impact this can have on children has also been carried out. In 2022, a campaign “My Life”, aiming to raise awareness among young people and families about early and forced marriages and forced begging was implemented in 11 municipalities, with EU support. Components of this campaign also targeted local decision makers, schools, health centres and the police.

94. The Strategy for Social Inclusion of Roma and Egyptians 2021-2025 also includes targeted measures in this field, based on data the government collected. These data show that among children aged 1-14 living in Roma settlements, 64% have been exposed to one form of psychological or physical punishment by adults, and show that 25% of women and 21% of men living in Roma settlements would justify physical violence by men against their wives.<sup>93</sup> The Strategy also focuses on the low prosecution rates of domestic violence by the authorities and the lack of protection for victims whilst awaiting trial and judgment – also in

<sup>87</sup> Vijesti, “NSA on chanting in Radanovići: Hysterical hatred towards Albanians takes us back to the past”, 17 October 2023, at: <https://en.vijesti.me/sports/football/677993/nsa-about-the-chanting-in-the-workers%27-hysterical-hatred-towards-Albanians-takes-us-back-to-the-past>.

<sup>88</sup> Balkan Insight, “Montenegrin prosecution investigates football fans over hate chants”, 31 May 2023, at: <https://balkaninsight.com/2023/05/31/montenegrin-prosecution-investigates-football-fans-over-hate-chants/>.

<sup>89</sup> The Guardian (UK), ‘UEFA gives Montenegro one game ban for racism as Neymar gets three for Instagram rant’, 26 April 2019, at: <https://www.theguardian.com/football/2019/apr/26/uefa-gives-montenegro-one-game-fan-ban-for-racism-as-neymar-gets-three-for-instagram-rant>.

<sup>90</sup> European Commission against Racism and Intolerance, [General Policy Recommendation 12 on combating racism and racial discrimination in the field of sport](#), 19 December 2008. See also: [Recommendation Rec\(2001\)6 of the Committee of Ministers to member states on the prevention of racism, xenophobia and racial intolerance in sport](#) (Adopted by the Committee of Ministers on 18 July 2001).

<sup>91</sup> [Recommendation CM/Rec\(2022\)16 of the Committee of Ministers to member States on combating hate speech](#).

<sup>92</sup> State report, pp. 33-34.

<sup>93</sup> Strategy for Social Inclusion of Roma and Egyptians 2021-2025, p. 72.

a context of lengthy court proceedings.<sup>94</sup> A widespread issue is under-reporting due to fear of further violence or embarrassment, and hence the Strategy aims to change attitudes towards gender-based violence against women.<sup>95</sup> The Strategy therefore aims to provide an improved system of institutional protection of victims of domestic violence, including by strengthening co-operation between state institutions, NGOs and the Protector to ensure cases are reported and investigated. New shelters and service centres are also envisaged.

95. Regarding early and forced marriage, the percentage of Roma and Egyptian women married before the age of 15 as of 2017 (based on most recent data available) is 22%, and 55% before the age of 18. The Strategy underlines that there is a negative correlation between the level of education and getting married before the age of 18, as 59% of Roma and Egyptian women with pre-school or no education are married before 15, compared to 25% for those with secondary or higher education.<sup>96</sup> The UN Special Rapporteur on trafficking in persons, especially women and children, found during her visit in 2019 that “girls, both from Montenegro and abroad, have reportedly been sold into marriage in Roma communities in Montenegro and other countries”.<sup>97</sup>

96. According to the Strategy, child begging as a form of trafficking in human beings is more acute among children without proper documentation, and those not in school. There is a lack of proper record-keeping of children engaged in begging, and a shortage of mediators (see Article 12) leading to many children not being adequately supervised. A number of measures are proposed to deal with the problem, including increasing the number of prosecutions.<sup>98</sup> The UN Special Rapporteur also found that “children, particularly from non-domiciled Roma communities, are vulnerable to forced and organised begging.”<sup>99</sup> Migrants also face particular dangers. She also reported concern about the low number of shelters and support centres for women and children, and the low number of victims of trafficking identified by the police. Whilst praising Montenegro’s awareness-raising and preventive efforts, including through the Strategy for Roma and Egyptians, the UN Special Rapporteur drew attention to the need to focus on the non-domiciled Roma population who face higher risks due to a lack of documentation.<sup>100</sup>

97. OSCE research shows that there is a high level of trust in the police among the Montenegrin population, and around half of people believe they do not treat persons belonging to national minorities differently (although a third of people perceive a difference in professionalism and respect towards these groups).<sup>101</sup> The OSCE also reports that women make up only 12.6% of the Montenegrin police force, and are entirely absent from decision-making positions.<sup>102</sup> Minority representatives have also highlighted the lack of proportionate representation of persons belonging to national minorities in the police (see also Article 15) which raises concerns about linguistic and cultural competencies in the force. Roma representatives underlined that Roma women do not have faith in the police to effectively investigate instances of violence – and if they do report it, the perpetrator returns to the home soon afterwards. They also raised the economic dependence of many Roma women, who are less likely to work and have lower levels of education, on their spouses, and hence not feeling able to effectively separate themselves from their spouse should they need to. Equally, if they attend a shelter, they must leave after one year (at the most) and then return again to their spouse. Significantly, they drew attention to research which shows that one in two Roma women suffers violence and does not report it. Roma interlocutors welcomed the range of measures taken but called for continuing work across the whole range of issues raised.

98. The Advisory Committee reiterates that “Article 6(2) contains the obligation of states parties to protect all persons against violence and discrimination on ethnic grounds”.<sup>103</sup> Whilst recognising that gender-based violence against women and girls affects also the majority population, the Advisory Committee emphasises the necessity of designing special measures to enable women and girls belonging to national minorities to report violence, in view of the potential risks of intersectional discrimination and the barriers to justice they face. In this regard, building linguistic and intercultural competences in law enforcement agencies and

<sup>94</sup> Ibid., p. 72.

<sup>95</sup> Ibid., p. 73.

<sup>96</sup> Ibid., p. 75.

<sup>97</sup> UN Special Rapporteur on trafficking in persons, especially women and children, Report, Visit to Montenegro, Forty-fourth session of the Human Rights Council, April 2020, A/HRC/44/45/Add.1, p.2.

<sup>98</sup> Strategy for Social Inclusion of Roma and Egyptians 2021-2025, p. 78.

<sup>99</sup> UN Special Rapporteur on trafficking in persons, especially women and children, Report, Visit to Montenegro, Forty-fourth session of the Human Rights Council, April 2020, A/HRC/44/45/Add.1, p. 2.

<sup>100</sup> Ibid.

<sup>101</sup> OSCE Mission to Montenegro, “Perception of the Police in Montenegro 2022”, October 2022, p. 24, at: <https://www.osce.org/files/f/documents/a/e/532247.pdf>.

<sup>102</sup> OSCE Mission to Montenegro, “OSCE Mission to Montenegro continues supporting women police officers”, 11 February 2022, <https://www.osce.org/mission-to-montenegro/511855>.

<sup>103</sup> ACFC Thematic Commentary No. 4, 2016, para. 55.

social services is vital in protecting from and preventing such harm, as well as guaranteeing gender balance and ensuring that female officers deal with cases of gender-based violence against women and girls. In this vein, measures should be taken to combat early and forced marriages, gender-based violence against women and organised begging as a form of trafficking in human beings, with a view to effectively implementing the protection enshrined in Article 6(2) of the Framework Convention.

99. The Advisory Committee welcomes the specific indicators and planned outcomes of the Roma and Egyptian Strategy to protect Roma and Egyptian women and children from violence and harmful practices. It is especially welcome that a gender perspective is firmly integrated in this respect, and that the particular challenges faced by these minority women are recognised. Acknowledging and overcoming the challenges faced by children belonging to these communities is also praiseworthy, as is the Strategy's approach focusing on the one hand on raising awareness and changing attitudes among communities concerned about the nature of these harmful practices and violations, and on the other, building institutional confidence by increasing prosecutions for trafficking and gender-based violence against women. Alongside this, the wider aims of the Strategy in terms of empowerment of Roma women and girls in education and in socio-economic life (see Articles 4 and 15) are crucial in ensuring a holistic approach taking into account the nature of the situation in which many Roma women live. The measures in the campaign targeting those in positions of authority and responsibility are particularly welcome, as these issues are also systemic in nature and rely on the authorities being well equipped to respond.

100. The range of data presented in the Strategy are helpful in developing comprehensive policy – even if they reveal troubling situations and are somewhat out of date. There is a lack of information however as to the perceptions of persons belonging to national minorities of police, which could help to focus efforts to build trust with persons belonging to particular communities. Also in this direction, the active recruitment of persons belonging to national minorities in the police, especially women, will be vital. Training of police officers on non-discrimination in the existing formats is welcome, although it could be extended to more officers and systematised in the training process – both pre- and in-service.

101. The Advisory Committee strongly encourages the authorities to continue their efforts to effectively prevent, protect from and prosecute, as well as develop comprehensive policies to tackle, gender-based violence against women, early and forced marriages and organised child trafficking affecting Roma and Egyptians, based on recent and accurate data and in close co-operation with Roma and Egyptian women. In this respect, particular attention should be paid to the training of police officers on the investigation of these crimes and practices, and the recruitment of officers from among national minorities, especially minority women.

102. The Advisory Committee encourages the authorities to carry out gender-sensitive research on the attitudes and perceptions of persons belonging to national minorities towards law enforcement, and on the conduct of law enforcement with regard to persons belonging to national minorities and design targeted measures addressing any issues identified in co-operation with persons belonging to national minorities and civil society.

## Article 9 of the Framework Convention

### Media in minority languages

103. The Law on Electronic Media, adopted in 2020, stipulates the obligations of public broadcasters with regard to programmes for persons belonging to national minorities – catering for their linguistic needs and interests, as well as to raise awareness of national minority cultures and identities in society, and at local and national levels.<sup>104</sup> In July 2020, the Law on Media was adopted. It provides for a Fund for encouraging media pluralism and diversity (the media Fund) which should be used for, *inter alia*, the production of content significant for persons belonging to national minorities, the fight against discrimination, stereotypes and prejudices, social integration, the promotion of diversity, and “preservation of tradition and identity of Montenegro”.<sup>105</sup> In 2022, funds were allocated to the Roma NGO Phiren Amenca to produce a news site dedicated to Roma news and interests, also in Romani, and to TV Boin, producing content in Albanian. Dedicated parts of the overall funding are to be allocated to commercial and non-profit media (60%), as well as for print and online publications (40%). In a similar way to the Fund for the Protection of National Minorities (see Article 5) the media Fund is financed by at least 0.09% of the state budget of Montenegro,

<sup>104</sup> State report, p. 115.

<sup>105</sup> State report, p.114.

which the authorities state provides a high degree of stability. The Media Strategy 2022-2026 foresees an increase in media content for “vulnerable groups”, among which Roma and Egyptians are included. A media strategy for 2023-2027 has also been adopted, which aims to harmonise the Montenegrin media landscape with EU *acquis*, as well as strengthening regulation and self-regulation and tackle hate speech.<sup>106</sup>

104. In practice, Radio Television Montenegro (RTCG) produces “Lajmet”, a 10-minute daily television broadcast in Albanian which focuses on news of interest to persons belonging to the Albanian minority in Montenegro. “Mozaiku” is also an Albanian television broadcast, with news, culture and sport elements, 60 minutes long. “Savore” is in Romani, broadcast on television twice per month for 25 minutes. Two further shows, “Bridges” and “People and Times” are also dedicated to the national minorities of Montenegro.<sup>107</sup> There are additionally programmes on the radio in Albanian and Romani. At local level there is an even more detailed picture. For instance, in Bar/Tivar, there is a programme in Albanian every day for 45 minutes. Radio Kotor provides dedicated programmes for national minorities, in particular persons belonging to the Croat minority, whose interests are also mainstreamed through its broadcasting. In Rožaje/Rozhajë, Gusinje/Guci, Plav/Plavë and Tuzi/Tuz, there are also local broadcasts in Albanian. Radio Tivat and Radio Herceg Novi provide some programming for Roma and Egyptians. In print, as previously, thanks to a decision of the Parliament, the weekly Albanian language newspaper “Koha Javore” receives 100 000 EUR annually.

105. With regard to private media, TV Teuta, TV Boin and Radio Elita broadcast programmes in Albanian and Montenegrin languages. In addition to the “Romanet” portal, which aims to provide content in Montenegrin, Romani and to challenge negative stereotypes, Radio DUX, based in Tivat, is the only Croatian-language media in Montenegro. It is a private initiative set up by persons belonging to the Croat minority. The Council of Muslims publishes a number of magazines and reviews. Hrvatski Glasnik is a newspaper of the Croat minority, which is funded through the Fund (see Article 5).

106. The Advisory Committee’s interlocutors welcomed the level of support for minority media. Some regretted that the timing slots of long-established programmes such as “Mozaiku” was moved around during the monitoring period, and its run-time altered, but were generally happy with the present situation. As elsewhere (see Article 5) interlocutors regretted that so much of the funding for minority culture, in this case media, must be procured through project calls, in particular through the Fund (see Article 5). Interlocutors also highlighted the need for dedicated training for persons belonging to national minorities to become journalists and media professionals, in order to achieve proportionate representation in public media services. Albanian minority representatives stated that whilst the Albanian media sector is diverse and wide, many of the private or commercial media publishing in Albanian are struggling to survive. They also requested that the state broadcaster create a dedicated channel for the broadcasting of all programming about national minorities and in minority languages.

107. The Advisory Committee reiterates that “the availability of print, broadcast and electronic media in minority languages has very specific emblematic value for national minorities, in particular for the numerically smaller ones. Through them, persons belonging to national minorities not only gain access to information, but minority language media also raise the visibility and prestige of the minority language as an active tool of communication. In particular, these media can play a significant role for persons belonging to national minorities who are dispersed for, among other reasons, increased mobility, as they allow for communication and contact over distances”.<sup>108</sup> The Advisory Committee recalls the significance of the role played by the media in the integration of society and emphasises that an active and diverse media scene, including in languages of national minorities, may considerably influence the sense of belonging and participation of persons belonging to national minorities.

108. The Advisory Committee welcomes the depth and breadth of media in Albanian and dedicated to national minorities in Montenegro, both at national and local levels, and both in terms of minority language content and content which raises awareness of the historical and cultural contribution of national minorities and persons belonging to them to Montenegrin society. In this respect, the Advisory Committee also encourages the mainstreaming of minority-related programming throughout regular broadcasting, as it serves a broader purpose of raising awareness of the presence of national minorities and fosters intercultural dialogue. It is further welcome that in order to cement this situation – itself reflective of a solid constitutional and legal framework on national minorities and the media – the media Fund has been set

<sup>106</sup> Government of Montenegro, “Montenegro adopts first media strategy for 2023-2027 to enhance the environment for professional journalism”, 19 October 2023, at: <https://www.gov.me/en/article/montenegro-adopts-first-media-strategy-for-2023-2027-to-enhance-the-environment-for-free-and-professional-journalism>.

<sup>107</sup> State report, p. 117.

<sup>108</sup> ACFC Thematic Commentary No. 4, para. 69.

up, providing a supposed guarantee of financing to some minority media. Despite this generally positive picture, the continued absence of the Romani language from broadcasting and media more broadly continues to raise concerns. The private initiatives launched to remedy this should receive sustained support.

109. The Advisory Committee remains of the view that sustainability and foreseeability of funds are crucial in the sphere of minority media, in particular as commercial viability may be a challenge for numerically smaller groups. This need for clarity is even stronger given the increase in costs of raw materials and energy in 2022-2023. It also remains to be seen as to the level of financial stability offered by the new media Fund. The model adopted in 2014 for the Albanian weekly newspaper offers greatest certainty, even if it is not adjusted based on increased costs or inflation. The Advisory Committee would like to see further emphasis on the recruitment and training of journalists and other media professionals belonging to national minorities as a key part of the media strategy going forward, including with positive action aimed at particularly disadvantaged groups and those fluent in minority languages. Further exchanges with neighbouring states and national minority representatives could be arranged to exchange good practices in this respect.

110. The Advisory Committee strongly encourages the authorities to review the operation of the Fund for Encouraging Media Pluralism and Diversity with a view to improving its functioning over time, and ensure stability in funding for minority language media. The authorities should look into ways and means of providing for positive action aimed at boosting recruitment and training of media professionals and journalists belonging to national minorities and speaking minority languages.

## Article 10 of the Framework Convention

### Use of minority languages in relation with public authorities

111. The legislation relating to the use of minority languages in relations with public authorities has remained unchanged. Thresholds of 5% for the official use of minority languages in municipalities, previously welcomed by the Advisory Committee, remain in place.<sup>109</sup> In practice, the rights contained in Article 10 apply only to persons belonging to the Albanian minority, or the Roma and Egyptian minority who speak Albanian, who may use the language in communication with local authorities in Tuzi/Tuz, Plav/Plavë, and Ulcinj/Ulqin. The local authorities in Tuzi/Tuz informed the Advisory Committee that they conduct their daily business in Albanian and may even issue official personal documents in Albanian (see Article 11), but that the Ministry of Interior and other ministries may require translation into Montenegrin of such documents and of decisions taken by the municipality. In Gusinje/Guci, Albanian and Bosnian are minority languages in official use. According to the Constitution, the Cyrillic and Latin scripts are of equal legal status. However, the Protector of Human Rights and Freedoms reported that he receives complaints, in particular from individuals self-identifying as Serb, about the lack of provision of documentation or communication in the Cyrillic script.

112. According to the authorities, given the thresholds, the numerical size of the Roma minority and the non-standardisation of the Romani language, there is no provision for communication with public authorities in Romani anywhere in Montenegro, whether orally or in writing. Furthermore, in relation to the judicial authorities, the authorities report that there is no court interpreter for Romani, as there were no suitable candidates who responded to a call for applications. A new call is planned, which would be publicised more, in order to fill this gap.<sup>110</sup> In December 2023, the Committee of Ministers of the Council of Europe called on the Montenegrin authorities to develop a strategy to promote Romani and ensure its use by administrative and judicial authorities where Romani speakers are present in sufficient numbers.<sup>111</sup>

113. The Advisory Committee reiterates its satisfaction with the legislative framework in place and the practical situation for the Albanian language in particular. The situation for the Romani language is regrettable, and concerted efforts are needed to finalise the process of standardisation (see also Article 14) and develop coherent policy to promote the language, to ensure that it can be used in practice with public authorities. The Advisory Committee also echoes the findings of the Committee of Experts, that the

<sup>109</sup> See ACFC, Third Opinion on Montenegro, para. 110.

<sup>110</sup> Additional information received on 8 January 2024.

<sup>111</sup> [Recommendation CM/RecChL\(2023\)5 of the Committee of Ministers on the application of the European Charter for Regional or Minority Languages by Montenegro](#), 13 December 2023. See also: [Committee of Experts of the European Charter for Regional or Minority Languages, Sixth report on Montenegro](#), 16 June 2023, ch. 2.4.2.

onus should be on local authorities where there is a substantial number of Roma speaking Romani language, to provide for the use of Romani with local authorities – including by recruiting Roma people for public positions (see Article 15). The authorities' persistence in seeking to employ a Romani-speaking court interpreter is therefore welcome, but they should consider proactively providing training to this end and supporting the education of interested candidates. Recalling the rights contained in Article 10(2) of the Framework Convention requiring states parties to ensure that the use of minority languages in official contacts with local authorities is actively facilitated in an effort to accommodate the linguistic diversity in the country through the effective promotion of multilingualism, the Advisory Committee also emphasises the need to ensure that different scripts are used.

114. The Advisory Committee calls on the authorities to move forward with the development of the standardisation of Romani, so as to ensure this language can be used in contacts with local authorities. In this connection, the authorities should encourage municipalities to actively recruit persons belonging to national minorities, in particular Roma, for their linguistic competencies. Authorities should also ensure that there are sufficient numbers of court interpreters of the Romani language with the requisite skills, including by providing education opportunities for this profession.

## Article 11 of the Framework Convention

### Display of minority language signs and topographical indications

115. The law governing display of topographical indications is unchanged since the last monitoring cycle, meaning that in areas where persons belonging to national minorities make up at least 5% of the population according to the last two censuses, minority languages and scripts of minority languages may be used on topographical and other indications. The authorities report that this is in force in Tuzi/Tuz, Ulcinj/Ulqin, Gusinje/Guci and Plav/Plavë, as well as in Bar/Tivar, Rožaje/Rozhajë and in more limited circumstances in Tivat (for Croatian). There are no topographical indications in Romani.

116. Albanian minority representatives have carried out research on the display of topographical indications in areas where the Albanian minority is present in substantial numbers. They found many deficiencies with signs only written in Montenegrin, which they have shared with the authorities. They also regretted the lack of sanctions if rules around the display of indications in minority languages are not followed and pointed to research carried out by the Albanian National Council in this respect, showing a number of shortcomings.

117. The Advisory Committee reiterates that topographical indications in minority languages contribute to the maintenance of the local linguistic and cultural heritage and raise awareness of local national minorities among the general population, conveying the message that a given territory is shared in harmony by persons belonging to different communities.<sup>112</sup> The Advisory Committee therefore praises the Montenegrin authorities approach in setting a low threshold which may then be interpreted flexibly by municipalities – for example even where the share of population has dipped below the threshold. This approach should be maintained following publication of the new census results. However, the Advisory Committee considers that developing signage in Romani could contribute to increasing the visibility and prestige of the language in public life. Local and other relevant authorities need to be actively engaged to address any shortcomings in the public display of topographical indications in Albanian, working with representatives of the Albanian minority and drawing on the research of the Albanian National Council.

118. The Advisory Committee encourages the authorities to maintain their current flexible approach, including the low thresholds, to the display of topographical indications, and to continue exercising flexibility regarding the implementation of this right following publication of the new census results.

## Article 12 of the Framework Convention

### Intercultural education

<sup>112</sup> See also ACFC, [Thematic Commentary No. 3](#), The Language Rights of Persons Belonging to National Minorities under the Framework Convention, adopted on 24 May 2012, ACFC/44DOC(2012)001, paras. 65-67.

119. The state report provides no information about the teaching of minority cultures, histories and identities in curricula. During the visit, the authorities reported on some good practices, including for organising a trip to Auschwitz for a certain number of students as part of history teaching, and events held on Romani Language Day, International Day of the Roma, and the day of remembrance of Roma victims of the Holocaust in schools. The Advisory Committee also learned during its visit that the situation was *de facto* unchanged since the last opinion,<sup>113</sup> and that the responsibility for intercultural education rests in effect with teachers. This is because there is 20% of the curriculum (i.e. one day per week) which is left for open content and may be used to teach about the local area, including cultures, histories and languages of national minorities, as well as prominent and important individuals belonging to national minorities. The authorities indicated that guidance and training is offered to teachers in order to implement this portion of the curriculum appropriately.

120. Minority representatives expressed concern that the implementation of this open 20% of content in light of Article 12 of the Framework Convention – that is education about national minorities’ cultures, histories, languages and identities, remains *ad hoc* and based on the good will of particular teachers, making it almost impossible for authorities to ensure implementation of the law (from which the 20% possibility comes). This has also been linked to the lack of teachers belonging to national minorities themselves, who would, in their view, be more sensitive to including this kind of content. Minority representatives, in particular from the Bosniak and Croat minorities, highlighted that this part of the curricula should also be used to teach the minority languages. It has also been underlined that there is insufficient knowledge of the Roma Holocaust in textbooks and in society more generally.<sup>114</sup> Some concern has been raised by the Advisory Committee’s interlocutors that knowledge of the state language among Albanian minority students is falling and poses some difficulties for them in continuing university education.

121. As is further elaborated below (see Article 14), the Montenegrin “bilingual” system establishes two different language curricula taught in one school, following the same substance but taught in different languages. Students learning in Albanian must learn the Montenegrin language. Persons belonging to the Albanian minority, including parents’ representatives at an Albanian/Montenegrin language school and local authorities, reported that a decision had been taken at central level to no longer support optional classes for the teaching of Albanian for students studying in the Montenegrin-language curriculum. In their view, enabling such classes would contribute to more meaningful exchanges within schools, and to more effective intercultural dialogue. Whilst the authorities contest that such a decision has been taken, it should also be possible to use the open 20% of the curriculum to teach Albanian language to students following the Montenegrin curriculum. In this respect, the Advisory Committee recalls that widespread bi- and plurilingualism is not only a precondition for the implementation of the respective legislation (Article 10), but it will ultimately benefit socio-economic development and societal cohesion. Likewise, plurilingual approaches in education are also key for inclusive education.<sup>115</sup> The Advisory Committee therefore considers that schools should have the means to teach Albanian language to students learning in the Montenegrin curriculum, and furthermore that the introduction of other minority languages via the 20% open curriculum would be beneficial from this point of view.

122. Additionally, whilst the Advisory Committee heard positive reports about the nature of interaction between students learning in the different languages in these “bilingual” institutions (in Ulcinj/Ulqin), it has also heard that there is room for improvement in promoting meaningful contact across the linguistic barrier. The Advisory Committee reiterates that “education is one of the most important tools for furthering integration and social cohesion and should be an integral part of integration policies” and “one of the most effective ways to promote intercultural contact and understanding and a shared sense of civic identity.”<sup>116</sup> It stresses that the promotion of tolerance and respect for diversity must not only be taught as a subject in class but must be lived through the organisation of joint classes wherever possible, as well as through the respectful accommodation of the various cultures and languages present in the schools. The Advisory Committee further reiterates that “lack of knowledge of the official language(s) can limit possibilities of equal participation in society, of access to higher education and access to employment. [...] Therefore, minority language schools must provide an adequate development of the speakers’ proficiency of the

<sup>113</sup> ACFC, Third Opinion on Montenegro, para. 121.

<sup>114</sup> Romanet, ‘The Holocaust against Roma is still in the shadow of history textbooks in Montenegro’, October 28 2023, at: <https://romanet.me/vijesti/19859/>; see also: Romanet, ‘Baftijari: Information about the suffering of Roma to be found in school textbooks’, at: <https://romanet.me/vijesti/baftijari-informacije-o-stradanju-roma-da-se-nadu-u-skolskim-udzbencima/>.

<sup>115</sup> Recommendation CM/Rec(2022)1 of the Committee of Ministers of the Council of Europe on The Importance of plurilingual and intercultural education for democratic culture (adopted 2 February 2022).

<sup>116</sup> OSCE HCNM, Ljubljana Guidelines, Guideline 44, p.54.

official language(s).<sup>117</sup> Equally, “it is particularly important that these go hand in hand with measures to protect and develop the languages of minorities”,<sup>118</sup> and in this sense, “[t]he Advisory Committee encourages the development of bi- or multilingual teaching models as part of the mandatory school curriculum” including through dual-medium approaches and through plurilingual education.<sup>119</sup> Furthermore, such teaching models and education “open to students from all linguistic groups, including minorities and the majority, can, apart from having significant cognitive benefits for the individuals, contribute to intercultural comprehension and co-operation.”<sup>120</sup>

123. Notwithstanding the positive initiatives of many teachers in organising extracurricular activities to promote intercultural dialogue, there is a lack of support, guidance and supervision of this from the authorities, and a lack of systematisation of such activities within curricula and the organisation of schools to bridge any potential divides in these “bilingual” schools. Equally, amidst reports of interlocutors about the declining knowledge of Montenegrin language among some students, and in the context of a need for increased intercultural dialogue, there is a need to ensure knowledge of the Montenegrin language is adequate for effective participation in society, and equally, that the Albanian language is valorised and hence learned by majorities too.

124. In the Advisory Committee’s view, and having regard to the number of stereotypes which appear to persist about different national minorities, there is a clear need to step up and systematise intercultural education – especially content which educates students about the contribution of persons belonging to national minorities to Montenegrin history, culture and contemporary society. The open 20% of the curriculum is a positive initiative which allows schools to reflect the nature of the areas from which students come; however, it needs to be coupled with training for teachers charged with implementing it. Equally, whilst the focus on the local area is understandable, students should gain an overall understanding of the national minorities across the country, meaning that those living in a Croat-majority area should learn also about the Albanian national minority, for instance, and vice-versa. Additionally, students living in areas where no minority is a numerical majority should learn about national minority history, cultures and identities. Gaining exposure and familiarity to minority languages should also be pursued within this 20% of the curriculum.

125. The current approach also raises questions as to how Romani language, cultures and histories are reflected in education as persons belonging to the Roma minority do not live in traditional areas of settlement or in substantial numbers, as the other minorities. The same goes for persons belonging to the Egyptian community. The Advisory Committee refers also to Committee of Ministers Recommendation (2020)2 “on the inclusion of the history of Roma and/or Travellers in school curricula and teaching materials” and emphasises the importance of its implementation across the state, particularly with regard to the participatory approach to the development and revision of educational materials and including information about Roma and/or Travellers’ history across the curriculum.<sup>121</sup> Therefore, the Advisory Committee finds that Montenegro lacks a holistic approach to the issue of intercultural education. In order to follow the strategic aim and principle of interculturalism of Montenegro and make these principles a reality (see Article 6), further efforts are needed.

126. The Advisory Committee calls on the authorities to ensure quality and systematic teacher training on the use of the open 20% of the curriculum in relation to national minority cultures, languages, histories and identities. Teachers working in schools outside of areas where persons belonging to national minorities make up numerical majorities should be targeted in particular, and the authorities should ensure these elements are present in curricula and teaching materials through developing a strategic approach to the issue. The authorities should provide guidance to schools on curricular and extracurricular activities promoting intercultural dialogue, in particular between students learning in the Albanian- and Montenegrin-language curricula.

127. The Advisory Committee strongly encourages the authorities to promote means of learning the state language more effectively among persons belonging to national minorities and Albanian language among persons belonging to other communities in areas where Albanian is in official use, as a means to foster integration of society as a whole via the formal education system.

<sup>117</sup> ACFC Thematic Commentary No. 3, para. 80.

<sup>118</sup> ACFC Thematic Commentary No. 3, para. 79.

<sup>119</sup> ACFC Thematic Commentary No. 3, para. 81.

<sup>120</sup> ACFC Thematic Commentary No. 3, para. 72.

<sup>121</sup> [Recommendation CM/Rec\(2020\)2 of the Committee of Ministers to member States on the inclusion of the history of Roma and/or Travellers in school curricula and teaching materials](#), (adopted 1 July 2020).



### Equal access to education for Roma and Egyptians

128. The previous Strategy for Social Inclusion of Roma and Egyptians (2016-2020) has reportedly had a positive impact on access to education for Roma and Egyptian students. One of the strategic objectives of the new Strategy (2021-2025) is to improve further access to education, in particular through preschool, completion of primary, and subsequent completion of secondary and enrolment in higher education. Textbooks are provided to Roma and Egyptian students in primary school for free and a seven-day winter/summer camp for high achievers is in place as a means to motivate students to perform better. This also provides further possibilities to improve knowledge of the Romani language. A certain number of scholarships for secondary and higher education are provided – 60 EUR per month for secondary students and 150 EUR per month for those in higher education. Mediators are also employed as a means to tackle dropout rates and since the 2018/19 academic year have been part of the formal education system. In total, 20 mediators are employed in Podgorica, Nikšić, Bar/Tivar, Berane, Ulcinj/Ulqin, Herceg Novi and Tivat. In collaboration with “Mladi Romi” NGO, a number of mentors (teachers) have been hired to work in secondary and primary schools. A limited amount of free transportation is also provided. Awareness-raising materials targeting diverse Roma populations are also distributed in Montenegrin, Romani and Albanian. To assist families in maintaining education through distance learning during the pandemic, 100 smart phones were distributed to Roma and Egyptian students in schools around the country. Printed materials were also distributed thanks to co-operation with international organisations.

129. At preschool, the number of students belonging to Roma and Egyptian minorities enrolled have broadly stayed the same over the monitoring period, at around 200 children enrolled across Montenegro.<sup>122</sup> At primary level, the number of children enrolled has modestly increased from 1 793 in 2018/19 to 1 856 in 2021/22.<sup>123</sup> At secondary level, there has also been a small increase from 135 students enrolled in 2018/19 to 174 in 2020/21.<sup>124</sup> In higher education, no such progress has been noted, with 27 students enrolled in 2018/19 compared to 17 in 2020/21. Data from the Strategy also shows that gender-biased outcomes in education are in decline among younger people compared to older, with 36.6% of young Roma women having no education (compared to 43.2% among Roma women), whereas 20.7% of young Roma men have no education (compared to the average across age groups of 22.6%).<sup>125</sup> The results of the census should show if these reductions are influenced by a general decline in the number of Roma individuals in the country, or if they are the results of actions taken.

130. According to UNICEF and the Strategy, only around 16%<sup>126</sup> of Roma and Egyptian children are attending preschool compared to a national target of 95%. Only around half complete primary education, and just three percent complete secondary education. They also stressed that practical problems persist, in particular because Roma and Egyptian representatives are not adequately consulted by the Ministry of Education. It has also been underlined that there are insufficient numbers of social workers to do the outreach work necessary to target children who are not in school, and have them included.

131. The Advisory Committee’s interlocutors praised the progress made, also thanks to efforts of NGOs. Egyptian representatives highlighted that there were now, in Tivat, 135 Egyptian students in primary education compared to just five in 2005. However, there are a number of practical barriers meaning that many of the measures outlined in the state report are not effective in practice. For instance, the school transportation to take students from the Konik area to the schools assigned to them by the Ministry of Education had not been organised even three months following the start of the school year.<sup>127</sup> This meant that whilst children may well be enrolled, they are not attending in classrooms. This was also repeated by one of the Advisory Committee’s interlocutors working in a school attended by a large number of Roma – that often due to seasonal work or other kinds of emigration, students may be formally enrolled but not attending. To ensure the continuity of education for the pupils concerned, the school may not formally dis-enrol the pupil, to allow them to restart their studies later in the academic year.

132. The Advisory Committee was also informed that the scholarships provided are relatively piecemeal, and are often not paid on time, making education a less financially attractive prospect than working, at least in the short term. One issue in particular was raised concerning secondary education: reportedly, there are particular fees which have to be paid for students (*vanredni studenti*) attending part-time and/or

<sup>122</sup> For full figures, see State report, p. 28.

<sup>123</sup> In 2018/19, there were 936 boys and 857 girls compared to 960 boys and 896 girls in 2021/22. State report, p. 28.

<sup>124</sup> Figures for 2021/22 have not been provided.

<sup>125</sup> Strategy 2021-2025, p. 47.

<sup>126</sup> Strategy 2021-2025, p. 52.

<sup>127</sup> Romanet.me, ‘Romska djeca i nakon dva mjeseca nemaju redovan školski prevoz’, 29 October 2023, at: <https://romanet.me/vijesti/romska-djeca-i-nakon-dva-mjeseca-nemaju-redovan-skolski-prevoz/>.

not enrolled in regular education – who are disproportionately Roma and Egyptians sitting exams in the final year of secondary school. This results in far fewer Roma and Egyptian students completing this level of education, as this is not covered by bursaries or other exemptions. Whilst this fee is not substantial, it is a similar amount to the scholarships provided, which represents a real barrier to continuing education as this fourth year must be completed in order to have formally completed secondary education and progress to university. The Advisory Committee's interlocutors stressed that providing this exemption or financing could be a huge step in making higher education truly accessible for Roma and Egyptian students. Indeed, the authorities acknowledge that Roma and Egyptians do not complete the fourth year of secondary education, as they have designed special measures to ensure they are able to participate in the census process as interviewers – allowing Roma interviewers to be recruited having completed the third year only.

133. With regard to mediators, whilst there is general satisfaction with their work,<sup>128</sup> interlocutors highlighted that there was a problem with the ratio of one mediator per 70 students, which did not allow mediators to adopt a focused student-centred approach – particularly given also the lack of social workers leading to the mediators taking on more tasks which would normally be for social services. The Advisory Committee heard that progress has been made regarding particular barriers for Roma and Egyptian girls in education, and that the Strategy contains further measures to cement this progress (see Article 4). It was reported that in Bijelo Polje there are 12 Roma women with secondary education, three of whom work as mediators, but all of whom are role models, showing the societal importance of ensuring all students are able to access equally and complete secondary education, in particular Roma women who are more exposed to intersectional discrimination.

134. The issue of segregation in education was also raised by the Advisory Committee's interlocutors. There is a legal requirement for schools not to accept any more students once they reach a 50-50 ratio of Roma and Egyptian students to other students. In practice, it appears this is not followed. It has been reported that some schools actively discourage Roma and Egyptian students from enrolling. It has also been reported that Roma and Egyptian families feel more secure in schools in which they or their relatives have also attended, rather than being transported to other schools where students could face higher levels of bullying and antigypsism. Spatial or housing segregation play a role in the concentration of Roma and Egyptian students in particular schools. For example, the Advisory Committee's interlocutors reported issues with one preschool in the Konik area of Podgorica, which was attended almost exclusively by Roma and Egyptian children. Interlocutors in Konik reported that, since the closure of the refugee camp, the local authorities of Podgorica had not sought to include people living in Konik into the wider city, leaving it continually cut off in terms of transportation and other links.

135. According to Article 12(3) of the Framework Convention, equal opportunities for access to education at all levels for persons belonging to national minorities must be promoted. The Advisory Committee reiterates that states need to act resolutely across different but interlinked areas to ensure this right is upheld in practice: in monitoring school enrolment and attendance; in ensuring access to minority language education; in removing physical barriers, such as a lack of schools in certain areas or no transportation, to school attendance; in acting to improve the confidence of parents and students in the education system; in monitoring school attainment, including absenteeism and drop-out rates, literacy, completion of studies, grades, gender disparities, access to higher education and employment.<sup>129</sup>

136. The Advisory Committee praises the authorities' efforts in improving educational outcomes and access over the monitoring period, and in particular the efforts to tackle early and forced marriages which are being continued into the current Strategy (see Articles 4 and 6). The wide range of activities demonstrate a real commitment to improving the situation, which is welcome. The figures however show a great disparity between primary and other levels of education which calls for continued action on the part of the authorities to ensure Roma and Egyptian individuals are able to break cycles of poverty and marginalisation. In the same vein, efforts should be made to ensure school environments are supportive and reassuring for Roma and Egyptian students, and boosting competencies in social skills and self-confidence of Roma and Egyptian students is vital. Preschool is an important means to include children into the education system and also increase knowledge of the state language. More targeted efforts, working with community representatives and parents, to raise awareness of the importance of preschool

<sup>128</sup> See also Strategy 2021-2025, Graph 28, indicating that 58.1% of those individuals with a mediator working in their community find them to be "very useful", and a further 16.5% finding them to be useful "to some extent".

<sup>129</sup> [ACFC First Thematic Commentary on education](#), 2 March 2006, ACFC/25DOC(2006)002, para. 70.

education – including through community creches which might maintain some level of parent involvement – could therefore be pursued.

137. The reported level of absenteeism at primary school is an area of concern. It is also regrettable that the number of students in secondary or higher education has not substantially changed, despite some of the improvements noted above. The Advisory Committee notes the stated aim of the Strategy to increase these participation rates substantially – from 3% to 20% by 2025 for secondary education completion, for example.<sup>130</sup> It is important that scholarships are paid on time and provide a meaningful incentive to remain in school. This is important also to ensure that attitudes of parents and students are changed to valorise education – both in the short and long terms. The financial barrier for continuing education at university (the exam costs) appears to be prohibitive and negatively impacts completion rates. For the currently small number of students in this position, a further element of affirmative action could be considered to ensure these costs are covered. There is a demonstrable need to increase the number of regularly employed mediators and reduce the ratio from one to 70 to allow each mediator to be able to focus on individual students more effectively.

138. Housing segregation is a related phenomenon and a causal factor of educational segregation (see Article 15). The Advisory Committee calls the attention of the authorities to the case law of the European Court of Human Rights on cases of segregation in education linked to spatial or housing segregation, resulting in violations of the European Convention on Human Rights, and underlines the need for vigilance on the part of the authorities to ensure that schools do not become segregated in line with this case law.<sup>131</sup> The Advisory Committee is deeply concerned about any situation of segregation in schools, which lead to worse educational outcomes for Roma and Egyptian children and perpetuates separation between communities and hence stigma and antigypsyism. Whilst there are legal measures in place from the central authorities to prevent such situations arising, it is clear that their implementation raises questions of their effectiveness and viability. Podgorica city authorities should therefore assess carefully the situation of the preschool in Konik with this in mind, and ensure that all students in Konik are receiving the quality education to which they are entitled. Likewise, it is deeply regrettable that Roma and Egyptian students have missed months of schooling because of the failure to organise adequate transportation.

139. The Advisory Committee urges the authorities to ensure effective access to secondary and university education for Roma and Egyptian students, in particular by covering any costs of examinations in the final year of secondary school disproportionately faced by such students and guaranteeing that scholarship payments are made in a timely manner and provide a meaningful incentive to remain in school. A greater number of mediators should be engaged to address drop-outs or persistent absenteeism, ensure a regular rhythm of study and continuation of studies between primary, secondary and university levels. The participation of Roma and Egyptian families, individuals and organisations in addressing issues around education should be secured at all stages.

140. The Advisory Committee asks the authorities at all levels to take measures to ensure desegregation of preschools concerned by this issue and organise transportation to other schools in a timely manner where this is identified as a solution.

## Article 14 of the Framework Convention

### Minority language teaching

141. The authorities report that where the language of a minority is in official use – meaning persons belonging to national minorities make up at least 5% of the local population – minority language education may be provided. Minority language classes may also open with 50% of the pupils normally needed to open a class. In practice, Albanian is the only language provided in “bilingual” or other formats in the education system. This “bilingual” system in effect allows students to study either in Montenegrin or in Albanian languages, meaning the institution as such is bilingual, but the teaching is not carried out in bilingual format. Albanian language teaching is provided at preschool, primary and secondary levels. The

<sup>130</sup> Strategy 2021-2025, p. 52.

<sup>131</sup> See *X and Others v Albania*, (applications no. 73548/17 and 45521/19), 31 August 2022. *Szolcsán v. Hungary* (no. 24408/16, 30 March 2023; and *Elmazova and Others v. North Macedonia* (Applications nos. 11811/20 and 13550/20).

overall number of students attending classes in Albanian at primary school level has remained stable.<sup>132</sup> At secondary level, Albanian is used as a language of instruction in three public institutions, as of 2021.<sup>133</sup> There is a teacher training programme in Albanian at the University of Podgorica.<sup>134</sup> Teaching of the Croatian language is provided through external support offered by the Republic of Croatia, which employs a teacher of the language around Tivat, who provides optional classes in primary schools in Kotor and Tivat.

142. Interlocutors of the Advisory Committee belonging to the Albanian minority indicated their general satisfaction with primary and secondary levels of education in the Albanian language. During its visit to a vocational secondary school in Ulcinj/Ulqin, the Advisory Committee learned that teachers are translating educational materials from Montenegrin into Albanian for use in their classrooms, as the textbooks approved for use in Montenegro are not available in Albanian. Using textbooks from abroad is not permitted. They asked that the authorities provide for the translation and at least the online publication of them, as a means to facilitate the work of the school. Croat representatives welcomed the support from Croatia but stressed that the lack of sustainability of the offer of teaching Croatian was problematic, for example given that the previous teacher had left halfway through the school year.

143. The Advisory Committee reiterates that the production of quality educational materials is indispensable for quality minority language education. The Advisory Committee therefore regrets that translations into Albanian are not provided by the state in secondary vocational education. It considers it important for the quality of the education provided that teachers are not given the additional burden of translating educational materials, on top of their existing duties, and that pragmatic, cost-effective solutions could be found in this sense. The Advisory Committee also reiterates that the primacy of responsibility for the provision of minority language education lies with the state in which persons belonging to national minorities live. Equally, minority language education should be provided through sustainable and foreseeable means (see also Article 5) to ensure it also effectively promotes the national minority identity and functions as a bulwark against assimilation.

144. Albanian interlocutors also expressed concern that there are no study programmes at higher education in Albanian, besides teacher training. In practice, they stated, this gives rise to a number of issues. For instance, students who have studied in Albanian for their whole education career and wish to continue at university, but who do not want to become teachers, must go abroad to continue studying in Albanian, either to Albania or Kosovo\*. If those students then wish to return to work in Montenegro, they must pay substantial fees (up to 2 500 EUR) to have the syllabus of their degree translated into Montenegrin for approval by the ministry, as well as all certification and other documents needed. Interlocutors expressed hope that this issue would be resolved with greater regional co-operation via the Berlin Process<sup>135</sup> and mutual recognition of diplomas.

145. The Advisory Committee has repeatedly emphasised that continuity of the offer of minority language education should run from preschool to adult education and be ensured in the geographical areas where conditions contained in Article 14 are met. In this sense, university education in minority languages is an important element of the promotion of rights of persons belonging to national minorities to use their languages, but also to fully participate in society (see Article 15). The high costs for translation are also a barrier to full participation in public life for persons belonging to national minorities, and the Advisory Committee looks forward to this issue being resolved through regional co-operation.

146. The Committee of Experts of the European Charter for Regional or Minority Languages called on the Montenegrin authorities to introduce teaching of the Romani language, to develop a strategy for teacher training for Romani, and to provide teaching materials in Romani.<sup>136</sup> In exchanges with the Advisory Committee, Roma representatives regretted the continued absence of Romani language from school curricula, and highlighted the importance of mainstreaming Roma cultures and history into the curricula (see Article 12), which are areas of concern and interest also for the Advisory Committee. It notes too that there are still issues around standardisation of the language in Montenegro, but considers that this should not be an insurmountable barrier to introducing some teaching of the language at preschool or primary

<sup>132</sup> 2,620 students in the academic year of 2018/19, and 2,612 students in 2021/2022. State report, pp. 144-146.

<sup>133</sup> State report, p. 144.

<sup>134</sup> State report, pp. 144-145.

<sup>135</sup> The Berlin process was set up in 2014 as a platform for high-level cooperation between high official representatives of the Western Balkan Six (WB6) and their peers in Berlin Process host countries. The Process also involves the EU institutions, international financial institutions and the region's civil society, youth and businesses. See: <https://www.berlinprocess.de/en/what-is-the-berlin-process>.

<sup>136</sup> [Committee of Experts of the European Charter for Regional or Minority Languages, Sixth Report on Montenegro, 2023.](#)

levels – also with a view to making educational environments more welcoming and open to Roma students (see Article 12).

147. The Advisory Committee strongly encourages the authorities to move forward with the mutual recognition of diplomas from other universities in the region, and look into ways and means of providing higher education in Albanian for subjects besides teacher training, including with regional co-operation.

148. The Advisory Committee asks the authorities to translate textbooks and other educational materials for vocational secondary education into Albanian and provide for them to be published for use in classrooms.

149. The Advisory Committee strongly encourages the authorities to develop a strategy to introduce teaching of the Romani language into the curriculum, based on an assessment of demand among parents, preceded by an awareness-raising campaign as to the rights contained in Article 14 of the Framework Convention.

## Article 15 of the Framework Convention

### Participation of persons belonging to national minorities in political and public life

150. Specific provisions of Article 94 of the Law on the Election of Councillors and Members of Parliament allow for candidates belonging to minorities to be elected with 0.7% of the vote, as opposed to 3% of the vote for any other political party. Candidates belonging to the Croat minority may be elected to parliament with 0.35% of the vote.<sup>137</sup> This exemption is made in view of the small numerical size of the Croat minority. There is no similar provision for Roma candidates, who would hence benefit only from the 0.7% threshold. At parliamentary level, political parties represent the Albanian, Bosniak, and Croat national minorities and persons belonging to them. There are four representatives in the current make-up of parliament from the Albanian minority; six Bosniak representatives from the Bosniak Party; and one Croat representative. There are also some 13 representatives directly elected from parties representing Serb or Serbian interests. Persons belonging to national minorities are also active in other political parties – for instance the former prime minister belongs to the Albanian minority. Three members of the current (i.e. 44<sup>th</sup>) government of Montenegro also belong to the Albanian minority.

151. At national level, there is no Roma representative, although at local level, a Roma representative (the President of the Roma Minority Council) is now elected to Podgorica city assembly as leader of a Roma political party.<sup>138</sup> Political participation of persons belonging to the Roma national minority given the lack of affirmative action afforded to them (in comparison to the Croat minority) was raised as a concern both by Roma representatives as well as civil society more broadly. Muslim minority representatives also raised the need for effective political participation on their part, as they currently have no representative in parliament, although they had in the past. They called for a more differentiated approach which would take into account the relative numerical size of the different national minorities, and for the Montenegrin authorities to look at good practice elsewhere in the region in this regard.

152. There is a general lack of participation of women in political life in Montenegro, with one analysis indicating that only 13% of mayors or presidents of municipalities are women; only 27% of the members of parliament (in 2022) were women, despite a 30% quota being in place for electoral lists. Women are generally under-represented in government.<sup>139</sup> Given this general problem, the Advisory Committee has particular concerns that the voices of women belonging to national minorities are not effectively heard in public life, and their needs and interests are therefore not being acted upon by decision-makers. This is particularly concerning insofar as it feeds into the lack of gender representativity in the Minority Councils, given that half of the members of each council are supposed to be appointed *ex officio*.

<sup>137</sup> ACFC, Third Opinion on Montenegro, para. 150.

<sup>138</sup> Radio Free Europe, 'Prvi romski parlamentarac u Crnoj Gori: 'Ja sam promjena'', 16 November 2023, <https://www.slobodnaevropa.org/a/politi%C4%8Ddar-podgorica-crna-gora/32687551.html>.

<sup>139</sup> Anđela Mićanović, Centre for Democracy and Human Rights (CEDEM), "Gender Analysis of Women's Participation in Political Life of Montenegro from 2006 to present", 2022, pp. 13-14, at: <https://www.cedem.me/wp-content/uploads/2022/12/ANALIZA-RODNE-DISKRIMINACIJE-NA-POLITICKOJ-SCENI-CRNE-GORE.pdf>.

153. Proportionate representation in public administration is a constitutional right, but persons belonging to national minorities continue to be under-represented. A survey was carried out in 2019-2020, which show that Serbs make up 18.8% of the public administration, Muslims 2%, Bosniaks 14.2%, Albanians 6.4%, Roma 1.2%, Croats 0.8% and Egyptians 0.3%. Montenegrins made up 51.1%.<sup>140</sup> The Advisory Committee reiterates in this respect that “public administration should, to the extent possible, reflect the diversity of society. This implies that State Parties are encouraged to identify ways of promoting the recruitment of persons belonging to national minorities in the public sector, including recruitment into the judiciary and the law enforcement bodies. Participation of persons belonging to national minorities in public administration can also help the latter better respond to the needs of national minorities” (see also Article 6).<sup>141</sup> Monitoring of this constitutional right also needs to be ensured in a consistent and regular manner. The Advisory Committee welcomes the increase in the number of persons belonging to the Roma minority employed in public administration compared to the previous cycle (where the figure was 0.02%). It nevertheless notes that this is a survey with a sample and not data covering all of the state administration – and nor does the data show in which fields the different individuals work and at what professional level. The Advisory Committee regrets that these data are not more systematically collected.

154. The Advisory Committee reiterates that “[t]he participation of persons belonging to national minorities in electoral processes is crucial to enable minorities to express their views when legislative measures and public policies of relevance to them are designed.”<sup>142</sup> Equally, states parties are required to create the conditions necessary for the effective participation of persons belonging to minorities, including women and youth. It also recalls that “when electoral laws provide for a threshold requirement, its potentially negative impact on the participation of national minorities in the electoral process needs to be duly taken into account”.<sup>143</sup>

155. Despite the Advisory Committee’s previous concerns about the discriminatory potential of failing to extend affirmative action afforded to the Croat minority and to the Roma, which are of similar numerical size, no changes have been made to electoral legislation. Persons belonging to the Roma minority faces serious socio-economic problems and systemic discrimination (see Articles 4 and 15) and are at the same time deprived of representation in Parliament which could provide a means to address these engrained problems. The authorities have indicated a willingness to address this issue following the results of the upcoming census (see Article 3). The Advisory Committee welcomes this intention and expects that it will bear fruit in the near future, as the continued situation of *de facto* and *de jure* exclusion of Roma from the political sphere is untenable.

156. The Advisory Committee urges again the authorities to extend affirmative action concerning electoral thresholds for numerically small national minorities, in particular to the Roma, so as to ensure the principle of equal treatment is upheld.

157. The Advisory Committee strongly encourages the authorities to take the necessary steps to ensure persons belonging to national minorities are effectively represented in public administration.

### National minority councils

158. There remain six national minority councils for the recognised minorities, each of which receive 100 000 EUR per year for their activities. Their key competences have not changed since the previous Opinion.<sup>144</sup> The status of the councils remains unclear, despite the Advisory Committee’s previous recommendation. They are neither a state institution nor an NGO, which poses some problems for them when applying for grants or other kinds of funding to supplement the fixed sum given by the state. Interlocutors report that Minority Councils remain a key avenue for support for persons belonging to national minorities. Their role was underlined upon the ascension to office of the current prime minister who, in organising for the census to take place, met with the presidents of all the National Minority Councils on several occasions to ensure their concerns were taken into account.<sup>145</sup> In this sense, the Advisory

<sup>140</sup> State report, p. 148.

<sup>141</sup> ACFC Thematic Commentary No. 2, “The Effective Participation of Persons Belonging to National Minorities in Cultural, Social and Economic Life and in Public Affairs”, adopted on 27 February 2008, para. 120.

<sup>142</sup> ACFC Thematic Commentary No. 2, para. 80.

<sup>143</sup> ACFC Thematic Commentary No. 2, para. 82.

<sup>144</sup> See ACFC, Third Opinion on Montenegro, para. 155.

<sup>145</sup> Romski Savjet [Roma Council], ‘Drugi krug konsultacije povodom sprovođenja popisa stanovništva koji je zakazan za 30. Novembar’, [no date], available at: <https://www.romskisavjet.com/index.php/component/content/article/251-drugi-krug-konsultacije-povodom-sprovođenja-popisa-stanovništva-koji-je-zakazan-za-30-novembar?catid=14&Itemid=157>; Vijesti.me, ‘Spajić “sve ispunio”, opozicija traži još dana’, 29 November 2023, available at: <https://www.vijesti.me/vijesti/politika/683787/spajic-sve-ispunio-opozicija-trazi-jos-dana>.

Committee takes positive note of the informal co-ordination and wider co-operation established between Minority Councils. Considering that consultative mechanisms should have a clear legal status, the Advisory Committee regrets that no progress has been made on resolving this question over the monitoring cycle.

159. Egyptian community representatives indicated a strong wish to have their own minority council. Previously they had been part of the Roma Council, but this changed soon after its establishment. The representatives reported that they had made a request to the authorities to set up a council, but were informed that they needed 1 500 signatures to do so. The bylaw governing the set up and running of councils provides an exemption for national minorities which make up less than 3% of the population, requiring 500 signatures for the running of the council's electoral list, and that it requires just five members of a community to convene an electoral assembly for the first time – who must be nominated however by 30 people each in order to be eligible.<sup>146</sup> The authorities stated that the Macedonian community had also approached them about this and with regard to Roma and Egyptians their caution about splitting communities up – although from the Egyptian community's point of view they are currently excluded from funding opportunities. Whatever the precise conditions for establishing a Council, it appears Egyptians would meet them and they have a strong wish to set a Council up. Considering the opportunities this could bring, both financially and in providing targeted support and representation for Egyptians, the Advisory Committee would welcome a proactive dialogue on this issue, instigated by the authorities.

160. The Advisory Committee reiterates that “[i]t is important to ensure that women belonging to national minorities are involved in consultative bodies.”<sup>147</sup> Likewise, the diversity within minority groups, including young people belonging to national minorities in particular, should be reflected in the composition of such councils. In this respect, the Advisory Committee refers to the Committee of Ministers Recommendation on the active political participation of national minority youth, which contains useful guidelines for mainstreaming the participation of young people belonging to national minorities into consultative and elected bodies.<sup>148</sup> The Advisory Committee welcomes the continued work of the National Minority Councils whose leadership provide a high level of visibility in Montenegro, both in the media and in relations with politicians. It is nonetheless striking that there remains no mechanism to ensure gender balance in the councils, which remain exclusively led by male presidents and with very few women in their composition.<sup>149</sup>

161. It is also important that criteria for setting up a consultative body such as a national minority council are clear and transparent, and that decisions by the authorities on granting the establishment of such a body are made in a timely manner, offer justification and the possibility to appeal. In the case of the Egyptian community, it is regrettable that there has not been a more constructive dialogue concerning their wish to have a national minority council established, and the Advisory Committee is concerned that the criteria for setting up such a council do not appear to be followed properly in practice – also with regard to the Macedonian community (see also Article 3). The Advisory Committee therefore finds that active steps from the authorities to initiate a dialogue on this would be necessary.

162. The Advisory Committee calls on the authorities to enter into a dialogue with representatives of the Egyptian community, including their organisations, about setting up a national minority council for this community, to clarify the legal status of national minority councils and to provide a mechanism to ensure gender balance in their composition, as well as the participation of youth.

### Participation of Roma in socio-economic life - housing

163. Housing is also a focus area of the Strategy 2021-2025, with a strategic objective to reduce housing segregation and overcrowding. Data in the Strategy indicate some progress on desegregation from 2016 to 2020, with a reduction of 15% in the number of Roma and Egyptians living in segregated settlements. Around half of the land where Roma and Egyptian families live was owned by them, with the other half being in some kind of dispute. An average of 5.5 individuals share a household among Roma and

<sup>146</sup> Article 18 of the rules for establishment of a minority council (No.058/17, 22 September 2017).

<sup>147</sup> ACFC Thematic Commentary No. 2, para. 111.

<sup>148</sup> [Recommendation CM/Rec\(2023\)9 of the Committee of Ministers to member States on the active political participation of national minority youth](#) (Adopted by the Committee of Ministers on 4 October 2023).

<sup>149</sup> There are 2 women out of 24 members on the Bosniak National Council. There are four women out of 29 members of the Albanian National Council. There are nine women out of 25 members on the Muslim Council; there are five women out of 17 members of the Serb Council; there is one woman out of 17 members of the Roma Council; and there are four female members out of 16 of the Croat National Council. Source: Additional Information provided by the authorities on 8 January 2024.

Egyptians. Around 10% of Roma and Egyptian households do not have electricity, 11.6% have no running water, and 17.8% do not possess a bathroom.<sup>150</sup>

164. During the visit, the Advisory Committee had the possibility to visit settlements where Roma and Egyptians live.<sup>151</sup> The Bijela Gora and neighbouring settlements in Ulcinj/Ulqin, which the Advisory Committee also visited in 2018 remain areas of significant concern. A large number of families are living without proper access to electricity or running water, with no waste collection services from the local authorities, in barracks made from wood, metal and tyres. Many of the individuals face issues with documentation, including a number of children. The housing and documentation situation has not changed in the past five years, and the settlements may even have expanded. Due to a change in ownership, those living in Bijela Gora now also face eviction.

165. Housing issues are reported all over the country, and Egyptian representatives in Tivat informed the Advisory Committee of the 7 July settlement, where 30 families face eviction, living in barracks on land which they do not own. In Bijelo Polje too, a large number of Roma families live in inaccessible housing, despite many elderly individuals living there, next to a roadside. Here too, the threat of eviction looms. In Konik, Podgorica, where the refugee camp once was, international funds were mobilised to provide apartments to the people who had been living as refugees. Since these apartments were provided five years ago, families have grown, and it is clear that houses and apartments have been extended in an irregular fashion to accommodate the new arrivals. This has led to numerous barracks being constructed on the sides of existing structures, or indeed separately. The area also remains cut off from the rest of the city, with no transport links established, which entrenches the spatial segregation of the area. The Protector has also highlighted the particular difficulties faced in the “Riverside” settlement in Berane, which was badly affected by flooding in 2022.<sup>152</sup>

166. The Advisory Committee is alarmed by the continued and serious problems facing Roma and Egyptians in accessing adequate housing – and the fact these problems, in the most serious cases, have not been resolved over the past five years. The situation in Bijela Gora and the apathy, even active disregard, of the municipal authorities in the face of the issues there call for the intervention of the state authorities to ensure that these families can enjoy their human rights – in particular the right to adequate housing (see also Article 4). Whilst tackling segregation and overcrowding is of course important, it is equally important to guarantee legal security of tenure (especially to those who have been living on land for a long time) and access to basic services including water and electricity and public transportation. If forced evictions are carried out, as an option of last resort and respecting principles of international law including the duty to consult those concerned, the authorities must provide adequate alternative accommodation.<sup>153</sup> In general, it appears that a lack of co-ordination between local and national authorities on this issue is hampering a response equal to the level of the challenge, and that more needs to be done to increase local capacities to deal with these kinds of issues, including addressing what interlocutors referred to as “ghettoization” around Konik. This is a result of the international funding focusing on providing housing on the area of the former refugee camp, but it now behoves the authorities at all levels, including the municipality, to find a way to integrate this area into the wider city of Podgorica.

167. The Advisory Committee urges the authorities to provide access to adequate housing to Roma and Egyptians as a matter of priority, especially in the Bijela Gora settlement and its surroundings in Ulcinj/Ulqin. Capacities should be built at the local level, and sustainable funding should be mobilised, to allow local and national authorities to co-ordinate responses to inadequate housing effectively, including through resolving issues with documentation, and in effective consultation with persons belonging to communities concerned.

### Participation of Roma in socio-economic life - healthcare

168. The Strategy 2021-2025 contains a strategic objective to improve access to healthcare, including to increase the life expectancy and reduce discrimination in the health sector. Data in the Strategy show that

<sup>150</sup> Strategy for the Social Inclusion of Roma and Egyptians 2021-2025, p. 43.

<sup>151</sup> Protector of Human Rights and Freedoms, ‘The Position of Roma and Egyptians in Montenegro through the Prism of the Operations of the Protector of Human Rights and Freedoms of Montenegro and the status from field visits’, April 2023, p. 15, at: [https://www.ombudsman.co.me/img-publications/54/coe%20polozaj%20roma%20i%20egip--ana%20u%20cg%20200x290\\_eng\\_for%20website.pdf](https://www.ombudsman.co.me/img-publications/54/coe%20polozaj%20roma%20i%20egip--ana%20u%20cg%20200x290_eng_for%20website.pdf).

<sup>152</sup> Ibid.

<sup>153</sup> UN Committee on Economic, Social and Cultural Rights, General Comment no. 7 on forced evictions, 1997, para. 16.



Roma and Egyptian individuals do not frequently attend medical appointments (25.6% say they go twice a year, 27.9% say they go rarely),<sup>154</sup> in large part due to discrimination from health care workers, and women generally report more health problems than men.<sup>155</sup> The life expectancy of Roma and Egyptians in 2020 was 55.9 years – four years less than in 2018, and 20 years less than the average Montenegrin.<sup>156</sup> The Strategy aims to increase this by three years by 2025. The State report also informs about numerous activities undertaken to provide Roma and Egyptians with adequate healthcare, including ultrasounds, gynaecological examinations and other interventions specifically targeting Roma and Egyptian women, as well as vaccination campaigns for MMR and polio.<sup>157</sup> Health care mediators have also been introduced – with three employed in Podgorica and there are further plans to introduce them in Berane and Nikšić. Knowledge of Romani and/or Albanian is a requirement for being employed as a mediator.<sup>158</sup>

169. Interlocutors of the Advisory Committee raised in particular the problems faced by Roma and Egyptian women – including their reluctance to go see a doctor, and that strong taboos continue to influence discussion and activism in this field. For instance, reproductive healthcare remains taboo in the community, and that the first time a woman may see a doctor during a pregnancy is at the birth. They also reported that Roma may not be aware of the existence of health mediators as they are not sufficiently visible, and that the uncertain legal status of some Roma and Egyptians (see Article 4) means they may have to pay for appointments and prescriptions – charges which have been increased recently. Among men, the prevalence of drug and alcohol abuse driven by patterns of socio-economic marginalisation and discrimination have been raised as concerns which call for a public health response.

170. The Advisory Committee is alarmed by the difference in life expectancy for Roma and Egyptians compared to the majority and considers that this calls for co-ordinated efforts to improve the situation. In that sense, the measures in the Strategy are welcome, although it remains to be seen whether they are precise enough to bring meaningful change. The gender perspective throughout the measures and Strategy is particularly welcome and recognises the different experiences of the healthcare system. Discrimination on the part of health care professionals also needs addressing through awareness raising campaigns and sensitisation of these professionals to the consequences of their actions. The programme of health care mediators should in this sense be extended beyond the municipalities where it already exists or is planned, and the numbers in those places increased to recognise the scale of the challenge, and to allow the mediators to be visible in the communities they serve.

171. The Advisory Committee calls on the authorities to ensure effective access to healthcare and effectively tackle unequal health outcomes faced by Roma and Egyptians, including by creating a more supportive and welcoming healthcare environment – with a particular focus on women – through increasing the number of healthcare mediators and raising awareness among healthcare professionals.

## Article 18 of the Framework Convention

### Bilateral agreements

172. The Intergovernmental Mixed Committee of Montenegro and Croatia, made up of representatives of the respective governments, and involving representatives of the Croat minority in Montenegro and the Montenegrin minority in Croatia, has been dormant since 2019. The authorities have informed the Advisory Committee that in December 2023, talks were initiated on reinstating this Committee. The Croat Minority Council informed the Advisory Committee that they had not signed the minutes of the last meeting held in 2019, and reportedly, Croatia withdrew its participation due to the non-implementation of a number of measures of the agreement which established the Committee. Croat minority representatives also informed the Advisory Committee that Croatia continues to fund a newspaper and radio station in Montenegro, as well as provide for a teacher for a teaching of the Croatian language.

<sup>154</sup> Strategy 2021-2025, Graph 43, p. 63.

<sup>155</sup> Ibid., p. 62.

<sup>156</sup> World Health Organisation data puts the average life expectancy in Montenegro at 75.9 years. See: World Health Organisation, Data, Countries, Montenegro, available at: <https://data.who.int/countries/499>.

<sup>157</sup> State report, pp. 35-37.

<sup>158</sup> State report, p. 36.

173. Other forms of bilateral co-operation also concern the regularisation of status for persons without documentation originally from Kosovo\* (see Article 4), which appears to have stalled, and there is some co-operation with states in the region regarding the recognition of qualifications in the context of the Berlin Process (see Article 14). There is also good cross-border co-operation with Serbia in the context of the EU-sponsored programme implemented in 14 municipalities in Montenegro. It focuses on employment, labour mobility and social and cultural inclusion across borders, as well as boosting tourism and cultural and natural heritage.<sup>159</sup> Likewise, a framework for cross-border co-operation with Albania has been developed under the auspices of EU enlargement, which also focuses on promoting shared cultural and natural heritage with a view to boosting tourism, as well as developing the economies of the two states in a more environmentally friendly manner.<sup>160</sup>

174. The Advisory Committee considers that, in addition and without prejudice to existing instruments and mechanisms of multilateral co-operation, bilateral committees with active involvement of national minority representatives can constitute channels for sharing information, ideas and concerns and promoting the rights of persons belonging to national minorities. Furthermore, “[t]ransfrontier co-operation [...] can contribute to tolerance and prosperity, strengthen inter-State relations and encourage dialogue on minority issues.”<sup>161</sup> In this sense, the active engagement of Montenegro to re-establish the Intergovernmental Mixed Committee would be a welcome step. The development of further such agreements with other states in the region could also have benefits for minority protection in Montenegro.

175. The Advisory Committee encourages the authorities to re-engage with the bilateral committee with Croatia, with the participation of Croat minority representatives, and to engage on matters of mutual interest and concern also with other countries in the region.

<sup>159</sup> European Commission, “The IPA II Cross-border Cooperation Programme Serbia–Montenegro 2014-2020”, available at: [https://www.eeas.europa.eu/delegations/montenegro/15-years-successful-cross-border-cooperation-between-montenegro-and-serbia\\_en?s=225](https://www.eeas.europa.eu/delegations/montenegro/15-years-successful-cross-border-cooperation-between-montenegro-and-serbia_en?s=225). See also: European Commission, Action Document for: Cross-border cooperation programme Serbia – Montenegro for 2021-2027, available at: [https://neighbourhood-enlargement.ec.europa.eu/system/files/2022-06/C\\_2022\\_3597\\_F1\\_ANNEX\\_EN\\_V1\\_P1\\_1970069.PDF](https://neighbourhood-enlargement.ec.europa.eu/system/files/2022-06/C_2022_3597_F1_ANNEX_EN_V1_P1_1970069.PDF).

<sup>160</sup> European Commission, Action Document for: cross-border cooperation programme Montenegro – Republic of Albania for 2021-2027, available at: [https://neighbourhood-enlargement.ec.europa.eu/system/files/2022-05/C\\_2022\\_3596\\_F1\\_ANNEX\\_EN\\_V1\\_P1\\_1968469.PDF](https://neighbourhood-enlargement.ec.europa.eu/system/files/2022-05/C_2022_3596_F1_ANNEX_EN_V1_P1_1968469.PDF).

<sup>161</sup> OSCE High Commissioner on National Minorities, Bolzano Recommendations on National Minorities in Inter-state Relations, Recommendation 16.

### III. CONCLUSIONS

176. The Advisory Committee considers that the present concluding remarks and recommendations could serve as the basis for the resolution to be adopted by the Committee of Ministers with respect to the implementation of the Framework Convention by Montenegro.

177. The authorities are invited to take account of the detailed observations and recommendations contained in Sections I and II of the Advisory Committee's Fourth Opinion. In particular, they should take the following measures to improve further the implementation of the Framework Convention:

#### Recommendations for immediate action:

- The Advisory Committee urges the authorities to review the appointment procedure for the Commission for Evaluation of the Fund for the Protection and Exercise of Minority Rights to ensure it is representative of all national minorities, as well as of the diversity within minority communities, and take steps to address the instrumentalisation of the Fund in the service of particular party-political interests. Training should be provided to persons belonging to national minorities to enable them to apply for projects from the Fund on an equal footing with organisations, and monitoring and evaluation of projects as to their effectiveness in, *inter alia*, raising awareness of national minority cultures and identities and fostering intercultural understanding should be comprehensively improved.
- The Advisory Committee urges the authorities to evaluate the effects of current policy measures to foster the integration of society as a whole, and on this basis to develop a coherent and wide-ranging strategy to foster a shared civic identity based on common interests developed and defined in an open and participatory way. Opportunities for intercultural dialogue between individuals and supporting grassroots initiatives to foster exchanges between individuals and communities at all levels, especially locally, should be created, including in the fields of sport and the arts.
- The Advisory Committee urges the authorities to provide access to adequate housing to Roma and Egyptians as a matter of priority, especially in the Bijela Gora settlement and its surroundings in Ulcinj/Ulqin. Capacities should be built at the local level, and sustainable funding should be mobilised, to allow local and national authorities to co-ordinate responses to inadequate housing effectively, including through resolving issues with documentation, and in effective consultation with persons belonging to communities concerned.
- The Advisory Committee urges the authorities to ensure effective access to secondary and university education for Roma and Egyptian students, in particular by covering any costs of examinations in the final year of secondary school disproportionately faced by such students and guaranteeing that scholarship payments are made in a timely manner and provide a meaningful incentive to remain in school. A greater number of mediators should be engaged to address drop-outs or persistent absenteeism, ensure a regular rhythm of study and continuation of studies between primary, secondary and university levels.
- The Advisory Committee urges again the authorities to extend affirmative action concerning electoral thresholds for numerically small national minorities, in particular to the Roma, so as to ensure the principle of equal treatment is upheld.

#### Further recommendations:<sup>162</sup>

- The Advisory Committee calls on the authorities to promptly publish disaggregated data gathered from the census. In order to ensure trust in the census and the wider implementation of minority rights based on its results, the authorities should involve representatives of national minorities in the analysis and publication of data collected in the census, and work with them to identify and address the issues around the census, including in relation to free self-identification and the billboard campaigns. Complementary disaggregated data, such as independent research and empirical surveys, and particularly in regions and municipalities where persons belonging to minorities live in substantial numbers, should also be collected.

<sup>162</sup> The recommendations below are listed in the order of the corresponding articles of the Framework Convention.

- The Advisory Committee calls on the authorities to address situations of non-implementation of recommendations made by the Protector of Human Rights and Freedoms to public authorities and create more effective ways to increase and systematise their implementation. Adequate resources should be provided to the Protector, and the operational, including financial, independence of the institution from government should be ensured.
- The Advisory Committee calls on the authorities to intensify without delay efforts to reduce (the risk of) statelessness and the number of persons belonging to national minorities without the requisite documentation, including through strengthening international and regional co-operation in this field and providing local authorities with the means and capacities to take a proactive approach to solving these issues.
- The Advisory Committee calls on the authorities to ensure the implementation of the Strategy for Social Inclusion of Roma and Egyptians 2021-2025 and ensuing action plans at all levels, including through training for local authorities. The Strategy and relevant action plans should be implemented and evaluated according to needs and interests of Roma and Egyptians, with their active participation and with due regard to the diversity within their respective communities, especially women and children.
- The Advisory Committee calls on the authorities to move forward with their plans to develop a mechanism for monitoring and reacting to hate speech, and to develop a method of systematic enforcement of legal provisions relating to online hate speech.
- The Advisory Committee calls on the authorities to effectively tackle racism, intolerance and anti-minority rhetoric and violence at football matches.
- The Advisory Committee calls on the authorities to move forward with the development of the standardisation of Romani, so as to ensure this language can be used in contacts with local authorities. In this connection, the authorities should encourage municipalities to actively recruit persons belonging to national minorities, in particular Roma, for their linguistic competencies. Authorities should also ensure that there are sufficient numbers of court interpreters of the Romani language with the requisite skills, including by providing education opportunities for this profession.
- The Advisory Committee calls on the authorities to ensure quality and systematic teacher training on the use of the open 20% of the curriculum in relation to national minority cultures, languages, histories and identities. Teachers working in schools outside of areas where persons belonging to national minorities make up numerical majorities should be targeted in particular, and the authorities should ensure these elements are present in curricula and teaching materials through developing a strategic approach to the issue. The authorities should provide guidance to schools on curricular and extracurricular activities promoting intercultural dialogue, in particular between students learning in the Albanian- and Montenegrin-language curricula.
- The Advisory Committee calls on the authorities to enter into a dialogue with representatives of the Egyptian community, including their organisations, about setting up a national minority council for this community, to clarify the legal status of national minority councils and to provide a mechanism to ensure gender balance in their composition, as well as the participation of youth.
- The Advisory Committee calls on the authorities to ensure effective access to healthcare and effectively tackle unequal health outcomes faced by Roma and Egyptians, including by creating a more supportive and welcoming healthcare environment – with a particular focus on women – through increasing the number of healthcare mediators and raising awareness among healthcare professionals.

The Advisory Committee on the Framework Convention for the Protection of National Minorities is an independent body that assists the Committee of Ministers of the Council of Europe in evaluating the adequacy of the measures taken by the Parties to the Framework Convention to give effect to the principles set out therein.

The Framework Convention for the Protection of National Minorities, adopted by the Committee of Ministers of the Council of Europe on 10 November 1994 and entered into force on 1 February 1998, sets out principles to be respected as well as goals to be achieved by the states, in order to ensure the protection of national minorities. The text of the Framework Convention is available, among other languages, in English and French, as well as Montenegrin, Albanian, Bosnian, Croatian, Serbian and Romani.

This opinion contains the evaluation of the Advisory Committee following its 4<sup>th</sup> country visit to Montenegro.

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