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



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## **Fourth Report submitted by Montenegro**

**Pursuant to Article 25, paragraph 2 of the Framework  
Convention for the Protection of National Minorities –  
received on 8 December 2022**



**Montenegro**  
**The Ministry of Human and Minority Rights**

**THE FOURTH REPORT OF MONTENEGRO ON THE IMPLEMENTATION OF THE  
FRAMEWORK CONVENTION  
FOR THE PROTECTION OF NATIONAL MINORITIES**

Podgorica, July 2022

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## EXECUTIVE SUMMARY

Pursuant to Article 2 of the Framework Convention for the Protection of National Minorities (hereinafter: The Framework Convention), Montenegro has an obligation to deliver interim reports to the General Secretariat of the Council comprising the relevant information for the implementation of the Framework Convention. The Fourth Report of Montenegro on the Implementation of the Framework Convention for the Protection of National Minorities aims at indicating the amendments and novelties in legal and institutional framework for the protection of minority nations and other minority national communities in Montenegro, aims adopted and designed to improvement and development of the rights of national minorities and other minority national communities, as well as the progress in the implementation of recommendations of Advisory Committee for the Framework Convention for the Protection of National Minorities stated in the Third Opinion on Montenegro, adopted on 7 March 2019.

Despite social and political developments and setbacks and their impact on the positioning of human and minority rights on the government's political agenda, in the reporting period, Montenegro made significant efforts to develop and improve the rights of minority nations and other minority national communities. However, it is necessary to strengthen institutional capacities and allocate an appropriate budget. The implementation and monitoring of strategies and policies in this field took place at a slower pace in the second half of reporting under the Framework Convention, due to organisational and personnel changes, as indicated by international reports as well. The Protector of Human Rights and Freedoms (hereinafter: The Protector) continuously improves its work and records an increase in complaints filed by citizens. However, the full implementation of the Protector's recommendations is missing and should be more systematic, efficient and rapid. Increased commitment and advocacy by the representatives of the Committee for Human Rights and Freedoms of the Parliament of Montenegro is necessary with the aim of having a more significant impact on the improvement of national, ethnic and other equality, especially in the field of political participation and employment. Significant financial resources were allocated from the budget and distributed through various mechanisms of the Government of Montenegro, which largely contributes to the progress in implementing the provisions of the Framework Convention.

With regard to immediate action stated in the Third Opinion on Montenegro, Montenegro has: 1) taken measures to improve the social and economic situation of Roma and Egyptians, particularly by increasing employment opportunities – 84.4 % of inquired Roma and Egyptians had no job in 2106, while the percentage of the unemployed is 70% in 2020, despite the high level of unemployment, this data indicates a positive trend<sup>1</sup>; 2) taken further steps to improve the attendance of Roma and Egyptian children in education, whilst not reducing the standard of education and tackling early forced marriage, and ensuring that mediators are employed on secure, long-term contracts at the level of primary education, 1622 students were enrolled in

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<sup>1</sup> Research on social and economic position of Roma and Egyptians in Montenegro, the Ministry of Human and Minority Rights in cooperation with Regional Cooperation Council), available at: <https://www.gov.me/clanak/234675--novo-istrzivanje-o-socijalnoj-integraciji-roma-i-egipcana>

2016 and 1856 students of Roma and Egyptian population at the level of primary education in 2020, which is an increase of 15%<sup>2</sup>; at the level of secondary education, 112 students were enrolled in 2016 and 207 students of Roma and Egyptian population at the level of primary education in 2020, which is an increase of more than 80%<sup>3</sup>; at the level of university education, additional efforts need to be taken; also, in cooperation with international organisations and non-governmental organisations, additional efforts have been taken for education of Roma mediators and ensuring a long-term engagement; 3) failed to reintroduce the subject of civic education in the compulsory curriculum; introduce compulsory teacher training on the use of the 20% of the curriculum reserved for education on the local area in this reporting period, but there is a strong impact made by civil sector which successfully implemented an initiative for introducing media literacy as an elective course for the academic year 2023/2024; 4) planned to extend affirmative action for numerically small minority national communities, in particular Roma within the measures from the Strategy for Social Inclusion of Roma and Egyptians in order to make amendments to the Law on Election of Councillors and Members of Parliament with the aim of ensuring an equal treatment between such communities in terms of thresholds in electoral legislation.

With regard to the recommendations given pursuant to the articles of the Framework Convention, out of the total of 36 recommendations of Advisory Committee on the Framework Convention set out in the Third Opinion on Montenegro, the progress has been fully achieved in<sup>4</sup> 20, limited progress in eight, while there was no progress in eight recommendations.

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<sup>2</sup> Data of the Ministry of Education submitted for the needs of interim reporting under the Framework Convention

<sup>3</sup> Data of the Ministry of Education submitted for the needs of interim reporting under the Framework Convention

<sup>4</sup> Detailed explanation of the progress achieved is contained in the Chapter Implementation of certain provisions of the Framework Convention

## INTRODUCTORY NOTES

Montenegro, which is characterized as multi-ethnic and multiconfessional, has recently been marked with deep social polarization, increasing hate speech and intolerance, and additional efforts need to be focused on strengthening intercultural relations and social cohesion. Due to the change of government on 30 August 2020 and lack of political consensus, Montenegro is in a political and institutional crisis, which resulted in a vote of no confidence in the 42nd Government of Montenegro. In April 2022, the 43rd Government of Montenegro took office, which due to the adoption of the so-called Fundamental Agreement between the state of Montenegro and the Serbian Orthodox Church lost the support of the majority of the members of the Parliament who supported the formation of this government.

Pursuant to Article 25 of the Framework Convention for the Protection of National Minorities, Montenegro has submitted the Fourth Interim Report on the implementation of the Framework Convention for the Protection of National Minorities for the period from 2017 to 2022.

The report was prepared in coordination with the Ministry of Human and Minority Rights, with participation of the Ministry of Justice, the Ministry of Interior, the Ministry of Foreign Affairs, the Ministry of Education, the Ministry of Culture, the Ministry of Labour and Social Welfare, the Ministry of Sport, the Centre for Development and Preservation of Minority Culture in Montenegro, the Fund for Protection and Exercise of Minority Rights, the Human Resources Management Authority, the University of Montenegro, the Montenegrin Public Service, the Union of Municipalities of Montenegro, the Statistical Office, the councils of the minority nations and other minority national communities in Montenegro, etc.

In addition, the municipalities of Ulcinj, Bar, Gusinje, Herceg Novi, Kotor, Tivat, Petnjica, Plav, Rožaje, Tuzi, Tivat and the Capital Podgorica contributed to the preparation of this report.

The terms used in this Report referred to natural persons in the masculine gender imply the same terms in the feminine gender.

## Overview on legal and institutional framework for the protection of minority nations and other minority national communities and international legal instruments

The Preamble of the Constitution of Montenegro<sup>5</sup> determines the state based on the values comprising of freedom, peace, tolerance, respect for human rights and freedom, multiculturalism, democracy and the rule of law, as well as commitment to equal cooperation with other nations and states and European and Euro-Atlantic integration. The bearer of sovereignty according to the Constitution is a citizen who has Montenegrin citizenship. The preamble of the Constitution of Montenegro defines the determination of free and equal citizens, as members of nations and national minorities living in Montenegro: Montenegrins, Serbs, Bosniaks, Albanians, Muslims, Croats and others, to express their commitment to a democratic and civic Montenegro. Special measures are limited in time until the goals for which they were introduced into the legal system are achieved. Articles 79 and 80 of the Constitution of Montenegro guarantee rights and freedoms to members of minority nations and other minority national communities, which they can exercise individually and in community with others, and prohibit the assimilation of members of minority nations and other minority national communities. The state is obliged to protect members of minority nations and other minority national communities from all forms of forced assimilation. Additionally, the second part of the Constitution contains 65 articles that guarantee human rights and freedoms, civil and political, economic, social and cultural, as well as minority rights. Montenegro, by the provisions of Article 9 of the Constitution, established that ratified and published international treaties and generally accepted rules of international law are an integral part of the internal legal system, and that they have supremacy over the national legislation and are directly applicable when they regulate the relations differently from internal legislation.

International treaties represent the basic and most important source of international law, as they determine the range of protected rights and international monitoring mechanisms, requiring member states to take effective measures on the internal level (International Covenant on Civil and Political Rights). Declarations, recommendations and other instruments of the so-called soft law, recognising the entire catalogue of minority rights and providing guidelines for their regulation in internal legislation. In this sense, among **the legal instruments of the UN**, it is important to highlight: the Covenant on Civil and Political Rights, with both optional protocols, as well as the Covenant on Social, Economic and Cultural Rights, the Convention relating to the Status of Refugees and its Protocol, the International Convention on the Elimination of All forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, the Convention against Torture or Other Cruel, Inhuman or Degrading Treatment or Punishment. Also, Montenegro is bound by the Universal Declaration of Human Rights, but not as a contractual obligation, but as an obligation arising from Customary international law. **The legal instruments of the Council of Europe** are as follows: The European Convention for the

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<sup>5</sup> The Constitution of Montenegro (Official Gazette of Montenegro 001/07 as of 25/10/2007, 038/13 as of 02/08/2013), available at: <https://www.skupstina.me/me/ustav-crne-gore>

Protection of Human Rights and Fundamental Freedoms, the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, the Framework Convention for the Protection of National Minorities, the European Charter for Regional or Minority Languages and the European Social Charter.

As for the legal framework for the protection of minority rights in Montenegro, it is standardized on two separate, but essentially connected and conditional levels - the Constitution, laws and by-laws.

**Law on Minority Rights and Freedoms**<sup>6</sup> further elaborates the rights prescribed by the Constitution, in accordance with international acts and generally accepted rules of international law. The equality of minorities in relation to other citizens is proclaimed in Article 4 of this Law and is ensured through protection against discrimination in all spheres of social life of minorities. Paragraph 2 referred to in this article determines the illegality and criminality of any violation of the rights of minorities, whereby equality is additionally ensured by the threat of sanctions for any illegal activity that is intended to violate this principle. In addition to this key law, the legal framework that regulates the rights of minority nations and other minority national communities consists of laws and other acts that regulate the exercise of rights in certain areas, such as education, information, culture, use of language, symbols and alphabet, political participation, etc.

To this aim, the right to free choice, use and public display of national symbols of members of minority nations and other minority national communities is regulated by **the Law on the Selection, Use and Public Display of National Symbols**<sup>7</sup>.

The systematic law for the area of local self-government is **the Law on Local Self-Government**<sup>8</sup>, which stipulates that while conducting their affairs, local self-government bodies shall ensure equal protection of rights and legal interests of local population and legal entities based on the law, and that the municipality provides conditions for the protection and improvement of minority rights. It also contains solutions that ensure the protection of minority nations and other minority national communities in a manner that Article 11 of this Law prescribes that the municipality is obliged to ensure the conditions for the protection and promotion of minority rights and gender equality, and that local civil servants and state employees may not perform discrimination on the basis of belonging to a minority nation or minority national community while conducting their affairs.

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<sup>6</sup> Law on Minority Rights and Freedoms (Official Gazette of Montenegro 031/06 as of 12/05/2006, 051/06 as of 04/08/2006, 038/07 as of 22/06/2007, Official Gazette of Montenegro 002/11 as of 12/01/2011, 008/11 as of 04/02/2011, 031/17 as of 12/05/2017), available at: <https://wapi.gov.me/download-preview/b2e7921b-2ec5-4cfe-879e-376c24b9dcc5?version=1.0>

<sup>7</sup> Law on the Selection, Use and Public Display of National Symbols (Official Gazette of Montenegro 003/20 as of 23/01/2020), available at: <https://wapi.gov.me/download-preview/5c050896-c51c-46c8-b86b-be5e7d7b1203?version=1.0>

<sup>8</sup> Law on Local Self-Government, (Official Gazette of Montenegro 2/2018, 34/2019 and 38/2020 ), available at: <https://wapi.gov.me/download-preview/7aff6d9b-94e0-4552-b3e5-654375b945ab?version=1.0>



**Law on Election of Councillors and Members of Parliament**<sup>9</sup> regulates and defines the political participation of minority nations and other minority national communities within the framework of parliamentary authority. It defines in more detail the constitutionally guaranteed rights of minority nations and other minority national communities to authentic representation in the Parliament of Montenegro, with a special emphasis on the principle of affirmative action. This law foresees an exception for the number of candidates on the candidate list for the election of the members of the Parliament submitted by a group of voters or political party representing a minority nation or minority national community, which can be at least 1/3 (two thirds for other groups and parties), and at most as many candidates as are elected.

**Law on Civil Servants and State Employees**<sup>10</sup> contains an anti-discrimination clause to be observed by a civil servant in his work, and prescribes the availability of jobs for civil servants, i.e. state employees, under equal conditions, and expressly prohibits putting civil servants, i.e. state employees, in a privileged or unequal position while exercising their rights and obligations or denying them or limiting their rights, especially due to, *inter alia*, national, racial or religious affiliation.

**General Law on Education**<sup>11</sup> places particular emphasis on the rights of minorities and stipulates that classes are also conducted in the languages in official use, respecting the rights of minority nations, while specifying the languages in which classes are conducted (Bosnian, Albanian and Croatian).

**Law on Media**<sup>12</sup>, through the institution of the Fund for Encouraging Pluralism and Diversity of the Media, encourages the provision of public services, in order to exercise the rights guaranteed by the Constitution and the law for "non-for-profit media content of public interest, in the languages of minority nations and other minority national communities".

When establishing the principles laid down in terms of culture in Montenegro, **the Law on Culture**<sup>13</sup> prescribes that these are, *inter alia*, contained in artistic freedom and respect for cultural rights; commitment of the state and local self-government to encourage and support the development of cultural and artistic creativity and the protection and preservation of

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<sup>9</sup> Law on Election of Councillors and Members of Parliament (Official Gazette of Montenegro 4/98 as of 18/02/1998, 05/98 as of 25/02/1998, 17/98 as of 20/05/1998, 14/00 as of 17/03/2000, 18/00 as of 31/03/2000, 09/01 as of 22/02/2001, (FRY) 09/01 as of 02/03/2001, 41/02 as of 02/08/2002, 46/02 as of 10/09/2002, 45/04 as of 02/07/2004, 48/06 as of 28/07/2006, 56/06 as of 07/09/2006, 46/11 as of 16/09/2011, 14/14 as of 22/03/2014, 47/14 as of 07/11/2014), available at: [https://dik.co.me/old\\_dik/regulativa/Zakoni/Zakon%20o%20izboru%20odbornika%20i%20poslanika.pdf](https://dik.co.me/old_dik/regulativa/Zakoni/Zakon%20o%20izboru%20odbornika%20i%20poslanika.pdf)

<sup>10</sup> Law on Civil Servants and State Employees (Official Gazette of Montenegro 2/2018, 34/2019 and 8/2021), available at: <https://wapi.gov.me/download-preview/59ed0c0d-daf3-493a-b4f3-afe34d5b1992?version=1.0>

<sup>11</sup> General Law on Education, (Official Gazette of Montenegro 004/08, 021/09, 045/10, 073/10, 040/11, 045/11, 036/13, 039/13, 044/13, 047/17, 059/21) available at: <https://www.katalogpropisa.me/wp-content/uploads/2021/06/Opsti-zakon-o-obrazovanju-i-vaspitanju.pdf>

<sup>12</sup> Law on Media (Official Gazette of Montenegro 82/2020 as of 06/8/2020), available at: <https://wapi.gov.me/download-preview/101e4ce0-3a5e-4c04-a81a-5287551a6a82?version=1.0>

<sup>13</sup> Law on Culture (Official Gazette of Montenegro 049/08 as of 15/08/2008, 016/11 as of 22/03/2011, 040/11 as of 08/08/2011, 038/12 as of 19/07/2012), available at: <https://www.gov.me/dokumenta/03ecfa1e-c000-41af-a230-fd0e0a9667b9>

cultural heritage; equal preservation of all cultural identities and respect for cultural diversity; and finally - building and improving the culture system, in accordance with international standards, in particular with EU standards.

**The Law on Public Broadcasting Service of Montenegro<sup>14</sup>** prescribes that with the application of high standards of professional ethics and quality, without any form of discrimination, this broadcaster is obliged to produce and broadcast program content, which is, *inter alia*, intended for all segments of society, especially taking care of children and youth, members of minority nations and other minority national communities, persons with disabilities, socially vulnerable and other specific groups, and affirming and nurturing Montenegrin national and cultural identity, cultural and ethnic identity of minority nations and other minority national communities, Europe's cultural heritage and cultural diversity.

As for the **procedural laws**, there are a number of provisions on the right to use language, i.e. language in official use. To this aim, it is necessary to mention **the Criminal Procedure Code<sup>15</sup>, the Law on Civil Procedure<sup>16</sup> and the Law on Administrative Procedure<sup>17</sup>**, which contain a number of provisions and procedural guarantees related to the use of language in the procedure. Montenegrin legislation also has another additional mechanism for the protection of minorities, which implies that relevant criminal offences committed on ethnic, national, religious and similar grounds are incorporated in criminal legislation. **The Criminal Code of Montenegro<sup>18</sup>** incriminates any violation of the principle of equality of citizens based on their national affiliation or belonging to an ethnic group, race or religion or the absence of such affiliation or belonging, political or other opinion, gender, language, education, social status, social origin or other specificity. As for **the legal protection in misdemeanour matters against torts committed on the grounds of national affiliation, the Law on Public Peace and Order<sup>19</sup>** stipulates that whoever insults another person on the grounds of national, racial or religious affiliation, ethnic origin, or other specificities in a public place by means of speech,

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<sup>14</sup> Law on the Public Broadcasting Service of Montenegro (Official Gazette of Montenegro 80/2020 as of 4/8/2020), available at: <https://wapi.gov.me/download-preview/4b2773c6-8a04-41a3-b286-bd3523e034b0?version=1.0>

<sup>15</sup> Criminal Procedure Code (Official Gazette of Montenegro 057/09 as of 18/08/2009, 049/10 as of 13/08/2010, 047/14 as of 07/11/2014, 002/15 as of 16/01/2015, 035/15 as of 07/07/2015, 058/15 as of 09/10/2015, 028/18 as of 27/04/2018), available at: <https://wapi.gov.me/download-preview/a1a42830-9a42-45d4-b519-64bc53300bd5?version=1.0>

<sup>16</sup> Law on Civil Procedure (Official Gazette of Montenegro 073/10 as of 10/12/2010, 047/15 as of 18/08/2015, 048/15 as of 21/08/2015, 051/17 as of 03/08/2017, 075/17 as of 09/11/2017, 062/18 as of 21/09/2018, 034/19 as of 21/06/2019, 042/19 as of 26/07/2019, 076/20 as of 28/07/2020), available at: <https://crnvo.me/wp-content/uploads/2021/02/Zakon-o-parnicnom-postupku.doc.pdf>

<sup>17</sup> Law on Administrative Procedure (Official Gazette of Montenegro 056/14 as of 24/12/2014, 020/15 as of 24/04/2015, 040/16 as of 30/06/2016, 037/17 as of 14/06/2017), available at: <https://www.gov.me/dokumenta/a1a122ef-013c-4b53-9ffc-0718d16b4d99>

<sup>18</sup> Criminal Code of Montenegro (Official Gazette of Montenegro 040/08 as of 27/06/2008, 025/10 as of 05/05/2010, 073/10 as of 10/12/2010, 032/11 as of 01/07/2011, 064/11 as of 29/12/2011, 040/13 as of 13/08/2013, 056/13 as of 06/12/2013, 014/15 as of 26/03/2015, 042/15 as of 29/07/2015, 058/15 as of 09/10/2015, 044/17 as of 06/07/2017, 049/18 as of 17/07/2018, 003/20 as of 23/01/2020, available at: <https://crnvo.me/wp-content/uploads/2021/02/Krivicni-zakonik-Crne-Gore.doc.pdf>

<sup>19</sup> Law on Public Peace and Order (Official Gazette of Montenegro 64/11, 56/20 as of 15 January 2020), available at: <https://www.katalogpropisa.me/propisi-crne-gore/zakon-o-javnom-redu-i-miru-2/>

writing, sign or in any other manner shall be sanctioned for such misdemeanour, while **the Law on Spectator Violence and Misbehaviour at Sports Events**<sup>20</sup> stipulates two forms of violence at sports events concerning national and religious affiliation, namely: individual or group exclaiming slogans that are expressing or inciting armed conflict or violence, hatred or intolerance, national or religious discrimination, or discrimination on grounds of religion, sex any other specificity, whose content is offensive or indecent shouting of offensive words that call for or incite armed conflict or violence, hatred or intolerance, national or racial discrimination, or discrimination on the basis of religion, gender or sexual orientation, or on other grounds, as well as inciting hatred or intolerance that may lead to a physical conflict among the spectators of the sports event; and placing or displaying banners, flags or other materials with text, images, signs or other characteristics that call for or incite armed conflict or violence, hatred or intolerance, national or racial discrimination, or discrimination on the grounds of religion. **The Law on Public Gatherings and Public Events**<sup>21</sup> authorizes the police authority to temporarily limit the freedom of public assembly if such a restriction is necessary in a democratic society in order to prevent the violation of public peace and order, commission of criminal offences, breach of human rights and freedoms and special minority rights and freedoms of other persons.

Finally, although being currently in draft form, the new Law on Discrimination promotes the concept of the prohibition of and protection against discrimination, as well as it promotes equality, in the same manner as **the Law on Prohibition of Discrimination**<sup>22</sup> which is currently in force.

Strategic documents represent public policy documents planning the norms prescribed by law through planning objectives, setting indicators and defining the measures and activities of all relevant entities. Pursuant to Article 7 of the Law on Minority Rights and Freedoms, the Government of Montenegro adopts **the Strategy of Minority Policy** as an umbrella sectoral strategic document in the area of protection of minority nations and other minority national communities in order to ensure the conditions for the unhindered enjoyment and nurturing of the national or ethnic particularities of minorities and their members. This instrument defines measures for the enforcement of the Law itself, as well as for improving the living conditions of minority nations and other minority national communities. The strategy represents a set of special measures in a five-year period, as well as the definition of holders, time-schedules and financial costs aimed at improvement of the position of minority nations and other minority national communities and their better integration into social developments. **The most recent strategy was adopted for the period 2019-2023**<sup>23</sup> and covers five key areas: 1. Education 2.

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<sup>20</sup> Law on Spectator Violence and Misbehaviour at Sports Events (Official Gazette of Montenegro 51/17), available at: <https://zakoni.skupstina.me/zakoni/web/dokumenta/zakoni-i-drugi-akti/212/1496-9614-24-5-17-2-7.pdf>

<sup>21</sup> Law on Public Gatherings and Public Events (Official Gazette of Montenegro 52/16), available at: <https://www.katalogpropisa.me/propisi-crne-gore/zakon-o-javnim-okupljanjima-i-javnim-priredbama-2/>

<sup>22</sup> Law on Prohibition of Discrimination (Official Gazette of Montenegro 46/2010, 40/2011 – another law, 18/2014 and 42/2017), available at: <https://www.paragraf.me/propisi-crnegore/zakon-o-zabrani-diskriminacije.html>

<sup>23</sup> Strategy of Minority Policy 2019-2023, available at: <https://www.gov.me/dokumenta/be1be50e-87ed-4c08-8c74-719fbb29eb24>

Employment 3. Culture and identity 4. Political participation and 5. Special measures. This strategy defines the measures for implementing this law and improving the current status and living conditions of minorities in the mentioned areas, namely: promotion of principles of civil education; creating program radio and TV content about minorities; the use of the language and alphabet of minorities when marking the names of bodies, local self-government units, settlements, squares and streets, institutions, etc.; periodic reports every five years aimed at research on the representation of minorities in state administration bodies, local self-government and public services; organizing educations; production and broadcasting of legally established program contents; compliance with the defined legal measures of affirmative action in the course of employment.

In addition to this strategy, **the Strategy for Social Inclusion of Roma and Egyptians 2021 - 2025**<sup>24</sup> represents another strategic document regulating legal, social status, family protection, culture, identity and information. Its strategic goal is improving the socio-economic and legal position of Roma and Egyptians in Montenegro, through the development of an inclusive and open society dedicated to the fight and the elimination of all forms of discrimination, anti- gypsyism and poverty. The strategy includes all areas that are considered important for solving the problems of the RE community, namely: discrimination and anti-gypsyism, poverty, political participation, housing, education, employment, health, domestic violence, child marriage and begging, as well as culture, identity and information.

**Strategy on Migration and Reintegration of Returnees in Montenegro for the Period 2021-2025**<sup>25</sup> has two strategic objectives: harmonize and improve the existing legal framework in line with international standards and further strengthen institutional and administrative capacity for integrated management of mixed migration; and improving the system of readmission and return of Montenegrin and foreign citizens with an efficient assistance process, in accordance with the concluded agreements and protocols on readmission and in cooperation with other countries and international organisations. This strategy envisages activities relating to reintegration of returnees upon readmission, which are reflected in providing temporary accommodation when necessary, distributing humanitarian aid, providing psychosocial support to readmission returnees for reintegration, and providing assistance in establishing family ties, providing health insurance and education, support for employment and self-employment, in accordance with existing programs, keeping appropriate records, cooperation between state bodies, public institutions of local government and NGOs. In relation to displaced and internally displaced persons, as well as individuals at risk of becoming stateless, a considerable part of whom are Roma and Egyptians, the permanent resolution of their issues is strategically set as: local integration and voluntary sustainable return to the country of origin.

A number of institutions are in charge of protection and improvement of the rights and status of minority peoples and other minority national communities, as follows:

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<sup>24</sup> Strategy for Social Inclusion of Roma and Egyptians 2021 - 2025, available at: <https://www.gov.me/clanak/strategija-socijalne-inkluzije-roma-i-egipcana-u-crnoj-gori-2021-2025>

<sup>25</sup> Strategy on Migration and Reintegration of Returnees in Montenegro for the Period 2021-2025, available at: <https://www.gov.me/dokumenta/38214cec-7412-498d-9f8e-484e02ee1c78>

**Ministry of Human and Minority Rights** conducts administrative affairs pursuant to Article 19 of the Decree on Organisation and Method of Operation of State Administration<sup>26</sup>. It specifies the tasks within the competence of this ministry, relating to: protection of human rights and freedoms, if such protection does not fall under the competence of other ministries; protection against discrimination; monitoring the enforcement and protection of minority rights and rights of other minority national communities in part of national, ethnic, cultural, linguistic and religious identity; improvement of mutual relations between the members of minorities and other national minority communities; improvement of interethnic tolerance in Montenegro as well as establishment and maintenance of undisturbed contacts of the members of minority nations and other minority national communities with citizens and associations outside Montenegro, with whom they share their mutual national and ethnic heritage, cultural and historic heritage, as well as religious beliefs; gender equality; improvement of the status of Roma, Ashkali and Egyptians and their complete integration into social developments; mutual cooperation and communication to promote intercultural dialogue and strengthen coexistence; drafting the proposals of regulations relating to the protection of human rights and freedoms, protection against discrimination, protection of the rights of minority nations and other minority national communities; as well as other affairs within the scope of its competence. Additionally, Rulebook on internal organisation and job classification of the Ministry of Human and Minority Rights<sup>27</sup>, adopted on 11<sup>th</sup> session of the Government of Montenegro, defines the following organisational units:

1. Directorate for improvement and protection of human rights and freedoms
2. Directorate for improvement and protection of the rights of minority nations and other minority national communities
3. Directorate for interculturalism
4. Section for gender equality affairs
5. Section for improvement and protection of the rights of Roma and Egyptians
6. Section for European integration, programming and implementation of EU funds
7. Cabinet of the Minister
8. Service for general affairs
9. Service for financial affairs.

A novelty in relation to the internal organisation of the previous Ministries is the Directorate for Interculturalism<sup>28</sup>, which conducts the affairs related to the improvement, development and promotion of interculturality, intercultural dialogue and mutual respect, better understanding and tolerance, cooperation and communication among minority nations and other minority national communities; encouraging an open exchange of views between individuals and groups of different ethnic, religious, linguistic and national affiliations on grounds of mutual understanding and respect; promoting positive attitudes towards diversity and cultural

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<sup>26</sup> Decree on Organisation and Method of Operation of State Administration (Official Gazette of Montenegro 049/22 as of 06/05/2022), available at: <https://metrologija.me/wp-content/uploads/zakonodavstvo/ostalo/Uredba-o-organizaciji-i-nacinu-rada-drzavne-uprave.pdf>

<sup>27</sup> Rulebook on internal organisation and job classification of the Ministry of Human and Minority Rights, available at: <https://wapi.gov.me/download-preview/6ab52a78-16a0-4cdf-871f-d9e312c0c64a?version=1.0>

<sup>28</sup> Rulebook on internal organisation and job classification of the Ministry of Human and Minority Rights, available at: <https://wapi.gov.me/download-preview/6ab52a78-16a0-4cdf-871f-d9e312c0c64a?version=1.0>



diversity; encouraging the overcoming of existing mutual prejudices, stereotypes and ethnic distance; encouraging activities aimed at education on interculturality, preparation of publications aimed at promoting interculturality; implementation of measures for better familiarization with the cultures of minority nations and other minority national communities in order to affirm the principle of equality; as well as other relevant affairs within the scope of competences of the Directorate.

**Committee on Human Rights and Freedoms**<sup>29</sup> has been established as a permanent working body in the Parliament of Montenegro which reviews bills of laws, other regulations and enactments, as well as other issues related to: the freedoms and rights of the man and of the citizen, with special reference to minority rights, application of ratified international acts related to exercise, protection and improvement of these rights. It monitors the implementation of documents, measures and activities for the improvement of national, ethnic and other equality, especially in the fields of education, health, information, social policy, employment, entrepreneurship, decision-making processes, etc. The Committee participates in the preparation and drafting of documents and the harmonization of legislation in this area with standards in European legislation. It also cooperates with relevant working bodies of other parliaments and non-governmental organisations in this field.

**The Protector of Human Rights and Freedoms**<sup>30</sup> is the institutional (national) mechanism for protection from discrimination. The Protector, with the approval of discriminated person, acts and takes measures for protection from discrimination, in accordance with the Law on Protector of Human Rights and Freedoms of Montenegro<sup>31</sup> and specific Law governing the prohibition of discrimination. In acting of the Protector in cases of discrimination by natural or legal persons, the provisions of the Law on Protector applies accordingly. To this aim, the Protector has a very important role in the prevention of discrimination of national minorities.

**Councils of Minority nations and other minority national communities**<sup>32</sup> have an important role in exercising the rights of minority nations and other minority national communities as prescribed by Article 79 of the Constitution of Montenegro. Article 33 of the Law on Minority Rights and Freedoms prescribes the establishment of the councils and there are six councils in place in Montenegrin legal system, as follows: Albanian National Council in Montenegro, Bosniak National Council in Montenegro, Council of Muslim People in Montenegro, Roma Council, Croatian Council in Montenegro and Serbian National Council.

<sup>29</sup> Committee on Human Rights and Freedoms of the Parliament of Montenegro, available at: <https://www.skupstina.me/me/radna-tijela/odbor-za-ljudska-prava-i-slobode>

<sup>30</sup> The Protector of Human Rights and Freedoms, available at: [https://www.ombudsman.co.me/O\\_instituciji.html](https://www.ombudsman.co.me/O_instituciji.html)

<sup>31</sup> Law on Protector of Human Rights and Freedoms of Montenegro (Official Gazette of Montenegro 42/2011 and 32/2014), available at:

[https://www.ombudsman.co.me/docs/Zakon\\_o\\_zastitniku\\_ci\\_ljudskih\\_prava\\_i\\_sloboda\\_Crne\\_Gore.pdf](https://www.ombudsman.co.me/docs/Zakon_o_zastitniku_ci_ljudskih_prava_i_sloboda_Crne_Gore.pdf)

<sup>32</sup> The Constitution of Montenegro (Official Gazette of Montenegro 001/07 as of 25/10/2007, 038/13 as of 02/08/2013), available at: <https://www.skupstina.me/me/ustav-crne-gore>

**Fund for Protection and Exercise of Minority Rights**<sup>33</sup> has been established by the Parliament of Montenegro with the aim of supporting the activities relevant to the preservation and development of national or ethnic particularities of minority nations and other minority national communities and their members in the field of national, cultural, linguistic and religious identity.

**Centre for Preservation and Development of Minority Culture (CEKUM)**<sup>34</sup> has been established by the Government of Montenegro pursuant to Article 8a of the Law on Minority Rights and Freedoms with the aim of promotion and protection of minority rights, encouraging preservation, development and expression of the culture of minority nations and other minority national communities in Montenegro, while fostering the spirit of tolerance and intercultural dialogue and mutual respect and understanding.

### General Information on Ethnic, Religious and Linguistic Structure of Population

According to the data of the Statistical office of Montenegro (MONSTAT)<sup>35</sup>, in the last population census held in 2011, Montenegro has 620,029 inhabitants, out of which Montenegrins account for 44.98%, Serbs 28.73%, Bosniaks 8.65%, Muslims 3.34%, Albanians 4.91%, Roma 1.01%, Croats 0.97%, while the percentage of other nationalities is significantly lower than 1%. A detailed overview of the national population structure is presented in Table 1.

Table 1: Montenegrin population by national affiliation<sup>36</sup>

National affiliation	Number of inhabitants	Percentage share
<b>Montenegrins</b>	278,865	44.98%
<b>Serbs</b>	178,110	28.73%
<b>Yugoslavs</b>	1,154	0.19%
<b>Albanians</b>	30,439	4.91%
<b>Bosniaks</b>	53,605	8.65%
<b>Bosnians</b>	427	0.07%
<b>Bosniaks/Muslims</b>	181	0.03%
<b>Montenegrins/Muslims</b>	175	0.03%
<b>Montenegrins/Serbs</b>	1,833	0.30%
<b>Goranies</b>	197	0.03%
<b>Muslims/Bosniaks</b>	183	0.03%
<b>Muslims/Montenegrins</b>	257	0.04%
<b>Serbs/Montenegrins</b>	2,103	0.34%

<sup>33</sup> Fund for Protection and Exercise of Minority Rights, available at: <https://www.fzm.me/o-nama>

<sup>34</sup> Centre for Preservation and Development of Minority Culture, available at: <https://cekum.me/o-centru/>

<sup>35</sup> Population census of Montenegro as of 2011, MONSTAT, available at: <https://www.monstat.org/cg/page.php?id=322&pageid=322>

<sup>36</sup> Population census of Montenegro as of 2011, MONSTAT, available at: <https://www.monstat.org/cg/page.php?id=322&pageid=322>

<b>Turks</b>	104	0.02%
<b>Egyptians</b>	2,054	0.33%
<b>Italians</b>	135	0.02%
<b>Macedonians</b>	900	0.15%
<b>Hungarians</b>	337	0.05%
<b>Muslims</b>	20,537	3.34%
<b>Germans</b>	131	0.02%
<b>Roma</b>	6,251	1.01%
<b>Russians</b>	946	0.15%
<b>Slovenians</b>	354	0.06%
<b>Croats</b>	6,021	0.97%
<b>Others</b>	3,358	0.54%
<b>Undeclared</b>	30,170	4.87%
<b>Regional affiliation</b>	1,202	0.19%
<b>TOTAL</b>	<b>620,029</b>	<b>100%</b>

Majority of Montenegrin population, 72.07% of it, is declared as Orthodox. There is 19.08% of Montenegrin population is declared as Muslims, while 3.44% is declared as Catholics. There is a significantly smaller number of those who declare otherwise and the detailed structure of the population by religion is presented in Table 2.

Table 2: Montenegrin population by religion<sup>37</sup>

<b>Religion</b>	<b>Number of inhabitants</b>	<b>Percentage share</b>
<b>Orthodox</b>	446,858	72.07%
<b>Catholics</b>	21,299	3.44%
<b>Islamists</b>	118,477	19.08%
<b>Adventists</b>	894	0.14%
<b>Agnostics</b>	451	0.07%
<b>Atheists</b>	7,667	1.24%
<b>Buddhists</b>	118	0.02%
<b>Christians</b>	1,460	0.24%
<b>Jehovah's Witnesses</b>	145	0.02%
<b>Protestants</b>	143	0.02%
<b>Other religions</b>	6,337	1.02%
<b>Not willing to declare</b>	16,180	2.61%
<b>TOTAL</b>	<b>620,029</b>	<b>100%</b>

<sup>37</sup> Population census of Montenegro as of 2011, MONSTAT, available at: <https://www.monstat.org/cg/page.php?id=322&pageid=322>



Table 3 shows the population structure by mother tongue. The largest number of inhabitants speak Serbian, 42.88% of them, followed by Montenegrin 36.97%, Albanian 5.27%, Bosnian 5.33%, while the rest are at a significantly lower percentage.

Table 3: Montenegrin population by mother tongue<sup>38</sup>

Language	Number of inhabitants	Percentage share
<b>Serbian</b>	265,895	42.88%
<b>Montenegrin</b>	229,251	36.97%
<b>Albanian</b>	32,671	5.27%
<b>Bosnian</b>	33,077	5.33%
<b>Bosniak</b>	3,662	0.59%
<b>Hungarian</b>	225	0.04%
<b>Macedonian</b>	529	0.09%
<b>German</b>	129	0.02%
<b>Romani</b>	5,169	0.83%
<b>Slovenian</b>	107	0.02%
<b>Croatian</b>	2,791	0.45%
<b>Montenegrin/Serbian</b>	369	0.06%
<b>English</b>	185	0.03%
<b>Croatian/Serbian</b>	224	0.04%
<b>Mother tongue</b>	3,318	0.54%
<b>Rumanian</b>	101	0.02%
<b>Russian</b>	1,026	0.17%
<b>Serbo-Croatian</b>	12,559	2.03%
<b>Serbo-Montenegrin</b>	618	0.10%
<b>Regional languages</b>	458	0.07%
<b>Other languages</b>	2,917	0.47%
<b>Undeclared or unknown</b>	24,748	3.99%
<b>TOTAL</b>	<b>620,029</b>	<b>100%</b>

In accordance with the Methodology for preparation, organisation and conduct of the census<sup>39</sup>, the enumerators were obliged to notify all individuals to be registered of the right to express their ethnic/national affiliation, religion and mother tongue freely and by their own conviction, as well as of the right not to answer the questions if they do not want it.

### Information on Montenegro's ranking by Human Development Index

<sup>38</sup> Population census of Montenegro as of 2011, MONSTAT, available at: <https://www.monstat.org/cg/page.php?id=322&pageid=322>

<sup>39</sup> Methodology for preparation, organisation and conduct of the census as of 2011, MONSTAT, available at: <http://monstat.org/cg/page.php?id=325&pageid=322>

Montenegro ranks very highly in the category of human development. The Human Development Index (HDI) is a summary composite measure of a country's average achievements in key dimensions of human development: a long and healthy life, access to education and a decent standard of living. With a Human Development Index (HDI) value of 0.829 for 2019, Montenegro ranks 48<sup>th</sup> among 189 countries and territories.<sup>40</sup>

Human development outcomes in Montenegro are on the rise. From 2014 to 2019, human development index value in Montenegro improved from 0.813 to 0.829, which resulted in a better overall ranking compared to 2014.

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<sup>40</sup> National Human Development Report 2020: Montenegro, UNDP, 2020; available at: <https://files.cargocollective.com/c953148/NHDR-2020-CG.pdf>

## IMPROVEMENT OF THE POSITION OF ROMA AND EGYPTIANS

In accordance with the rights and freedoms guaranteed by the Constitution, laws and generally accepted rules of international law and international treaties and agreements ratified by Montenegro, with the aim of improving the position of the Roma and Egyptian community in Montenegro in all social areas, the Government of Montenegro adopted the Strategy for Social Inclusion of Roma and Egyptians in Montenegro 2021 - 2025<sup>41</sup>. This strategic document was preceded by the Strategy for Social Inclusion of Roma and Egyptians 2016-2020, National Action Plan for the Implementation of the "Decade of Roma Inclusion 2005-2015", Strategy for Improvement of Position of Roma and Egyptians in Montenegro 2012-2016, Strategy for Improving the Position of RE Population in Montenegro.

Reform activities in the previous five-year period were focused primarily on the development and implementation of a public policy, which emphasized:

- Solving the housing problems of members of the Roma and Egyptian population;
- Regulating the legal status of Roma and Egyptians;
- Providing adequate health care, especially for the most vulnerable members of the Roma and Egyptian populations;
- Increasing the presence of the Roma and Egyptian populations in state administration bodies;
- It is especially important to point out the progress made in terms of increasing the number of Roma and Egyptians taking primary and secondary education.

Despite the long-term implementation of strategic documents and the efforts made by Montenegro, Roma and Egyptians represent the most marginalized social group, towards which the greatest degree of discrimination and ethnic distance is expressed.

The strategic objective of the Strategy for Social Inclusion of Roma and Egyptians is improving the socio-economic and legal position of Roma and Egyptians in Montenegro, through the development of an inclusive and open society dedicated to the fight and the elimination of all forms of discrimination, anti-gypsyism and poverty.

Strategic document is based on the following seven principles:

1. Principle of social inclusion of Roma and Egyptians
2. Fighting discrimination, anti-gypsyism, segregation and domestic violence
3. Fighting trafficking in human beings and arranged child marriages
4. Promotion of the existing level of education, healthcare and social care of Roma and Egyptians
5. Fighting all forms of exploitation and violence against women and children (focused on gender equality)

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<sup>41</sup> Strategy for Social Inclusion of Roma and Egyptians 2021 – 2025, available at: <https://www.gov.me/clanak/strategija-socijalne-inkluzije-roma-i-egipcana-u-crnoj-gori-2021-2025>

6. Feasibility principle of the set objectives and accompanying indicators
7. Active participation and inclusion of Roma and Egyptian civil society in the process of implementation and monitoring of the implementation of the strategic document

The structure of the new strategic document is designed as to encompass the connection of the strategy with the umbrella and sectoral strategic documents and international obligations, presentation of the legal and institutional framework in Montenegro, analysis of all issues relevant to this field, review of public policy results to date, review of future activities through the realization of strategic and operational goals and accompanying indicators, together with the guidelines for establishing an effective system for strategy implementation. The accompanying action plans, which will be adopted annually and biennially, will define the strategic objectives, measures and activities necessary for their implementation.

The strategy has 10 operational objectives depending on the areas they relate to - the fight against anti-gypsyism and discrimination, legal status, housing, the fight against all forms of human trafficking, political participation, health care, employment, social and family protection, poverty and education.

Operational objective and performance indicators of this strategy are:

- Operational objective 1 is to improve the institutional and social fight against all forms of discrimination and anti-gypsyism faced by the Roma and Egyptian communities  
Performance indicators are: 1) to reduce the percentage of members of the Roma and Egyptian communities who have faced some form of discrimination; 2) to reduce the percentage of Roma and Egyptians who have been victims of hate speech i 3 Reduce the percentage of ethnic distance towards the citizens of the Roma and Egyptian communities.
- Operational objective 2 is to reduce poverty, social exclusion and the present socio-economic gap between the Roma and Egyptian populations and the majority population.  
Performance indicators are: 1) to reduce material deprivation of the Roma and Egyptian populations as well as the difference in exposure to poverty compared to the general population, 2) to reduce the overlap of the three most common deprivations for children 0-2, 0-5, 5-17 years old (multidimensional poverty of children).
- Operational objective 3 is to increase the level of political participation and representation of the Roma and Egyptian communities in the process of drafting, implementing and monitoring public policies.  
Performance indicators are: 1) to increase the participation of Roma and Egyptians in political life at the local and national levels, 2) to improve and ensure the participation of representatives of the Roma Council and Roma and Egyptian NGOs in the creation of national/local policies aimed at improving the position of members of the Roma and Egyptian communities.

- Operational objective 4 is to provide permanent, decent, affordable and desegregated housing to members of Roma and Egyptian population  
Performance indicators are: 1) to reduce the percentage of housing segregation of RE population in relation to the majority population and 2) to reduce the level of overcrowding in housing facilities in which members of RE population live.
- Operational objective 5 is to improve the availability, effectiveness and quality of education for all members of Roma and Egyptian population.  
Performance indicators are: 1) to increase the percentage of Roma and Egyptian children attending early childhood education programme, 2) to increase the percentage of members of RE population who have successfully completed primary school education, 3) to increase the percentage of members of RE population who have successfully completed secondary education and 4) to increase the number of members of RE population who enrol in higher education institutions on an annual basis.
- Operational objective 6 is to provide access to quality and sustainable employment for members of RE population.  
Performance indicators are: 1) to reduce the unemployment rate of Roma and Egyptians, 2) to increase the percentage of Roma and Egyptians employed in the public sector, 3) to reduce the percentage of Roma and Egyptians employed in the informal sector i 4) to reduce the inactivity rate of Roma and Egyptian women.
- Operational objective 7 is to improve health care of Roma and Egyptian population and increase equal access to quality health care system and social services  
Performance indicators are: 1) to increase the average life expectancy of members of Roma and Egyptian population and 2) to reduce the extent of discrimination faced by members of Roma and Egyptian population in accessing services of the health care system.
- Operational objective 8 is to improve the situation of RE population by resolving the issue of their civil status and possession of personal documents.  
Performance indicators are: 1) to reduce the percentage of Roma and Egyptian population who do not possess personal documents and 2) to ensure that all Roma and Egyptians have birth certificates.
- Operational objective 9 is to improve the legal and institutional protection of Romani and Egyptian women against gender-based violence.  
Performance indicators are: 1) to reduce the percentage of adults in Roma and Egyptian settlements who justify physical violence against their spouses and 2) percentage of women aged 20-24 married before the age of 15 or 18.

- Operational objective 10 is to provide social and legal protection against domestic violence, child and arranged marriages and child begging for Roma and Egyptian children.

Performance indicators are: 1) to reduce the percentage of Roma and Egyptian children who have been subjected to some form of psychological or physical punishment by adult household members and to reduce the percentage of Roma and Egyptian children who have been subjected to severe corporal punishment; 2) to increase the number of identified and processed cases of child marriage and child begging (male); 3) to improve the early childhood development of Roma and Egyptian children aged 0-6, 4) establishment of specialized services for children who have been victims of illicit and arranged marriages and children who are street involved or at risk of becoming street involved.

The following table gives an overview of the entire strategic document funding for the next five-year period, including the main sources of financing as follows:

- Budget of Montenegro,
- Donor support and
- Funds received from IPA funds.

Year	Budgetary funds	Donor support	IPA	Total
<b>2021</b>	661,682.35 <sup>42</sup>	361,384.00	612,000.00 <sup>43</sup>	1,635,066.35
<b>2022</b>	650,000.00	250,000.00	350,000.00	1,250,000.00
<b>2023</b>	650,000.00	250,000.00	350,000.00	1,250,000.00
<b>2024</b>	650,000.00	250,000.00	350,000.00	1,250,000.00
<b>2025</b>	650,000.00	250,000.00	350,000.00	1,250,000.00
<b>TOTAL</b>	3,261,682.35	<b>1,361,384.00</b>	<b>2,012,000.00</b>	<b>6,635,066.35</b>

Regarding the process of drafting, monitoring and reporting on the implementation of the Strategy for Social Inclusion of Roma and Egyptians 2021-2025, it is important to point out the existence of two bodies:

- Working group for development of a strategic document

<sup>42</sup> The specified amount includes EUR 50,000 as an estimate of the minimum amount of financial resources for funding projects with the Fund for the Protection and Exercise of Minority Rights, which will relate to the protection and exercise of the rights of Roma and Egyptians. Also, the specified amount includes financial resources (EUR 100,000.00– estimated minimum amount) for funding NGO projects through sectoral analyses in the field of protection and promotion of human and minority rights, protection of the rights of Roma and Egyptians. In 2018, NGO projects in the total amount of EUR 131,000 were financed in this field, including the total amount of EUR 215,000 in 2019, and the total amount of EUR 136,000 in 2020.

<sup>43</sup> A certain number of activities through IPA projects will be implemented in 2022 as well i.e., a specific portion of the said financial resources will be spent in 2022. These are the IPA projects "Social Inclusion of Roma (Men and Women) and Egyptian (Men and Women) with the Mediation of Social Inclusion Associates" and "Public Campaigns against Forced/Arranged/Child Marriages, Domestic Violence and Begging" which will be implemented within the Joint MNE-EU Program for Employment, Education and Social Protection (SOPEES). The project ideas were prepared by the Department for European Integration, Programming and Implementation of EU Funds, which functioned within the former Ministry of Human and Minority Rights in cooperation with the former Department for the Promotion and Protection of the Rights of Roma and Egyptian.

- Commission for monitoring and reporting on the implementation of the strategic document

The Ministry of Justice and Human and Minority Rights is the umbrella institution responsible for coordinating the operations of the Working Group, developing, implementing and reporting on the strategic document implementation. The strategic document concerned is accompanied by an Action Plan that is to be prepared separately for each year of duration of the strategy concerned.

The working group, with main competences being the preparation of annual and final reports on the implementation of action plans and strategic documents, is composed of the representatives of: the Ministry of Justice, Human and Minority Rights; Roma Council; Union of Municipalities of Montenegro the Council on Child Rights; the Protector of human rights and freedoms; the Ministry of Health; the Ministry of Education, Science, Culture and Sports; the Ministry of Finance and Social Welfare; Statistical Office of Montenegro - MONSTAT; the Ministry of Economic Development; Fund for the protection and exercise of minority rights; Centre for the Preservation and Development of Minority Culture; the Ministry of Ecology, Spatial Planning and Urbanism; Red Cross of Montenegro; the Ministry of Public Administration, Digital Society and Media; the Ministry of Interior; international organisations, non-governmental organisations.

## **DATABASE AND CIVIL REGISTRATION**

One of the main problems faced by Roma and Egyptians for receiving social assistance is non-registration. Unregulated legal status represents the ultimate form of social exclusion and prevents citizens of the Roma and Egyptian community from having access to social services.

In the area of the legal status of Roma and Egyptians, activities to regulate the legal status of internally displaced persons from Kosovo need to be pointed out primarily. In addition, Roma and Egyptians, domiciled or family members of internally displaced persons from Kosovo, account for the largest share of people living in Montenegro, while being at risk of statelessness due to the fact that they or their parents can neither be registered in the birth registers in Montenegro nor in the country of origin. With the amendments to the Law on Foreign Nationals from 2009, Montenegro opened up the possibility for internally displaced persons from Kosovo (out of whom 30% were Roma and Egyptians) to regulate their residence in Montenegro through privileged access to the status of a foreign nationals with permanent residence. In order to exercise this right, internally displaced persons had to submit a certain number of documents, including birth certificates and certificate of citizenship, as well as the travel document of the country of origin.

According to the data of the Ministry of Interior (MoI) of Montenegro, in the period from 7 November 2009 (date of entry into force of the Law on Amendments to the Law on Foreign Nationals) to the end of 2020, displaced persons and internally displaced persons submitted a total of 15,248 applications for granting a permanent residence and temporary residence for up

to three years. Out of this number, 15,089 applications have been resolved, while the procedure for 151 applications is pending.

Majority of these individuals are Roma and Egyptians. In addition to individuals whose applications are still pending, at the end of 2020, 150 people were granted a temporary residence for up to 3 years, as a transitional measure until they acquire the status of a foreign nationals with permanent residence. Some of these persons are Roma and Egyptians. In accordance with the strategic orientation of the Government, the status of these persons will be individually reviewed in order to provide assistance for acquiring the status of a foreign national with permanent residence to those persons who need assistance.

Also, since May 2014, the combined mobile biometric teams of the MoI of Montenegro and the MoI-Agency for Civil Registration of Kosovo have been intensively providing legal and practical assistance to internally displaced persons from Kosovo residing in Montenegro. With the support of UNHCR and OSCE, 22 visits of the mobile team of the MoI of Kosovo to Montenegro were organised. Through these activities, 1,221 people have regulated their personal documents, while for 39 people, who are considered the most complicated cases, a solution is still being sought.

There is still the problem of an insufficiently developed system of registration in the birth register, especially when it comes to persons born outside the health care system, or persons whose one or both parents have no identification documents, since, in practice, this has led to occurrence of cases when persons are at risk of becoming stateless. Although, in theory, these persons had the right to the citizenship of Montenegro or another country with which they have a connection, still, they could not be entered in the registry of births in Montenegro or in the country of origin, which made it impossible for them to participate in the further registration procedure in the register of citizens and to obtain other identification documents.

In order to complete the process of registration in the birth register of persons born in Montenegro, further efforts need to be focused on strengthening registration in the birth register in all municipalities, especially in the part of the new practice which includes municipal centres for social work. It is also necessary to continue raising awareness among Roma and Egyptians of the importance of registration in birth and citizenship registers and the importance of having a valid legal status in the country.

In March 2014, the Ministry of Interior, the Ministry of Labor and Social Welfare and the UNHCR signed a Memorandum of Cooperation to monitor the process of changing the legal status of displaced and internally displaced persons, and to remove obstacles for access to the status of a foreign national. Under the auspices of the Memorandum, an Operational Team was formed and it resolved the identified problems successfully. The validity of the Memorandum expired on 31 December 2015. In May 2021, a Memorandum of Cooperation<sup>44</sup> was signed

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<sup>44</sup> <https://gamn.org/wp-content/uploads/2021/05/GA-Ministarstvo-unutrasnjih-poslova-CG-i-Uprave-policije-Memorandum-o-saradnji.pdf>



between the Ministry of Interior of Montenegro, the Police Administration and the non-governmental foundation "Civil Alliance" with the aim of improving respect for human rights, especially of the persons deprived of liberty, asylum applicant, migrants, asylum seekers, internally displaced persons, displaced persons, stateless persons for the purpose of improving the asylum system in Montenegro and finally regulating the legal status of internally displaced persons, displaced persons, preventing statelessness in Montenegro and protecting the rights of migrants. More details about this Memorandum can be found on page 131.

## EDUCATION

In terms of education, the rights of members of minority nations and other minority national communities are guaranteed by the Constitution, the Law on Minority Rights and Freedoms, the General Law on Education, as well as by a number of other laws in the field of education. On the other hand, pursuant to the provisions of the Law on Prohibition of Discrimination, making it difficult or impossible to enrol in an educational institution and an institution of higher education, to choose the curricula at all levels of education, exclusion from these institutions, making it difficult or denying the possibility to attend classes and participate in other training, i.e. educational activities, classification of children, pupils, education participants and students, abuse or otherwise unjustified differentiation or unequal treatment is considered discrimination in the field of education and vocational training.

A quality education system can help compensate for a socially disadvantaged position, improve learning experiences, help children reach their potential and, most importantly, prepare them for active integration into society. In Montenegro, there is an increasing number of young Roma men and women who promote the importance of education and who certainly influence the interest of children in the Roma and Egyptian communities in education.

In comparison with the previous reporting period, measurable results were achieved in this area, despite numerous challenges in this area due to the tradition and culture of the Roma and Egyptian communities, which contributed to the positive trend in the number of students. Some of the activities that contributed to this are given below and were carried out in this reporting period:

The Ministry of Human and Minority Rights continuously provides funds for the purchase of textbook sets, which are then, in cooperation with the Ministry of Education, distributed to students of the Roma and Egyptian population in grades I, II and III of primary school. Since the academic year 2018/2019, this obligation was assumed by the Ministry of Education. Textbooks have been provided and distributed to all students of the Roma and Egyptian community attending primary school.

Education and support for the promotion of continuing education is crucial, especially for children of the Roma and Egyptian population. One of the continuous activities that the Ministry for Human and Minority Rights has been carrying out for years, i.e. the Department for the Improvement and Protection of the Rights of Roma and Egyptians, with the aim of

motivating students from the Roma and Egyptian community to regularly attend classes and continue their education, is a seven-day winter/summer camp for the best final year students of primary schools who come from the Roma and Egyptian communities. During their stay at the resort, in addition to quality accommodation and food, the children were provided with medical care, ski instructors, as well as animators, while the students had the opportunity to learn and renew their knowledge of their mother tongue, i.e. Romani language and culture through workshops for informal language learning,

Year in year out, the Ministry of Human and Minority Rights allocates the funds for scholarships for students in secondary schools and higher education, members of the Roma and Egyptian population, in order to motivate them to reach the level of education as high as possible, thereby integrating into society and reducing the vicious cycle of poverty which characterizes this population. Scholarships in the amount of 60 euros are paid to students in secondary schools, while students in higher education are paid 150 euros on a monthly basis. Annually, nearly €80,000.00 have been earmarked for this purpose in the budget of the Ministry.

The engagement of associates in the social inclusion of RE in education continued, in accordance with conditions and standards. This practice has proven to be extremely useful for the inclusion of the children from the Roma and Egyptian communities in the education system, as well as for reducing *drop-outs*. Since the academic year 2018/2019, associates in social inclusion are part of the formal education system. The budget will finance twenty associates in social inclusion of RE in the field of education. This measure is envisaged as a key instrument to increase enrolment and reduce school drop-outs. In academic year 2021/2022, 22 associates (mediators) were hired in primary schools in: Podgorica, Nikšić, Bar, Berane, Ulcinj, Herceg Novi and Tivat.

The Ministry of Education, in cooperation with the Ministry of Human and Minority Rights, the Institute of Education, the National Roma Council and non-governmental organisations which deal with the issues of members of the Roma and Egyptian population, promotes entering preschool education, the first grade of primary and secondary schools in Podgorica, Nikšić, Berane, Kotor and Bar. Flyers in Montenegrin, Albanian and Romani languages are distributed at promotions. In 2020, due to the pandemic, the campaign for entering children from this community in preschool, primary and secondary education was not organised as usual - in schools, cities and in person, but was organised in the premises of the Ministry of Education on 29 April 2020 through all means of public communication. Given that the registration was electronic, assistance was also provided with registration by the Ministry, schools, NGO sector and associates in social inclusion. The campaign also emphasised that, if parents do not have possibilities to register their children electronically, they can contact the educational institution, which will provide assistance with registration. Technical support was also provided by the Roma Council, the NGO "Young Roma" and the NGO "Koracajte sa nama" ("Walk with Us").

Since 2019, mentors (teachers) have been engaged in secondary schools as part of the project implemented by the NGO "Young Roma", in cooperation with the Ministry of Education. From January 2020 to June 2020 35 mentors (teachers) were hired in primary schools for 130 students of the RE community in eight and ninth grades, while from October 2020 to December 2020, 47 mentors (teachers) were hired in primary schools for 169 students of eight and ninth grades. From January 2020 to June 2020, 44 mentors (teachers) were hired for 120 male and female students of the RE community in secondary schools, while from October 2020 to December 2020, 48 mentors (teachers) were hired for 157 RE students in secondary schools.

Since 2019, transportation to and from school for students of this community was provided for 400 students in Podgorica, as well as in Nikšić for the Public Institution Primary School "Mileva Lajović-Lalatović" and in Berane for the Public Institution Primary School "Radomir Mitrović".

In the year of the pandemic, the Ministry of Human and Minority Rights and its partners provided the students of this community with considerable support by implementing a series of measures. In cooperation with the HELP organization and Telekom Montenegro, elementary school students of this community were provided with 100 smart phones with free SIM cards for the period of 3 months. Phones were donated to students of the Primary School "Božidar Vuković Podgoričanin" and Primary School "Radomir Mitrović" from Berane (70 + 30). In cooperation with the NGO "Young Roma", the Ministry provided the students in the final grades of primary school with 45 phones and free SIM cards. Phones were also donated to all students of the Roma and Egyptian community in secondary schools (75 were donated by the U.S. Embassy and around 40 REF through the NGO "Young Roma"). In cooperation with the Red Cross of Montenegro and with the support of the Ministry, UNICEF was involved in providing the students of this community and others who needed social benefits with 92 packages of printing materials and delivery to children who are still outside the system. (Approximately 80 schools were involved.) The schools took over the organisation of the delivery of the materials by hiring associates in social inclusion (mediators), while Red Cross volunteers also participated in some of the schools. A total of around 500 students were included in this action.

## PRESCHOOL EDUCATION

Preschool education is of crucial importance for the overall growth, development and formation of a child's personality. The importance of preschool education is particularly important due to the fact that in the family environment, Roma and Egyptian children are not able to acquire the necessary initial knowledge and skills that will increase their chances of effective results in primary education.

In 2017, a four-week programme of preparatory kindergarten was developed, instead of the two-week programme which was implemented in previous years. This year, 190 children from the Roma and Egyptian communities have entered a preschool education.

The number of children from the Roma and Egyptian community in preschool institutions by age was as follows:

- In school year 2018/2019, 191 children (105 boys and 86 girls) were enrolled;
- In school year 2019/2020, 208 children (104 boys and 104 girls) were enrolled;
- In school year 2020/2021, 224 children (106 boys and 118 girls) were enrolled; and
- In school year 2021/2021, 192 children (99 boys and 93 girls) were enrolled.

In September 2019, within the programme: "Support to quality, available services and coverage of early learning and development within preschool education" which was carried out by the Ministry of Education in the partnership with the UNICEF Office to Montenegro, the training "Working with parents from the RE population" was held with the aim of increasing coverage, attendance rate, improving attitudes, improving contact with them, and achieving work in the immediate environment in the community where they live. The training was intended for staff working with children in municipalities with a significant number of Roma and Egyptian populations: Podgorica, Nikšić, Berane, Bijelo Polje, Tivat, Herceg Novi, Bar, Ulcinj, Kotor, Cetinje and Pljevlja. In these municipalities, a supplementary mechanism of integration into regular preschool activities was designed, interactive services were also in place in Roma settlements, staff training was conducted and monitoring the attendance was established. The training was held in the Kindergarten Unit "Dragan Radulović" at the Public Preschool Institution "Đina Vrbica".

## PRIMARY EDUCATION

The number of children from the Roma and Egyptian community in primary schools by age was as follows:

- In school year 2018/2019, there were 1793 children (936 boys and 857 girls);
- In school year 2019/2020, there were 1821 children (973 boys and 848 girls);
- In school year 2020/2021, there were 1793 children (929 boys and 864 girls); and
- In school year 2021/2021, there were 1856 children (960 boys and 896 girls).

Mentors (teachers) were engaged in primary and secondary schools as part of the project implemented by the NGO "Young Roma" in cooperation with the Ministry of Education. From January 2020 to June 2020, 35 mentors (teachers) were hired in primary schools for 130 male and female students of the Roma and Egyptian population in eight and ninth grades, while from October 2020 to December 2020, 47 mentors (teachers) were hired in primary schools for 169 male and female students in eight and ninth grades.

In September 2020, the project "Improving the curricula and services to meet the needs of marginalised groups" was completed. This project was financed by the European Union (85% of funds) and the Ministry (15% of funds). The project was implemented within the period of 15 months, and its value was around 384 thousand euros.

Project result were as follows:

- 54 documents entitled Modules for the acquisition of professional qualifications within educational programs prepared to adapt to the needs of children with special educational needs and children from Roma communities;
- Coaching on the effective implementation of individual transitional plans;
- Conducted trainings for the application of modularised curricula which meet the needs of students with special educational needs and students from the Roma and Egyptian communities;
- Conducted trainings to establish an inclusive and stimulating learning environment;
- Conducted trainings on educational approaches aimed at suppressing risky behaviour that leads to school dropout;
- Improved information system of the Ministry of Education, Science, Culture and Sports for informing of students from Roma and Egyptian communities

The project was implemented in 101 schools and it directly involved more than 270 experts from various teaching areas, and indirectly, by implementation of the "Training of Trainers" approach, around 420 people from schools.

## SECONDARY EDUCATION

The number of children from the Roma and Egyptian community in **primary schools** by age was as follows:

- In school year 2018/2019, there were 135 children (73 boys and 62 girls);
- In school year 2019/2020, there were 142 children (80 boys and 62 girls);
- In school year 2020/2021, there were 174 children (101 boys and 73 girls); and
- In school year 2021/2021. there were 1856 children (960 boys and 896 girls).

From January 2020 to June 2020, 44 mentors (teachers) were hired in secondary schools for 120 students from this community in secondary schools, while from October 2020 to December 2020, 48 mentors (teachers) were hired for 157 students from the Roma and Egyptian communities in secondary schools.

In 2019, 12 part-time students from the Roma and Egyptian communities, namely 6 girls and 6 boys, applied to the Ministry of Education to take part-time exams, which was allowed with the exemption from paying the fee for taking part-time exams.

In 2020, four part-time students from the Roma and Egyptian communities, namely three boys and one girl, applied to take part-time exams free of charge, which was allowed with the exemption from paying the fee for taking part-time exams.

## HIGHER EDUCATION

The number of students from the Roma and Egyptian community at the faculties by year was as follows:

- In the academic year 2018/2019, there were 27 students;
- In the academic year 2019/2020, there were 13 students;
- In the academic year 2020/2021, there were 17 students; and
- In the academic year 2021/2022, there were 12 students who applied to a call for scholarship

Montenegro is planning to introduce the Romani language as an elective course (from 6th to 9th grade of primary school) at the Faculty of Philology in Nikšić. The draft curricula were developed by Prof./PhD Latif Demir, which should be incorporated into the education system of Montenegro.

The Ministry of Justice, Human and Minority Rights, - the Directorate for the Inclusion of Roma and Egyptians, the Ministry of Education, Science, Culture and Sports and the Institute of Foreign Languages Podgorica, in cooperation with the Regional Cooperation Council (RCC) launched the Romology programme consisting of four modules: Roma identities, Roma culture, Roma history and Romani literature and history, as well as Romani language. RCC will provide technical support for the first module, while the second module will be financed by the Ministry of Education.

## EMPLOYMENT

In 2017, 177 people from the Roma and Egyptian population (45.19% of women) were registered in the records of the Employment Agency. The largest number of newly registered persons is from the territory of the Municipality of Podgorica - 69% (40.67% of women), Nikšić 13.45% (52.17% of women) and Herceg Novi - 8.18% (64.28% of women). Out of the total number of newly registered persons, 162 people have no profession and professional education (75 women), the rest are individuals with completed III and IV degrees of professional education.

At the end of 2017, there were 928 unemployed Roma and Egyptians (508 women or 54.74%), i.e. active job seekers.

In the financial framework for the implementation of the Agency's work program for 2017, funds for the implementation of the education and training programme for the population of Roma and Egyptians are envisaged in the amount of EUR10,000.00. In the reporting period, 66 members of the Roma and Egyptian population (35 women) were included in the education and training programmes. Through activities within the project "One step closer to the labour market", 57 people (29 women) were included in the education and training programmes for the following occupations: gardener, maid, operator of construction machinery, chef's assistant and hairdresser. In the financial framework for the implementation of the Agency's work program for 2017, funds for the implementation of the public works programme for the population of Roma and Egyptians are envisaged in the amount of EUR 40,000.00. In the reporting period, a total of 39 members of the Roma and Egyptian population (five women) were included in public works programmes, namely: 26 people from the Roma and Egyptian

population (five women) were included in 12 local public works in Bar, Berane, Bijelo Polje, Mojkovac, Nikšić, Podgorica, Herceg Novi and Tivat; 13 people were included in a state-level public work "Let it be clean" in the municipalities of Nikšić, Podgorica, Cetinje, Herceg Novi and Tivat.

This year, 49 (forty-nine) people from the Roma and Egyptian population (26 women or 53.06%) were employed in seasonal jobs.

As for the IPA national programme, through the Operational Programme Human Resources Development 2012–2013 – Effective and Inclusive Active Employment Policy Measures, the non-governmental organisation "Young Roma" was awarded a grant for the project entitled "Increasing the employability of long-term unemployed women - Dorra Nuova", with a value of EUR 91,042.50. The main objective of the project was to contribute to the improvement of the economic and social rights of Roma women and other long-term unemployed women from the territory of Herceg Novi, Kotor and Tivat, through inclusion in the labour market. Upon the completion of the training in the mentioned areas, the participants of the project were engaged for a period of seven months. In this way, they will have the opportunity to translate the acquired knowledge and skills into unique jewellery and handicrafts that will find their place at fairs and festivals, as well as at stands in Herceg Novi, Kotor and Tivat.

In 2018, 802 Roma and Egyptians were in the records of registered unemployment (share of women accounts for 51.99% - 417 women), i.e. active job seekers. The educational structure of the unemployed is 766 people with no occupation (404 women or 52.74%), 16 people with the level II of education qualification (out of which six are women), 14 people with the level III of education qualification (three women), five people with the level IV of qualification education (three women) and one female person with the level VII of education qualification.

Active employment policy measures included 72 members of the Roma and Egyptian population from the register of unemployed persons (25 women or 34.72%). Education and training programs for adults included 26 members of the Roma and Egyptian population (nine women). In 2018, 33 people (seven women) were included in public works programmes.

In 2018, 13 Roma and Egyptians were included in the pilot programme of support to less employable persons in preparation and activation on the labour market "Strengthen me and I will succeed", while 82 members of the Roma and Egyptian population were employed in seasonal jobs (48 women or 58.53%).

In 2019, 747 members of Roma and Egyptians (375 women or 50.20%) were in the records of the Agency as active job seekers.

The educational structure was as follows: eighteen people with the level III of education qualification (four women or 22.22%), three persons with completed level IV of education qualification (one woman), 709 people or 94.91% with the level I of education qualification (362 women or 51%) and 17 people with the level II of education qualification or 2.27% (eight women).



In accordance with the annual Action Plan for employment and development of human resources for 2019 and the 2019 Action Plan for the implementation of the Strategy for the Social Inclusion of Roma and Egyptians 2016-2020, in 2019, 79 members of the Roma and Egyptian population from the register of unemployed persons (22 women or 27.84%) were included in the active employment policy measures, which accounts for almost 10% of the total number of Roma and Egyptians who were in the records of the Agency at the end of 2018.

In 2019, 23 members of the Roma and Egyptian population (nine women) were included in the education and training programs for adults "Professional training for work for employer" and "Professional training for independent work".

Within the "Let it be clean" project, unemployed persons with difficult employment factors, including members of the Roma and Egyptian population, were engaged in the maintenance of main and regional roads in all municipalities in Montenegro.

Thirty-six people (10 women) were included in the public works programmes, while 20 people (three women) were included in the "Let it be clean" project. The aforementioned programmes included unemployed Roma and Egyptians who were in the records of the labour bureaus of Bar, Budva, Ulcinj, Berane, Bijelo Polje, Mojkovac, Nikšić, Podgorica, Cetinje, Herceg Novi and Tivat.

One hundred and eight (108) people (54 women or 50%) were employed in seasonal jobs.

At the end of 2020, there were 996 unemployed persons from the Roma and Egyptian community (527 women or 52.91%). The qualification structure of unemployed Roma and Egyptians is as follows:

- 943 people or 94.67% - Level I of education qualification (502 women or 53.23%).
- 16 people or 1.60% - level II of education qualification (10 women or 62.50%).
- 19 people or 1.90% - level III of education qualification (3 women or 15.78%).
- 15 people or 1.50% - level IV of education qualification (9 women or 60%).
- 3 females - level VII of education qualification.

The Employment Agency provided all unemployed persons, including unemployed Roma and Egyptians, with the information on employment opportunities and conditions.

In June 2020, at the Labour Bureau in Podgorica, on the initiative and in cooperation with the NGO Young Roma, and as part of the implementation of the project "Increasing the access and participation of Roma students in secondary education and the transition to the labour market", a workshop in the field of professional orientation was organised for 13 students of the Roma and Egyptian population who have completed secondary education, where they were informed of the possibilities for career development. At the workshop, information was presented on the possibilities of continuing education, on the method of applying to be on the record of the Agency, as well as on the method of presentation to the employer.

In August 2020, the Ministry of Education through the licensed centre for adult education Public Institution Gymnasium "Slobodan Škerović" from Podgorica, announced a Public call for the application of candidates for training for Associate in social inclusion of Roma and Egyptians in the area of education for the municipalities of Podgorica, Nikšić, Berane, Herceg



Novi, Bar, Ulcinj, Kotor and Tivat. The public call stipulates the requirements which a person must meet to be included in the mentioned training. Associates for mediation in the labour bureaus, in accordance with their powers, informed all persons of the Roma and Egyptian population who are entered into the unemployment register and who have the level III of education at least about the subject-matter public call and, in case they met the other criteria, motivated them to apply to the call.

Several members of the Roma and Egyptian population from the Agency's records completed the training for Associate in social inclusion in the previous period, and some of the invited individuals in that period expected to work at school. Also, some individuals, as a reason for not being interested in the mentioned training, stated their poor financial situation and the inability to cover the costs that would arise in the course of the training.

In accordance with the annual Action Plan for employment and development of human resources for 2020, and the Action Plan for the implementation of the Strategy for the Social Inclusion of Roma and Egyptians 2016-2020, for the year 2020, the Employment Agency planned the implementation of activities related to the inclusion of Roma and Egyptians in active employment policy measures. The financial framework for the implementation of the Agency's work programme for 2020 envisaged funds for the implementation of education and training programmes for the Roma and Egyptian population in the amount of EUR 20,000.00, which relates to programmes for acquiring professional qualifications and key skills and training programmes for work for employer and professional training for independent work. The financial framework for the implementation of the Agency's work programme for 2020 envisaged funds for the implementation of the public works programme for the Roma and Egyptian population in the amount of EUR 30,000.00.

In seven public works programmes in 2020, which were implemented in Berane, Bijelo Polje, Podgorica and Herceg Novi, 14 members of the Roma and Egyptian population (two women) were employed.

Fifteen members of the Roma and Egyptian population (two women) from the municipalities of Bar, Ulcinj, Podgorica, Herceg Novi, Kotor and Tivat were involved in the "Let it be clean" project.

This year, 49 Roma and Egyptians (23 women or 46.93%) were employed in seasonal jobs.

## **HEALTH AND SOCIAL PROTECTION**

In accordance with the Law on Health Care, in exercising the right to health care, citizens are equal, regardless of nationality, race, sex, gender identity, sexual orientation, age, disability, language, religion, education, social origin, financial standing and other personal characteristic, in accordance with the law.

In accordance with the Action Plan for the implementation of the "Strategy for the Social Inclusion of Roma and Egyptians in Montenegro 2016-2020", for the year 2017, and in cooperation with the Office for Combating Human Trafficking, the Police Administration, Municipalities, members of the Roma Council, the Centre for Roma Initiatives and other

NGOs, the Ministry of Human and Minority Rights organised 12 (twelve) one-day workshops in 2016 for parents, children, Roma and Egyptian activists, male and female civil servants of the state administration on domestic violence protection and on child, early and forced marriages among the Roma population. The mentioned one-day workshops were organised in Herceg Novi, Pljevlja, Budva, Cetinje, Ulcinj, Bar, Tivat, Kotor, Berane, Bijelo Polje, Nikšić and Podgorica. During the implementation of the stated measure, around 250 (two hundred and fifty) people were educated.

During 2017, multidisciplinary operational teams (MOTs) handled cases of domestic violence and violence against women. MOTs processed a total of 150 cases of violence against children, as follows:

- Physical violence against children - 23 cases (m 15, f 8);
- Sexual violence against children – 6 cases (m 2, f 4);
- Emotional violence against children – 37 cases (m 14, f 23);
- Child neglect – 45 cases (m 23, f 22);
- Child witness to violence – 39 cases (m 21, f 18).

As for domestic violence, 200 criminal offenses were committed in 2017 under Article 220 of the Criminal Code of Montenegro and six criminal offenses related to domestic violence but qualified differently. There are 203 pressed charges for the above mentioned criminal offences. Also, in 2017, the Police Administration filed 1,272 criminal complaints for 1,392 committed misdemeanours subject to the Law on Domestic Violence Protection.

In 2018, the occupation "Associate in the social inclusion of Roma and Egyptians in healthcare" was standardised and, 3 people were employed (funds allocated from the state budget) in 2018 within the Podgorica Health Centre, while one person was engaged through a project in health centres in Nikšić and Berane. They concluded and employment contract for an indefinite time period.

In 2018, 34 (thirty-four) workshops were organised for members of the Roma and Egyptian population on specific topics on **health** prevention and health education, as well as workshops on healthy lifestyles and **health prevention** and protection. Also, for members of the Roma and Egyptian population, workshops were organised on the topic "Prevention of early marriages" and on the topic "The importance of maintaining personal hygiene for health". In addition to these workshops, leaflets were also produced to support the implementation of health and educational activities.

In cooperation with the NGO sector, preventive medical examinations of pregnant women were conducted and carried out. In 2018, in order to raise awareness of the importance of **prevention** and health care, the Ministry of Health, in cooperation with the Ministry of Human and Minority Rights, carried out preventive examinations of Romani women in health centres in Podgorica, Tivat, Bijelo Polje, Nikšić and Berane. A total of 105 Romani women were examined and prevention related to cardiovascular diseases, diabetes, ultrasound gynaecological examinations, chest X-rays and other types of examinations, at the request of

members of the Roma population. As a sign of successful cooperation, various examinations aim at making women from marginalised groups think more carefully about their health. Ultrasound examinations were carried out for the thyroid gland, chest, lungs, and mammography was performed for women over the age of 40.

With regard to receiving health care in order to increase the level of use of health care access, introducing and strengthening the role of "Associate in the social inclusion of Roma and Egyptians in health care" is a foreseen measure. The action plan envisages their employment in a health care institution, i.e. a, starting from 1 January 2017, more precisely, 3 associates were employed in the Health Centre in Podgorica. In 2018, in HC Nikšić and Berane, associates on social inclusion of Roma and Egyptians were hired, one associate per each of the institutions, which was financed by the International organization HELP.

For the purpose of long-term work of the associates in the social inclusion of this population, measures and activities were undertaken at the end of 2018, i.e. legal procedures were initiated so that the associates in these health institutions at the primary level of health care would continue to work with the aim of their permanent employment and in the interest of providing the citizens of the Roma and Egyptian population, who have their place of residence, i.e. temporary residence in the territory of the municipalities of Nikšić and Berane, with the necessary information for the exercise of their rights.

In 2018, 29 workshops were organised for members of the Roma and Egyptian population on the topic "Prevention of early marriages", "The importance of maintaining personal hygiene for health", and "Healthy lifestyles". In addition to these workshops, pamphlets were prepared to support the implementation of health and educational activities. In 2018, the Ministry of Health, in cooperation with the Ministry of Human and Minority Rights, organised preventive examinations of Romani women in health centres in Bijelo Polje, Nikšić, Berane, Tivat and Podgorica in order to raise awareness of the importance of prevention and health care.

A total of 103 Romani women were examined and prevention related to cardiovascular diseases, diabetes, ultrasound gynaecological examinations, chest X-rays and other types of examinations, at the request of members of the Roma population. As a sign of successful cooperation, the various examinations aim at making women from marginalized groups think more carefully about their health. Ultrasound examinations were carried out for the thyroid gland, breasts, lungs, mammography was performed for women over the age of 40 and abdominal ultrasound was performed for a number of the Roma population, of course with the consent of each individual.

At the same time, these are activities which the Ministry of Health, in cooperation with other institutions of the system, has been carrying out continuously for the last five years and the very continuity of this type of activity has contributed to the improvement of **prevention** and health protection among this population, as well as to raising their awareness that, even without organised examinations, they should take preventive measures themselves for health protection.

In 2019, legislation in the health sector envisages free health care for socially vulnerable persons, the unemployed, children, students, pregnant women, and people over the age of 65. According to the monitoring of the Decade of Roma Inclusion 2005-2015 for the year 2014, members of the Roma and Egyptian population who have the status of displaced persons, refugees and asylum seekers receive the same services as other beneficiaries of health care. Activities are carried out continuously, which means that health care is ensured for this population, as well as for other citizens, in accordance with national legislation in the health sector.

With regard to receiving health care in order to increase the level of use of health care access, the envisaged measure is to introduce and strengthen the role of "Associate in the social inclusion of Roma and Egyptians in health care".

In the implementation of the stated measure, the occupation "Associate in the social inclusion of Roma and Egyptians in healthcare" was standardized and in cooperation with the international organization HELP through an educational institution, they were provided with professional training for the purpose of taking the exam. This procedure was preceded by the amendment to the act on job classification of the Health Centre Podgorica, as well as by ensuring relevant approvals from the Ministry of Health, the Ministry of Finance and the Health Insurance Fund in terms of funds required for their regular work. Three associates in the social inclusion of Roma and Egyptians in health care are now permanently employed at the Health Centre Podgorica, while in the Health Centre Berane, a competition for the classified job of the Associate for Inclusion in Health System was announced in 2019 for which three candidates applied, but none of the applicants managed to meet the requirement stipulated by the competition, i.e. the candidates did not know Romani or Albanian language.

In the first quarter of the current year, a competition for the employment of an associate for the inclusion of Roma and Egyptians in healthcare will be announced again for this position. A mediator was hired at the Health Centre Nikšić, which was funded by the international organization HELP which continued to finance the project by the end of January 2019. The Ministry of Health initiated as soon as possible the announcement of a competition for an associate for the inclusion of Roma and Egyptians in healthcare at the Health Centre Nikšić, in order to ensure the continuity of the work of the direct employee in these tasks, and for the benefits of this population.

Other measures from the Action Plan have been implemented, which include the immunization of children in Montenegro followed-up through the implementation of the mandatory immunization program through chosen paediatricians, as well as on-site vaccination of Roma and Egyptian children in the settlements. According to the summary results of immunization activities in the Roma and Egyptian population, the most epidemiologically significant vaccines are: MMR and polio vaccines.

In 2019, 37 (thirty-seven) workshops were organised for members of the Roma and Egyptian population on specific topics on **health** prevention and health education, as well as workshops on healthy lifestyles, prevention and health protection. Also, for members of the Roma and Egyptian population, workshops were organised on the topic "Prevention of early marriages"

and on the topic "The importance of maintaining personal hygiene for health". In addition to these workshops, leaflets were also produced to support the implementation of health and educational activities.

In cooperation with the NGO sector, preventive medical examinations of pregnant women were conducted and carried out. In 2019, the Ministry of Health, in cooperation with the Ministry of Human and Minority Rights, carried out preventive examinations of Romani women in health centres in Podgorica, Tivat, Bijelo Polje, Nikšić and Berane in order to raise awareness of the importance of prevention and health care. A total of 105 Romani women were examined, and prevention related to cardiovascular diseases, diabetes, ultrasound gynaecological examinations, chest X-rays and other types of examinations, at the request of members of the Roma population. As a sign of successful cooperation, the various examinations are aimed at making women from marginalised groups think more carefully about their health. Ultrasound examinations were carried out for the thyroid gland, breasts, lungs, mammography was performed for women over the age of 40 and the next action will include ultrasound of the abdomen.

Organised by the Ministry of Human and Minority Rights, fourteen trainings and campaigns were carried out in settlements for parents and children of the Roma and Egyptian population. Education is organised in the form of lectures at school (parents and students of seventh, eighth and ninth grades of primary schools) and the lecturers are representatives of the Ministry of Human and Minority Rights, the National Office for Combating Human Trafficking. Over 300 parents were included in these trainings.

What is additionally organised during the campaigns is a distribution of informative leaflets to all residents of Roma settlements, which, *inter alia*, contain the contacts of all competent services that they can call in if needed. Also, the flyers were printed in Montenegrin, Albanian and Romani languages. These campaigns included all Roma settlements in the municipalities where the Roma population in Montenegro gravitates and hundreds of leaflets and informational brochures were distributed.

In 2020, an associate in the health care of Roma and Egyptians was hired. In the Health Centre Podgorica, two jobs for associate-mediator were classified and both positions were filled. In Health Centre Nikšić, one job is still unoccupied and in the Health Centre Berane, one position is filled.

As for the vaccinating children of the Roma and Egyptian population, all health centres regularly vaccinate children according to the Compulsory Immunization Program, although the health centres do not keep separate records of vaccinated children, nor of preventive examinations of pregnant women by affiliation to the Roma and Egyptian population.

The campaign on the importance of reproductive health, with an emphasis on Romani and Egyptian women, was implemented in a way that with the aim of marking the "European Cervical Cancer Week", the Centre for Health Promotion of the Institute for Public Health of Montenegro held a series of activities aimed at drawing women's attention to the importance

of regular follow-ups for the health of the reproductive system. A total of 15 female participants attended. Twenty leaflets and brochures containing information about the screening programme were distributed.

Organised by the Ministry of Foreign Affairs, the following preventive examinations were carried out for members of the Roma and Egyptian communities in Bijelo Polje, Berane, Podgorica, Tivat, Kotor, Nikšić in June 2020:

- physical examination, general medicine specialist
- blood pressure measurement
- blood sugar test
- examination and imaging of the lungs according to indications will be performed by a pulmonologist.

Preventive medical examinations of members of the Roma and Egyptian population were organised in some municipalities due to the pandemic. In 2020, 24 workers of the Public Utility Company Tivat were examined, as well as 15 people from the Roma and Egyptian communities.

Organised by the Ministry of Defence and the Ministry of the Interior, trainings were held for members of the Roma and Egyptian communities on the consequences of early marriages (illegal marriages). Workshops, round tables and training were organised depending on the needs of the health system, namely three workshops: two in Berane and one in Podgorica, at the primary level of health care, in cooperation with the NGO sector which deals with the protection of the Roma and Egyptian population. A total of 73 people attended the workshop: 62 women and 9 men.

In 2020, the Police Administration filed a total of 8 criminal complaints for the criminal offense, Article 444 of the Criminal Code of Montenegro, human trafficking against 10 persons. Classified by the form of execution of this offence, one was filed for labour exploitation, one for sexual exploitation, two for forced begging and 4 for entering into an illegal marriage.

The Ministry of Interior, the Ministry of Labour and Social Welfare and the Police Administration, in cooperation with the NGO "Centre for Roma Initiatives", with the support of the British Embassy in Podgorica, on 8 March 2020, launched a campaign against child marriages: "Children are children ". The campaign was launched with the aim of raising public awareness of the harmfulness of child marriages and focused on working with members of the Roma and Egyptian communities in Podgorica, Nikšić, Tivat and Berane.

Decision of the Minister of Interior as of February 2020 established a Coordination Body to monitor the Protocol on the proceeding of authorities, institutions and organisations with children involved in living and working on the street. This protocol defines the proceeding of all officials and other experts who perform tasks relevant for the protection of children who are involved in living and working on the street (police, centres for social work, other institutions and providers of social protection services, health institutions, educational institutions, organisations, etc.), with the aim of improving the well-being of children by creating conditions

for a safe stay and working on the street that is beneficial for children, by preventing circumstances and situations that expose children to unsafe and other potentially or actually harmful aspects of living and working on the street, as well as the implementation of an expedited and coordinated procedure that protects the child from abuse and violence and provides him with appropriate protection and rehabilitation.

At the local level, all municipalities have adopted local action plans for improving the position of Roma and Egyptians.

## **CULTURE AND INFORMATION**

In 2018, in addition to other activities, 24 TV shows were broadcast on RTCG in the Romani language, which were subtitled in the official language.

In 2019, as an incentive for investigative journalism, the Ministry of Culture conducted a regular annual call for proposals on the topic "Social Integration of Roma in Montenegro". As an implementation of this measure, the Ministry of Culture conducts an annual call for co-financing of programme content in local print media and media scientific journals, where the social inclusion of Roma is also included in the given topics. Several selected projects were co-financed within the call. This measure has been fully implemented and a call for co-financing of programme content has been announced in 2020 as well.

The Ministry of Culture, through the financing of audio-visual materials-videos, promotes all activities included in this strategy and informs the entire public about the progress and current activities. The videos are broadcast by Public Broadcasting Service of Montenegro, local public broadcasters, as well as commercial broadcasters registered in Montenegro.

Romani radio was founded in 2011 by the NGO "Roma Association of Montenegro" and continually exists to this day through various donations and grants. The production on Romani radio is informative, the news that is broadcast every hour is bilingual, as well as the auteur shows once a day lasting 10 to 15 minutes.

During 2020, with the aim of presenting program contents of public interest which relate to all spheres of society, the Ministry of Culture announced a regular annual call for co-financing of program contents in local print media and non-profit print media. Fourteen projects were supported through this call, twelve in local print media and two in non-profit print media. Topics covered by these media include, *inter alia*: multiculturalism and cultural diversity, social status of persons with disabilities, youth, diaspora.

Part of the amount planned for these program contents was allocated to contents related to Roma and minorities - promotion of progress and presentation of key issues of inclusion.

The public broadcasting service broadcast feature stories in the Romani language, numerous reports about the Roma were shown both in news shows (morning, breaking news, both in



Romani and about the Roma) and in other shows such as Agrosaznanje, Putevi Života, Mostovi, Mozaik, which showed life and current affairs of Roma and Egyptians and were shown in the regular program of the public broadcasting service.

Shows in the Romani language are broadcast in the production plan as bilingual shows, so that the television shows are subtitled in Montenegrin - Romani, while the radio shows are delivered in the Romani language.

Pursuant to Article 32ž of the Law on Non-Governmental Organisations and the Decree on the operation of projects and programmes of non-governmental organisations in the field of public interest - protection and promotion of human and minority rights, protection of the rights of Roma and Egyptians from 2017 to 2021, the funds were allocated as follows:

- in 2021, within the call "Let's support the social inclusion of Roma and Egyptian men/women in Montenegro", EUR 320,000.00 were allocated for the projects and programmes of 21 organisations;
- in 2020, EUR 136,000.00 was allocated for the projects and programmes of 14 organisations within the call "We all create an inclusive approach for Roma and Egyptian men/women"
- in 2019, EUR 214,969.42 were allocated for 16 projects and programmes of non-governmental organisations as part of the competition "Roma and Egyptians men/women are part of our society"
- in 2018, as part of the call "Social inclusion, protection and promotion of human rights of Roma and Egyptians", 131 thousand euros were allocated for 10 projects and programmes of non-governmental organisations

Also, the Ministry of Sports, within its competences, supported projects through the Call for the allocation of funds to youth organisations for financing and co-financing of youth project in 2018, according to the Law on Youth, which are related to enhancing mobility. Projects supported in accordance with the Law on Youth, with a total value of around EUR 35,000.00, out of which a Roma organisation received funds for the project "Together for a society without prejudice".

## **PARTICIPATION OF ROMA AND EGYPTIANS IN PUBLIC AND POLITICAL LIFE**

Prejudice and discrimination are real and serious problems for many Roma and Egyptians, while anti-gypsyism is a complex phenomenon made up of numerous social, cultural and economic factors. From the aspect of the achieved results within the implementation of the Framework Convention, the worst results were achieved with regard to the integration of the Roma and Egyptian communities. Difficulties in the process of integration of this community into Montenegrin society are also the result of legal and institutional deficiencies, especially in the part concerning its political participation. The Constitution of Montenegro does not recognise Roma and Egyptians as a national minority, but treats them as "other minority



communities". Also, the Law on the Election of Councillors and Members of the Parliament failed to recognise the institution of affirmative action for members of the Roma and Egyptian communities. An important question that arises is the question of the political representation of the Roma and Egyptian community in Montenegro in light of the provisions of the aforementioned law, especially in relation to ethnic communities of approximately the same number as the Roma and Egyptian community, as well as with regard to performing affirmative action through the reduction of the electoral census by 0.35% for entering the national and local parliaments.

In terms of the level of political inclusion, data in the Strategy for Social Inclusion of Roma and Egyptians indicate that the Roma and Egyptian community in Montenegro is largely excluded from the process of public participation and political decision-making. Almost two-thirds of members of the Roma and Egyptian population follow political events in general or to some extent. 76% of Roma and Egyptians claim that they do not understand the most important political events in the country.

Increasing the level of participation of the Roma and Egyptian community in social currents is achieved through professional training of the representatives of Roma and Egyptians, especially women and youth, to participate in the process of decision-making and greater involvement in social life. To this aim, in the coming period, continuation of the educational activities of the representatives of the Roma and Egyptian community is necessary, through the implementation of activities pertaining to amendments to the existing legal framework, with the aim of guaranteeing equal rights for political participation of Roma and Egyptians. In this regard, the Ministry of Justice, Human and Minority Rights continuously organised trainings aimed at empowering members of the Roma and Egyptian population to participate in the decision-making process and to participate in public life. After the end of the training cycle held in 2019, which was attended by 60 participants (12 women, 48 men), the first Romani political party was formed - the Democratic Party of Roma and the Civil Movement of Roma and Egyptians - UPRE (United Movement of Roma and Egyptians) was formed.

These educational activities are extremely important considering that the data show that members of minority nations, primarily the Roma and Egyptian population, are facing multiple discrimination, which is a consequence of belonging to gender and minority affiliation, i.e. a minority national community.

## **DISPLACED AND INTERNALLY DISPLACED PERSONS**

One of the significant results was achieved in regulating the legal status of displaced persons from the former republics of Yugoslavia and internally displaced persons from Kosovo who have no valid travel document, as well as the status of other individuals who are not registered in the base registers and registers of citizens in Montenegro and in neighbouring countries. By the beginning of 2021, the total number of displaced and internally displaced persons who needed support was 320.

The Law on Foreign Nationals<sup>45</sup>, in Article 217, stipulates that proceedings initiated before the entry into force of this Law on 15 January 2019 will be completed pursuant to regulations valid until the entry into force of this Law.

Proceedings initiated upon the applications for the issuing of a long-term residence or a temporary residence permit in accordance with Articles 105a and 105b of the Law on Foreign Nationals (Official Gazette of Montenegro 82/08, 72/09, 32/11, 53/11, 27/13 and 61/13), which were filed until 31 December 2014, for the internally displaced persons from Kosovo who have temporarily kept the status in accordance with the Decision on the Temporary Retention of the Status of Displaced and Internally Displaced Persons in Montenegro<sup>46</sup> will be completed in accordance with that Law. Persons to whom permanent residence permits have been issued after the expiration of the validity period of that permit, will obtain a permanent residence permit in accordance with Article 91 of this law, while they are required to attach the issued permanent residence permit in the proceedings of issuing that permit. On the other hand, persons who are issued a temporary residence permit for up to three years, in accordance with Article 105a para. 1 and 2 of the Law on Foreign Nationals ("Official Gazette of Montenegro", No. 82/08, 72/09, 32/11, 53/11, 27/13 and 61/13), will be issued a permanent residence permit in accordance with Article 220 paragraph 1 of this Law.

Article 220 of the current Law on Foreign Nationals provides that a foreign national who, until the date of entry into force of this Law, was issued a temporary residence permit of up to three years, in accordance with Article 105a paragraph 1 and 2 of the Law on Foreign Nationals (Official Gazette of Montenegro 82/08, 72/09, 32/11, 53/11, 27/13 and 61/13), will be issued a permanent residence permit if within the validity period of such permit he or she acquires a travel document of the country of origin and files the application for the issuance of a permanent residence permit, in accordance with this law.

A person referred to in paragraph 1 of this Article and a person to whom the permit is issued in accordance with Article 217 paragraph 4 of this Law, may work in Montenegro for up to three years, until the expiry of the validity period of a temporary residence permit issued in accordance with Article 105a paragraphs 1 and 2 of the Law on Foreign Nationals (Official Gazette of Montenegro 82/08, 72/09, 32/11, 53/11, 27/13 and 61/13).

In May 2021, a Memorandum of Cooperation<sup>47</sup> was signed between the Ministry of Interior of Montenegro, the Police Administration and the non-governmental foundation "Civil Alliance" with the aim of improving the observance of human rights, especially the rights of persons deprived of liberty, asylum seekers, migrants, asylum applicants, internally displaced persons, displaced persons, stateless persons in order to improve the asylum system in Montenegro and the final regulation of the legal status of internally displaced persons, displaced persons, prevention of statelessness in Montenegro and protection of the rights of migrants.

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<sup>45</sup> Law on Foreign Nationals (Official Gazette of Montenegro 012/18 as of 23/02/2018, 003/19 as of 15/01/2019), available at: <https://www.katalogpropisa.me/propisi-crne-gore/zakon-o-strancima-3/>

<sup>46</sup> Decision on the Temporary Retention of the Status of Displaced and Internally Displaced Persons in Montenegro (Official Gazette of Montenegro 46/06)

<sup>47</sup> <https://gamn.org/wp-content/uploads/2021/05/GA-Ministarstvo-unutrasnjih-poslova-CG-i-Uprave-policije-Memorandum-o-saradnji.pdf>

This Memorandum jointly states the intention of the parties to work together on:

- full respect for the human rights of persons deprived of their liberty;
- the final regulation of the legal status of internally displaced persons and displaced persons who filed applications for granting temporary residence for up to three years and permanent residence for up to five years, ending on 31 December 2014, and whose applications are still pending at MoI;
- determining the status of stateless persons and providing assistance to persons who are at real risk of statelessness
- strengthening the cooperation with competent authorities of neighbouring countries in the field of asylum, migration and regulation of the legal status of internally displaced persons and displaced persons in Montenegro in the field of statelessness prevention;
- promoting the improvement of the asylum system in the country in a way that the contracting parties will actively cooperate and consult on issues of importance for settling key issues in the field of asylum

Through activities implemented by the representatives of the Ministry of Interior UNHCR and non-governmental foundation “Civil Alliance” as UNHCR’s partner for providing free legal aid to displaced and internally displaced persons, a two-day workshop was held in Budva on 13 and 14 January 2022 on the topic of the exchange of on-site information, so that the Ministry of Interior could verify this information both in civil status registers and with the Border Police of Montenegro. The exchange of on-site information resulted in a reduction in the number of persons who need assistance in acquiring the status of a foreign national with permanent residence by 123 people. With this activity, the total number of 320 displaced and internally displaced persons who required assistance in regulating their legal status was reduced to 197, out of which 111 people have applications for the status of foreign national is still pending with the Ministry of Interior of Montenegro, while 86 people have obtained the status of a foreign national with a temporary residence of up to 3 years or until obtaining a travel document of the country of origin.

In the period from 7 November 2009 (the date of entry into force of the Law on Amendments to the Law on Foreign Nationals), ending with 4 March 2022, displaced persons and internally displaced persons filed a total of 15,259 applications for granting permanent residence and temporary residence of up to three years. Out of this number, 15,138 applications were resolved, while 121 applications are still pending.

Out of 15,138 resolved cases, the application was granted for 12,401 people and permanent residence or temporary residence for up to three years was granted, 297 applications were refused, while 2,440 cases were rejected/dismissed (duplicate or incomplete applications in question).

Broken down into categories, the statistics are as follows:

- Internally displaced persons  
In the aforementioned reporting period, internally displaced persons filed a total of 8,583 applications for granting permanent residence. Out of this number, 8,543

applications have been resolved, while the procedure for 40 applications is pending. Out of 8,543 resolved cases, for 7,364 people the application was granted and they were granted the permanent residence, 252 applications were refused, while 927 cases were rejected/dismissed (duplicate or incomplete applications in question).

- Temporary residence for up to three years

In the reporting period, internally displaced persons filed a total of 1,543 applications for granting temporary residence for up to three years. Out of this number, 1471 applications have been resolved, while the procedure for 72 applications is pending. Out of 1471 resolved cases, the application was granted for 445 people and they were granted temporary residence, 17 applications were refused, while 1009 cases were rejected/dismissed (duplicate or incomplete applications in question).

- Displaced persons

In the same reporting period, displaced persons filed a total of 4,737 applications for granting permanent residence. Out of this number, 4,736 applications have been resolved, while the procedure for one application is pending. Out of 4736 resolved cases, the application was granted for 4352 people and they were granted permanent residence, 24 applications were refused, while 360 cases were rejected/dismissed (duplicate or incomplete applications in question).

- Temporary residence for up to three years - displaced persons

In the reporting period, displaced persons filed a total of 320 applications for granting temporary residence for up to three years. Out of this number, 315 applications have been resolved, while the procedure for 5 applications is pending. Out of 315 resolved cases, the application was granted for 171 people and they were granted permanent residence, 3 applications were refused, while 141 cases were rejected/dismissed (duplicate or incomplete applications in question).

Pursuant to Article 220 of the new Law on Foreign Nationals, displaced persons and internally displaced persons filed a total of 76 applications for granting permanent residence. Out of this number, 73 have been resolved, while the procedure for 3 applications is pending. Out of 73 resolved cases, the application was granted for 69 persons and they were granted permanent residence, 1 application was refused, while 3 cases were rejected (duplicate or incomplete applications in question).

## INFORMATION ON THE PROGRESS IN THE IMPLEMENTATION OF THE PROVISIONS OF THE CONVENTION

### ARTICLE 1

*The protection of national minorities and of the rights and freedoms of persons belonging to those minorities forms an integral part of the international protection of human rights, and as such falls within the scope of international co-operation.*

The provision of Article 9 of the current Constitution of Montenegro prescribes the limits of law in relation to norms in international law. According to that provision the ratified and published international agreements and generally accepted rules of international law make an integral part of the internal legal order, have the supremacy over the national legislation and are directly applicable when they regulate the relations differently from the internal legislation. The supremacy of the norms of international law applies to the legislative and legal framework, but not to constitutional guarantees. Furthermore, Article 16 of the Constitution prescribes the content of legal relations regulated by law, in accordance with the Constitution, and among them, in particular, the manner of exercising human rights and freedoms when it is necessary for their exercise, and the manner of exercise of the special minority rights.

Article 17 of the Constitution of Montenegro prescribes that rights and liberties are exercised on the basis of the Constitution and the confirmed international agreements. All are deemed equal before the law, regardless of any particularity or personal characteristic. The provision of Article 17 has special weight for at least two reasons. First, it establishes the principle that rights and liberties are exercised on the basis of the Constitution and confirmed international agreements, without mentioning the hierarchy of these two legal sources, which essentially brings them to the same level, although Article 9 of the Constitution avoids a precise definition of this. The second paragraph of this article establishes the principle of equality before the law, regardless of any particularity or personal characteristic, and according to its nature, it belongs more to the general principles on which the constitutional arrangement rests than to the catalogue of human rights and freedoms as given in the structure of the Constitution of Montenegro. In any case, both, the constitutional guarantee or principle, indicate the obligation to preserve one of the key elements of the rule of law, without which it is difficult to talk about the existence and functioning of the rule of law.<sup>48</sup>

Guaranteed human rights and freedoms can be limited only by law, to the extent permitted by the Constitution and to the extent necessary to satisfy the purpose for which the limitation is permitted in an open and free democratic society. Limitations may not be introduced for purposes other than those for which they are prescribed. The basis for possible limitations of human rights and freedoms is partly a restrictive or vague variant of the conditions provided

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<sup>48</sup> Guide for understanding the rights of minority nations and other minority national communities, prevention of discriminatory behaviour and suppression of discriminatory ethnic profiling, CEDEM, 2021, p. 29, available at: [www.cedem.me](http://www.cedem.me)

for in international agreements. An additional guarantee in relation to limitations that may concern the exercise of a number of human rights and freedoms recognised as derogable (those that can be limited in extraordinary circumstances) is provided by the provision of the Constitution which prescribes that the limitation may not be made on the grounds of sex, nationality, race, religion, language, ethnic or social origin, political or other beliefs, financial standing or any other personal characteristic. Among the so-called non-derogable rights (those that cannot be limited in extraordinary circumstances) from the point of view of protection of the jeopardized rights of minorities, the Constitution classifies, *inter alia*, the right to dignity and respect of a person and freedom of thought, conscience and religion. Also, the highest legal act in Montenegro defines the prohibition of infliction or encouragement of hatred or intolerance and the prohibition of forceful assimilation as non-derogable in the aforementioned situation.

## ARTICLE 2

*The provisions of this framework Convention shall be applied in good faith, in a spirit of understanding and tolerance and in conformity with the principles of good neighbourliness, friendly relations and co-operation between States.*

Article 15 of the Constitution of Montenegro defines that “Montenegro shall cooperate and develop friendly relations with other states, regional and international organisations, based on the principles and rules of international law”.

So-called bilateral agreements between states, regarding the position of minorities, were entered into in different periods of the development of law. Some of these agreements are entirely dedicated to the protection of minorities. In the period 2002-2004, Yugoslavia (Serbia and Montenegro) signed agreements on the protection of minorities with four of its neighbours - Romania, Hungary, Macedonia and Croatia<sup>49</sup>.

## ARTICLE 3

*1. Every person belonging to a national minority shall have the right freely to choose to be treated or not to be treated as such and no disadvantage shall result from this choice or from the exercise of the rights which are connected to that choice.*

*2. Persons belonging to national minorities may exercise the rights and enjoy the freedoms flowing from the principles enshrined in the present framework Convention individually as well as in community with others.*

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<sup>49</sup> H. Hadžić, “Mechanism of the protection of minorities“, Legal topics, 2016, p. 224

From the point of view of the key principles of the Constitution, on which the exercise of all human rights, including minority rights, are based, the provisions by which Montenegro guarantees and protects rights and liberties are relevant, and rights and liberties are inviolable. In addition, the Constitution proclaims the principle according to which everyone is obliged to respect the rights and liberties of others. In the context of the general provisions of the Constitution related to the status of minority rights, norms prohibiting infliction or encouragement of hatred or intolerance on any grounds, i.e. prohibiting any direct or indirect discrimination on any grounds, are also important. In addition to the principle of prohibition of discrimination, the Constitution proclaims the principle of affirmative action in a way that stipulates that regulations and introduction of special measures aimed at creating the conditions for the exercise of national, gender and overall equality and protection of persons who are in an unequal position on any grounds will not be considered discrimination. Special measures are limited in time until the achievement of the aims for which they were introduced in legal order.

Furthermore, the Constitution proclaims the principle of the equality of the Cyrillic and Latin alphabets, which are equal, and the official language in Montenegro is Montenegrin. Apart from this, Serbian, Bosnian, Albanian and Croatian languages are also in official use. The Constitution does not specifically elaborate on the issue of the territorial scope of the right to use languages in official use, which could lead to a conclusion that, except when prescribed by a special law, languages in official use are used throughout the territory of Montenegro. A number of procedural laws, as well as a special law on minority rights and freedoms, regulate the way to exercise this right.

No one shall be obliged to declare own beliefs on the grounds of nationality, religion, language and other beliefs, according to Article 46 of the Constitution. Additionally, Article 43 of the Constitution guarantees the protection of personal data and prohibits the use of personal data for purposes other than those for which they were collected, while on the other hand it gives the right to be informed about the personal data collected about him or her and the right to court protection in case of abuse.

In the Criminal Code of Montenegro<sup>50</sup>, several provisions refer to criminal offenses related to the violation of the rights of minorities, i.e. the protection of identity and integrity of members of minorities. One of those provisions is of a general nature and represents a standard that the European Commission against Racism and Intolerance expressly insists on. It is the so-called the aggravating circumstances clause from Art. 42a of the Criminal Code, which obliges the court to consider as an aggravating fact that the criminal offense was committed out of hatred towards another person because of national or ethnic affiliation, race or religion or because of

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<sup>50</sup> Criminal Code of Montenegro (Official Gazette of Montenegro, 040/08 as of 27/06/2008, 025/10 as of 05/05/2010, 073/10 as of 10/12/2010, 032/11 as of 01/07/2011, 064/11 as of 29/12/2011, 040/13 as of 13/08/2013, 056/13 as of 06/12/2013, 014/15 as of 26/03/2015, 042/15 as of 29/07/2015, 058/15 as of 09/10/2015, 044/17 as of 06/07/2017, 049/18 as of 17/07/2018, 003/20 as of 23/01/2020, available at: <https://crnvo.me/wp-content/uploads/2021/02/Krivicni-zakonik-Crne-Gore.doc.pdf>



the absence of such affiliation, unless this circumstance is prescribed as a feature of the basic or classified form of criminal offense.

Article 158 of this Law prescribes that Anyone who, contrary to the regulations governing the use of language and alphabet of peoples or members of national and ethnic groups living in SMN denies or restricts to citizens the use of their mother tongue or alphabet when exercising their rights or addressing authorities or organizations, will be sentenced to a fine or imprisonment not exceeding one year. Article 370 paragraph 4 of this Law particularly emphasizes minorities in terms of criminal offence of causing racial and other discrimination. This provision of the Code prescribes a sentence in case that the offence is committed by abusing position or authorities or if as the results of these acts riots, violence or other severe consequences for the joint life of people, national minorities or ethnic groups living in Montenegro occur. Article 443 of the same Law prescribes that a perpetrator of a criminal offence of causing racial and other discrimination due to national or ethnic affiliation, belonging to a race or religion or absence of this belonging, who violates fundamental human rights and freedoms guaranteed by generally accepted rules of international law and international treaties which Montenegro ratified, for basic type of this crime will be imposed by court a sentence of six months to up to five years in prison.

Amendments to the Law on Public Peace and Order<sup>51</sup> prescribes an offense in a manner that a person who insults another in a public place by speech, in alphabet, sign or otherwise on the grounds of national, racial or religious affiliation, ethnic origin or other personal characteristic, is threatened with a sentence for a misdemeanour in the form of a fine from 250 euros to 1,500 euros or an imprisonment of up to 60 days.

Article 2 of the Law on Spectator Violence and Misbehaviour at Sports Events<sup>52</sup> stipulates two forms of violence at sports events concerning national and religious affiliation: 1) individual or group exclaiming slogans that are expressing or inciting armed conflict or violence, hatred or intolerance, national or religious discrimination, or discrimination on grounds of religion, sex or sexual orientation or on other grounds, as well as inciting hatred or intolerance that may lead to a physical conflict among the spectators of the sports event; and 2) placing or displaying banners, flags or other materials with text, images, signs or other features that call for or incite armed conflict or violence, hatred or intolerance, national or racial discrimination, or discrimination on the grounds of religion. It is interesting that no sanction is provided for these offences in the penal provisions of this law, but the norm from other laws can be applied to prevent (preventive) and sanction (repressive) these phenomena.

From the aspect of the implementation of the Framework Convention, the adoption of the new Law on the Selection, Use and Public Post of National Symbols in December 2019 had a positive impact on the rights of minority nations and other minority national communities,

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<sup>51</sup> Law on Public Peace and Order (Official Gazette of Montenegro 64/11, 56/20 as of 15 June 2020), available at: <https://www.katalogpropisa.me/propisi-crne-gore/zakon-o-javnom-redu-i-miru-2/>

<sup>52</sup> Law on Spectator Violence and Misbehaviour at Sports Events – Official Gazette of Montenegro 51/17

which recognised the right of minorities to use national symbols. The constitutional basis for passing the law is contained in Article 79 paragraph 2 of the Constitution of Montenegro<sup>53</sup>, which guarantees the right of members of minority nations and other minority national communities in our country to choose, use and publicly post national symbols and to celebrate national holidays. In addition to the existence of directives from the domain of human rights which refer to certain areas of exercising those rights, the area treated by this Law is regulated by regulations that belong to the so-called soft law, which leaves the possibility for each country to implement regulations and recommendations while maintaining the specificity of its system. According to this Law, symbols used by members of minority nations and other minority national communities for their representation and expression of their national identity are considered national symbols. In this sense, the amendments to the Law on Public Peace and Order additionally affected the improvement of the rights of minority nations and other minority national communities due to the existence of a collision with the Law on the Selection, Use and Public Post of National Symbols.

The special or additional rights of minority nations and other minority national communities are exhaustively listed in Article 79 - Protection of identity, which provide members of minority nations and other minority national communities with rights and freedoms which they can use individually and in community with others and ensure the basis for achieving equality with the rest of the majority of the population of Montenegro. In addition, the same right is contained in several articles of the Law on Minority Rights and Freedoms, and Article 10 of the Law on Local Self-Government, which obliges local governments to provide conditions for the protection and promotion of minority rights in accordance with the Constitution, international legal acts and a special law.

The rights and freedoms which members of minority nations and other minority national communities may exercise and enjoy, and which derive from the principles contained in the Framework Convention individually or in community with others, are additionally guaranteed by the International Covenant on Civil and Political Rights (CPR), which Montenegro ratified in 2006, which contains the most important provision of general international law prescribed in Article 27 and reads as follows: " In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.."

In terms of the implementation of the Framework Convention, it is important to point out that the Amendments to the Law on Minority Rights and Freedoms as of April 2017 had a positive impact on the exercise of rights and the enjoyment of freedoms arising from the principles contained in the Framework Convention individually or in community with others. The main reasons for the adoption of this law relate to the strengthening of institutional support for gaining minority rights and freedoms, the transparency and efficiency of the procedures used to distribute funds for the implementation of projects intended for activities relevant to the

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<sup>53</sup> OG MNE 1/2007 and 38/2013), *ibid*

preservation and development of the national and ethnic peculiarities of minority nations and other minority national communities and their members in the area of national, cultural, linguistic and religious identity, the legal positioning of the Centre for the Preservation and Development of Minority Culture, as well as the strengthening of the capacities of national councils; also, certain concepts such as "substantial part" are more precisely defined.

Substantial part implies "at least 5%", which is in accordance with the recommendations of the Committee of Experts of the European Charter for Regional or Minority Languages. In local self-government units where members of minority nations and other minority national communities form the majority or 5% of the population, the language of those minority nations and other minority national communities is also in official use. In local self-government units where the majority or at least 5% of the population is formed of minority nations and other minority national communities, within the framework of the plan and programme for the effective participation of the local population in conducting public affairs, the local self-government is obliged to adopt a special plan and programme through the council of the relevant minority nations and other minority national communities, to ensure conditions for the participation of minority nations and other minority national communities in the adoption of municipal development programmes, spatial and urban plans, budgets and enactments which determine the rights and obligations of citizens and regulate the method and procedure of the participation of minority nations and other minority national communities in conducting public affairs and to designate the authority that conducts the public hearing under those and other acts.

Amendments to this Law stipulated the necessity of reforming the Fund for Minorities. The aforementioned reform is focused on preventing an objectively possible conflict of interest, introducing a two stage decision-making process on projects financed by the Fund, as well as improving the quality of monitoring and evaluation of supported projects. The approach is also based on certain deficiencies, observed by state institutions that control the expenditure of budget funds, (State Audit Institution), the European Commission, the Council of Europe, the competent UN committee, and other entities.

In 2017, new Rules for the election of members of the council of a minority nation or other minority national community<sup>54</sup> were adopted, based on the provision of Article 33 paragraph 10 of the Law on Minority Rights and Freedoms.

The amendments to this law did not affect the criterion of citizenship, which was the recommendation of the Advisory Committee on the Framework Convention.

Conducting the population census is planned and in December 2021 the proposal of the Law on the Census of Population, Households and Apartments was adopted. Article 9 prescribes that data on, *inter alia*, national or ethnic affiliation shall be attached to persons included in the census; religion; mother tongue; and the language the person usually speaks. Exceptionally, if the person does not want to declare his/her national or ethnic affiliation, religion, mother tongue and the language the person usually speaks, the answer "Unwilling to declare" is entered. Draft or proposal of the law is in preparatory phase.

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<sup>54</sup> Rules for the election of members of the council of a minority nation or other minority national community, available at: <https://wapi.gov.me/download-preview/d530de8b-d4d8-4fb2-b69b-816909c52205?version=1.0>

In the course of public hearing, out of all the councils of minority nations and other minority national communities, comments were submitted by representatives of the Bosniak Council, two of which were adopted, namely:

- "it is necessary in Article 9 to replace the word "religion" with the words "religious affiliation". The reasoning is that members of Islam (Muslims) do not profess and that word is not appropriate. Then, next to that amended word, in parentheses, confessions in CG, as specified in the part relating to the mother tongue;
- Paragraph 1, after indent 1, add indent 2, which reads: "Citizens of Montenegro with residence, i.e. temporary residence in Montenegro, regardless of whether they are present in their place of residence at the time of the Census or temporarily residing in another place in Montenegro or abroad". The reasoning is that this issue is particularly sensitive for minority nations and national communities in Montenegro, because any attempt to delete the same persons from the organised registers (which can be read as a worrying intention) represents a great injustice and legal violence against minorities.

## ARTICLE 4

*1. The Parties undertake to guarantee to persons belonging to national minorities the right of equality before the law and of equal protection of the law. In this respect, any discrimination based on belonging to a national minority shall be prohibited.*

*2. The Parties undertake to adopt, where necessary, adequate measures in order to promote, in all areas of economic, social, political and cultural life, full and effective equality between persons belonging to a national minority and those belonging to the majority. In this respect, they shall take due account of the specific conditions of the persons belonging to national minorities.*

*3. The measures adopted in accordance with paragraph 2 shall not be considered to be an act of discrimination.*

Among the principle provisions on human and minority rights is the general constitutional norm on the prohibition of discrimination, the purpose of which is to create the basic assumptions that all human rights guaranteed by the Constitution are exercised under equal conditions. In addition, Montenegro, under the provision of Article 9 of the Constitution, determined that the ratified and published international treaties and generally accepted rules of international law are an integral part of the internal legal order, and that they have supremacy over the national legislation and are directly applicable when they regulate relations differently from internal legislation.

Article 6 of the Constitution of Montenegro guarantees the inviolability of human rights and freedoms, Article 7 prohibits inciting hatred, and Article 8 prohibits indirect and direct discrimination on any grounds. The legal basis for compliance with the provision of Article 4

of the Framework Convention for the Protection of National Minorities is contained in the provision of Article 79 of the Constitution of Montenegro, which regulates special minority rights, i.e. special protection of identity, and Article 80 - prohibition of assimilation.

The Systemic Law on Prohibition of Discrimination<sup>55</sup> promotes the concept of prohibition of and protection against discrimination, as well as the promotion of equality. The prohibition of and protection against discrimination, as well as the promotion of equality, are also subject to the provisions of other laws regulating the prohibition of and protection against discrimination on certain grounds or in connection with the exercise of certain rights.

According to this Law, discrimination is any unjustified, legal or actual, direct or indirect distinction or unequal treatment, or failure to treat a person or a group of persons in comparison to other persons, as well as exclusion, restriction or preferential treatment of a person in comparison to other persons, based on race, colour of skin, national affiliation, social or ethnic origin, affiliation to the minority nation or minority national community, language, religion or belief.

The law prescribes two types of discrimination: direct and indirect. In addition, the Law also considers incitement, assistance, giving instructions, as well as the announced intention to discriminate against a certain person or group of persons on any ground contained in the Law. In the provision that excludes the existence of discrimination, the Law prescribes that it is not considered to be discrimination bringing in an unequal position of a person or a group of persons in comparison to other persons when undertaking professional activities, i.e. establishing an employment relationship, joining religious communities and other organisations, i.e. the actions of a person who is in accordance with the religious teaching, rituals and affairs of the religious community, as well as other public or private organisations whose value system is based on religious teaching or belief, and which operates in accordance with the Constitution and the law, if so required by religious teaching or belief, and due to nature of those activities or the circumstances in which they are performed, religious teaching or belief is a true, legal and justified condition for carrying out the work.

The law contains the principle of victimization according to which no one will suffer adverse consequences for reporting the case of discrimination, giving deposition before a competent authority or offering evidence in the proceedings investigating a case of discrimination. Persons are protected from any harmful treatment or consequences as a reaction to a report or a procedure conducted due to a violation of the principle of non-discrimination.

Regulations and special measures aimed at creating conditions for the achieving national, gender and overall equality and protection of persons being in unequal position on any ground, may be imposed, or introduced and implemented, within their scope of competence, by state authorities, authorities of the state administration, authorities of the units of local self-government, public enterprises and other legal persons performing public powers, as well as other legal and natural persons. The measures will be applied in proportion to the needs and possibilities and will last until the goals established by those measures are achieved.

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<sup>55</sup> Law on Prohibition of Discrimination (Official Gazette of Montenegro 46/10, 40/11, 18/14, 42/17), available at: <https://www.paragraf.me/propisi-crnogore/zakon-o-zabrani-diskriminacije.html>

In the chapter concerning special forms of discrimination, the Law prescribes that harassment represents any unwanted behaviour, including harassment through audio and video surveillance, mobile devices, social networks and the Internet, which aims or has the consequence of violating personal dignity, causing fear, feeling humiliated or insulted or creating a hostile, humiliating or offensive environment and should be considered discrimination.

Also, the Law establishes segregation as a special form of discrimination, which consists of every act, activity or failure to perform an activity, whereby forced or systemic separation or differentiation of persons is carried out on any of the personal characteristics under the law.

Hate speech is any form of expression of ideas, statements, information and opinions that spreads, stirs up, encourages or justifies discrimination, hatred or violence against a person or group of persons because of their personal characteristics, xenophobia, racial hatred, anti-Semitism or other forms of hatred based on intolerance, including intolerance expressed in form of nationalism, discrimination and hostility against minorities. It is particularly harmful because it often precedes much more serious crimes, even those protected by international law. The standards for the protection of hate speech are also based on the practice of the European Court of Human Rights, which significantly facilitates the application of the law when it comes to this institute. In addition, other sources of European law are also significant, especially ECRI's General Policy Recommendation No. 15 and Recommendation of the Committee of Ministers of the Council of Europe to member states on "hate speech" (Recommendation No. R (97) 20).

As a special form racial discrimination is prescribed as any differentiation, unequal treatment or bringing in unequal position of persons with the belief that race, skin colour, language, nationality or national or ethnic origin, justify depreciation of person or group of persons, or justify the idea on superiority of a person or group of persons towards those who are not members of that group, especially in the field of education, labour, employment and choice of occupation, professional training, social protection and social benefits, health protection and housing, access to public and private sector goods, services and supplies (Article 17 of the Law).

Finally, the Law provides that discrimination on the basis of religion or belief is any treatment which is against the principle of freedom of religion, that is every unequal treatment, differentiation, or bringing in an unequal position of persons on the basis of religion or personal belief, as well as on the basis of belonging or not belonging to a certain religious community.

The Law provides for severe forms of discrimination when:

- committed against the same person or the group of persons on multiple grounds (multiple discrimination);
- committed several times against the same person or the group of persons (repeated discrimination);

- committed during longer period of time against the same person or the group of persons (extended discrimination);
- by dissemination through public media, as well as by writing and displaying the materials and symbols of discriminatory content in public places;
- it has particularly severe consequences for discriminated person, group of persons or their property.

Amendments to *the Family Law*<sup>56</sup>, which entered into force on 19 May 2017, introduced the principle of non-discrimination and the creation of equal opportunities for all children. There is an anti-discrimination clause in place prohibiting all forms of direct and indirect discrimination against the child or a group of children, their parents, adoptive parents, guardians, fosterers, family members or close persons, on the grounds of race, colour, nationality, social or ethnic background, affiliation to a minority nation or minority national community, language, religion or belief, political or other views, sex, gender identity, sexual orientation, health status, disability, age, financial standing, marital or family status, actual or perceived membership of a group, political party or other organisation, and on the grounds of other actual or perceived personal characteristics of the child, their parents, adoptive parents, guardians, family members or persons close to the child.

Law on Social and Child Protection<sup>57</sup> regulates the rights in the area of social and child protection and undertaking an activity of social and child protection as an activity of public interest. The law prescribes the protection of children, youth, as well as adult and old persons, *inter alia*, those who are victims of abuse, neglect, domestic violence and trafficking or who are in danger of becoming a victim, as well as persons who need an adequate form of social protection due to special circumstances and social risk (Article 4).

The Labour Law<sup>58</sup> regulates the labour-based rights and obligations of employees, the method and the procedure of their implementation, employment incentives and facilitating flexibility in the labour market and applies to work for an employer, but also to employment in state authorities, local authorities and public services, unless regulated otherwise by law. Article 7 stipulates that direct and indirect discrimination of persons seeking employment, as well as the employed persons based on race, skin colour, national affiliation, social or ethnic origin, affiliation with a minority nation or minority national community, language, religion or belief, political or other opinion, gender, sex change, gender identity, sexual orientation, health condition, disability, age, financial standing, marital or family status, pregnancy, group membership or assumption of group membership, political party, trade union or another organization, or some other personal characteristic is prohibited.

Indirect and direct discrimination is recognised. Indirect discrimination, in terms of this Law, exists if apparently neutral provision, criterion or practice is bringing or can bring a person

<sup>56</sup> Official Gazette of MNE 53/16

<sup>57</sup> Law on Social and Child Protection (Official Gazette 050/17 as of 31/07/2017)

<sup>58</sup> Labour Law (Official Gazette 074/19 as of 30/12/2019, 008/21 as of 26/01/2021, 059/21 as of 04/06/2021)), available at: <https://www.gov.me/dokumenta/39fd6499-9069-48d0-a5ce-ecb04f1797ec>



seeking employment or an employee in a less favourable position in respect to another person seeking employment or an employee, on any ground referred to in Article 7 of this Law, unless the provision, criterion or practice are objectively and reasonably justified by a legitimate aim and achievable with the means appropriate and necessary to use for achieving that aim, and when they are acceptable and proportionate in relation to the aim to be achieved. Direct discrimination, in terms of this Law, is any conduct arising from an act, action or omission which brings or has brought or may bring in a less favourable position a person seeking employment as well as an employee in respect to another person seeking employment or an employee, on any ground referred to in Article 7 of this law.

Discrimination on several grounds is defined by Article 9. Discrimination is prohibited with regard to the following:

- 1) employment requirements and selection of candidates for the performance of a specific job;
- 2) working conditions and rights based on employment relationship;
- 3) education, capacity building and training;
- 4) promotion at work; and
- 5) cancellation of the employment contract.

This law also recognises harassment and sexual harassment at work and in relation to work as well as in relation to capacity building, education and training, promotion at work, employment conditions, termination of employment or other issues arising from employment. This law prohibits discrimination in relation to professional social insurance systems, professional training and development, further in relation to membership in organisations of employees and employers, as well as abuse in the workplace.

In cases of prohibited conduct, listed above, the employee is obliged to initiate proceedings before the Agency for Peaceful Resolution of Labour Disputes or before the Centre for Alternative Dispute Resolution, before initiating proceedings before the competent court in accordance with the law, as well as to initiate proceedings before the competent court in accordance with the law.

Article 42a of the *Criminal Code of Montenegro* prescribes that the situation where the criminal offence was committed out of hatred against a person or group of persons due to national or ethnic affiliation, belonging to a race or religion or absence of such belonging, disability, sex, sexual orientation or gender identity will be assessed as an aggravating circumstance by the court, unless where it is already defined as a characteristic of basic or severe form of that criminal offence.

The Protector of human rights and freedoms, as an institutional mechanism for protection against discrimination, in addition to classic ombudsman functions, has the authority to initiate proceedings for protection against discrimination. With the final amendments to the Law on Discrimination from 2017, the competence of the Protector of Human Rights and Freedoms, prescribed in Article 21, paragraph 1, point 4 of the Law, has been expanded, in such a manner that the Protector now has the possibility to initiate proceedings for protection against discrimination before the court or appears as an intervener in the proceedings when the party

makes it probable, and the Protector assesses that the defendant's actions have discriminated on the same basis against a group of persons with the same personal characteristics, or the consequences of unequal treatment would be of such a nature that they could cause systemic violations of the principle of prohibition of discrimination. In the same manner, the Protector carries out the process of conciliation of the person who believes that he has been discriminated against, with his consent, and of the authority, company, other legal entity, entrepreneur and natural person, to whom the complaint for discrimination refers.

The law foresees several procedural forms in protection against discrimination, although it is difficult to say that any procedural area remains outside the scope of the protective clause when it comes to the prohibition of discrimination. In addition to inspection supervision, administrative procedure and the mechanism provided by the Law when it comes to the action of the Protector, an additional guarantee of achieving equality is the possibility of conducting litigation. It is conducted for the purpose of:

- establishing whether the defendant acted in a discriminatory manner towards the plaintiff;
- bans on acts that threaten discrimination, i.e. bans on repeating acts of discrimination;
- removing the consequences of discriminatory treatment;
- compensation, in accordance with the law;
- publication of the judgment which established discrimination at the defendant's expense in the media.

In the first three cases, particulars of claim may be filed together with motion for the protection of rights that are decided in civil proceedings, if these claims are related to each other and are based on the same factual and legal basis. The claim can be filed within one year from the day of finding about the discrimination (subjective deadline), and no later than three years from the day of the discrimination (objective deadline). Before initiating or during the proceedings on the claim, the court may, at the proposal of the party, determine temporary measures. In the proposal for the issuance of a temporary measure, it must be made probable that the measure is necessary to prevent the risk of irreparable damage, particularly grave violations of the right to equal treatment or prevention of violence. The court is obliged to issue a decision on the proposal for the issuance of a temporary measure without delay, and the provisions of the Law on Enforcement Procedure shall be applied accordingly in the determination of temporary measures.

According to this Law, if the plaintiff makes it probable that the defendant committed an act of discrimination, the burden of proving that as a result of that act there was no violation of equality in rights and before the law shifts to the defendant. The rule on the burden of proof is also applied in proceedings for protection against discrimination with the Protector of Human Rights and Freedoms. This provision does not apply to misdemeanour and criminal proceedings. In the coming period, it is to be expected that the aforementioned provision on the burden of proof will be corrected in the part where it is required that the plaintiff "makes

discrimination probable" in a manner that the norm will be formulated as it was done in the EU directives on equality. In doing so, the plaintiff is required to "present the facts from which it may be presumed that discrimination occurred".

In addition to being a victim of discrimination, organisations or individuals dealing with the protection of human rights can have active legitimation for filing a claim on behalf of a discriminated person or group of persons. In that case, the claim may be filed only with the written consent of the discriminated person or group of persons. The aforementioned claim can also be filed by a person who, in order to directly verify the application of the rules on prohibition of discrimination, presents himself in any way, i.e. puts himself in the position of a person who can be discriminated against on any ground referred to in this law.

The Law on Prohibition of Discrimination also contains penal provisions in which provides for a fine in the amount of 1,000 to 20,000 EUR for a legal entity that harasses and/or segregates, uses hate speech or discriminates, acts unequally or puts a person or group of persons in an unequal position with the belief that race, skin colour, language, nationality or national or ethnic origin, justify the disparagement of a person or a group of persons, i.e. justify the idea of superiority of a person or a group of persons towards those who are not members of that group; a fine in the amount of EUR 500 to EUR 2,000 for responsible person in a legal entity, state body, state administration body, local self-government body and local government body; a fine in the amount of 300 euros to 6,000 euros for an entrepreneur; a fine from EUR 150 to EUR 2,000 for a natural person.

Although the above-mentioned provisions were enacted in 2017 by the Law on Amendments to the Law on Prohibition of Discrimination<sup>59</sup>, after the TAIEX expert mission was held in November 2021, the Ministry of Justice, Human and Minority Rights of the 42<sup>nd</sup> Government of Montenegro started drafting a new law which would meet the European anti-discrimination standards and provided quality protection against discrimination to every citizen of our country, given the fact that the existing Law on Prohibition of Discrimination, in the process of harmonization with *the EU acquis*, should undergo over 50% changes. In addition, the adoption of this law is a "policy cornerstone" for the suppression of discrimination in Montenegro, and its amendments should contribute to fulfilling the closing benchmarks for chapter 19 - Social policy and employment.

The compliance table (April 2021 version) prepared by the European Commission's Directorate-General for Justice contains a detailed provision-by-provision analysis of the compliance of national legislation with the directives on equality. As such, it is an important tool for evaluating the existing law. Now therefore, the goal of the TAIEX mission is to offer concise, clear and sustainable proposals for improving the Montenegrin legal framework for protection against discrimination, in accordance with the EU *acquis* and standards.

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<sup>59</sup> (Official Gazette of Montenegro 042/17 as of 30/06/2017)

In this regard, the comprehensive assessment of the Law on Prohibition of Discrimination and other relevant national laws and regulations pointed out serious issues which need to be additionally resolved in order to achieve full compliance with the relevant EU *acquis* and standards in the area of anti-discrimination. Primarily, there are a number of deficiencies arising from the general structure of the Law on Prohibition of Discrimination and related nomotechnique concerns that weaken the meaning and content of the EU *acquis*. Secondly, there are specific findings on individual provisions of the existing Law that cannot be resolved even with adequate implementation. Thirdly, the obligations from the directives that have not been transposed into the existing law have been established.

In the first half of 2022, a working group was formed which included all relevant representatives of state and independent institutions as well as the civil sector. Two three-day meetings were held with the aforementioned representatives and a draft of a new legal solution in this area was prepared, titled – Law on the Protection of Equality and Prohibition of Discrimination. The Ministry of Human and Minority Rights of the 43<sup>rd</sup> Government of Montenegro is working on this draft, and below are amendments in relation to the existing Law on Amendments to the Law on the Prohibition of Discrimination from 2017, from the aspect of the meaning of terms, scope and exemptions:

- Provisions currently contained in Chapters I and II have been reorganised based on the following general legislative logic: meaning of terms, scope, exemptions.
- Given that the existing provisions on special forms of discrimination (e.g. Articles 10-19) in fact obscure the general scope and meaning of the EU *acquis* and standards and that they represent a challenge in the implementation, the amendments were made in a manner that material and territorial scope were regulated in a single article, and the new draft stipulates that the law applies to the public and private sector, including public authorities, and to the conduct of all legal and natural persons, in areas such as labour and working conditions; access to employment, self-employment and occupation, including selection, recruitment and promotion criteria; access to all forms of vocational guidance, vocational education, vocational training and retraining; education, science and sports; social insurance, including social welfare; health protection; judiciary and administration; housing; public information, media and advertising; access to goods and services and their delivery or provision, membership and activities in trade unions, civil society organisations, political parties or other organisations; culture and art (etc.)
- Given that the existing provisions on exemptions have the same deficiencies as the existing provisions on the scope. Namely, exemptions are stated in Article 2a (Chapter I), but additional exemptions are prescribed in Chapter II on special forms of discrimination. These are listed and defined in a single article. This approach better reflects the requirements of the directives and, more importantly, brings more clarity in practical application.

This draft law has improved the legal framework for protection against discrimination in relation to the current legal solution in a manner that it is fully harmonized with the EU *acquis*

and its standards, and that enables the application of provisions in practice unlike the existing one.

This draft Law guarantees, in Article 1, the protection and promotion of equality, set out conditions for creating equal opportunities and regulates protection against discrimination on the grounds of race, skin colour, national affiliation, social or ethnic origin, language, religion or belief, political or other opinion, sex, gender, gender adjustment, gender identity, sexual orientation and/or sexual characteristics, genetic characteristics, health condition, disability, age, financial standing, marital or family status, life partnership, affiliation to a group, political party or other organisation, as well as other personal characteristics. The protection and promotion of equality, as well as the protection and prohibition against discrimination, are also subject to the provisions of other laws regulating the prohibition and protection against discrimination on certain grounds or in connection with the exercise of certain rights, as well as the promotion of equality if they are not in conflict with this law.

Article 3 reads that any legal or factual difference or unequal treatment, i.e. failure to treat one person or a group of persons in relation to other persons, as well as excluding, limiting or giving priority to a person in relation to others persons, i.e. putting a person or group of persons in a less favourable position on any ground referred to Article 1 of this law, as well as persons related to them by family or other ties is considered discrimination. In addition, paragraph 2 of the same article reads that discrimination putting a person or group of persons in a less favourable position of any kind due to the assumption of the existence of the grounds referred to in article 1 is also considered discrimination.

The scope is defined in Article 3, which states that this law is applied in all areas of public and private life, including state bodies, state administration bodies, administration bodies, public authorities, bodies of local self-government units, public companies and other legal persons exercising public authority, as well as other legal and natural persons, especially in the areas of:

1. Working conditions and labour-based rights, employment requirements, self-employment and occupation, including criteria for selection, employment and promotion at work;
2. Access to all forms of vocational guidance, vocational education, vocational training, training and retraining;
3. Public and political life;
4. Education, science and sports;
5. Social insurance, including social and child protection;
6. Health care;
7. Proceedings before public authorities;
8. Housing;
9. Public information, media and advertising;
10. Culture and arts;
11. Access to goods, supplies and services, facilities and areas in public use;
12. Membership and activities in trade unions, civil society organisations, political parties or other organisations.

In Article 10, the meaning of certain terms in the text of the law is unified.

Chapter II Article 11 prescribes indirect and direct discrimination. Direct discrimination exists if by means of act, action or omission a person or a group of persons, in the same or similar situation in respect to other person or group of persons, is brought or were brought, or may be brought in a less favourable position on any ground referred to in Article 1 of this Law. Indirect discrimination exists if apparently neutral provision of a law, another regulation or another act, criterion or practice is bringing or can bring a person or a group of persons in a less favourable position in respect to another person or a group of persons, on any ground referred to in Article 1 of this Law, unless the provision, criterion or practice are objectively and reasonably justified by a legitimate aim and achievable with the means appropriate and necessary to use for achieving that aim.

In the further text of the draft, Article 12 reads that failure to make the necessary and appropriate adaptation of infrastructure and space, equipment and otherwise enabling the use of publicly available resources to a person with disabilities, i.e. participation in public and social life, access to the workplace and appropriate working conditions, which do not represent a disproportionate and inappropriate burden, and are needed in specific cases, in order to guarantee that person may enjoy or exercise all human rights and freedoms on an equal basis. Article 13 prescribes discrimination based on harassment and sexual harassment of a person or a group of persons on any ground referred to in Article 1 as any unwanted behaviour, including harassment through audio and video surveillance, mobile devices, social networks and the Internet, which aims at or results in a violation of personal dignity, causing fear, feeling humiliated or insulted or creating a hostile, humiliating or offensive environment and is considered discrimination. Discrimination is considered to be any unwanted verbal, nonverbal or physical behaviour of sexual nature which has the purpose to violate dignity of a person or a group of persons, or which achieves such effect, and especially which causes intimidation, or creates, humiliating, intimidating, degrading or insulting environment.

Article 14 states that segregation is any act, action or omission, whereby forced or systemic separation or differentiation of persons is carried out on any ground referred to in Article 1 of this Law. Hate speech is prescribed by Article 15 as any form of expression of ideas, statements, information and opinions that spreads, stirs up, encourages or justifies discrimination, hatred or violence against a person or group of persons because of their personal characteristic, xenophobia, racial hatred, anti-Semitism or other forms of hatred based on intolerance, including intolerance expressed in form of nationalism, discrimination and hostility against minorities. Discrimination, in Article 16, is considered to be helping, giving instructions as well as announced intent to discriminate specific person or group of persons on any ground referred to in Article 1 of this Law.

Severe forms of discrimination are stipulated in Article 17, and it is deemed to be discrimination:

- 1) committed against the same person or the group of persons on multiple grounds referred to in the Article 1 of this Law (multiple discrimination);

- 2) committed against the same person or the group of persons on multiple grounds referred to in Article 1 of this Law which cannot be separated (intersectable discrimination);
- 3) committed multiple times against the same person or the group of persons (repeated discrimination);
- 4) committed during a longer period of time against the same person or the group of persons (extended discrimination);
- 5) by dissemination through public media, as well as by writing and displaying the materials and symbols of discriminatory content in public places;
- 6) which has particularly severe consequences for a discriminated person, group of persons or their property.

Article 19 of the draft text prescribes the prohibition of discrimination and actions that are not considered discrimination. In this regard, putting a person or a group of persons in a less favourable position in respect to other persons will not be considered discrimination:

- 1) when such action is prescribed by law for the purpose of preserving the health and safety of citizens, maintaining public peace and order, preventing criminal offences and protecting the rights and freedoms of others if the means used are appropriate and necessary to achieve one of these objectives in a democratic society and are proportionate to the objective to be achieved with such measures;
- 2) in terms of special measures of limited duration, which are aimed at creating conditions for achieving national, gender and overall equality and protection of individuals who, on any ground referred to in Article 1 of this Law, are in an unequal position, when these measures are based on the provisions of the law, by-laws, programmes, measures or decisions aimed at improving the position of ethnic minority nations or other minority national communities, religious, linguistic or other minorities or other groups of persons or persons discriminated against on the grounds referred to in Article 1 of this Law;
- 3) in terms of implementation of social policy measures aimed at improving the position of persons with a more difficult financial and social status;
- 4) when carrying out professional activities, i.e. making a difference, excluding or giving priority due to the nature of a specific task where the personal characteristic of the person represents a real and decisive condition for the performance of the task, if the purpose to be achieved is justified and if the condition is proportionate, as well as taking protection measures according to certain criteria of persons referred to in paragraph 1 of this Article.
- 5) when carrying out professional activities, joining and establishing employment relationships in religious communities and other organisations, i.e. actions of persons that are in accordance with religious teachings, rituals and activities of religious communities, as well as other public or private organisation with a value system based on religious teachings or belief, and which operates in accordance with the Constitution and the law, if a religious teaching or belief requires so, and due to the nature of those activities or the circumstances in which they are carried



out, the religious teaching or belief represents a true, legal and justified condition for performing the task;

- 6) based on age when contracting insurance premiums and other conditions in insurance in accordance with generally accepted principles of risk assessment, relevant and accurate statistical data and rules of actuarial mathematics (mathematical method used in the field of insurance);
- 7) in terms of access to goods and services, if access to goods and services is intended exclusively or primarily for members of one sex/gender or persons with disabilities, when such action is objectively and reasonably justified by a legitimate objective, and the means used are appropriate and necessary to achieve that objective;
- 8) when determining the lowest or highest age limit, professional experience, or level of education as a condition for establishing an employment relationship or as a condition for acquiring other rights from an employment relationship, in accordance with special regulations;
- 9) when determining the appropriate maximum age limit as a reason for termination of employment in accordance with the conditions for acquiring the right to an old-age pension;
- 10) based on citizenship in accordance with special regulations.
- 11) in terms of the use of facilities and surfaces in public use which is limited in accordance with the law.

The above mentioned conditions are determined in proportion to the objective and purpose for which they are determined, if the means to achieve that objective are proportionate and necessary.

The articles concerning the Protector of Human Rights and Freedoms have not been changed in relation to the current Law on Prohibition of Discrimination.

Judicial protection is prescribed by articles in chapter IV, and inspection supervision in chapter V and record keeping in chapter IV.

In terms of judicial protection, the news concerns local jurisdiction, i.e. in the procedure for protection against discrimination, the local jurisdiction has, in addition to the court of general local jurisdiction, the court in the territory of which the plaintiff resides, i.e. the registered address of the plaintiff. Additionally, pursuant to Article 29, in the proceedings before the court from Article 24 (claim) of the law, organisations dealing with the protection of human rights or individuals dealing with the protection of human rights as part of their activities may be joined as interveners on the side of the plaintiff, whose participation is decided by the court through applying the provisions of the Law on Civil Procedure. The court will accept the participation of the intervener only with the consent of the plaintiff.

Chapter VII of the draft law prescribes penal provisions in Articles 32, 33, 33a and 33b.

A fine in the amount of EUR 10,000 to EUR 20,000 shall be imposed on a legal person for a misdemeanour if it (Article 32):

- 1) restricts or prevents the use of facilities and surfaces in public use by a person or a group of persons, on any ground referred to in Article 2 paragraph 2 of this law (Article 10 paragraph 1);

2) disables, limits or makes it difficult for persons with reduced mobility and persons with disabilities to use access to facilities and surfaces in public use, in a manner that is not a disproportionate burden for the legal or natural person who is obliged to make it possible (Article 18 paragraph

For the offense referred to in paragraph 1 of this Article, a responsible person in a legal entity, state body, state administration body, local self-government body and local government body a fine shall also be imposed in the amount of EUR 1,500 to EUR 2,000 euros.

For the misdemeanour referred to in paragraph 1 of this Article, a fine in the amount of EUR 5,000 to EUR 6,000 shall be imposed on the entrepreneur.

For the misdemeanour referred to in paragraph 1 of this Article, a fine in the amount of EUR 150 to EUR 2,000 shall be imposed to a natural person.

A fine in the amount of EUR 1,000 to EUR 20,000 shall be imposed on a legal person for a misdemeanour, if it (Article 33):

1) engages in any unwanted behaviour, including harassment through audio and video surveillance, mobile devices, social networks and the Internet, which aims or results in a violation of personal dignity, causing fear, feeling humiliated or insulted or creating a hostile, humiliating or offensive environment (Article 7 paragraph 1);

2) exhibits any unwanted, verbal, non-verbal or physical behaviour of a sexual nature which is intended to violate the dignity of a person or a group of persons, i.e. which produces such an effect, especially when such behaviour causes fear or creates a hostile, humiliating, intimidating, degrading or offensive environment (Article 7 paragraph 2);

3) practises segregation by every act, action or omission, by which forced or systematic separation or discrimination of persons is practised on any grounds referred to in Article 2 paragraph 2 of this Law (Article 9 paragraph 2);

4) delivers hate speech by expressing ideas, claims, information, opinions which spread, stir up, incite or justify discrimination, hatred or violence against a person or group of persons due to their personal characteristics, xenophobia, racial hatred, anti-Semitism, or other forms of hatred based on intolerance, including intolerance expressed in the form of nationalism, discrimination and hostility against minorities (Article 9a);

5) makes it difficult or impossible to access goods and services in the public and private sector and supplies, on any ground referred to in Article 2 paragraph 2 of this Law (Article 11 paragraph 1 point 1);

6) refuses access to goods and services in the public and private sector and supplies, on any of the grounds referred to in Article 2 paragraph 2 of this Law (Article 11 paragraph 1 point 2);

7) sets out the conditions for access to goods, services in the public and private sector and supplies, which are not requested from another person or groups of persons on any of the grounds referred to in Article 2 paragraph 2 of this Law (Article 11 paragraph 1 point 3);

8) intentionally delays or postpones access to goods, services in the public and private sector and supplies, even though a person or group of persons requested and fulfilled

the conditions for timely access to those goods, services and supplies, prior than other persons or groups of persons, on one of the grounds referred to in Article 2 paragraph 2 of this Law (Article 11 paragraph 1 point 4);

9) prevents, limits or makes employment, work and education difficult or unjustifiably discriminates or treats a person or a group of persons unequally, based on their health condition (Article 12);

10) prevents or limits the exercise of rights or discriminates or treats a person or a group of persons unequally, based on age (Article 13 paragraph 1);

11) makes a distinction between married and illegitimate children, gives priority to children of one gender compared to children of another gender, makes a distinction based on the expressed opinion or conviction of the child's parents, i.e. guardians and family members, and differentiates between children on other grounds referred to in Article 2 paragraph 2 of this Law (Article 13 paragraph 2);

12) discriminates against a person or a group of persons in relation to other persons on the ground of political belief, affiliation or non-affiliation with a political, trade union or other organisation (Article 14);

13) makes it difficult or impossible to enrol in an educational institution and a higher education institution, as well as to choose the programmes at all levels of education, excludes from these institutions contrary to the regulations in the field of education, makes it difficult or denies the possibility of attending classes and participating in other educational activities, classifies children, pupils, education beginners and students or otherwise makes a difference between them or treats them unequally, on any ground referred to in Article 2, paragraph 2 of this law (Article 15);

14) discriminates against persons seeking employment, employees, that is, persons who, on some other basis, work for the employer, on any ground referred to in Article 2 paragraph 2 of this Law (Article 16 paragraph 1);

15) makes a difference, acts unequally or puts a person or group of persons in an unequal position with the belief that race, skin colour, language, nationality or national or ethnic origin justify the humiliation of a person or group of persons, i.e. justify the idea of superiority of a person or group of persons over those who are not members of that group, especially in the field of education, work, employment and choice of occupation, vocational training, social protection and social benefits, health care and housing, access to goods, services in the public and private sector and supplies (Article 17);

16) acts contrary to the principle of freedom of religion, i.e. acts unequally, makes a difference or puts a person in an unequal position on the ground of religion or personal belief, as well as belonging or not belonging to a religious community (Article 17a);

17) discriminates, acts unequally or puts a person or group of persons in an unequal position on the ground of gender identity, sexual orientation and/or intersexual characteristics (Article 19 paragraph 1);

18) files a claim without the written consent of the discriminated person or a group of persons (Article 30 paragraph 2).

For the misdemeanour referred to in paragraph 1 of this Article, a fine in the amount of EUR 500 to EUR 2,000 will be imposed on the responsible person in a legal entity,

state body, state administration body, local self-government body and local government body.

For the misdemeanour referred to in paragraph 1 of this Article, a fine in the amount of EUR 300 to EUR 6,000 will be imposed on the entrepreneur.

For the misdemeanour referred to in paragraph 1 of this Article, a fine in the amount of EUR 150 to EUR 2,000 will be imposed on a natural person.

Article 33a prescribes that a fine of EUR 100 to EUR 2,000 shall be imposed on the responsible person in the state body, state administration body and local self-government body if:

- 1) it fails to keep separate records on filed complaints, initiated proceedings and decisions taken within its own jurisdiction in relation to discrimination (Article 33 paragraph 1);
- 2) it fails to deliver the data from the separate records to the Protector within the deadlines referred to in Article 33 paragraph 2 of this Law.

For misdemeanours referred to in Article 34 paragraph 1 and 34a of this Law, individually or with a fine or a warning measure, one or more protective measures may be imposed as follows:

- 1) seizure of objects;
- 2) prohibition to carry out the occupation, activity or duty;
- 3) public announcement of a decision.

Protective measure of seizure of objects shall be obligatorily imposed whenever a misdemeanour is committed using the object which is under seizure, or when the object was designated for commitment of the misdemeanour or when the object which is under seizure was made because of committing the misdemeanour.

Protective measure of prohibition to carry out the occupation, activity or duty may be applied for a period which may not longer than six months.

Protective measure of public announcement of a decision shall be enforced by publishing such a decision in the media available on the entire territory of Montenegro.

The Protector of Human Rights and Freedoms in Montenegro is a key independent institution, which, based on the principles of justice and fairness, undertakes measures to protect human rights and freedoms, when they are violated by an act, action or omission of state bodies, state administration bodies, local self-government bodies and local administration, public services and other statutory authorities, as well as measures for the prevention of torture and other forms of inhuman or degrading treatment and punishment and measures for protection against discrimination, which can be addressed by anyone who believes that the act, action or omission of authorities and other legal and natural persons committed discrimination. Also, organisations or individuals dealing with the protection of human rights may file a complaint, with the consent of the discriminated person or a group of persons. Actions on these complaints are carried out in accordance with the regulations governing the method of work of the Protector of Human Rights and Freedoms.

The competences of this body are prescribed by the Constitution, and additionally by the Law on Prohibition of Discrimination and the Law on the Protector of Human Rights and Freedoms. In relation to the last reporting period according to the Framework Convention for the Protection of National Minorities, the Protector of Human Rights and Freedoms significantly

improved its visibility and this was reflected in the increase in the number of complaints. In this regard, the data show that in 2017 there were 889 complaints, while in 2021 the Protector had 1,123 complaints in his work, which is more than a 26% increase in comparison with 2017, and at the same time the highest number of complaints since of its establishment.

In the department of protection against discrimination, vulnerable groups and gender equality, there were 246 cases in 2021, 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. The largest number of appeals for protection against discrimination was in the field of labour and employment in all the mentioned years.

In the proceedings before the Protector, the following shows the number of cases due to discrimination on the basis of national affiliation and connection with a minority nation or minority national community:

- in 2021, there were 15 cases
- in 2020, there were 19 cases
- in 2019, there were 18 cases
- in 2018, there were 24 cases

The following shows the number of recommendations, as well as how many have been followed, implemented continuously, and how many have not been followed at all.

- In 2021, out of a total of 74 recommendations given in 36 cases, 25 recommendations were followed; 27 were implemented continuously, while 22 recommendations were not followed.
- In 2020, out of a total of 96 recommendations given in 38 cases, 14 recommendations were followed; 52 were implemented continuously, while 30 recommendations were not followed.
- In 2019, out of a total of 81 recommendations given in 38 cases, 19 recommendations were followed; 33 were implemented continuously; 24 were not followed, while the deadline for action is running out for five recommendations.
- In 2018, out of a total of 76 recommendations given in 30 cases, 28 recommendations were followed, five recommendations were partially followed, 11 recommendations were being implemented continuously; 12 were not followed, while the deadline for action on 20 recommendations is running out.
- In 2017, out of a total of 97 recommendations given in 32 cases, 56 recommendations were followed, 13 were not followed, 18 were partially followed and the deadline for action is running out for 10 recommendations.

The Ministry of Human and Minority Rights, in cooperation with the Council of Europe, the European Union and the Centre for Democracy and Human Rights (CEDEM), continuously conducts research on the degree and patterns of discrimination in Montenegro. From an international point of view, the research also aims to reflect the challenges related to discrimination in Montenegro identified in the 2017 Report of the European Commission against Racism and Intolerance (ECRI).

The last research was conducted in December 2020, and the social areas in which discrimination was measured are: employment; education; access to health care; work of public services; discrimination in the field of culture and cultural protection. The criteria for identifying social groups which are at risk of discrimination, and which were operationalised in this research, are: sex/gender (discrimination of women by men); nationality (discrimination based on ethnic/national criteria); religion (discrimination based on confessional affiliation); political belief (discrimination based on differences in political belief); age (discrimination based on age, the so-called "ageism"); disability (discrimination of persons with disabilities); and sexual orientation (discrimination of the LGBT population and sexual minorities).

According to the findings of this research, citizens estimate that discrimination nowadays is generally at a significantly lower level than it was in 2010 by almost 16%. As for the level of hate speech, citizens point out that in everyday narratives hate speech is mostly directed at Roma and Egyptians (49.4%). Apart from them, when talking about minority nations and other minority national communities, hate speech is also addressed to Serbs (26.7%) and Albanians (20.3%).

In the field of employment, discrimination is largely expressed against Roma and Egyptians (60.1%), while it is expressed at a slightly lower level by nationality (49.6%). According to the criterion of nationality in the field of employment, in 2017, discrimination expressed in the field of employment was at the level of 49.8%, while in 2020 it is 49.6%, which indicates that no progress has been made in reducing discrimination in this field according to the criterion of nationality according to citizens' opinion.

In the field of education, the highest degree of discrimination in the field of education is expressed against Roma and Egyptians. According to the criterion of nationality, the level of discrimination in the field of education is significantly lower. The key data, according to citizens, is that the degree of discrimination against members of all groups in the field of education is less pronounced today than it was two years ago. Significant progress in this regard was recorded on the ground of nationality in 2020 in comparison with 2017, by almost 10%.

As for the field of health care, the data show that the highest degree of discrimination is expressed against Roma and Egyptians, while according to the criterion of nationality, the degree of discrimination is twice as low according to the opinion of citizens. In this area as well, we measure a decrease in discrimination in 2020 in comparison with 2017, by 8.1%.

As for the work of public services, the data indicate that the highest degree of discrimination is expressed on the ground of political conviction, and against Roma and Egyptians (30.8%). Compared to 2017, the degree of discrimination in 2020 is decreased negligibly, by 0.1%.

In the field of culture, the highest degree of discrimination is expressed against Roma and Egyptians. A certain reduction of discrimination in this area is measured according to the criterion of nationality, by 8.9% in comparison with the data from 2020 and 2017.

Overall, the key problem of discrimination in Montenegro is expressed in the field of employment. Then, analysing the average measurement of the degree of discrimination for all

groups (average of all areas), the results indicate that the highest degree of discrimination in Montenegro is expressed against Roma and Egyptians, and then against persons with disabilities and the elderly, and on the basis of political belief. The degree of discrimination is slightly lower based on religion and nationality, and comparatively the lowest on the ground of sexual orientation and sex/gender.

Comparing the data from 2010 and 2020, the degree of discrimination against all groups and in all areas, it shows that there was a significant decrease in discrimination in the mentioned period on the ground of nationality by 7.4%, and in comparison with 2020, by 5.4%.

As for the assessment of citizens considering the understanding of laws which protect against discrimination, the data indicate that every fifth citizen knows these laws, and that almost half of the citizens know that such laws exist, but are not familiar with them. Every third citizen claims that they do not know anything about these laws. However, this data is significantly more informative if analysed from a trend point of view. The data indicates that the number of citizens who say they know the laws in question varies from 20% to 25% in the last ten years, and that the values we get are variable, specifically, when it comes to comparison with 2017, trends are even regressive. Therefore, we must conclude that an insufficient number of citizens know the laws which protect against discrimination, and that this number has not been increased in the last ten years. Additionally, only a little over a fifth of citizens did know what their rights were if they suffered from discrimination. Relative knowledge of their rights was expressed by almost 45% of citizens, and over 1/3 explicitly stated that they did not know what their rights were.

The majority of citizens (30%) believe that Montenegro invests enough efforts in the fight against discrimination, but that even more efforts are needed. However, a large number of citizens believe that not enough efforts are being made, and more than 16% of them believe that generally not enough efforts are being made, with 13.3% saying that absolutely not enough efforts are being made, which is cumulatively around 30%. On the other hand, just over 11% of citizens believe that Montenegro invests enough effort in the fight against discrimination. Analysing the trend, it is concluded that the number of citizens who believe that Montenegro invests enough efforts in the fight against discrimination is stable, but the number of those who claim the opposite has significantly decreased in the last ten years.

As for the evaluation of the work of institutions in the fight against discrimination, citizens believe that out of all the institutions listed, non-governmental organisations make the greatest contribution. This is followed by the Protector of Human Rights and Freedoms, educational institutions, international organisations and the media who were altogether evaluated fairly evenly. Furthermore, according to the hierarchy, Delegation of the EU and the state and its bodies were rated more than solidly. According to citizens, the least contribution in the fight against discrimination is made by the church and political parties. However, bearing in mind that the fight against discrimination is primarily the duty and obligation of state institutions, according to citizens, in this sense, the institution of the Protector makes the greatest contribution. This is followed by the media and the Ministry of Human and Minority Rights, the Government of Montenegro, and the Ministry of Education. According to citizens, state agencies, the national employment agency and the Parliament of Montenegro makes the



smallest contribution in the fight against discrimination. The data indicate that we measure the greatest progress in respect of the Protector of Human Rights and Freedoms, which indicates that citizens estimate that the institution of the Protector has improved its work to the greatest extent in the previous three years in terms of the fight against discrimination. We also measure a significant improvement in respect of the Government of Montenegro and state agencies, and the contribution of the Parliament, the courts, the National Employment Agency, and the police was rated somewhat better.

Data show that every fourth citizen has full confidence that the state will protect them from discrimination, while relative confidence is additionally expressed by around 35% of citizens, on the other hand, one fifth of citizens express a lower or higher degree of mistrust, which means that almost 60% of citizens has confidence that the state will protect them from discrimination if needed.

Asked about their first contact in case they became a victim of discrimination, according to the data, people answered that the police would be their first address, followed by the Protector of Human Rights and Freedoms. Progressive trends are noted when it comes to the institution of the Protector, i.e. citizens generally have a higher degree of trust in the Protector than was the case two years ago.

In addition to education, the Ministry of Human and Minority Rights continuously conducts a media campaign every year on the prohibition of discrimination and the affirmation of anti-discriminatory behaviour, especially in cooperation with the civil sector, the Ombudsman, the Council of Europe and the Delegation of the EU to Montenegro. In this regard, in 2021, as part of the Council of Europe project "Promotion of Diversity and Equality in Montenegro, the Handbook was published and prepared, which presents an overview of the key aspects of the anti-discrimination law, entitled the Handbook for Anti-Discrimination Law<sup>60</sup>.

In terms of the implementation of the Framework Convention, the proposal of the new Law on Discrimination will additionally provide protection mechanisms for members of national minorities to be able to exercise the rights and enjoy the freedoms arising from the principles contained in the Framework Convention individually or in community with others.

In relation to Article 4 paragraph 2 of the Framework Convention, with the aim of protecting the overall national identity and prohibiting assimilation, Article 79 and 80 of the Constitution prescribe a set of 13 additional, i.e. special minority rights that can be exercised individually and in community with others. The rights listed in the Constitution under the heading Protection of Identity, which are more precisely defined through the provisions of special laws, are as follows:

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<sup>60</sup> Handbook for Anti-Discrimination Law, the Ministry of Justice, Human and Minority Rights and the Protector of Human Rights and Freedoms of Montenegro, available at: [https://www.ombudsman.co.me/img-publications/39/hf23-handbook-atidiscrimination-law\\_mne.pdf](https://www.ombudsman.co.me/img-publications/39/hf23-handbook-atidiscrimination-law_mne.pdf)

- 1) the right to exercise, protect, develop and publicly express national, ethnic, cultural and religious particularities;
- 2) the right to choose, use and publicly post national symbols and to celebrate national holidays;
- 3) the right to use their own language and alphabet in private, public and official use;
- 4) the right to education in their own language and alphabet in public institutions and the right to have included in the curricula the history and culture of the persons belonging to minority nations and other minority national communities;
- 5) the right, in the areas with significant share in the total population, to have the local self-government authorities, state and court authorities carry out the proceedings in the language of minority nations and other minority national communities;
- 6) the right to establish educational, cultural and religious associations, with the material support of the state;
- 7) the right to write and use their own name and surname also in their own language and alphabet in the official documents;
- 8) the right, in the areas with significant share in total population, to have traditional local terms, names of streets and settlements, as well as topographic signs written in the language of minority nations and other minority national communities;
- 9) the right to authentic representation in the Parliament of the Republic of Montenegro and in the assemblies of the local self-government units in which they represent a significant share in the population, according to the principle of affirmative action;
- 10) the right to proportionate representation in public services, state authorities and local self-government bodies;
- 11) the right to information in their own language;
- 12) the right to establish and maintain contacts with the citizens and associations outside of Montenegro, with whom they have common national and ethnic background, cultural and historic heritage, as well as religious beliefs;
- 13) the right to establish councils for the protection and improvement of special rights.

In addition to the aforementioned provision, Article 80 of the Constitution, within the subtitle Prohibition of assimilation, prescribes that forceful assimilation of the persons belonging to minority nations and other minority national communities shall be prohibited, both as a negative obligation (abstaining from any act of forcible assimilation) and as a positive obligation of the state, which is obliged to protect members of minority nations and other minority national communities from all forms of violent assimilation. The terminological determinant "of all forms" refers to the statement that violent assimilation can be carried out in different ways, including those covert forms that ultimately have the same goal as other, more visible acts of assimilation. The concept of cultural or social assimilation is defined as a process aimed at submerging minorities and other marginalised groups into the prevailing cultural and social model.

The systemic law which further elaborates the rights guaranteed by the Constitution is the Law on Minority Rights and Freedoms, which more closely regulates the set of minority rights and the mechanisms for protecting those rights. In this regard, Article 8 reads that minority nations

and other minority national communities and their members shall have the right to express, preserve, develop, transmit and publicly manifest their national, ethnic, cultural, religious and linguistic identity, as a part of their tradition and that Montenegro shall be developing and promoting the study of history, tradition, language and culture of minority nations and other minority national communities. In accordance with the present Law and accepted international commitments, the competent authorities shall provide for the protection of the cultural heritage of minority nations and other minority national communities and their members. This legal solution covers the most important areas for the protection of identity and the promotion of equality, namely

- with the extension of non-discriminatory relations, the rights to express, preserve, develop, transmit and publicly manifest their national, linguistic, ethnic, cultural, and religious identity;
- the possibility of to establish institutions, societies, associations and non-governmental organizations in all areas of social life, as well as financing these organisations by the state;
- free choice and use of their personal and family names and of names of their children, as well as the right to enter those names in public registers and personal documents in their own language and alphabet;
- access to information and media, as well as program contents about minorities in public services;
- right to education in their own language and to adequate representation of their own language in curricula, and the principles of affirmative action in enrolment policy;
- right to use their national symbols and the right to celebrate important dates and personalities from their tradition and history;
- maintain free and unhindered relations across borders with their compatriots;
- political participation of minorities in the Parliament of Montenegro and assemblies of local communities;
- proportional representation in public services of the public services of the state authorities and local administration; protection mechanisms for interference in issues of vital interest to the lives of minorities, both at the state and local levels;
- articulating their demands through the possibility of forming minority councils with special powers;
- establishment of the Fund for Minorities for the purpose of material support of the state for the maintenance of national peculiarities;
- protection of the mentioned rights through national and international legislation;

In accordance with the above, the Government of Montenegro adopts the Strategy of Minority Nations and Other Minority National Communities Policy in order to set out the conditions for the unhindered enjoyment and nurturing of the national or ethnic peculiarities of minority nations and other minority national communities and their members, while the state authorities are obliged to take appropriate measures, in accordance with the Strategy of minority nations and other minority national communities policy. It specifically defines the measures for the

implementation of this law and the improvement of the living conditions of minority nations and other minority national communities and the improvement of measures and activities. Apart from it, as previously stated, to this aim is important to highlight the Strategy for the Social Inclusion of Roma and Egyptians.

The last Strategy for Minority Policy was adopted for the period 2019 - 2023 and includes the areas of education, employment, culture and identity of minorities, political participation of minorities and a set of specific measures aimed at raising the level of awareness of minorities and the general public about the status, rights and obligations of minorities.

The measures envisaged by the Strategy should primarily provide legal and factual prohibition of any discrimination and inequality, i.e. enable full legal and factual equal rights for all the members of society and different social groups, especially for minorities and minority nations. The equal right treatment for members of minority nations and communities also means the essential adoption and implementation of a set of measures of positive or affirmative action, in relation to the minority nations and communities' members, since it is the only way to achieve real and full equality-equal right status for all citizens of Montenegro. More precisely, the measures of affirmative action should provide equal opportunities in society for members of minority nations, since without their proper, active and full participation in social and political life of Montenegro the main objective of the Strategy – integration without assimilation – cannot be achieved. The prohibition of discrimination and measures of affirmative action are an important prerequisite for the achievement of another significant objective of the Strategy, which would be the full and sincere conception and acceptance of Montenegro by all members of minority nations and communities as their own state.

The constituent part of this goal is eliminating the gap between the envisaged – normatively proclaimed concept of the protection of minorities and the factual, really achieved degree of protection of the rights of minority nations and their communities, or at least the reduction of the non-negligible existing gap to the smallest possible degree. This also includes the adoption of some new (e.g. against discrimination) and harmonization of a large number of the existing laws with the abovementioned international law standards on the protection of human and minority rights.

The measures foreseen in this Strategy also aim to enable the full and real protection, affirmation and improvement of the language, culture and identity of all members of minority nations and their communities as a collective, to the greatest extent possible, in accordance with the aforementioned international legal standards on the protection of human and minority rights. The integration of members of minority nations and communities into the Montenegrin state and society, not only must not come at the expense of their culture and identity, but it is actually not possible in any other way than through positive measures that affirm and improve the identity and cultural creativity of minority nations.

In a broader social and cultural context, the identities and cultures of minority nations make an integral part of the identity and culture of Montenegro as a pluralistic, democratic, tolerant, multi-cultural and multi-confessional society and community. Therefore, the measures envisaged by the Strategy, especially in this goal, are in the greatest, long-term interest of the

Montenegrin state and society, and not only in the interest of the members of minority nations and their communities.

Furthermore, one of the most important objectives of this Strategy is to provide effective and efficient participations of the members of minority nations in governing the state and society, since it is a significant prerequisite of protection of other minority rights and the acceptance of Montenegro as their own state. Special or additional rights of political participation are an important segment of the protection of identity and culture, but also the necessary prerequisite for active involvement of minority nations in social and political life.

That way, the conditions are made for their political subjectivity, i.e. a long-lasting and permanent social emancipation. Special political rights should provide the members of minority nations with a proper participation in the execution of power and making of decisions, especially those directly concerning the minorities, but also all the others of interest for the development and prosperity of Montenegro as a whole. By appropriate representation in all the branches of power, in local government, and by participation in making political decisions, the members of minority nations and communities will take their share of responsibility for both their own development and progress and the development and progress of Montenegro as a whole. Finally, the effective political participation of the members of minority nations and communities will undoubtedly strengthen further the internal and international legitimacy of Montenegro as an independent and democratic state.

One of important goals of the Strategy is the improvement of friendly and neighbourly relations with the states from the immediate surrounding, i.e. the mother states of minorities from Montenegro. In that context, the Strategy is undoubtedly in the function of implementation of the foreign policy of Montenegro and its basic priority, i.e. establishing the best friendly and neighbouring relations with the states bordering with Montenegro.

The implementation of measures envisaged by the Strategy will enable the establishment of qualitatively more substantial relations with neighbouring countries, based on full thrust and understanding. Integrated and protected minorities are the essential bridge to connecting and making friendship with the neighbouring countries, the factor of political, cultural, economic and every other cooperation, a kind of guarantee that the other possibly disputable issues would be resolved in a spirit of mutual thrust and understanding.

In that context, the Strategy achieves broader foreign policy goals, primarily those considering the meeting of conditions from the Stabilization and Association Agreement with EU, for possible admission to NATO, as well as membership obligations from the Council of Europe and OSCE.

More complete integration of the members of minority nations and communities, while preserving and promoting their identity and culture, includes in a sense the creation of more substantial and deeper political and socio-cultural ties aimed at establishing full, permanent and sincere thrust across the Montenegrin society on the issues of minority protection.

This includes positions and opinions of individuals, social groups, in relation to the media, local governments, cultural, religious and governmental institutions, the highest governmental bodies. In that sense, the measures envisaged by this Strategy should initiate and improve the quality of establishing new relations based on full mutual trust and general social and cultural consensus that the protection, affirmation and integration of minorities is in the greatest national interest of the Montenegrin state and society.

The basic short-term goal of the Strategy is further institutionalization of the state policy of Montenegro referring to the members of minority nations and their communities in the following ten-year-period. In line with the measures suggested, the Government as a whole and the appropriate ministries separately, as well as the bodies of local governance, with active participation and cooperation of political, cultural and nongovernmental organizations, the members of minority nations and other competent persons involved in the civil society, will adopt concrete plans and programs of activities aimed at the application of the stipulated measures.

The Government will take all the necessary human resources, functional, educational, financial and structural measures with a view to providing full implementation of the Strategy, and the appropriate mechanisms of supervision of those activities.

Within each area, strategic objective, operational objectives and measures are foreseen.

The strategic objective in the field of education is to improve the respected principles of multiculturalism and multiethnicity in the educational system of Montenegro in accordance with international and national standards through the further strengthening of the capacity of educational institutions and the application of the principle of affirmative action. Within it, the following operational goals and activities were identified:

- Operational objective 1: Establishing normative and resource-technical assumptions for the study of minority languages in educational institutions in Montenegro, as well as improved multicultural and multi-ethnic character of educational curricula in Montenegro;

Activities:

- Introduce the Albanian language and literature as an elective course in bilingual primary schools
  - Provide textbooks and supporting teaching aids for learning the Albanian language as the language of the environment, i.e. as an elective course in bilingual primary schools
  - Introduce content that promotes inter-ethnic tolerance and coexistence into the mandatory part of the curriculum in the courses of mother tongue and literature, history, art, fine and musical arts
- Operational objective 2: Strengthened capacities of teaching staff in educational institutions in the function of exercising the rights of members of minority nations and other minority national communities (indicator: increase in the percentage of trained

teachers for sensitive work with members of minority nations and other minority national communities)

Activities:

- Continuously conduct training for teachers of important courses in the field of human and minority rights with the aim of increasing sensitivity and knowledge in the field of minority rights protection (indicator: 30% of primary and secondary school teachers trained in the field of knowledge of human rights of members of minority nations and other minority national communities)
- Strengthen cooperation between educational institutions, workers and students with educational institutions, workers and students from other countries (indicator: implemented at least 4 international conferences/educations/projects in the field of education and signed at least two Memorandums on Cooperation between Montenegrin educational institutions and educational institutions of other neighbouring countries, which would also treat the enrolment of students)
- To grant scholarships to students in order to provide scarce staff for the needs of education in the Albanian language (indicator: the number of scholarships granted for the study of the Albanian language increased by 100% compared to the data from the academic year 2015/16)

The strategic objective in the field of employment is the strengthened social and economic integration of members of minority nations and other minority national communities into Montenegrin society through the implementation of existing normative solutions and employment instruments. Within it, the following operational objectives and activities were identified:

- Operational objective 1: Implemented principle of affirmative action defined by the normative framework in order to promote the employment of members of minority nations or other minority national communities (indicator: the number of employed members of minority nations and other minority national communities in the state administration increased by 10% in comparison with the Information from 2015)

Activities:

- to reach positive legal solutions concerning the equal employment of members of minority nations and other minority national communities (indicator: the number of employed members of minority nations and other minority national communities increased by 20% in comparison with the Information from 2015)
- Operational objective 2: Increased participation of members of minority nations or other minority national communities in leadership positions in the public administration of Montenegro (indicator: The number of members of minority nations and other minority national communities in leadership positions in the public administration of Montenegro increased by 5% in comparison with the Information from 2015)

Activities:

- Increase the degree of inclusion of members of minority nations and other minority national communities in leadership positions in public administration



and judicial bodies (indicator: the number of members of minority nations and other minority national communities employed in positions of senior management and expert management personnel in public administration and judicial bodies increased by 5% in comparison with the Information from 2015)

The strategic objective in the field of minority culture and identity is to preserve the cultural and historical heritage of minority nations and other minority national communities as an important segment of the overall cultural and historical heritage of Montenegro. Within it, the following operational objective, activities and indicators were identified:

- Operational objective: Affirmation of the cultural identities of minority nations and other minority national communities in Montenegro supported by implemented measures and activities of state institutions (indicator: organise at least 24 events).

#### Activities:

- Secure institutional support when celebrating important dates of minority nations and other minority national communities as well as those related to multiculturalism (indicator: National institutions continuously support the celebration of significant dates of minority nations and other minority national communities and those related to multiculturalism);
- Adopt the Proposal of the Law on the Selection, Use and Public Display of National Symbols in order to exercise the rights and freedoms of minority nations and other minority national communities guaranteed by the Constitution of Montenegro (indicator: Adopted Law on the Selection, Use and Public Display of National Symbols in 2019);
- Organise a round table on the topic - "Cultural diversity of Montenegro - a heritage which enriches us" (indicator: 8 round tables organised)
- Promote and achieve positive legal solutions in the area of the use of languages and alphabet of the members of minority nations and other minority national communities at the local level (indicator: 40% of employees in local self-governments, where members of minorities make up the majority or at least 5% of the population, are aware of the need to apply positive legal solutions in the area of the use of languages and alphabet of minorities at the local level).

The strategic objective in the field of political participation of minorities is to ensure authentic political representation and participation of members of minority nations and other minority national communities in the political life of Montenegro. Within it, the following operational objectives, activities and indicators were identified:

- Operational objective: Minority nations and other minority national communities are empowered to participate in the political life of Montenegro through the further development of the reference normative framework and through the education of members of minority nations and other minority national communities (indicator: Increased number of educated members of minority nations and other minority national

communities on the importance of political participation in comparison with the data from 2018)

Activities:

- Define the proposal of amendments to the electoral legislation in the part of the authentic political representation of the Roma community (indicator: define the proposal of amendments to the electoral legislation)
- Educate the members of minority nations and other minority national communities about the importance of political participation (indicator: 200 members of minority nations and other minority national communities educated about the importance of political participation)

The strategic objective in part of the set of specific measures aimed at raising the level of awareness of minorities and the general public about the status, rights and obligations of minorities is to establish an effective system of monitoring the exercise of the rights of minority nations and other minority national communities in Montenegro and to raise the level of their awareness of their own status, rights and obligations in accordance with international standards and the positive law of Montenegro. Within it, the following operational objectives, activities and indicators were identified:

- Operational objective 1: Raised level of awareness of members of minority nations and other minority national communities and the general public about the status, rights and obligations of minorities (indicator: Increased number of trainings aimed at raising the level of awareness of members of minority nations and other minority national communities and the general public about the status, rights and obligations of minorities)

Activities:

- Conduct anti-discrimination campaigns to reduce the degree of ethnic distance (indicator: inter-ethnic distance reduced by 10% in comparison with the data from the Analysis of the current situation presented in the Strategy);
- Conduct campaigns for the promotion of rights under the Law on Minority Rights and Freedoms and the Law on the Selection, Use and Display of National Symbols (indicator: Approximately 1/3 of the citizens of Montenegro are informed about the legal rights under the Law on Minority Rights and Freedoms and the Law on the Selection, Use and Display of National Symbols);
- Organise trainings for sensitisation of the employees in public administration and judicial bodies about minority rights (indicators: organise 2 trainings for employees in public administration in order to sensitise the rights of minority nations and other minority national communities; organise 2 trainings/trainings for employees in judiciary in order to sensitise the rights of minority nations and other minority national communities);
- Organise trainings to strengthen the capacity of the Ministry of Human and Minority Rights, as well as other institutions which deal with the rights of minority nations and other minority national communities, as well as national minority councils and non-governmental organisations for quality monitoring the exercise and enforcement of the

human rights of minorities (indicator: 150 representatives of the MHMR, other institutions, national councils and NGOs trained);

- Systematically monitor the key indicators concerning the measurement of the degree of ethnic distancing and inter-ethnic relations in Montenegro (indicator: records of key indicators with accompanying statistical data are kept on an annual basis continuously).

At the suggestion of the Ministry of Justice, Human and Minority Rights, the Government of Montenegro adopted the Action Plan for the Implementation of the Minority Policy Strategy 2019-2023 for the period 2021-2022 (AP) in a sessions held on 1 July 2021 and 15 July 2021. The total amount of planned financial resources for undertaking all the activities from AP for 2021-2022 is EUR 726,068.82. Funds for the implementation of the Action Plan will be provided by the principal bodies and/or partners of the activity.

In the chapter that refers to the improvement of the position of Roma and Egyptians, the measures and objectives related to this article are listed.

The Ministry of Human and Minority Rights, as well as the Fund for the Protection and Exercise of Minority Rights, contribute to the improvement in the areas of social and cultural life by supporting activities relevant for the preservation and development of national or ethnic peculiarities of minority nations and other minority national communities.

Pursuant to Article 32ž of the Law on Non-Governmental Organisations<sup>61</sup>, and in connection with public calls from 2018 to 2021, the Ministry of Human and Minority Rights issued decisions on the distribution of funds for financing projects/programmes of non-governmental organisations in the field of development and improvement of the rights of minority nations and of other minority national communities, as follows:

- In 2021, financial resources in the amount of EUR 250,000.00 were approved for the implementation of 18 projects and programmes of non-governmental organisations
- In 2020, financial resources in the amount of EUR 177,352.16 were approved for the implementation of 16 projects and programmes of non-governmental organisations
- In 2019, the distribution of funds was approved for 27 projects in the total amount of EUR 357,667.00 for the implementation of projects and programmes of non-governmental organisations.
- In 2018, the distribution of funds in the amount of EUR 161,453.83 was approved for the implementation of 15 projects and programmes of non-governmental organisations

Public calls focus on the implementation of the measures prescribed by the Strategy for Minority Policy and the action plans for its implementation.

In addition, the Ministry implemented the following for the above mentioned purpose:

- In 2017, within the project "Support to national institutions in the prevention of discrimination in Montenegro - PREDIM", which was implemented by the Programme

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<sup>61</sup> Law on non-governmental organisations (Official Gazette of Montenegro 39/11 and 37/17)

Office of the Council of Europe in Montenegro, with the financial support of the European Commission, the following activities concerning the policy of protection of minorities were carried out: Seminar on the topic "The rights of national minorities in Montenegro" for representatives of council of minority nations and representatives of the Ministry of Human and Minority Rights; Evaluation of the National Strategy for Minority Policy; Comments on the by-laws of the Law on Minority Rights and Freedoms; content for the form with the most important elements for the Report on the activities of the Council of Minority Nations and other minority national communities; and campaign activities and public representation, research on the degree and forms of discrimination in 2017 and 2018, and a campaign on the importance of minority rights on social networks.

In addition, the implementation of the project "Support to Anti-Discrimination and Gender Equality Policies" (IPA 2014) began, which aimed primarily to improve the social and institutional response in terms of the promotion, protection and exercise of human rights and equal opportunities, with a special emphasis on the implementation of anti-discriminatory policy and the policy of gender equality. The expected results are: (1) The legal framework for protection against discrimination is known, understood and implemented, especially in relation to Roma, members of the LGBTI community, persons with disabilities, women and minorities; (2) Established efficient and effective system for achieving gender equality and empowering women; (3) Improved system of protection of human rights of persons deprived of liberty. €1,435,000 from EU funds and €293,000 from national contribution were allocated for this action.

Another project kick-off relates to the project "Promotion and Protection of Human Rights of Roma, Egyptians and Other Vulnerable Groups (IPA 2015) with main objective related to improved access to the rights of Roma and Egyptians and other vulnerable groups in employment, education, health and social inclusion in the municipalities of Podgorica, Nikšić and Berane. The action will also contribute to strengthening the administrative and organisational capacities of the Ministry of Human and Minority Rights to work with the Roma and Egyptian population, as well as the coordination of activities in the field of human rights. For this action, €1,000,000 has been allocated.

The seminar "National legal framework and international standards for the protection of minority rights with a focus on the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages" was also held. For the purpose of better understanding of the national legal framework and international standards for the protection of minority rights, with a special focus on the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages, a seminar was organised on 18 – 19 December 2017. During the seminar, special emphasis was placed on more effective implementation of the recommendations of the Committee of Ministers of the Council of Europe regarding the European Charter for Regional or Minority Languages in relation to Montenegro.

In 2017, the Directorate for the Promotion and Protection of the Rights of Minority Nations and Other Minority Communities held regular quarterly meetings with non-governmental organisations, as well as round tables and forums with the NGO sector on topics related to the promotion of the rights of minority nations and other national communities in Montenegro. In 2017, the Directorate for the Promotion and Protection of the Rights of Minority Nations and Other National Communities had particularly good cooperation with the following non-governmental organisations: CEDEM, Centre for Civic Education, Civic Alliance, Croatian Civil Society, Bosniak Forum, Juventas, Matica Muslimanska, Građanska inicijativa, Young Roma, Centre for Roma Initiatives, Association of Egyptians of Montenegro, Roma Circle Coalition, Roma and Egyptians Together Coalition, Association of Displaced Roma and Egyptians, New Horizons, and other non-governmental organisations.

- In 2018, with the aim of strengthening capacities and raising awareness of the importance of integration of minority nations and other minority national communities into Montenegrin society, the Ministry of Human and Minority Rights organised trainings for members of the Working Group for the development and monitoring of the implementation of the Strategy for Minority Policy and Action Plans, as well as monitoring the implementation of the recommendations of the Committee of Ministers of the Council of Europe related to the Framework Convention for the Rights of National Minorities and the European Charter for Regional or Minority Languages and other international documents in this area.
- In 2019, with the aim of strengthening capacities and raising awareness of the importance of integration of minority nations and other minority national communities into Montenegrin society, the Ministry of Human and Minority Rights organised training for members of the Working Group for the development and monitoring of the implementation of the Strategy for Minority Policy and Action Plans, as well as monitoring the implementation of the recommendations of the Committee of Ministers of the Council of Europe related to the Framework Convention for the Rights of National Minorities and the European Charter for Regional or Minority Languages and other international documents in this area. The training was held in Ulcinj on 29 and 30 April 2019; In accordance with the agreed schedule, a round table was organised with a clearly indicated topic "Use of minority languages in local self-governments at the local level", which was attended by representatives of state bodies, local self-governments, the judiciary, and the prosecutor's office. The round table was held on 2 and 3 August 2019; In order to familiarise the public with the criteria of Euro-Atlantic integration, the Ministry of Human and Minority Rights organised a public forum on the topic "Differences enrich parliamentary democracy", which was attended by representatives of the Public Broadcasting Service of Montenegro, representatives of relevant ministries and local self-governments, representatives of the councils of minority nations and other minority national communities in Montenegro. The forum was held on 14 and 15 November 2019; Organized by MHMR, on 17 and 18 December 2019, a seminar was held on the topic "Diversity that enriches us", i.e. round tables on the topics "Legislative framework and international standards for the protection of minorities in Montenegro", "Ethnic distance - as a challenge in the process of building

an intercultural society", "Education and promotion of cultural diversity - education about minorities and education in minority languages" and "Information and promotion of cultural diversity - information on minorities and in minority languages". The seminar was attended by representatives of the Council of Minority Nations and other minority national communities, the Fund for the Protection and Exercise of Minority Rights, the Centre for the Preservation and Development of Culture, the Public Broadcasting Service of Montenegro, as well as by representatives of competent ministries and local self-governments.

- In 2020, as in previous years, and in 2020, the Ministry continued with activities aimed at monitoring the measures from the signed Memoranda with state institutions: Statistical Office of Montenegro, University of Montenegro, Human Resource Management Authority, Police Academy, Employers' Union, as well as with Councils of minority nations and other minority national communities; The Ministry of Human and Minority Rights formed the Commission for Monitoring the Implementation of the Strategy for Minority Policy 2019-2023 (number: 01-023-52/18-14 as of 19 February 2018) in which representatives of the Ministry of Justice, Human and Minority Rights (from the fields of both justice and human and minority rights), the Ministry of Internal Affairs, the Ministry of Education, the Ministry of Culture, the Ministry of Sports, the Ministry of Finance, the Council of all minority nations and other minority national communities in Montenegro, the Fund for the Protection and Exercise of Minority Rights, the Centre for the Development and Preservation of the Culture of Minorities of Montenegro, the Human Resources Management Authority, the University of Montenegro, the Public Broadcasting Service of Montenegro, the Union of Municipalities of Montenegro, and the Statistical Office, which will monitor the implementation of adopted planning documents in this area as a form of horizontal coordination and joint reporting, as well as interdepartmental working groups at the level of the most relevant Ministries for the most important areas of actions, appoint special commissioners in the respective ministries, public services and local self-government bodies who will report directly to the Government and the Commission for the implementation of the Strategy; In 2020, the Directorate for the Promotion and Protection of the Rights of Minority Nations and Other Minority National Communities held regular quarterly meetings with non-governmental organisations (due to epidemiological measures and the ban on gatherings, the meetings were organised via Zoom platform). Representatives of the Ministry were happy to attend the online conferences on topics related to the improvement of the rights of minority nations and other minority national communities in Montenegro, organised by non-governmental organisations and within the projects financed by the Ministry of Human and Minority Rights.

The Parliament of Montenegro established the Fund for the Protection and Exercise of Minority Rights in order to support activities relevant to the preservation and development of the national and ethnic peculiarities of minority nations and other minority national communities and their members in the area of national, cultural, linguistic and religious identity. The fund is financed from the budget of Montenegro with at least 0.15% of the current budget. These funds are

allocated to: funds for the work of the Fund, in the amount of up to 30% and - funds for financing projects to support activities in the amount of at least 70%.

Most recent amendments to the Law on Minority Policies also affected the prevention of objectively possible conflicts of interest, the introduction of two-instance decision-making on projects financed by the Fund, as well as the improvement of the quality of monitoring and evaluation of supported projects. In support of this, the Parliament of Montenegro passed the Decision on Amendments to the Decision on the Establishment of the Fund for the Protection and Exercise of Minority Rights<sup>62</sup>.

Year in year out, the Fund for the Protection and Exercise of Minority Rights publishes a public call pursuant to Article 36h of the Law on Minority Rights and Freedoms, for the distribution of funds for financing projects to support activities referred to in Article 36 paragraph 1 of this Law. The decision on the allocation of funds is issued by the Fund's management board, based on the Fund's programmes and work plans, with the previously obtained opinion of the council of minority nations or other minority national communities.

Funds are allocated according to the following criteria:

- preservation and development of the national, religious, linguistic and ethnic identity of each minority nation or minority national community;
- compatibility of the project with the strategic documents of the Government;
- the project's contribution to intercultural cooperation and reduction of ethnic distance;
- promotion of the spirit of tolerance, intercultural dialogue and mutual respect and understanding;
- transparency and the possibility of controlling the implementation of the project; and
- professional and technical capacities of the project applicant.

The right to participate in the public call for the distribution of funds is granted to non-governmental organisations, legal entities and natural persons, whose commercial activities, i.e. activities are aimed at the preservation and development of minority rights, national, i.e. ethnic peculiarities of minority nations or other minority national communities and their members in the area of national, ethnic, cultural, linguistic and religious identity. Councils of minority nations and other minority national communities do not have the right to participate in the public call. Also, non-governmental organisations, legal entities and natural persons who, during the calendar year, were financed by the Fund's decision for two projects or one project in the amount of 5% of the total allocated funds for financing projects to support activities, cannot participate.

Now therefore, upon the evaluation of the received projects, the Fund issues a decision on the allocation of funds for financing projects to support activities referred to in Article 36 paragraph 1 of the Law on Minority Rights and Freedoms<sup>63</sup>, and the data for this reporting period are presented below:

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<sup>62</sup> Decision on the Establishment of the Fund for the Protection and Exercise of Minority Rights (Official Gazette of Montenegro 068/17 as of 20/10/2017)

<sup>63</sup> [http://www.fzm.me/v/images/pdf/ODLUKU\\_O\\_RASPODJELI\\_SREDSTAVA\\_ZA\\_2021.pdf](http://www.fzm.me/v/images/pdf/ODLUKU_O_RASPODJELI_SREDSTAVA_ZA_2021.pdf)



- In 2021, funds in the amount of EUR 1,066,000.00 were allocated in accordance with the Public Call for financing projects to support activities for 185 projects. The total number of received project applications was 307, out of which 236 met the conditions, while 71 failed to meet the conditions of the Public Call
- In 2020, funds in the amount of EUR 1,128,315.60 were allocated in accordance with the Public Call for financing projects to support activities for 196 projects. The total number of received project applications was 348, out of which 264 met the requirements, while 84 failed to meet the requirements of the Public Call. Out of the total number, 13.27% of projects are related to the Albanian national community, 25.51% to the Bosniak national community, 4.08% to the Croatian national community, 41.33% to multinational projects, 8.67% to the Roma national community, 4.59% to the Muslim national community and 2.55% to the Serbian national community.
- In 2019, funds in the amount of EUR 565,967.81 were allocated in accordance with Public calls for financing projects to support activities in the first allocation, and EUR 418,880.00 in the second allocation for a total of 189 projects. The total number of received project applications was 554, out of which 323 met the conditions, while 231 failed to meet the conditions of the Public Call.
- In 2018, funds in the amount of EUR 755,293.00 were allocated in accordance with the Public call for financing projects to support activities for a total of 97 projects. The total number of received project applications was 235, out of which 143 met the requirements, while 92 failed to meet the requirements of the Public Call. Within the framework of informing members of minority nations and other minority national communities through printed and electronic media in Montenegro in 2018, the following were financed/co-financed from the funds of the Fund: the magazine for culture, science and social issues-Malesia, the magazine Hrvatski glasnik, the magazine Alav, Almanac magazine, Radio Dux and the portal [www.radiodux.me](http://www.radiodux.me), Radio Roma, Radio Elita, Radio Fatih, TV Boin, Informative portal - "Bosniak News", a portal for the affirmation of Bosniaks in Montenegro.
- In 2017, funds in the amount of EUR 680,000.00 were allocated through Public calls for financing projects to support activities for a total of 123 projects in the first allocation, while in the second 67 projects were supported in the amount of EUR 292,926.00. Within the framework of informing members of minority nations and other minority national communities through printed and electronic media in Montenegro in 2017, the largest number of them, as in the previous period, were financed/co-financed from the funds of the Fund: Radio Elita, TV Boin, TV Teuta, Osvit magazine - Voice of Muslims of Montenegro, Magazine for culture, science and social issues - Malaysia, Almanac magazine, Hrvatski glasnik magazine, Radio Dux and portal [www.radiodux.me](http://www.radiodux.me), Roma and Egyptian information portal, Radio Roma, Alav magazine, website Roma council, Srpske novine, Srpska TV, Srpski radio, srpskenovine portal, etc.

In order to ensure the inclusion of minorities and improvement in all areas of economic life, the Ministry of Agriculture, Forestry and Water Management has organised:

- The information campaign on the implementation of agricultural policy measures, both national and through IPARD funds, which is also carried out in municipalities where minority nations constitute the majority or are in a certain percentage (Ulcinj, Bar, Tuzi, Gusinje, Plav, Rožaje...) and in the Albanian language through the presentations to agricultural producers and processors, appearances on local television (TV Boin, TV Teuta), shows in the Albanian language RTCG, such as "MOZAIKU", and Radio Montenegro - a program in the Albanian language;
- The Ministry of Agriculture, Forestry and Water Management undertakes activities from MIDAS 2 project (a World Bank project - Montenegro Institutional Development and Agricultural Strengthening) related to scientific research at the location "Rt Đerana" in the Municipality of Ulcinj, and in order to inform citizens and stakeholders, not only did it conduct a public opinion poll by means of bilingual questionnaires (Montenegrin-Albanian) but also informed the public by distributing bilingual flyers, presentations and other materials aimed at the participation of stakeholders and the inclusion of minority nations in the planned activities.

In relation to the recommendations of the Advisory Committee stated in the Third Opinion, Montenegro is on the way to adopting a new law on the protection of equality and prohibition of discrimination, which directly contributes to the enforcement of the recommendation, while on the other hand, this current draft does not stipulate strengthening the role of the Protector in terms of the power to enact legal binding decisions and the manner of his election. The financial resources of the institution of the Protector have a tendency to grow. In 2017, the budget of this institution was EUR 625,714.21. In comparison with 2017, the budget was higher by 15% in 2020, and by 8% in 2021.

## ARTICLE 5

*1. The Parties undertake to promote the conditions necessary for persons belonging to national minorities to maintain and develop their culture, and to preserve the essential elements of their identity, namely their religion, language, traditions and cultural heritage.*

*2. Without prejudice to measures taken in pursuance of their general integration policy, the Parties shall refrain from policies or practices aimed at assimilation of persons belonging to national minorities against their will and shall protect these persons from any action aimed at such assimilation.*

Article 79 of the Constitution prescribes the right of minority nations and other minority national communities to exercise, protect, develop and publicly express national, ethnic, cultural and religious particularities.

Article 8 of the Law on Minority Rights and Freedoms<sup>64</sup> stipulates Minority nations and other minority national communities and their members shall have the right to express, preserve, develop, transmit and publicly manifest their national, ethnic, cultural, religious and linguistic identity, as a part of their tradition. Montenegro will be developing and promoting the study of history, tradition, language and culture of minority nations and other minority national communities. In accordance with this Law and accepted international commitments, the competent authorities will provide for the protection of the cultural heritage of minority nations and other minority national communities and their members.

The Law on Culture<sup>65</sup> establishes the principles of developing culture based on freedom of creativity and respect for the right to culture, with equal preservation of all cultural identities and respect for cultural differences.

The Law on Media<sup>66</sup>, through the institute of the Fund for Encouraging Pluralism and Diversity of the Media, encourages the provision of public services, in order to exercise the rights guaranteed by the Constitution and the law to non-commercial media content of public interest in the languages of minority nations and other minority national communities.

Law on Public Broadcasting Services of Montenegro<sup>67</sup> reads that this broadcasting service shall produce and broadcast programs, with respecting high standards of professional ethics and quality, without any form of discrimination, which shall, *inter alia*, be intended for all segments of society, especially taking into account children and youth, national and ethnic minorities, disabled persons, socially vulnerable groups, and other specific groups and which shall affirm and foster Montenegrin national and cultural identity, cultural and ethnic identity of national and ethnic minorities, European cultural heritage and cultural diversity.

Law on Protection of Cultural Property<sup>68</sup>, as one of its main objectives, prescribes preserving cultural diversity through the promotion of the status and values of all types of cultural property, nurturing creativity and understanding different cultures and cultural strata and promoting dialogue between cultures and religions.

The activities of the Ministry of Culture and Media are aimed at the application of provisions contained in laws and strategic documents in the part where the preservation and culture of minorities are recognized as a segment of public interest. Support and encouragement of the cultural development of members of national minorities and the preservation of the necessary

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<sup>64</sup>Law on Minority Rights and Freedoms (Official Gazette of Montenegro 031/06 as of 12/05/2006, 051/06 as of 04/08/2006, 038/07 as of 22/06/2007, Official Gazette of Montenegro 002/11 as of 12/01/2011, 008/11 as of 04/02/2011, 031/17 as of 12/05/2017), available at: <https://wapi.gov.me/download-preview/b2e7921b-2ec5-4cfe-879e-376c24b9dcc5?version=1.0>

<sup>65</sup>Law on Culture (Official Gazette of Montenegro 049/08 as of 15/08/2008, 016/11 as of 22/03/2011, 040/11 as of 08/08/2011, 038/12 as of 19/07/2012), available at: <https://www.gov.me/dokumenta/03ecfa1e-c000-41af-a230-fd0e0a9667b9>

<sup>66</sup> Law on Media (Official Gazette of Montenegro 82/2020 as of 06/08/2020), available at: <https://wapi.gov.me/download-preview/101e4ce0-3a5e-4c04-a81a-5287551a6a82?version=1.0>

<sup>67</sup> Law on Public Broadcasting Service of Montenegro (Official Gazette of Montenegro 80/2020 as of 04/08/2020), available at: <https://wapi.gov.me/download-preview/4b2773c6-8a04-41a3-b286-bd3523e034b0?version=1.0>

<sup>68</sup> Law on Protection of Cultural Property (Official Gazette of Montenegro 49/10 as of 13/08/2010), available at: <https://wapi.gov.me/download-preview/ec0989dd-efec-47aa-b0d3-d4f571829a5f?version=1.0>

elements of their identity is provided by this ministry through a wide range of activities in the domain of cultural and artistic creation, nurturing of cultural heritage and media policy, which promotes the intention of equal integration of all members of national minorities into cultural flows.

One of the most prioritised ways of achieving support in culture is implemented through a public call for co-financing of programmes and projects of importance for achieving the outcome of the public interest in culture, which is published annually. In accordance with the legal criteria, all members of minority nations and other minority national communities are eligible. In this context, the Ministry co-finances projects and programmes from all fields of creativity (fine arts, musical and stage activities, literature and literary translation, magazines in the field of culture and art, theatre production, manifestations and festivals, projects of joint Montenegrin participation in international manifestations and festivals and projects from the Culture Development Programme in the North). Projects of minority nations are also supported in the mentioned calls, and in addition to the quality of artistic production, innovation in program contents and other components immanent to the call, the multicultural values and traditions of minority nations are promoted, *inter alia*.

With this support, the state intends to:

- encourage forms of expression and initiatives specific to different manners of approaching the works of art produced in their languages,
- to incite various means by which works created in regional and minority languages would become available to the general public,
- to encourage the direct participation of representatives of those who use relevant regional and minority languages in ensuring conditions and planning cultural activities.

Programmes and projects are evaluated by publicly announced criteria related to: artistic quality and importance for the development of Montenegrin culture, references of the performers, contribution to the development of multinational and multicultural values, contribution to encouraging international dialogue and stimulating the development of partnerships, international affirmation of Montenegrin culture, contribution to the preservation of tradition and Montenegrin cultural heritage. Pursuant to Article 77 of the Law on Culture<sup>69</sup>, in order to encourage and support the development of culture by co-financing programmes and projects in the field of cultural and artistic creativity, the Ministry issues a decision following a public call for the submission of programs and projects.

In 2021, the Ministry of Education, Science, Culture and Sports co-financed a total of 153 projects out of a total of 347 reported projects and programmes in the total amount of 507 thousand euros, specifically<sup>70</sup>: 20 art projects (EUR 33,750); 9 musical and musical-scenic ones (EUR 32,125); 45 literature (EUR 33,500); 13 literary translation projects (EUR 17,500); 3

<sup>69</sup> Law on Culture (Official Gazette of Montenegro 049/08 as of 15/08/2008, 016/11 as of 22/03/2011, 040/11 as of 08/08/2011, 038/12 as of 19/07/2012), available at: <https://www.gov.me/dokumenta/03ecfa1e-c000-41af-a230-fd0e0a9667b9>

<sup>70</sup> Decision on co-financing projects and programmes in the field of cultural and artistic creativity, available at: <https://www.gov.me/clanak/odluka-o-sufinansiranju-projekata-i-programa-u-oblasti-kulturno-umjetnickog-stvaralastva>

magazines in the field of culture and art (EUR 8,000); 7 theatre productions (EUR 47,675); 21 events and festivals (EUR 220,000); 4 projects of joint Montenegrin participation in international events and festivals (EUR 33,000) and 31 projects from the Programme for the Development of Culture in the North (EUR 81,450). A large number of projects and programmes of minority nations and other minority national communities were supported through this call.

In 2020, the Ministry of Culture co-financed a total of 221 projects and programmes in the field of cultural and artistic creation, with a total amount of EUR 726,200, namely<sup>71</sup>: 21 in the field of fine arts (EUR 32,500); nine musical and musical-stage projects and programmes (EUR 23,600); 53 literary projects (EUR 54,400); 15 literary translation projects (EUR 30,300); 8 magazines in the field of culture and art (EUR 37,700); 5 theatre productions (EUR 19,600); 34 events and festivals (EUR 283,300); 5 projects of joint Montenegrin participation in international events and festivals (EUR 24,000) and 71 projects from the Programme for the Development of Culture in the North (EUR 220,800). A certain number of projects relate to the protection and preservation of the cultural heritage of the minority nations of Montenegro, or are implemented in local communities where members of minority nations live and exercise their rights, and we single out the following projects: "Archaeological research, creation of a conservation project and implementation of conservation measures on architectural remains of the church of St. Venerande, Ćaf Kiš, Tuzi Municipality" - PI Center for Conservation and Archeology of Montenegro; Archaeological and conservation research and implementation of remedial measures at the site of Municipium S... (Phase III), Municipality of Pljevlja - PI Centre for Conservation and Archaeology of Montenegro; Archaeological research of the city of Meduna with the aim of its revitalisation and eventual reconstruction, the Capital City of Podgorica - PI Centre for Conservation and Archaeology; Conservation research and development of a conservation project and implementation of conservation measures of the old bridge at Klezna, Gornja Klezna, Ulcinj - PI Centre for Conservation and Archaeology; Restoration and conservation of the Ottoman cemetery and the "Mesjid" ("Inn for travellers") in the Old Town of Bar, Municipality of Bar - PE Centre for Culture Bar; Lexicon of Ethnology of Montenegro, Capital City Podgorica - Montenegrin Academy of Sciences and Arts; Arrangement of the access road to the UNESCO site, Municipality of Plužine - Municipality of Plužine; Soko and Taban city - forgotten metropolises of the Middle Ages, Municipality of Plužine - Nature Park "Piva" Ltd; Research of materials about Montenegro in the archives of the Vatican - Montenegrin Academy of Sciences and Arts; Pontifical of Kotor, Municipality of Tivat - Croatian National Council; Archaeological and architectural research of the Valier bastion in the Old Town, Municipality of Kotor - Municipality of Kotor; Implementation of conservation measures and technical and technological modernisation of the oldest television collections, popularisation and presentation of cultural heritage, **Programmatic**

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<sup>71</sup> Decision on co-financing projects and programmes in the field of cultural and artistic creativity, available at: <https://www.gov.me/clanak/odluka-o-sufinansiranju-projekata-i-programa-u-oblasti-kulturno-umjetnickog-stvaralastva>

In 2019, the Ministry of Culture co-financed a total of 220 projects and programmes in the field of cultural and artistic creativity, with a total amount of EUR 781,210, namely<sup>72</sup>: 22 in the field of fine arts (EUR 35,960); 15 musical and musical-stage projects and programmes (EUR 32,300); 42 literary projects (EUR 49,100); 13 literary translation projects (EUR 26,500); 9 magazines in the field of culture and art (EUR 47,000); 5 theatre productions (EUR 21,000); 35 events and festivals (EUR 297,300); 6 projects of joint Montenegrin participation in international events and festivals (EUR 25,000) and 73 projects from the Programme for the Development of Culture in the North (EUR 247,050).

In 2018, the Ministry of Culture co-financed a total of 208 projects and programmes in the field of cultural and artistic creativity, with a total amount of 754,550 euros, namely<sup>73</sup>: 21 in the field of fine arts (EUR 32,400); 11 musical and musical-stage projects and programmes (EUR 30,000); 42 literary projects (EUR 44,050); 15 literary translation projects (EUR 19,500); 6 magazines in the field of culture and art (EUR 41,000); 4 theatre productions (EUR 18,000); 34 events and festivals (EUR 320,400); 7 projects of joint Montenegrin participation in international events and festivals (EUR 30,500) and 68 projects from the Cultural Development Program in the North (EUR 218,700). A certain number of the mentioned projects relate to the protection and preservation of the cultural heritage of the minority nations of Montenegro, such as: Scientific meeting: "Husein Pasha Boljanić and his endowments" (on the occasion of the 450<sup>th</sup> anniversary of the construction of the Husein Pasha Mosque in Pljevlja), Municipality of Pljevlja, Book "Fifth season", oral testimony about the life and work experience of women from Rožaje, Replenishment of the fund of the KUD "Njegoš", Purchase of Montenegrin baskets, Replenishment of the fund of the Folklore Group "Montenegro" Archaeological and conservation research of Carine and Gradina sites in Risno, the Municipality of Kotor, Archaeological research and implementation of conservation measures on the discovered parts of the walls of the "Izlit" Fortress, Municipality of Rožaje, phase V of the Conservation research and implementation of conservation measures on the newly discovered mosaic, Duklja, the Capital City of Podgorica, Making replicas of characteristic folk costumes from the territory of Montenegro, Conservation of objects ethnographic collections, the Municipality of Berane; Development of a conservation project and implementation of conservation measures at the Citadel, Old Town Ulcinj; Implementation of conservation measures on all memorial units within the memorial park Knjaževac, Municipality of Andrijevica; Archaeological magazine "New ancient Duklja X";

In 2017, the Ministry of Culture co-financed a total of 176 projects and programmes in the field of cultural and artistic creativity, with a total amount of EUR 808,260, namely<sup>74</sup>: 14 in the field of fine arts (EUR 27,850); 12 music and music-stage programmes (EUR 30,560); 36 literary projects (EUR 43,700); 14 literary translation projects (EUR 27,800); 5 magazines in the field

<sup>72</sup> Decision on co-financing projects and programmes in the field of cultural and artistic creativity, available at: <https://www.gov.me/clanak/201949--odluka-o-sufinansiranju-programa-i-projekata-od-znacaja-za-ostvarivanje-javnog-interesa-u-oblasti-kulturno-umjetnickog-stvaralas>

<sup>73</sup> Decision on co-financing projects and programmes in the field of cultural and artistic creativity, available at: <https://www.gov.me/clanak/184888--odluka-o-sufinansiranju-programa-i-projekata-od-znacaja-za-ostvarivanje-javnog-interesa-u-oblasti-kulturno-umjetnickog-stvaralas>

<sup>74</sup> <https://www.gov.me/dokumenta/bd67e59d-1c33-4440-be49-011225dc1ce1>



of culture and art (EUR 40,000); 4 theatre productions (EUR 22,200); 17 events and festivals (EUR 187,500); 4 film productions (EUR 161,500); 7 projects of joint Montenegrin participation in international events and festivals (EUR 40,000) and 63 projects from the Programme of Culture Development in the North (227,150 euros). Among the approved projects, the projects of minority nations and other minority national communities are also supported. With that status, with respect to the quality criteria of artistic creativity, 19 author's projects of members of minority nations were approved for co-financing. These projects promote and represent the multicultural values of Montenegro.

Pursuant to Article 32ž paragraph 1 of the Law on Non-Governmental Organisations (Official Gazette of Montenegro 39/11 and 37/17), and in connection with the Public Call "Variety of Expressions of the Independent Cultural Scene", issued on April 30, 2018, in the decision-making process on the allocation of funds for the financing of projects and programmes of non-governmental organisations in 2018 in the fields of art and culture, the Commission of the Ministry of Culture for the allocation of funds for the financing of projects/programmes of non-governmental organisations supported, *inter alia*, projects concerning the affirmation of the creativity of minority nations, namely: Magazine for culture, literature and social topics of Avlija - 19<sup>th</sup> and 20<sup>th</sup> editions", in the amount of EUR 5,872.00, which will be implemented by the NGO Bosniak Culture Society of Avlija, Rožaje; "Intangible cultural heritage of Paštrović (music and dance tradition): digitization, presentation, valorisation, sustainability", in the amount of EUR 15,615.60, which will be implemented by the NGO Society for Cultural Development Bauo, Petrovac, Budva; "The Bokelj navy in archival documents - a collection of documents from the oldest preserved to date", in the amount of EUR 11,800.00, which will be implemented by the NGO Bokelj navy, Kotor.

The programme for the protection and preservation of cultural property strives to evenly preserve the cultural identity of all minority communities in Montenegro through projects related to conservation, museum, library, archive and cinematographic activities. This programme ensures annual support for projects that nurture multiculturalism and the uniqueness of Montenegrin cultural heritage in a wider context. Also, the programme refers to the protection and promotion of diverse expressions of tangible and intangible cultural heritage, as well as a large number of research projects of archaeological sites that belong to all citizens.

At the proposal of the Ministry of Culture, and in accordance with Article 128 of *the Law on the Protection of Cultural Property*, and in accordance with the Programme for the Protection and Conservation of Cultural Property for 2017, the Government of Montenegro tried to influence the equal conservation of the cultural identity of all minority communities in Montenegro, through 102 (one hundred and two) projects related to: conservation, museum, library, archive and cinematographic activities, which will be implemented by national and local public institutions, state administration bodies competent for cultural heritage. The aforementioned programme improves the state of cultural property in an even way, through projects that preserve the identity of all minority communities and protect cultural property as the evidence of multiculturalism and the uniqueness of Montenegrin cultural heritage. Also, the subject-matter programme deals with the protection and promotion of the rich and diverse



cultural expression and cultural identities immanent in Montenegrin culture through the need to respect cultural diversity and by documenting the heritage with the aim of improving it for future generations.

In July 2020, a new Law on Media<sup>75</sup> was adopted. The most significant novelty introduced by this law is the establishment of the Fund for encouraging pluralism and media diversity. The state, according to this law, finances projects in the field of information from the budget, by providing financial resources through this Fund, with the Fund also being financed in the amount of at least 0.09% of the current budget. The law specifies that 60% of the funds of the Council of Regulators for Audio-visual Media Services are allocated between commercial and non-profit media, and 40% are allocated to the sub-fund for daily and weekly print media and online publications, and these funds are allocated by an independent commission of the Ministry. Article 20 of this law stipulates that funds from the Fund will be used to encourage media pluralism, and especially for the production and publication of content that is significant for, *inter alia*, the protection of the rights and dignity of minority nations and other national communities against discrimination, stereotypes and prejudice; social integration of vulnerable categories of society; promotion of cultural diversity, preservation of tradition and identity of Montenegro.

Additionally, in March 2022, the Government adopted the Media Strategy for the period 2022 - 2026. The media strategy, in the context of preserving the right to culture for everyone on an equal basis through certain operational objectives incorporated in the subject-matter document, foresees an increase in media content for various vulnerable groups, *inter alia*, Roma and Egyptians.

In 2021, the Ministry of Public Administration, Digital Society and Media financed a total of 36 projects that will be implemented by print media and online publications in the amount of EUR 309,633.82. With the allocation of funds from the Fund for Encouraging Pluralism and the Media, two media that deal with reporting on minorities were also supported during 2021: NGO Roma youth organization - Walk with us and Boin-portal - TV Boin, which reports in the Albanian language.

Pursuant to Article 8a of the Law on Minority Rights and Freedoms, the Government of Montenegro established the Centre for the Preservation and Development of Minority Culture (CEKUM) with the aim of promoting and protecting minority rights, encouraging the preservation, development and expression of the culture of minority nations and other minority national communities in Montenegro. It also encourages the spirit of tolerance and intercultural dialogue and mutual respect and understanding.

Through music, art, film and literary programmes, the Centre promotes multiculturalism, coexistence and cultural diversity of the minority nations of Montenegro, whose cultural values are reflected in the free promotion in their own manner and through their language specificities.

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<sup>75</sup> Law on Media (Official Gazette of Montenegro 82/2020 as of 06/8/2020), available at: <https://wapi.gov.me/download-preview/101e4ce0-3a5e-4c04-a81a-5287551a6a82?version=1.0>

This is achieved through representing the culture of the minority nations of Montenegro and the cultural creativity of the minority nations that enrich the cultural diversity in Montenegro, with the aim of reducing prejudices and stereotypes, and raising awareness of cultural identity, cultural freedom and human rights, with the aim of reducing ethnic distances and getting to know each other's culture better.

In 2017, CEKUM:

- Organised the 2<sup>nd</sup> Evening of Klapas of Montenegro, which was held on 7 February 2017, in the cultural and informational centre "Budo Tomović" in Podgorica. The audience was presented with 12 klapas from Kotor, Budva, Podgorica, Ulcinj, Bar, Tivat and Herceg Novi, namely: "Maris", "Harmonija", "Incanto", "Bisernice Boke", "Alata", "Assa voce", "Kalimera", "Unity", "Veterans are always young", "Castel Nuovo", "Adriatic" and "Veselice";
- Published and promoted the novel by academician Zuvdija Hodžić "All of them" in the Albanian language "Të mëllë të e mitë". The novel was promoted in the library in Ulcinj on 16 May 2017, and the promotion in Shkodër was held on 23 September 2017, in the library in Marin Barleta.
- Organised a concert of Podgorica Choir of the Cultural and Artistic Society "Stanko Dragojević", which gathered generations of members of different ages in its 137 years of work and which is a true example of a multicultural society.
- Published the XI issue of the magazine "KOD", dedicated to the deceased painter Gjelos Gjokaj (Gjelos Gjokaj 1933-2016), and published texts by authors who wrote about him
- Organised the presentation of the poetry book "Flamenco Utopia" by the author Nadija Rebronja in the National Library "Radosav Ljumović" in Podgorica
- In cooperation with the city library "Marin Barleti" from Shkodër, on 23/09/2017, organised the promotion of the book "*Të gjithë të mite* " (All my people) authored by Zuvdija Hodžić in the "Marin Barleti" library in Shkodër
- Organised the promotion of the poetry collection "Album for exiles" by the poet Rebeka Čilović. The promotion was held on 14/12/2017 in the Cultural Information Center "Banja", in Podgorica.
- In co-production with RTCG, shot and released two documentary films: Painter of emotional raptures about Hilmija Čatović and *Mag Stripa* about Andrija Maurović, and also completed the film about Zaim Azemović, *Intellect is in the people*. Films were created depicting prominent figures of minority nations who gave their contribution in the field of cultural creativity, and many of them have been forgotten. In order to authentically portray their life and work, they were filmed in the cities where they were born, where they lived and created.

In 2019, CEKUM:

- In co-production with RTCG, shot and released the documentary film "Painting as a permanent love" about Hazbo Nuhanović (1937 – 1992), a painter from Pljevlja. The film tells about the life and work of a painter who marked a time by his specificity and his artistic work. The documentary film "Painting as permanent love" about Hazbo Nuhanović (1937 - 1992) premiered at RTCG.

- Organised the Fourth international klapa festival Montenegro 2019 "A Cappella Montenegro" in the main hall of KIC "Budo Tomović" in Podgorica. Eighteen klapas from Montenegro, Croatia, Bosnia and Kosovo participated in the festival. The programme aimed to promote klapa singing, which is cultivated on the coast and other parts of Montenegro. This is the fourth time that this festival has been organised in Podgorica, and the third time that the festival has an international character.
- Celebrating the 20<sup>th</sup> anniversary of the Piano Duo Muratagić (Ana and Ida Muratagić), organised their show on the big stage of the Montenegrin National Theatre. The duo presented itself to a fully occupied hall with a rich program from the classical repertoire. Plays were specially written for their duo by eminent composers from this area (S. Gačević, A. Perunović, V. Maraš, S. Drakulić, D. Golemović, B. Čulić).
- In cooperation with the Ministry of Human and Minority Rights and the Roma Council, celebrated 8 April - World Roma Day with an event called "We are destroying prejudices" in Podgorica. The event was attended by a large number of representatives of institutions, international and NGO organisations and the media.
- Participated in the 14<sup>th</sup> International Podgorica Book and Education Fair. In addition to books and magazines published by the Centre, books by other publishers and individuals from minority nations in Montenegro were also offered. In this way, the books of members of all minority nations in Montenegro are displayed in one place. This practice turned out to be good because all authors from minority nations were enabled to present their works.
- Held the music and poetry programme "Art mix Montenegro" at the Youth Cultural Centre in Skopje at the invitation of the Montenegrin community in North Macedonia, and on the occasion of the celebration of Montenegro's Independence Day. With this, CEKUM presented itself with one of its most popular programmes that represent the cultural creativity of the people in Montenegro.
- Issued the XV issue of "KOD" magazine which presented writers and poets: Zuvdija Hodžić, Ismail Kadare, Faiz Softić, Mimoza Redžvelaj, Tijana Rakočević, Braha Adrović, Shpresa Kapisyzmi Rama, Maja Grgurović, Pavla Goranović, Rajko Đurić, Dragana Kujović, Hajrulah Kolićija, Gëzim Puka, Draško Došljak, Zuvdi Hodžić, Hasni Muratagić-Tuna, Sead Redžepagić, Dževad Laloša, Senada Đešević, Rasim Ralet Gutić and Filip Došljak.
- Published the first book from the initiated Edition "Mostovi" - "Bihorci" by Camil Sijarić in cooperation with the co-publisher of the National Library of Montenegro "Đurđe Crnojević". This cooperation aimed to jointly contribute through mutual cooperation to the enrichment of publishing production in Montenegro, as well as the affirmation of multicultural, that is, the values of minority nations in Montenegro.
- Presented its publishing house - the Sinteze library, which has 24 books, and the magazine for culture, science and art, KOD, which has 15 editions, as well as the first book from the "Mostovi" Edition - "Bihorci" by Camil Sijarić. There was a great interest of authors from the north of Montenegro to exhibit their books.
- Organised the regional conference "Roma language in education" on the occasion of World Roma Language Day in cooperation with the Ministry of Human and Minority Rights and the Ministry of Education. At the conference, the programme for the

introduction of the Romani language into the educational system of Montenegro was presented, while the experiences of their countries were presented by representatives from the countries of the region: Dr. Jožek Horvat, Prof. Dr. Ljatif Demir, Dalibor Nakić, Dervo Sejdić, Indira Jašari, Emiliano Aliu and Elvis Mehmeti. At the conference, conclusions were drawn that have good guidelines for further solving the problem of standardization of the Om language

- Issued the XVI issue of the "KOD" magazine in which texts, poetry, literary criticism, essays, heritage and portraits of minority nations in Montenegro are presented, as well as translated texts in the languages of minorities, which aim to better understanding of literary works of minority nations and better understanding among the peoples of Montenegro.
- Published the poetry collection "Biseda e brezave" in the Albanian language by the author Dimitrov Popović, a poet who was born in Shkodër, but lives and works in Montenegro, and writes his works in two languages
- Published a collection of poetry by Mimosa Redžveljaj in the Montenegrin and Albanian languages. It was published as a continuation of cross-border cooperation with the aim of exchanging cultural creativity from the neighbourhood. The book was promoted in Shkodër and Podgorica.
- Organised the solo exhibition "New Reality" by the academic painter Mehmed Suljević, in cooperation with the gallery Veliša Leković from Bar. Painter Mehmed Meša Suljević was born in 1957 in Bijelo Polje. He graduated from UNI Novi Pazar in the class of professor Mehmed Slezović. He is a professor of fine arts at the Public Institution Gymnasium "Miloje Dobrišinović" in Bijelo Polje. He is the winner of several awards for artistic creations. He participated in numerous art colonies and symposia in Montenegro and abroad. He exhibited several times independently and collectively.
- In co-production with RTCG, created a documentary film about Andrija Zmajević (1624 – 1694) "Noble Poems" about the baroque writer from Perast. He dealt with theology, archaeology, history, poetry and collecting folk songs. The film was aired on RTCG.
- Organised the poetry and music programme "Art mix Montenegro" in Cetinje, Tivat, Herceg Novi, Berane, Kotor, Petnjica, Plužine, Andrijevica, Tuzi, Podgorica, Rožaje, Gusinje, Pljevlja and Golubovci. The goal of the organisation is the promotion and affirmation of multiculturalism of the modern Montenegrin democratic society, as one of the fundamental values of today's Montenegro, and familiarisation with the cultural treasure and traditional ethno melos, contemporary musical creativity and literary works of minority nations in Montenegro.

In 2020, CEKUM:

- Continued to develop music, art, film and literary programmes and to promote multiculturalism, coexistence and cultural diversity of Montenegro through his programmes. Most of the planned activities could not be carried out due to the situation caused by the corona virus (COVID-19).

- Organised the fifth international klapa festival of Montenegro "A Cappella Montenegro" in Podgorica. The festival gathered musicians from Montenegro, Croatia and Bosnia and Herzegovina.
- Published the third updated edition of Veselin Konjević Vraneško's book "Legend - legend about Pava and Ahmet - Between history and legend". The special moral character of the people of these areas and the intertwine of religious, ethnic and cultural peculiarities, as a necessity of being, caused the adoption of the lifestyle in Montenegro, which we recognise today as multiculturalism and the coexistence of diversity.
- The XVII issue of the magazine for culture, literature and science KOD was published, dedicated posthumously to Derviš Belo Selhanović, the long-term director of the Centre for the Preservation and Development of the Culture of Minorities of Montenegro (CEKUM), a prominent cultural and sports worker. Also, this issue contains several texts by authors from Montenegro and its surroundings, a number of texts were translated.
- Participated as an exhibitor at the sixth International Book Fair in Podgorica, which was organised by the Capital City with the support of the Ministry of Culture. Books by authors Ćamil Sijarić, Zuvdija Hodžić, Brah Adrović, Derviš Selhanović, Ruždija Rusa Sejđović, Senad Karadjuzović, Mimoza Ridžvelaj, Veselin Konjević, Dimitrov Popović and copies of the magazine "KOD" were also exhibited at the fair.
- Promoted book of poetry by Brah Adrović Podgorica "Devil's Cross". Dr. Draško Došljak and Bogić Rakočević spoke about the book. The moderator of the evening was Neda Papović, and Amela Frljučkoć, an artist on the harmonica, performed in the musical part of the programme.
- In the DODEST hall of KIC "Budo Tomović", an author's evening was held by Primarius Dr. Gani Karamanaga, a well-known doctor from Ulcinj, humanist, chronicler and publicist, author of notable professional publications and books about the tradition, culture and lifestyle of the people of Ulcinj. Academician Zuvdija Hodžić and Dr. Miroslav Marić spoke about his work.
- In the "Ramada" hotel in Podgorica, a multimedia evening called "The bright face of old Podgorica" was held. It was the first programme segment that started the manifestation "We are all Montenegro - wealth of diversity", which took place in several Montenegrin cities. As part of the programme "The bright face of Stara Podgorica", there was a word about the specific lifestyle of citizens whose ancestors were also born in Podgorica (staropodgoričani), the tradition of coexistence and tolerance, the spirit of old Podgorica was revived through the interesting memories of the participants of the programme Husein Cena Tuzović, Danil Burzan and Sukrija Žutog Serhatlić.
- As part of the manifestation "We are all Montenegro - the wealth of diversity", a multimedia evening "Kotor - through squares and villages" was organised. The programme was run in the Solidarity Gallery, in the old town of Kotor. The participants of the programme were the children's choir "Marineri", Slavko Dabinović, Mila Moškov, Slađana Vučetić, the choir "Maris" and Dolores Fabian. Programme moderator was Miomir Maroš.
- Published the book "Recorded Montenegro 2", authored by Miomir Maroš. It is a book of reports by a well-known television creator, doctor of communication sciences, which were created based on the series of the television show "Zapis".

- As part of the manifestation "We are all Montenegro - the wealth of diversity", the 21<sup>st</sup> independent exhibition of paintings by the academic painter Ibrahim Kurpejović was organised in the Art Pavilion of the ULU of Montenegro in Podgorica. Thirty-three pieces were exhibited at the exhibition - oil on canvas, acrylic and combined technique on canvas and hardboard.
- Published the book "Dictionary of Upper Bihorian speech" authored by prof. dr. Draško Došljak. It is a book that contains several thousand words, in which the characteristics of the folk life of the inhabitants of Gornji Bihor, their life preoccupations, customs and traditions are reflected.
- He published the XVIII issue of the magazine for culture, literature and science "KOD". On the occasion of his 85<sup>th</sup> birthday, a new issue of the magazine is dedicated to the writer Zaim Azemović. Also the poetry and literary works of many minority authors in their native language and translated segments in other languages spoken in Montenegro.
- In cooperation with PI "Museums and Galleries of Tivat", an exhibition of graphic artist Zuvdija Hodžić was opened under the name "Montenegro". About sixty graphics with motifs of the valuable architectural heritage of Montenegro were exhibited at the exhibition.

In 2021, CEKUM:

- Held a poetry evening entitled "Women's Poetic Bonds". Rebeka Čilović, Katlina Hoti, Dijana Sindik and Amra Tahirović read their verses. The poetry of the Roma author Ruždija Rus Sejdović was read by Marija Ivanova. The goal of this event was to present a real panorama of women's poetry that has multinational recognition, marked by variations on universal poetic themes of love, nature, homeland, but also recognisable by waves of recent poetic expression that reflect the spirit of the times in which they live. Poets presented their poetry in their own languages.
- To meet the celebration of 8 April - International Roma Day, in cooperation with the Roma youth organization "Walk with us - Phiren Amenca" organised a lecture "Tradition, culture and history of Roma in Montenegro, challenges and perspectives". Dr. Vesna Rasulić Delić, ethnologist and anthropologist, Senad Sejdović, vice president of the Roma Council in Montenegro and Elvis Beriša, executive director of the Roma youth organization "Walk with us - Phiren Amenca" addressed the participants. Salko Luboder, director of CEKUM, recalled the centre's programme activities related to the affirmation of Roma culture - the first book in the standardised Romani language "Eremit" by Ruždija Rus Sejdović, then two more books in the Romani and Montenegrin languages by the same author - "Light at Midnight" and "Kosovo carousel". All editions were published by CEKUM. In 2011, the Centre launched a magazine in the Romani language "Alav", which represented a new era in the presentation of the culture and life of the Roma in Montenegro. Publishing of the magazine was taken over by the Council of Roma in Montenegro.
- Opened the exhibition of folk costumes of minority nations "Synergy of diversity" in cooperation with the National Museum of Montenegro. The exhibition presented 21 sets of men's and women's, rural and urban, everyday and ceremonial national costumes of the minority nations of Montenegro, as well as several individual clothing elements.

In terms of content, structure and conceptual features, this kind of exhibition was organised for the first time and presented a special cultural, ethnological and social event. The exhibition is accompanied by a catalogue with costumes and descriptions of folk costumes and other elements.

- Published the Lexicon of Painters of the Minorities of Montenegro "Saga of Light". It presents the work of 54 artists of minority nations who create or have created in Montenegro. By publishing the Lexicon, more attention is paid to the role and contribution of painters of minority nations to the overall Montenegrin art and artistic creativity, and through this form it emphasizes the richness and diversity of artistic expression, which is included in the unique cultural potential of Montenegro. The word of the publisher and the introductory text in addition to ours are given in Albanian and English. The lexicon has so far been promoted in Podgorica, Ulcinj, Tivat, Rožaje, Plav and Pljevlja.
- Organised author's evening of the writer Kemal Musić at the "Radosav Ljumović" National Library in Podgorica. Radoman Čečović, professor, poet and literary critic, and Nađa Durković, consultant for publishing at the Institute of Textbooks and Teaching Aids, spoke about his work.
- Promoted the collection of poetry "Zejna" by Sulejman Beća Kujević in Podgorica. The following spoke about the book: academician prof. Dr. Sherbo Rastoder, prof. Dr. Dragan Koprivica and Dr. Amira Redžić. Sulejman Beća Kujević is a valuable custodian of the musical heritage of the Rožaje region, who draws his interest in this kind of music from his family tradition.
- The dramatic text about Pava and Ahmet - "Our Field of Love" was entered under the number A-2021-33 in the Registry of Author's Works and Subjects of Related Rights at the Directorate for Intellectual Property of the Ministry of Economic Development. The copyright holder of the deposited work, the dramatic text (screenplay), is CEKUM. In cooperation with one of the theater companies, a play based on the text by Nada Bukilić is planned. Publicist and playwright Nada Bukilić has finished writing a dramatic text about Pava Ahmet entitled "Our field of love". The text is based on a legend about Pava and Ahmet, two young people who, despite many differences and the burdensome social problems of the middle of the 17th century, were brought together by love. The story is actually an outstanding example of the appreciation of differences and the affirmation of universal human values, which frees up the space of high ethics and the astonishing power of love. It is a paradigm of multiculturalism and an all-time pattern that can still serve as a landmark in social life today.
- In cooperation with the Croatian National Council of Montenegro, organised the promotion of the poetry collection "Two Thirds" by Adrijan Vuksanović. The book was read by: Aleksandra Vuković, MSc, academician Pavle Goranović and the author. The author is a member of Matica Hrvatska, as well as the Society of Independent Writers of Montenegro.
- Published and promoted the book "King Nikola and the Mohammedans" by Čedo Baćović. The book contains thirty-five stories previously recorded and published in various publications. Combined in Čedo Baćović's book, they represent a comprehensive account of the chivalrous and heroic attitude of the Montenegrin



sovereign towards members of the Islamic religion in a very difficult historical circumstances. The book also published four poems by King Nikola in praise of the Mohammedans, in which he also expresses his respectful attitude towards the members of this denomination.

- In the National Library "Radosav Ljumović" in Podgorica, the programme "Literature of Albanians in Montenegro - as far as we know each other" was held, academician Zuvdija Hodži, a writer, took part in the programme; university professor Dr. Draško Došljak, writer and journalist Dr. Hadži Šabani, writer Anton Gojčaj, M.Sc. and director of CEKUM Salko Luboder. The evening was intended for the Montenegrin public in order to introduce and familiarize them with the literature of Albanians in Montenegro.
- Participated in the 2<sup>nd</sup> Book Fair in Tuzi, which took place in August 2021 as part of the event "Summer in Malaysia" organised by the Municipality of Tuzi. More than twenty self-published titles, books by minority authors, magazines and publications, as well as publications affirming multiculturalism, were presented.
- Participated in the XV International Podgorica Fair and the VII International Book Fair. The capital edition of the lexicon of the painters of the minority nations of Montenegro "The Saga of Light", winner of the award for the best equipped piece of art at the XV International Podgorica Book Fair
- In cooperation with the "Karver" bookstore, organised the XIII International Literary Festival "Odakle zovem" ("Where I call from") where the work of Dr. Hedina Tahirović Sijerčić was presented - a prominent Bosnian scholar and writer whose creative work is related to the study and presentation of the language, culture and tradition of the Roma.
- Issued XIX issue of "KOD" magazine. In this issue, the articles deal with topics relevant for the cultural, linguistic and historical specificities of minority nations in Montenegro. Some of the published texts, works, essays, criticism and poetry are written by: Mirsad Rastoder, Kemal Musić, Sead Redžepagić, Maja Grgurović, Aslan Bisha, Ruždija Rusa Sejdović, Đerđ Fišta, Sadik Bejk, Skendera Temali, Frederik Rešpije, Hasnije Muratagić Tune, Miljenko Jergović, Stijep Mijović, Dimitrov Popović, Salko Luboder, Dr. Draško Došljak, Filip Došljak and Esko Muratović. The contributions are in the languages used by the authors, and some of them have been translated into the Montenegrin language.
- Held several working meetings with cultural subjects in Ulcinj, Tivat, Rožaje, Pljevlja. The possibilities of cooperation and implementation of joint projects were discussed, and the main goal of the visit was to identify areas of cooperation between local governments and CEKUM. In these cities, CEKUM donated a significant number of books published by the centre, as well as copies of the representative edition of the Lexicon of Painters of the Minority Nations of Montenegro "The Saga of Light", The "Saga of Light" lexicon and other editions.

The issue of the establishment, use and highlighting of national symbols was opened at one point in order to clarify the state's position in relation to the provisions of the Law on Public

Peace and Order, which prescribe the prohibition of displaying or using in a public place, without approval or a public invitation, a flag, coat of arms or other symbols of another country. A number of minority groups in Montenegro are part of a nation that has its own national state, and in that sense, the flags of those states are highlighted and used on different occasions and in different situations as a symbol of that community in Montenegro. After the problem of punishing people who pointed out those symbols in Montenegro appeared, and the inequality in the enforcement of the law that sanctioned such behavior, which was pointed out by representatives of minorities, it was obvious that this issue must be resolved as soon as possible. At the same time, this was also the observation of the Advisory Committee of the Framework Convention for the Protection of National Minorities stated in the Third Opinion on Montenegro, adopted on 7 March 2019. The aforementioned influenced the adoption of the Law on the Selection, Use and Public Display of National Symbols, which granted minorities the right to use national symbols<sup>76</sup>. According to this Law, symbols used by members of minority nations and other minority national communities for their representation and expression of their national identity are considered national symbols.

The national symbols are the coat of arms, the flag and the anthem. The etalon of the coat of arms, as well as of the flag and the music sheet of the anthem are determined by the decision of the council of the minority nation or other minority national community, in the manner determined by the statute of the council. Consent to such a decision is given by the Government of Montenegro, while the Chairman of the Parliament of the Republic of Montenegro preserves the original of the coat of arms, the original of the flag and the music record of the anthem. The coat of arms, the flag and the anthem are used in the shape and contents determined by this Law. The law stipulates that national symbols cannot offend the feelings of others with their content.

Bearing in mind that the right to establish national symbols was originally given to the councils of minority nations and other minority national communities, the Law regulates the conditions for the use and display of national symbols, i.e. the performance of the national anthem in situations that are recognised by law and connected to the activities of the councils, as well as other entities such as are associations and political parties. Thus, it is regulated by law that these symbols can, under the conditions prescribed by law, be displayed on the premises where the headquarters of these institutions are located.

The law, however, prohibits the use of national symbols: 1) on buildings and in the premises of the Parliament of Montenegro, except for the premises of parliamentary clubs, the President of Montenegro, the Government of Montenegro, ministries and other administration bodies, the Constitutional Court of Montenegro, courts, the Public Prosecution Office, the Protector of Human Rights and the Freedoms of Montenegro, the Army of Montenegro, the University of Montenegro, the Central Bank of Montenegro and the State Audit Institution; and 2) in the course of international meetings, political, scientific, cultural and artistic, sports and other

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<sup>76</sup>Law on the Selection, Use and Public Display of National Symbols – Official Gazette of MNE 003/20 as of 23/01/2020

gatherings organised by authorities, as well as other gatherings where Montenegro is represented.

In local self-government units where members of a minority nation or other minority national community constitute the majority of the population, according to the results of the last census, on the buildings of local self-government bodies and public institutions founded by the municipality, i.e. the state, the flag of that minority nation or other minority national community is constantly flown. In the official premises of local self-government bodies and public institutions in these units, as well as in the premises intended for weddings, the flag of that minority nation or other minority national community is displayed. This right cannot be used if, according to the results of the last two consecutive censuses, members of a minority nation or other minority national community do not constitute the majority population.

In local self-government units where members of a minority nation or other minority national community constitute more than 5% of the population, according to the results of the last census, on the day of the national holiday of that minority nation or other minority national community, on the buildings of the local self-government bodies, the flag of that minority nation or other minority national communities is displayed. National holidays are determined by the council, in the manner determined by the statute of the council, while the approval of this decision is granted by the Government of Montenegro

No corrections or amendments are allowed to be made on the coat of arms and flag, by the Law. Exceptionally, with the prior approval of the council, the coat of arms and the flag may be used as an integral part of the emblem, or signs of the association. Also, the coat of arms and the flag may not be used as a sign of a political party, business company, institution or other legal entity or organisation. The coat of arms and the flag may not be used as a trademark or service mark, pattern or model, or as any other sign for labeling goods or services, nor may they be used if they are damaged or if they are unfit for use due to their external appearance. Damaged or unusable coat of arms and flag are withdrawn from use.

The flag is raised, lowered, displayed and taken down, i.e. it is passed with the usual honours (standing up, saluting, etc.). The flag must not be placed in such a way that it touches the ground, nor as a rug, curtain, etc. When national symbols are used, i.e. stand out alongside state symbols, the state symbol takes the place of honour.

Finally, the legislator has foreseen a number of penal provisions of a misdemeanour nature that are in function of preserving the principles and appropriate enforcement of the Law which regulates the issue of the use of national symbols.

The law itself solved a number of dilemmas related to the appearance and use of symbols of minorities, which is certainly a great progress compared to the situation prior to the adoption of this law, which also represents the implementation of the recommendation contained in the Advisory Committee's Third Opinion on Montenegro - the authorities clarify the situation regarding the display of symbols of national minorities in the forthcoming legislation. In this

regard, pursuant Article 10 of the Decree on the Government of Montenegro, the Government of Montenegro, on 24 September 2020, granted its consent to the Decision on the etalon of the coat of arms, the flag and the music sheet of the anthem of the members of the Albanian, Croatian and Roma population in Montenegro and to the Decision establishing the national holiday of the members of the Albanian, Croatian and Roma population in Montenegro.

Also, from the comprehensive presentation of projects in the field of culture and inter-culture, the state implemented the recommendation that the authorities to continue their support for the mentioned projects, especially the ones financed through the Fund and other authorities in charge for the allocation of funds for projects intended to minority nations and other minority national communities.

In relation to Article 5 paragraph 2 of the Framework Convention, Article 80 of the Constitution "Forceful assimilation of the persons belonging to minority nations and other minority national communities shall be prohibited. The state shall protect the persons belonging to minority nations and other minority national communities from all forms of forceful assimilation".

## ARTICLE 6

*1. The Parties shall encourage a spirit of tolerance and intercultural dialogue and take effective measures to promote mutual respect and understanding and co-operation among all persons living on their territory, irrespective of those persons' ethnic, cultural, linguistic or religious identity, in particular in the fields of education, culture and the media.*

*2. The Parties undertake to take appropriate measures to protect persons who may be subject to threats or acts of discrimination, hostility or violence as a result of their ethnic, cultural, linguistic or religious identity.*

Article 7 of the Constitution stipulates prohibition of infliction or encouragement of hatred or intolerance on any grounds. In accordance with Article 15 of the Law on Minority Rights and Freedoms, the relevant programs for needs of education includes topics from the area of history, art, literature, tradition and culture of a minority nation or other minority national community. Educational programs in institutions and schools with teaching in the official language contain subjects from mother tongue and literature, history, art and culture of minorities and other content that promote mutual tolerance and coexistence.

The new Law on Media regulates the basic principles of freedom of the media, freedom of expression, free establishment of media, publicity of media ownership, transparency of advertising in the media, protection of media pluralism, rights, obligations and responsibilities

in information, protection of special rights, right to reply and correction, preservation and the right to inspect the media record and other matters of importance for the work of the media.

The state ensures and guarantees freedom of the media, expression and information at the level of standards contained in international documents on human rights and freedoms (EU, Council of Europe, UN, OSCE), and obliges that the law be interpreted and applied in accordance with the European Convention for the Protection of Human Rights and Fundamental Freedoms and the practice of precedent law of the European Court of Human Rights (Article 2). The procedure for executing decisions of the European Court of Human Rights related to issues of freedom of expression is urgent.

Article 3 of the Law on Media, provides that the state guarantees the right of free founding of media, the undisturbed work of journalists and their safety in order to enable freedom of expression, pluralism of the media, independence of the media, freedom of research, collection, dissemination, publicising and receiving information, and the protection of human personality and dignity.

The freedom of the media can be restricted only when it is necessary in the interest of protecting the national security and territorial integrity of Montenegro, for the purpose of preventing disorder or committing criminal acts, protecting health and morals, protecting the reputation or rights of others, preventing the disclosure of confidential information or for the purpose of preserving authority and impartiality judiciary.

Article 36 of the new 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 of other beliefs, xenophobia, racial hatred, anti-Semitism 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.

Additionally, in paragraph 26, it is stated that the founder of an online publication is obliged to remove a comment that represents obvious illegal content, without delay, and at the latest within 60 minutes of learning or receiving a report from another person that it represents illegal content, which includes Article 36. Also, the founder is obliged to remove the comment that violates the rights protected by law, without delay, and no later than within 60 minutes of receiving the report. In case he/she does not act according to the above, the person can request the removal of the content from the competent court.

Article 60 stipulates fines for the violation of a legal entity - the founder of the media, in the amount of one thousand to eight thousand euros, if the person does not act pursuant to the regulations from Article 26, which also implies Article 36.

Media strategy, within the operational objective 1.3. - strengthened mechanisms for the effective fight against hate speech, online harassment and disinformation, the activity of

amending the Criminal Code of Montenegro, by the end of 2023 at the latest, which would define the norm of hate speech as a criminal offense (activities 1.3.1). It also envisages the amendment of the Law on Media in order to more effectively fight hate speech and online violence, taking into account the increase in hate speech and the lack of a proactive approach by the prosecution in accordance with the Law on Media (activities 1.3.2).

Establishing a mechanism for closer coordination between the Ministry of Justice, the Ministry of Internal Affairs, the Prosecutor's Office and the courts for the systematic monitoring of criminal policy with the obligation of periodic reporting and the preparation of recommendations, which, following the example of the European Digital Media Observatory, would have the role of preparing and proposing concrete measures to fight hate speech, online violence and misinformation, registers cases of hate speech, online violence and misinformation, maintains a database on the sources from which hate speech and misinformation are most often and continuously spread, runs an SOS line to help victims of online violence and hate speech. (activities 1.3.4). In this context, it is important to point out that this strategy provides for the training of journalists and media workers in recognizing and preventing hate speech, as well as the implementation of a campaign to prevent hate speech and increase citizens' awareness of this problem.

This fulfils the recommendation from the Third Opinion of the Advisory Committee - to pay special attention to the prevention of hate speech in the consultations on the new Law on Media and to ensure that the law deals with the problem of hate speech on the Internet, clearly defines the responsibilities for published hate speech, and empowers the state agency as a regulator to monitor and sanction cases of hate speech on the Internet.

Article 74 Of the Electronic Media Law<sup>77</sup> stipulates that public broadcasters are obliged to provide public services of producing and broadcasting radio and/or television broadcasts with information, cultural, art, educational, scientific, children's, entertainment, sport and other programmes ensuring the exercise of rights and interests of citizens and other entities in the information sector.

Under public services, in the sense of this report, the following is stated<sup>78</sup>:

- production and broadcasting programmes intended for different groups in society, free of discrimination, particularly taking into account specific societal groups such as children and the young, members of minority nations and other minority communities, persons with disabilities, socially and health disadvantaged groups, etc.;
- production and broadcasting programmes expressing Montenegrin national and cultural identity, and cultural and ethnic identity of minority nations and other minority communities;

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<sup>77</sup> Electronic Media Law ("Official Gazette of Montenegro", no. 46/2010, 40/2011 – another law, 53/2011, 6/2013 (Article 2 is not in the edited text), 55/2016, 92/2017 and 82/2020 –another law), available at <https://wapi.gov.me/download-preview/3224019e-dcb4-4c6e-9aa3-70511fd78b6f?version=1.0>

<sup>78</sup> Electronic Media Law ("Official Gazette of Montenegro", no. 46/2010, 40/2011 – another law, 53/2011, 6/2013 (Article 2 is not in the edited text), 55/2016, 92/2017 and 82/2020 – another law.

- production and broadcasting programmes in languages of minority nations and other minority communities within the areas where they reside;

The budget of Montenegro, on the basis of Article 76 of the said Law, i.e. the budget of the local self-government unit, provides part of the funds for the exercising of the rights of citizens to information guaranteed by the Constitution and the law, without discrimination, on the basis of program contents that are significant for exercising the right to public information and notification of the citizens of Montenegro, exercising the rights of members of minority nations in Montenegro and members of other minority national communities and Montenegrin communities abroad and preserving the Montenegrin national and cultural identity and the cultural and ethnic identity of minority nations and other minority national communities.

Program contents in the Albanian language and the languages of members of minority nations and other minority national communities are defined by the Contract on provision of public services (Article 76a).

Article 2 of the General Law on Education<sup>79</sup> stipulates that the education is aimed to provide the possibility for complete individual development regardless of the sex, age, social and cultural background, national and religious affiliations and of physical and psychological structure; develop the awareness, the need and the capabilities for the maintenance and the improvement of human rights, legal state, of natural and social environment, of multi-ethnic and diversity; develop the awareness on state affiliation, on its culture, tradition and history. Article 9, paragraph 1 of the General Law on Education stipulates that regardless of the national affiliation, race, gender, language, religion, and social background and of other personal characteristics, all citizens Montenegro shall be equal in the exercising of the right of education. Article 2 of the Law on Primary Education<sup>80</sup> stipulates that the aims of primary education are, among others, to provide primary education for all citizens, to develop creative personalities, to educate for respect toward the national, historical and cultural values, as well as for recognizing the cultural and other characteristics of other nations, to educate for mutual tolerance, respect for differences, cooperation with others, respect for human rights and fundamental freedoms, and along with that to develop abilities for life within a democratic society, to develop democratic attitudes, tolerance and cooperation (in schools and out of them) and the respect for the rights of others. Article 2 of the Law on Gymnasium<sup>81</sup> prescribes that Education in gymnasias shall have the objective to provide the pupils with the acquisition of necessary knowledge, skills, competences and habits based on the scientific, technical, cultural and artistic achievements, all for the purpose of the continuation of education, development of abilities for life in a pluralistic and democratic society and fostering of understanding, tolerance and solidarity.

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<sup>79</sup> General Law on Education, („Official Gazette of Montenegro", no. 004/08, 021/09, 045/10, 073/10, 040/11, 045/11, 036/13, 039/13, 044/13, 047/17, 059/21) available at <https://www.katalogpropisa.me/wp-content/uploads/2021/06/Opsti-zakon-o-obrazovanju-i-vaspitanju.pdf>

<sup>80</sup> Law on Primary Education („Official Gazette of Montenegro", no. 45/2010, 40/2011 – another law, 39/2013 and 47/2017), available at <https://www.gov.me/dokumenta/17fc9409-f431-411a-a3ef-2b316eaf1562>

<sup>81</sup> Law on Gymnasium („Official Gazette of the Republic of Montenegro", no. 064/02 of 28.11.2002, 049/07 of 10.08.2007, Official Gazette of Montenegro ", no. 045/10 of 04.08.2010, 073/10 of 10.12.2010, 039/13 of 07.08.2013), available at <https://www.gov.me/dokumenta/d37a3817-1a40-4e97-b5f2-ef7fc0ea2921>



In accordance with the recommendations of the Law on Minority Rights and Freedoms, the subject curricula for education contain topics from history, art, literature, traditions and culture of minority nations or other minority national communities. Educational program in institutions and schools with instruction in the official language contains topics from mother tongue and literature, history, art and culture of minorities and other contents that promote mutual tolerance and coexistence. Also, the new Strategy for the social inclusion of Roma and Egyptians envisages effective measures to combat multiple discrimination, domestic violence and forced marriage within the communities of Roma and Egyptians. In this sense, additional efforts should be made when it comes to adequate funding and support, which are monitored to ensure effective implementation.

Also, bearing in mind the obligation regarding the protection of national minorities and with the aim of promoting affirmative action and preventing all forms of discrimination, improving the position of members of minority nations through the principles of partnership, transparency and responsibility, the Ministry of Internal Affairs, in cooperation with the Police Academy:

- During 2018, three trainings on the topic "Dealing with vulnerable groups" were held at the Police Academy, attended by 57 police officers. In the same period, three trainings on the topic "Procedure with asylum seekers - special focus on vulnerable groups" were held for 58 police officers;
- During 2019, one training session was held at the Police Academy on the topics "Procedure with asylum seekers - special focus on vulnerable groups" (26 police officers) and "Procedure with vulnerable groups" (10 police officers). In the organization of the Personnel Administration, one training was organized on the topic "Prohibition of discrimination" attended by four police officers;
- During 2020, not a single training was organized at the Police Academy on the above and similar topics. The Personnel Administration organized a training on the topic "Prohibition of discrimination", which was attended by 18 police officers;
- In 2021, three police officers attended CEPOL's seminar on "Access to the asylum procedure and identification of vulnerable groups", while five police officers attended the seminar on "Hate crime - hatred towards Muslims", also organized by CEPOL (trainings organized by CEPOL are implemented in cooperation with the contact from the Police Academy). The Personnel Administration implemented training on the topic "Prohibition of Discrimination" which was attended by three police officers;
- In the first half of 2022, the implementation of the Training for trainers on the topic "Hate Crime" began at the Police Academy, which is attended by 16 police officers, and which, among other things, includes the topic of anti-discrimination against minority nations. It is planned that after the completion of the training, the police officers will transfer their knowledge on this topic to their colleagues. At the same time, in cooperation with the Centre for Roma Initiatives within the project "Reducing discrimination against the Roma and Egyptian community", with the financial support of the US Embassy in Podgorica, training on the topic "Reducing discrimination against the Roma and Egyptian community" was organized in Centre of Security Berane attended by 23 police officers. Two more trainings on this topic were held in Centre of

Security Nikšić and Centre of Security Podgorica. In the same period, the Human Resources Directorate organized the "Prohibition of Discrimination" training, which was attended by three police officers. Another workshop on the topic of prohibition of discrimination was held in the organization of the Human Resources Administration, and five civil servants from the Ministry of Internal Affairs participated.

- As part of the "TAHCLE" program, and based on the Memorandum of Understanding signed between the OSCE Office for Democratic Institutions and Human Rights (ODIHR) and the Police Academy in Danilovgrad, training of trainers is being conducted in order to train officers to recognize criminal acts and offenses related to hate speech.

The Police Academy does not have brochures printed in languages of minority nations. In recent years, in cooperation with representatives of NGOs that deal with the protection of members of the RE population, various activities for cadets have been organized on the occasion of Roma Day at the Police Academy. At the same time, during the enrolment of cadets at the Police Academy, affirmative action is carried out in relation to members of minority nations.

Due to significant social polarization and the importance of encouraging the spirit of tolerance and intercultural dialogue, the Ministry of Human and Minority Rights of the 43rd Government of Montenegro established the Directorate for Interculturalism. Their work will be aimed at improving, developing and promoting interculturality, intercultural dialogue and mutual respect, better understanding and tolerance, cooperation and communication among minority nations and other minority national communities; encouraging an open exchange of views between individuals and groups of different ethnic, religious, linguistic and national affiliations on the basis of mutual understanding and respect; promoting positive attitudes towards diversity and cultural diversity; encouraging overcoming existing mutual prejudices, stereotypes and ethnic distance; encourages activities aimed at education on interculturality, preparation of publications aimed at promoting interculturality; implementation of measures for better familiarization with the cultures of minority nations and other minority national communities in order to affirm the principle of equality; as well as other appropriate tasks from the scope of the Directorate.

When it comes to ethnic distance, according to the latest research from 2019 conducted by the Centre for Democracy and Human Rights (CEDEM), the data indicate that the highest degree of overall ethnic distance is towards members of the Roma and Egyptian population (as much as 0.61), which represents still worrying data. Research shows that Roma and Egyptians are a particularly vulnerable ethnic group that lives on the margins of social life and is in an inferior position. The data indicate that the Roma are undesirable for the remaining ethnic groups living in the territory of Montenegro, which is an alarming fact that requires attention and adequate action. Also, there is a noticeable distancing in relation to Croatians (0.41) and Albanians (0.40), where it is necessary to invest additional efforts in order to strengthen ethnic tolerance. Also, by comparing ethnic distancing from the point of view of belonging to certain ethnic groups, the data indicate that representatives of the Serbian ethnic group show a significantly higher level of national distancing compared to the remaining ethnic groups that traditionally

live on the territory of Montenegro. Thus, the ethnic distance towards Albanians is 0.74; according to Roma 0.71; Croatians 0.63; Bosniaks 0.48; 0.45 for Muslims, while the lowest for Montenegrins is 0.05.

The aforementioned research also includes data regarding the evaluation of the functioning of the Ministry of Human and Minority Rights when it comes to the protection of minority nations and other minority national communities, and through the prism of different ethnic groups living in the territory of Montenegro. The best score in percentage (%) was given by Muslims (69.7) and Bosniaks (64.9). The majority of the Montenegrin population rated the work of the Ministry as solid (42.3), which cannot be said for the rating given by the Albanians (36.2). Finally, the least satisfied with the work of the Ministry for Human and Minority Rights in terms of the protection of minority nations and other minority national communities are Serbs (22.6) and Roma and Egyptians (18.2).

From the aspect of evaluating the councils of minority nations and other minority national communities and the contributions they invest and devote to the protection of minority nations and other minority national communities, the best rated was the Bosniak council in Montenegro (31.2%), which is a significant improvement compared to the end of December 2018 when this council was rated (24.0%) and the Council of the Muslim People of Montenegro (31.1%), which represents an improvement compared to the end of the last year when it amounted to (26.9%). Comparatively, the improvement is evident when we talk about the National Council of Albanians in Montenegro: from 23.1% (at the end of 2018) to 29.6% (May 2019), but also about the Roma Council in Montenegro: from 18, 7% (end of 2018) to 23.4% (May 2019). On the other hand, the Serbian National Council, the Fund for the Protection and Realization of Minority Rights of Montenegro and the Centre for the Preservation and Development of Minority Culture were rated almost identically compared to the ratings collected at the end of 2018.

The state undertakes appropriate measures to protect people exposed to threats or acts of discrimination or violence as a result of their ethnic, cultural, linguistic or religious identity.

The Montenegrin legislation has a mechanism for the protection of minorities, which includes the inclusion in the criminal legislation of appropriate criminal acts committed on an ethnic, national, religious and similar basis. The Criminal Code of Montenegro criminalizes any violation of the equality of citizens based on their national affiliation or belonging to an ethnic group, race or religion or the absence of such affiliation, political or other opinion, gender, language, education, social status, social origin or other personal characteristic.

According to court records from 2017 to 2022 year, below are data for criminal offenses of all forms of discrimination:

By the middle of the year 2022, the total number of cases was three, of which all three relate to the criminal offense under Article 370 - inciting national, racial and religious hatred. One case was resolved with an acquittal (the decision is not final).

For the year 2021, the data are as follows:

- 15 cases for the criminal offense under Article 370 - inciting national, racial and religious hatred. By the middle of the year 2022, 11 cases have been resolved by person:

six convictions (five prison sentences and one suspended sentence), two acquittals, four suspended. There are 8 legally binding decisions per person, of which four were convictions (three prison sentences, one suspended sentence) and four were suspended.

- 1 case for the criminal offense under Article 443 - racial and other discrimination. The case was resolved and legally binding with a decision on suspension.
- 7 cases for the criminal offense from Article 444 - trafficking in human beings, of which only one case was resolved by the middle of the year 2022, and that was with a final sentence of imprisonment.

In the year 2020, the data are as follows:

- 10 cases for the criminal offense under Article 370 - inciting national, racial and religious hatred. By the middle of the year 2022, one case has been resolved and it is legally binding - suspension.
- 4 cases for the criminal offense from Article 444 - trafficking in human beings, of which one case was resolved by the end of the year 2022 with a final sentence of imprisonment.

In the year 2019, the data show that there were no cases for the criminal offense under Article 370 - inciting national, racial and religious hatred, while in the year 2018 there was one case that was finally resolved by sentencing to a suspended sentence. In the year 2017, there were no cases for criminal offense 370 - inciting national, racial and religious hatred, but there was one case for the criminal offense under Article 161 of violation of freedom of religion and religious rites, which was resolved by a conviction fine.

When it comes to the actions of the Police Administration, and it concerns criminal offense 370 - inciting national, racial and religious hatred of the Criminal Code of Montenegro, the officers of the Police Administration are obliged to keep records. In this regard, below are data on the number of registered criminal offences, filed criminal reports and the number of prosecuted people:

- In the year 2018, one criminal offense was registered, one criminal complaint was filed and one person was prosecuted. The same data are for the year 2019;
- In the year 2020, 11 criminal offences were registered, and the same number of criminal charges were filed. The number of prosecuted people is 15 and
- In the year 2021, 8 criminal offenses were registered and 8 criminal charges filed. The number of prosecuted people is 13.

When it comes to the requests for initiation of criminal proceedings due to committed offenses related to hate speech, violation of the right to freedom of expression and causing national, racial and religious hatred, prescribed by Article 19 of the Law on Public Order and Peace, the data are as follows:

- In the year 2018, 30 requests for initiation of offence proceedings were submitted;
- In the year 2019, 31 requests for initiation of offence proceedings were submitted;
- In the year 2020, 36 requests for initiation of offence proceedings were submitted and
- In the year 2021, 25 requests for initiation of offence proceedings were submitted.

When it comes to complaints about the work of the Police Administration, according to the data of the Protector of Human Rights and Freedoms (Ombudsman), the data are as follows:

- in the year 2021 (72 in total) eight (8) related to the prohibition of torture and cruel, inhuman or degrading treatment or punishment; two (2) related to the right to freedom of movement, one (1) related to the right to privacy, one (1) related to the right to human dignity and equality before the law and 31 related to other rights of people deprived of liberty (health care, access to the toilet, notification of family and notification lawyer) and cases of use of chemical agents in Cetinje (29);
- In the year 2020 (39 in total), nine (9) related to the prohibition of torture and cruel, inhuman or degrading treatment or punishment; one (1) related to the prohibition of discrimination; two (2) related to freedom of association and peaceful assembly and 27 related to other rights of people deprived of liberty (health care, access to toilet, notification of family and notification of lawyer). Complaints were submitted to: Centre of Security Podgorica (23), Centre of Security Bar three (3), Centre of Security Bijelo Polje four (4), Centre of Security Budva two (2), Centre of Security Nikšić three (3) and Centre of Security Pljevlja four (4).
- In the year 2019, there were a total of 56 complaints in the work of the police. Complaints were mostly related to non-action on citizens' reports and their requests, and in 17 cases they related to the rights of people deprived of their liberty.
- In the year 2018, 39 complaints were received, and the complaints mostly related to the failure to act on citizens' reports and their requests, while in 12 cases they related to the rights of people deprived of liberty.
- In 2017, 43 complaints were received, and the complaints mostly related to the failure to act on citizens' reports and their requests, while in 17 cases they related to the rights of people deprived of liberty.

In relation to the recommendation of the Advisory Board, that the authorities should continue their efforts to raise awareness of respect for diversity and human rights within the police is very visible in this reporting period through the cycles of education that current and future police officers undergo. The Council for citizen control of police work has strengthened its capacities to a certain extent and is acting more proactively. It is also necessary to highlight the efforts of the Ethics Committee, which monitors the implementation of the police code, which has been much more active in the last two years and which, through its recommendations, clearly indicates the failures and responsibilities of police officers, as well as ways to improve the work of the police.

## ARTICLE 7

*The Parties shall ensure respect for the right of every person belonging to a national minority to freedom of peaceful assembly, freedom of association, freedom of expression, and freedom of thought, conscience and religion.*

The Constitution of Montenegro by Article 52, guarantees the freedom of peaceful assembly, without approval, after informing the competent authority. Freedom of assembly may be

temporarily restricted by the decision of the competent body to prevent disorder or perpetration of criminal offenses, endangering health, morals or for the safety of people and property, in accordance with law. Also, Article 79 proclaims that they the right to establish and maintain contacts with the citizens and associations outside of Montenegro, with whom they have common national and ethnic background, cultural and historic heritage, as well as religious beliefs, as well as to establish councils for the protection and improvement of special rights.

In addition, Article 9 of the Law on minority rights and freedoms defines that with a view to preserve and develop national or ethnic identity, minority nations and other minority national communities and their members have the right to establish institutions, societies, associations and non-governmental organizations in all areas of social life. Also Montenegro takes part in financing organizations referred to in this Article, in accordance with financial possibilities.

By Article 22 of the same law, members of minority nations and other minority national communities have the right to free association, in accordance with the law and principles of international law on freedom of association. Minority nations and other minority national communities and their members have the right to expression of their interests, effective participation in governance and in public control of governance. Minority nations and other minority national communities and their members may, in order to exercise common interests, cooperate with governmental and non-governmental organizations in the country and abroad.

The Law on public gatherings and public events <sup>82</sup> regulates public gatherings of citizens and public events, the manner of their announcement, as well as their organization. It stipulates that everyone has the right to organize a public gathering, without authorization, in accordance with the law and ratified international treaties. In Article 14, the police may temporarily restrict the freedom of public assembly if it is a necessary restriction in a democratic society to prevent disturbances of public order and peace, the perpetration of criminal offenses, the violation of human rights and freedoms and special minority rights and freedoms of other persons, the security of persons and property, or at the request of organs of state administration responsible for health care, in the event of threats for health. The police may also determine the direction of arrival of participants of the public gathering to the place in which it is held and departure from that area, in order to prevent disturbance of the public order and peace or the commission of the criminal offense, to the detriment of the rights and freedoms of others, health or the security of persons or property. Immediately prior to the commencement of the public gathering or during its term, police officers are authorized to discontinue public gathering if, inter alia, participants invoke or encourage an armed conflict or violence, violation of human rights and the freedom of minority rights and the freedom of other persons, national, racial, religious or other inequality, hatred and intolerance. Failure to comply with police orders in issuing an order restricting or interrupting a public gathering, i.e. a public event, entails misdemeanour liability.

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<sup>82</sup> Law on public gatherings and public events – “Official Gazette of Montenegro”, no. 52/16

Article 32 of the Law on public gatherings and public events stipulates that the Government of Montenegro submits a Report on the implementation of the said Law to the Parliament of Montenegro at least once a year, and no later than March 31 of the current year for the previous year.

In the year 2021, the number of public gatherings held in Montenegro was 623. Out of this number, there were 353 reported gatherings, 192 unreported and 78 spontaneous. Of the total number of gatherings, police officers of the Police Administration secured 597, which is 87 less public gatherings compared to the year 2020, when 684 public gatherings were secured. About 150,000 citizens attended public gatherings this year.

In the year 2020, the number of public gatherings held in Montenegro was 684, of which 144 were spontaneous. Also, 182 security measures for public events were organized. Police officers of the Police Administration secured all public gatherings and events. One million and 218 thousand citizens attended this year. In this year, the so-called orthodox walks organized by the Serbian Orthodox Church in almost all cities in Montenegro, which were aimed at exercising the right to freedom of religion following the announcement of the Law on Freedom of Religion.

In the year 2019, the police did 425 security measures for public gatherings and 651 security measures for public events. The gatherings were attended by approximately 880 thousand citizens. Four resolutions were adopted that do not allow public gatherings and events. In the mentioned period, one gathering was registered that resulted in violence or disorder (an unannounced gathering in April 2019, organized by the citizens' group "Make a resistance")

In 2018, police officers did 518 security measures for public gatherings and 831 security measures for public events. The gatherings were attended by approximately 885,000 citizens. 3 spontaneous gatherings were registered, and seven resolutions were passed that do not allow public gatherings, and two that do not allow public events in accordance with the Law.

## ARTICLE 8

*The Parties undertake to recognise that every person belonging to a national minority has the right to manifest his or her religion or belief and to establish religious institutions, organisations and associations.*

The Constitution of Montenegro in Article 46 guarantees the right to freedom of thought, conscience and religion, as well as the right to change religion or belief, to either individually or in community with others, publicly or privately manifest religion or belief in prayer, preaching, customs, or ritual. Nobody is obliged to speak about own religious and other beliefs.

In accordance with the constitutional provision, Montenegro adopted the Law on Freedom of Religion on December 30, 2019, after which amendments were made to that law on January 26, 2021.



The said Law stipulates that freedom of thought is absolute and inviolable, and that freedom of thought, conscience and religion is guaranteed by the Constitution and confirmed and published international treaties are exercised in accordance with the said Law. The state guarantees the unimpeded exercise of freedom of thought, conscience and religion.

Article 3 states that freedom of expression of religion or belief is subject only to those restrictions, necessary in a democratic society, which are in the interest of public safety, protection of public order, health or morals or protection of the rights and freedoms of others, and that the limited measure must be proportionate to the legitimate aim of the aforementioned.

According to the said Law, freedom of religion or belief includes the right of every person, acting according to their own conscience, alone or in community with others, to publicly or privately express their faith or belief through prayer, sermons, customs, religious ceremonies or in any other way, the right to accept or change their religion or belief, the freedom to participate in religious teaching and learning, or teaching that corresponds to one's belief, as well as the right to nurture and develop a religious tradition or tradition in accordance with one's belief (Article 4).

Article 6 of the said Law defines a religious community as a voluntary, non-profit association of people of the same religion who, publicly or privately, alone or in community with others, manifest their faith by performing religious ceremonies, sermons, prayers or customs. A religious community has its own religious teaching, autonomous religious rules, religious organization and religious bodies. A community of beliefs, in the sense of the said Law, is a voluntary, non-profit organization that is established for the purpose of achieving certain common or general goals or interests arising from common beliefs.

Registration and records of religious communities is stipulated by Article 18 of the said Law. A religious community that, in accordance with the said Law, is registered in the Unified Register of Religious Communities as a recorded or registered religious community has the status of a legal entity. The unique record of religious communities, whose content and manner of management is the responsibility of the competent ministry, consists of:

- the book of registered religious communities in which existing religious communities are registered and
- the book of registered religious communities in which newly founded religious communities are registered.

In accordance with Article 10 of the said Law, certain issues of common interest for Montenegro and one or more religious communities can be regulated by a contract concluded by the Government of Montenegro and religious communities.

Since the last reporting period, Montenegro has made significant efforts to formally regulate the relationship between the state and the Serbian Orthodox Church. In July 2022, the Government adopted the proposal for the harmonized text of the Fundamental Agreement between Montenegro and the Serbian Orthodox Church. Also, the continuity of good cooperation and commitment to the implementation of the so-called Fundamental Agreement between the state of Montenegro and the Holy See, the Agreement on the Arrangement of

relations of common interest between the Government of Montenegro and the Islamic Community in Montenegro and the Agreement on the arrangement of relations of common interest between the Government of Montenegro and the Jewish Community in Montenegro.

This contract:

- states the separation of the Serbian Orthodox Church (SOC) and the state of Montenegro;
- SOC has been recognized as a legal personality and continuity since the year 1219;
- the State of Montenegro guarantees the SOC that in its facilities, state authorities cannot undertake security measures without the prior approval of the competent church authorities;
- SOC is given public legal powers;
- the state guarantees the inviolability of the SOC's property and has undertaken to register unregistered immovable properties owned by the dioceses of the SPC in Montenegro;
- Provides the possibility of introducing religious education in public educational institutions.

According to the Law on freedom of religion or belief and the legal position of religious communities, Article 54, it is stipulated that a religious community can establish religious schools of all levels of education, except elementary school, which is mandatory by law. Also, it is stated that secondary religious schools that carry out publicly valid educational programs can be financed from the budget of Montenegro. Therefore, a religious school that is licensed, or accredited as an educational institution, has the right to funding from the state budget, in proportion to the number of students, in accordance with the Law.

During 2022, the following institutions were founded that contain "religious" in their name:

- Private institution Secondary religious school - Gymnasium "Saint Sava" in Podgorica
- Secondary religious school - Gymnasium "Metropolitan Hadzi Sava Kosanovic" in Niksic

The founder of both institutions is the Metropolitanate of Montenegro and the Littoral, and in both institutions, classes will be conducted according to the educational program valid for general high schools.

In 2021, the Ministry of education, science, culture and sports signed an annex to the agreement on the financing of the Secondary religious school, according to which funds in the amount of 500,000 euros were allocated for this purpose by the Government of Montenegro, in the Law on budget.

In relation to the recommendations of the Advisory Board of the Framework Convention, when it comes to the return of religious property, the Law on amendments to the Law on freedom of religion or belief and the legal position of religious communities<sup>83</sup>, all articles concerning the change in the status of property have been eliminated and it remains in the possession of the

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<sup>83</sup> ("Official Gazette of Montenegro", no. 008/21 as of 26/01/2021),

Serbian orthodox churches. If the state wants to register that property as its own, it can initiate a civil court proceeding (Article 37), and the possibility of settling property disputes between the state and the church in administrative proceedings has been abolished (as stipulated by the original version of the law). Previously, the Law on freedom of religion, which was passed by the 41<sup>st</sup> Government of Montenegro on December 27, 2019, it was stipulated that religious buildings and land that were the property of Montenegro until 1918, and for which there is no evidence of religious communities on the right of ownership, pass into state property.

## ARTICLE 9

*1. The Parties undertake to recognise that the right to freedom of expression of every person belonging to a national minority includes freedom to hold opinions and to receive and impart information and ideas in the minority language, without interference by public authorities and regardless of frontiers. The Parties shall ensure, within the framework of their legal systems, that persons belonging to a national minority are not discriminated against in their access to the media.*

*2. Paragraph 1 shall not prevent Parties from requiring the licensing, without discrimination and based on objective criteria, of sound radio and television broadcasting, or cinema enterprises.*

*3. The Parties shall not hinder the creation and the use of printed media by persons belonging to national minorities. In the legal framework of sound radio and television broadcasting, they shall ensure, as far as possible, and taking into account the provisions of paragraph 1, that persons belonging to national minorities are granted the possibility of creating and using their own media.*

*4. In the framework of their legal systems, the Parties shall adopt adequate measures in order to facilitate access to the media for persons belonging to national minorities and in order to promote tolerance and permit cultural pluralism.*

The Constitution in Article 47 gives the right to freedom of expression by speech, writing, picture or otherwise. The right to freedom of expression can only be limited by the right of others to dignity, reputation and honour and if it threatens public morality or the security of Montenegro. Also, Article 49 of the Constitution guarantees the freedom of press and other forms of public information. Is guaranteed the right to establish newspapers and other public information media, without approval, by registration with the competent authority.

*The Law on Minority Rights and Freedoms*, in Article 12 prescribes that Minority nations and other national minority communities and persons belonging to them shall be provided with the freedom of information at the level of the standards that are set forth in international documents on human rights and freedoms. Persons belonging to minority nations and other national

minority communities shall have the right to freely establish media and their unhindered work based on: freedom of expression, research, collection, dissemination, publication and receiving information, free access to all sources of information, protection of personality and dignity and free flow of information. Competent administrative and programmatic bodies of the media founded by Montenegro shall provide an appropriate number of hours for broadcasting news, cultural, educational, sports and entertainment programs in the languages of minority nations and other national minority communities and persons belonging to them, as well as program contents related to life, tradition and culture of minorities and shall provide the financial means for funding those program contents. The program contents which refer to life, culture and identity of minority nations and other national minority communities shall be broadcasted at least once a month in the official language, through the public services. Montenegro can, in accordance with its financial possibilities, provide translation (subtitling) of program from languages of minority nations and other national minority communities into the official language. The Government can also undertake incentive measures to provide broadcasting of programs referred to in paragraph 3 of this article within other radio and television programs.

In July 2020, the new Law on media and the Law on the national public broadcaster radio and television of Montenegro were adopted. In addition to them, the key regulation that regulates the media is the Law on Electronic media, which, in order to harmonize with Directive 2018/1808 on audio-visual media services, which amends Directive 2010/13, should replace the Law on audio-visual media services.

The Law on media regulates the basic principles of freedom of the media, freedom of expression, free establishment of media, publicity of media ownership, transparency of advertising in the media, protection of media pluralism, rights, obligations and responsibilities in information, protection of special rights, right to reply and correction, storage and the right to inspect the media record and other issues of importance for the work of the media.

Article 2 of the said Law stipulates that the state ensures and guarantees freedom of the media, expression and information at the level of the standards contained in international documents on human rights and freedoms (EU, Council of Europe, UN, OSCE), and obligates to interpret the law and applies in accordance with the European convention for the protection of human rights and fundamental freedoms and the precedent law practice of the European Court of Human Rights.

Article 17, which concerns the Fund for encouraging media pluralism and diversity, states that the state can provide part of the funds from the budget of Montenegro for the purpose of providing public services, in order to realize the rights guaranteed by the Constitution and the law for non-commercial media content of public interest, in languages of minority nations and other minority national communities. Additionally, Article 20 stipulates that the funds of the said Fund are used specifically for the production and publication of content that is significant for, among other things, the protection of the rights and dignity of minority nations and other national communities against discrimination, stereotypes and prejudices; social integration of vulnerable categories of society; promotion of cultural diversity, preservation of tradition and

identity of Montenegro. By prescribing this article, to a certain extent, a new way of financing is provided, which could ensure long-lasting sustainability for projects and programs that address all minority nations. As part of this year's distribution of the Fund's resources, funds were also allocated to two media that deal with reporting on minorities, namely: NGO Roma youth organization "Walk with us" and Boin-portal - TV Boin, which reports in the Albanian language. The headquarters of the Romanet portal's editorial office is in Podgorica and consists of four permanent members headed by the executive director, the editor-in-chief and three young journalists from the Roma community, with the tendency to increase the number of journalists. The aforementioned contributes to the active recruitment, employment and training of journalists belonging to minorities, especially the Roma and Egyptian communities.

Article 74 of the Law on Electronic Media stipulates that Public broadcasters are obliged to produce and transmit radio and/or television broadcasts with information, cultural, art, educational, scientific, children's, entertainment, sport and other programs ensuring the exercise of rights and interests of citizens and other entities in the information sector.

Under public services, in the sense of this report, the following is stated <sup>84</sup>:

- produce and transmit programs intended for different groups in society, free of discrimination, particularly taking into account specific societal groups such as children and the young, members of minority nations and other minority communities, persons with disabilities, socially and health disadvantaged groups, etc.;
- produce and transmit programs expressing Montenegrin national and cultural identity, and cultural and ethnic identity of minority nations and other minority communities;
- produce and transmit programs in languages of minority nations and other minority communities within the areas where they reside;

The budget of Montenegro, on the basis of Article 76 of the said Law, i.e. the budget of the local self-government unit, provides part of the funds for the exercising the rights of citizens to information guaranteed by the Constitution and the law, without discrimination, on the basis of program contents that are significant for the exercising the right to public information and notification of citizens of Montenegro, exercising the rights of members of minority nations in Montenegro and members of other minority national communities and Montenegrin communities abroad and preserving the Montenegrin national and cultural identity and the cultural and ethnic identity of minority nations and other minority national communities.

Program contents in the Albanian language and the languages of members of minority nations and other minority national communities are defined by the Agreement on the provision of public services (Article 76a).

Article 136 of the said Law stipulates that in order to encourage media pluralism, the production of commercial television broadcasters and non-profit broadcasters and to preserve the diversity of electronic media in Montenegro, funds are provided from part of the income from games of chance in the amount and in the manner determined by a special law which regulates the activity of games of chance, and which are particularly important for members of minority nations and other minority national communities, among others.

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<sup>84</sup> Law on electronic media, Official Gazette of Montenegro 46/2010, 40/2011 – another law, 53/2011, 6/2013 (Article 2 is not in the edited text), 55/2016, 92/2017 and 82/2020 – another law.

The Law on the national public broadcaster radio and television of Montenegro states that the national public broadcaster performs its activities in accordance with the law, international standards and rules in this area. In paragraph 2 of Article 1, it is prescribed that the said Law is interpreted in accordance with the Directive on audio-visual media services, the European Convention for the Protection of Human Rights and Fundamental Freedoms and the practice of the European Court of Human Rights.

Article 2 defines the activity of the national public broadcaster as the provision of public audio-visual services for which Montenegro provides independent financing in accordance with the law, which satisfy: democratic, social, cultural, educational and other needs of public interest of all segments of Montenegrin society, ensures the exercising rights and interests of citizens and other subjects in the field of information, regardless of their political, religious, cultural, racial or gender affiliation.

In accordance with Article 9 of the said Law, RTCG is obliged to, with the application of high standards of professional ethics and quality, without any form of discrimination, produce and broadcast program content, which:

- 1) serve as reference points in terms of strengthening unity and social integration of all individuals, groups and communities;
- 2) in a balanced way, with appropriate representation of informative, cultural, educational, scientific, sports and entertainment shows, they satisfy the interests of the public at the national and local level;
- 3) provide space for open and free expression of different opinions and positions on issues of public interest;
- 4) are intended for all segments of society, especially taking into account children and youth, members of minority nations and other minority national communities, people with disabilities, socially vulnerable and other specific groups;
- 5) affirm and nurture Montenegrin national and cultural identity, cultural and ethnic identity of minority nations and other minority national communities, European cultural heritage and cultural diversity;
- 6) affirm the Montenegrin cultural heritage, encourage and nurture cultural and artistic creativity and spread knowledge about other cultures that are represented in Montenegro;
- 7) reflect different ideas and religious beliefs in society, in order to strengthen understanding and tolerance and promote the multicultural, multi-ethnic and multi-religious character of Montenegro;
- 8) contribute to respect and improvement of basic human rights and freedoms, democratic values and institutions, pluralism of ideas, culture of public dialogue, language standards, privacy and personal dignity;
- 9) encourage the development and improvement of the democratic culture of the society;
- 10) promote and support the values of civil society and present civil initiative;
- 11) encourage and promote media literacy;
- 12) provide impartial, accurate, timely, comprehensible and balanced information about domestic and international events of public interest;
- 13) reflect current life problems of various structures of Montenegrin society;

- 14) present and affirm historical sources and material evidence about past times;
- 15) promote the development of Montenegro and its ecological character;
- 16) inform the public about matters of importance for human health and about the protection of people, property, cultural assets and the environment;
- 17) ensure the production and presentation of Montenegrin cinematographic and audio-visual works;
- 18) during the election campaign, in accordance with special rules, ensure equal representation of political parties, coalitions and individuals.

In accordance with the above, the information of minority nations and other minority national communities in Montenegro is implemented through programs of the national public service, programs of local public services and program contents of the printed media. Radio of Montenegro and Television of Montenegro, in accordance with the obligations arising from the said Law, devote part of their program to the affirmation, protection and development of the rights of minority nations and other minority national communities through the broadcasting of content in the native languages of minority nations and other minority national communities. Television of Montenegro within the First program has a Program for minorities with an Editorial Office in the Albanian language and an Editorial Office for programs in other minority languages.

During 2017, the Program for minorities, which produces broadcasts in minority languages (Albanian and Romani), and in the official language dedicated to minorities, fully fulfilled the planned program content.

The following contents are realized within the Editorial office in Albanian language:

- "Lajmet" is a daily informative show in the Albanian language that deals with informing the Albanian population in their native language. The editorial policy of this show is in accordance with the editorial policy of TVCG with an emphasis on events concerning Albanians in Montenegro and the region;
- Mozaiku" is a show of the mosaic type that began to be broadcast in 1998. The show deals with the life of Albanians in Montenegro through reports prepared by journalists from various spheres of life, namely: politics, education, economy, culture and sports. In each show, up to 5 different forms are broadcast, from reports, chronicles, interviews and conversations, which are combined with music videos;

Within the Editorial Office for the program in other minority languages, the following contents are implemented:

- Sapore is a show in the Romani language that is broadcast every other Sunday. The show is translated from official to Romani or from Romani to official, depending on the interlocutor. It deals with the life of the Roma and Egyptian community in Montenegro, the promotion of culture and education, and the social status of this community.
- "People and Times" is a show dedicated to portraits of famous personalities of various profiles who belong to minority nations in Montenegro.
- "Bridges", which is dedicated to the culture, history and traditions of minority nations in Montenegro.



As part of the above, the following was realized on Television of Montenegro:

- 259 news programs "*Lajmet*" was broadcasted in the Albanian language lasting 10 minutes.
- 43 emissions of "*Mosaic*" in the Albanian language lasting 60 minutes were broadcast.
- 24 emissions of "*Savore*" were broadcast in the Romani language which is broadcasted twice a month for a duration of 25 minutes;
- 43 emissions of "*Bridges*" dedicated to the culture, history and traditions of minority nations in Montenegro were broadcasted for a duration of 40 minutes;
- 5 Emissions of "*People and times*" were broadcasted for a duration of 30-40 minutes;

In 2017, Radio Montenegro realized:

- 215 radio shows "*Lajmet e mengjesit*" (Morning news) were broadcasted;
- 265 radio shows "*Ditari*" (News in Albanian language) were broadcasted;
- 52 radio shows "*Ne fund te javes*" (At the end of the week) were broadcasted;
- 20 radio shows in Romani language were broadcasted.

During 2018, at Television of Montenegro was realized:

- 365 news programs "*Lajmet*" was broadcasted in the Albanian language lasting 10 minutes.
- 45 emissions of "*Mosaic*" in the Albanian language lasting 60 minutes were broadcast.
- 20 emissions of "*Savore*" were broadcast in the Romani language which is broadcasted twice a month for a duration of 25 minutes;
- 45 emissions of "*Bridges*" dedicated to the culture, history and traditions of minority nations in Montenegro were broadcasted for a duration of 40 minutes;

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- 215 radio shows "*Lajmet e mengjesit*" (Morning news) were broadcasted;
- 265 radio shows "*Ditari*" (News in Albanian language) were broadcasted;
- 52 radio shows "*Ne fund te javes*" (At the end of the week) were broadcasted;
- 20 radio shows in Romani language were broadcasted.

RTCG regularly broadcasted a program scheme related to minority nations and other minority national communities in 2019 as well, with expanded and content programs.

As part of the above, the following was also realized on Television of Montenegro:

- 365 news programs "*Lajmet*" was broadcasted in the Albanian language lasting 10 minutes.
- 45 emissions of "*Mosaic*" in the Albanian language lasting 60 minutes were broadcast.
- 20 emissions of "*Savore*" were broadcast in the Romani language which is broadcasted twice a month for a duration of 25 minutes;
- 45 emissions of "*Bridges*" dedicated to the culture, history and traditions of minority nations in Montenegro were broadcasted for a duration of 40 minutes;

In 2019, Radio Montenegro realized:

- 215 radio shows "*Lajmet e mengjesit*" (Morning news) were broadcasted;
- 265 radio shows "*Ditari*" (News in Albanian language) were broadcasted;

- 52 radio shows “Ne fund te javes” (At the end of the week) were broadcasted;
- 24 radio shows in Romani language were broadcasted.

In 2020, the program scheme dedicated to minority nations and other minority national communities was implemented on a smaller scale than planned due to the corona virus pandemic, especially bearing in mind the complete isolation of the Municipality of Tuzi in March and April, considering that most of the members of the Albanian language editorial staff come from this municipality. Broadcasts in Albanian and Romani languages on Radio Montenegro were broadcast regularly, because they were made from an improvised studio of a member of the radio editorial staff - the editorial staff in the Albanian language.

Within the above mentioned, Television of Montenegro broadcast also:

- 345 news programs "*Lajmet*" was broadcasted in the Albanian language lasting 10 minutes.
- 41 emissions of "*Mosaic*" in the Albanian language lasting 60 minutes were broadcast.
- 13 emissions of "*Savore*" were broadcast in the Romani language which is broadcasted twice a month for a duration of 25 minutes;
- 35 emissions of "Bridges" dedicated to the culture, history and traditions of minority nations in Montenegro were broadcasted for a duration of 40 minutes;
- One New Year's show in the Albanian language, lasting 90 minutes, was broadcasted.

In 2020, Radio Montenegro realized:

- 215 radio shows “Lajmet e mengjesit” (Morning news) were broadcasted;
- 265 radio shows “Ditari” (News in Albanian language) were broadcasted;
- 52 radio shows “Ne fund te javes” (At the end of the week) were broadcasted;
- 24 radio shows in Romani language were broadcasted.

There is a large number of local public and commercial broadcasters that realize and broadcast programs in the languages of minority nations and other minority national communities. Below is an overview of them:

Radio Bar and the Municipality of Bar have signed an Agreement on the provision of public services, i.e. contracted programs, within which a show in the Albanian language is also broadcast, every working day for 45 minutes since 1982. The program contains information and topics of importance for people from the area of the Municipality of Bar and Montenegro who speak that language. In addition to information, reports and reportages, the show is characterized by quality music, which makes it widely listened to not only in Bar, but also in Ulcinj, Podgorica and Malesia.

The show in the Albanian language has been broadcast for years at a fixed time - at 6 p.m., and its work is monitored by the Commission appointed by the Radio Bar Council.

During 2020 and 2021, the local public broadcaster, Radio Kotor, in its regular daily news shows (Vijesti and Kotoraska hronika) and thematic shows (Multikultura - a show dedicated to national minorities, and Katareo - a show dedicated to events in the field of culture), but also

through portal radiokotor.info, covered all current events related to the culture, tradition and history of the life of the Croatian minority nations in the area of Boka Kotor and the Municipality of Kotor. Radio Kotor transmits all information and announcements about the activities of the Croatian civil society and the Croatian national council of Montenegro, with a special emphasis on the newsletter of the Croatians of Montenegro "Hrvatski glasnik", which is published on a monthly basis. Through the radiokotor.info portal, the content of the magazine "Hrvatski Glasnik" is presented. During 2020 and 2021, all numbers were presented in the radio program, as part of the morning program (morning magazine "Grad" - current articles), as well as in the central news program of Radio Kotor "Kotorska hronika". Additionally, through the website [www.radiokotor.info](http://www.radiokotor.info), the cultural-historical uniqueness and ethnic identity of the Croatians, as the most numerous minority in our area, are presented and promoted through pictures and words, and in the half-hour show "Katareo" (once a week), which follows the events in the area of culture, current programs are broadcast about all the events and festivities held in the previous week, such as the solemn celebration of St. Tripun, the patron saint of the city of Kotor, Tripundanska evening, etc.

During 2020 and 2021, Radio Kotor informed the public about significant and current topics important for the life of the Croatian community in Montenegro: political (publications of the political parties Croatian civic initiative and the Croatian reform party during the parliamentary and local elections held in Montenegro on August 30 .2020, as well as on economic, social, cultural, historical topics.

It is important to mention the successful cooperation between Radio Kotor and the radio of the Croatian national minority Radio Dux, which contributes to the comprehensive information of the citizens of the municipality of Kotor, since through the exchange of good practices and creations in the field of reporting, i.e. cooperation between our media houses, the awareness of the need to connect an active European citizenship, and through the exchange of information and experiences, new values are established in the best way and again, continuously creates the principle of community, promoting messages and ideas about the importance of coexistence and harmony, establishing a culture of tolerance and dialogue as a basis for socially responsible thinking and acting in the spirit of Europeanism.

The program goal of the show Multikultura, dedicated to national minorities, is to contribute to the understanding of citizens and the concept of diversity in the commonality of the European Union, its history and diversity, to support European citizenship, and to improve the conditions for civil and democratic participation in the European Union.

According to the program scheme of Radio Kotor, the show Multikultura, dedicated to national minorities, is realized as part of the winter program scheme, once a month (premiere + repeat show), which means that a total of 6 shows, lasting 30 minutes, are realized during the year, with the publication of the content of the show and on the website of Radio Kotor. The editors of the show Multikultura are Sanja Cavor and Jelena Kljajevic. "Multikultura" broadcasts realized in 2020:

- 1) The guest of the January edition of "Multikultura" Djordje Djoko Begu - long-time lyricist of the folklore ensemble "Lindjo" and member of the "Maestral" group (the

show was realized on January 25, 2020). The editor of this edition of the show was Sanja Cavor.

- 2) The guest of the show "Multikultura" on February 29 was the president of the Croatian civic society of Montenegro, Rafaela Pina Lazarevic. The February edition of the show was prepared by Jelena Kljajevic.
- 3) The guest of the September edition of the show "Multikultura" was the president of the Croatian cultural association "Stadjuni od kulture", professor of klapa singing Nada Griner Baldic. The show talked about the "Voice of Boka" entertainment song festival, which took place again in our city after a long time, in front of the "Dojmi" tavern. The editor of this edition of the show was Sanja Cavor (the show was realized on September 26, 2020).
- 4) The President of the Croatian society of fine artists of Istria, Milan Marin, and the Secretary of the association of Montenegrins of Croatia and the community of Montenegrins of the Istrian county, Ljubo Radovic, were guests of the "Multikultura" show on October 31. Let us remind you that an exhibition of fourteen artists - members of the HDLU of Istria called "Don't be afraid" was previously presented in Kotor. The October edition of the show was edited by Jelena Kljajevic.
- 5) The guest of the November edition of the show "Multikultura" was the leader of the project "Youth Drive" Lucija Kvesic from the non-governmental association "Eko ZH" (Siroki Brijeg). The project was presented at the "Cattaro" hotel in the Old Town, and the goal was to improve the management and energy efficiency of local water systems, as well as waste water and solid waste management systems, through the joint activities of the partners. This edition of the show was prepared by Sanja Cavor (the show was realized on November 28, 2020).
- 6) The guest of the show "Multikultura" on December 27 from 08:30 p.m. was the director of the Centre for the preservation and development of culture of minorities (CEKUM) based in Podgorica, Salko Luboder. The December edition of the show was prepared by Jelena Kljajevic.

During 2020, 3 Multikultura broadcasts (March, April and May editions) were not realized, since in that period, due to the outbreak of the corona virus epidemic, the Temporary program scheme of Radio Kotor was applied, due to specific and new, unexplored and uncertain circumstances that occurred world and in which life took place according to the rules of some completely new reality.

Other broadcasts and program content realized in 2021 dedicated to national minorities in Montenegro

1. The guests of Radio Kotor's "Sunday Talk" show were the chief editor of the "Boka Kotorska" magazine, Martina Saulacic Lompar, and editorial board member Andro Saulacic. We covered topics about culture, customs, history, legends and personalities living in our city. We particularly focused on the text about the *quintana*, a medieval knight's game that took place in Kotor in the past. (The broadcast date of the show is January 17, 2021).
2. On the World Theatre Day, 27 March 2021, in the Cultural centre "Josip Markovic" in Donja Lastva (Tivat), the Amateur theatre of the Croatian national council initiated and

enabled the installation of painted panels (author Dijana Milosevic), which depicted the island of Our Lady of the foliage and the Church of Saint Roko (Donja Lastva), symbolize the traditional elements of the culture of the Croats of this area. Along with new stage elements, the Amateur theatre of the Croatian national council also organized a joint viewing of performances by amateur theatres from the countries of the region. The radiokotor.info website has published links to access the performances.

3. On the website of the Radio Kotor, as well as in the program, on June 16, 2021, a statement from the Croatian national council of Montenegro was published stating that Zvonimir Dekovic was re-elected as a president.
4. On the occasion of the International Roma Day on April 8, the guest of our program was Samir Jaha from the Herzegovinian NGO "Young Roma people", with the aim of celebrating and pointing out the importance of Roma culture, history and language. (The guest appearance was arranged as part of the morning magazine "City" on April 8, 2021).
5. On the radiokotor.info website and in the program, an exhibition in the collage technique, cultural and educational project "Paths of the Croats from Boka", was announced, which opened on July 16, 2021 in Porto Montenegro in Tivat, while it was exhibited in Zagreb in the fall. This is the continuation of a long-standing project that unites two countries and two nations, and at the same time works to preserve the rich cultural heritage of the Croats from Boka, according to the announcement of this exhibition. The exhibition "Along the roads of Croats from Boka" was opened on July 17, 2021.
6. "Music at dawn" in Upper Lastva, July 31, organized by KZU "Napredak" - concert announced via the Radio Kotor website on July 28, 2021.
7. "Homage to Dante" in Prcanj from the perspective of Dr. Antun Sbutega, held on July 28, 2021. The partners of the program in Prcanj were the Embassy of the Republic of Italy in Montenegro and the Italian institute for culture in Belgrade. (Following the program of KotorArt).
8. Jazz concert in Upper Lastva - announcement of KZU "Napredak" Upper Lastva, announced on the website of Radio Kotor on August 14, 2021.
9. "Stories from Prcanj" - permanently preserved memories of Zeljko Brguljan's youth from Boka - book promotion held on August 26, 2021.
10. The monograph "Under the patronage of Saint Nicholas and Saint Blaise: Maritime law in Kotor and Dubrovnik according to the provisions of their statutes" was presented on August 27, 2021, on the website of the Radio Kotor.
11. Through the website and program of the Radio Kotor on September 01, 2021 the presentation of the monograph "Lectionary and Pontificate of the Kotor Diocese from 1166, authored by Lenka Blehova Celebic was announced.
12. Promotion of the monograph "The coat of arms of Boka Kotorska", by Leonid Kampe, held at the Maritime museum of Montenegro on September 2, 2021. The monograph covered the entire heraldic heritage of Boka Kotor bay and Budva, from the creation of the first family coats of arms in the 13th and 14th centuries, to the last coats of arms created in the 19th century.

13. The exhibition of Slovenian design "The Future of Living" was opened on September 11, 2021 - the organizers are the Embassy of Slovenia in Podgorica, the Association for responsible and sustainable development of the Municipality of Kotor and the Municipal public institution "Museums" Kotor. It was published on the website and in the program of the Radio Kotor.
14. Invitation to enroll in the Amateur theatre of HNV, published on the website and in the program of the Radio Kotor on September 20, 2021.
15. Promotion of two anthologies of contemporary Montenegrin and Croatian poetry, HNV announcement. The promotion was held in Donja Lastva in the Croatian library "Ljudevit Gaj" in the "Josip Markovic" Cultural centre. The announcement of the promotion was published on website and in the program of the Radio Kotor on September 23, 2021.
16. Announcement of the promotion of the art monograph of Vesna Sojat, a painter from Boka, organised by the National museum of modern art on September 27, 2021 in the palace of Matica Hrvatska in Zagreb. Published on the website and in the Radio Kotor program on September 24, 2021.
17. The exhibition Lion of St. Mark is a symbol of serenissima on Krk, held as part of the event "Story in the galley Cristo Ressussitato", as part of the program of international cultural cooperation that has been jointly implemented by the cities of Krk (Cultural centre of the city of Krk) and the Maritime museum of Montenegro in Kotor for ten years. The exhibition is open from 8 to 22 October 2021 in the Decumanus Gallery on Krk, and it was announced and accompanied by a report from the organizers through the website and program of Radio Kotor.
18. In the Maritime museum of Montenegro in Kotor, on October 18, 2021, the photo exhibition "To show a miracle from the sky to the earth - Italy in the eyes of Mark Kors" was opened on the occasion of the XXI edition of the "Week of the Italian language in the world", which in 2021 was dedicated to Dante Alighieri, and organized by the Embassy of the Republic of Italy in Podgorica and the Community of Italians in Montenegro. It was announced and accompanied by the website and program of Radio Kotor.
19. The third issue of the newspaper "Boka Kotorska" - the newsletter of the Croatians of Boka Kotorska, was presented on the website of the Radio Kotor on October 22, 2021. The publisher is the Centre for European languages "Lingua" - Kotor and NU "Boka Kotorska".
20. Via the Radio Kotor website on November 04, 2021, the exhibition "Croatians from Boka" was announced as part of the "Paths of Croatians from Boka" project, which was opened from November 04 to November 14, 2021 in the "Klovicevi dvori" gallery in Zagreb.
21. HNV announced its support for the Croatian library "Ljudevit Gaj" in Tivat's Lower Lastva, as well as announced the presentation of the book "Stories from Flight" by author Zeljko Brguljan, on November 8 at Matica Hrvatska in Zagreb.
22. During 2021, all printed papers of Hrvatski glasnik, the newsletter of the Croatians of Montenegro, were presented.

Radio DUX is the only electronic media in the Croatian language in Montenegro. Radio Dux was founded by the Croatian national community for the purpose of preservation of the language and culture as identity mark stones of the Croatian people in the Bay of Kotor and Montenegro.

The local public broadcaster Radio Television Rožaje provides public services with certain programs and shows in the Albanian language according to the established plan and program, namely:

- According to the established scheme and program, an informative program in the Albanian language is broadcast every weekday on radio and television.
- Twice a month, a show entitled "30 minutes through Albanian streets" is shown.
- Also, Albanian music is broadcast on TV every day before and after noon for 30 minutes each.

The local public broadcaster Radio Tivat, as part of its program, broadcasts programs dedicated to members of the Roma and Egyptian population "Trag duse - Drom ko ilo" on a monthly basis. The journalist of this institution, whose founder is the Municipality of Tivat, attended a one-day seminar on more sensitive reporting on the Roma and Egyptian population in the fight against anti-gypsyism.

The Radio Gusinje from the very beginning there is a program in the Albanian language. The program in Albanian language is broadcasted every day for two hours. Within that time are aired emissions of informative, sports, cultural and music character.

The program of TV Teuta is broadcasted 80% in the Albanian language and 20% in the Montenegrin language. The main character of its program is the protection of national and linguistic specificities of the national Albanian community, which allows citizens to be informed in their own language. TV Teuta with its activities was the partner and associate of many government and NGO organizations and institutions, and it is important to mention that TV Teuta is constant media sponsor of many events in Ulcinj and the neighbourhood.

Radio Voice of Plav started in 1998, and the program in the Albanian language is broadcasts on Monday, Wednesday and Friday. The emissions are of different character: historical, entertainment, shows the preservation of culture of minority nations.

TV BOIN is the only television in the Municipality of Tuzi. The mission and goals of the television are informing the citizens of the Albanian population in Montenegro on all spheres of socio-political life in Montenegro. Boin television broadcasting begins at 9 am with the morning program continuing with various educational and information programs to midnight. TV Boin is media that broadcasts its entire program in the Albanian language, so it is predominantly oriented towards the auditorium using the Albanian language. The municipality of Tuzi has allocated a special fund for this television, considering its importance for this municipality.



Radio Herceg Novi has been broadcasting a program dedicated to the position of the RE population for more than a decade. The show is on the program twice a month. The content is dedicated to current events, problems related to the Roma and Egyptian population, in addition to the above show, it is always discussed in central news shows. The shows talk about the position of the Roma and Egyptian population in Montenegro, but also in Herceg Novi. Topics are dedicated to education, housing, culture, employment, health and social status. During the ten years of its existence, on two occasions with interruptions, the show was hosted by a member of the Roma population.

Romanet is the first Roma portal in Montenegro, which was launched by educated Roma men and women with the aim of providing objective and accurate information about everyday events in the country and the world, about the most important topics with a special focus on the sphere of life of the Roma community. Romanet was launched in November 2017 under the name Romalitika. In September 2019, it was redesigned and renamed to the new name Romanet. The founder of the portal is the Roma youth organization "Koračajte sa nama - Phiren Amenca" headed by the first Roma TV editor and presenter in Montenegro, the author of the show "In the Labyrinth". In addition to the Montenegrin language, the editorial staff of the Romanet portal publishes content in the Romani language. In addition to everyday topics, Romanet also promotes positive examples from the Roma community with the aim of influencing the suppression of prejudices and stereotypes about this community.

As part of informing members of minority nations and other minority national communities through print media in Montenegro, the Council of Muslims publishes the magazine "Voice of Mrkojevici", the Council published the magazine "Review of Muslims of Montenegro". Also, the Council is a sponsor of the publications of Zvezdan Folic's book "History of Muslims of Montenegro", Senad Karadjuzovic's book "Bullet from the cherry pit"; translation from German of the book entitled "Ahmed Javid Pasha about Albania and Montenegro", the book "Economy in Islam" and similar.

Based on Article 82 paragraph 1 point 3 of the Constitution of Montenegro and Article 3 paragraph 2 of the Law on Media, the Parliament of Montenegro in its seventh session of the second regular (autumn) session, on December 27, 2014, passed the Decision on publishing and financing a public newspaper, a weekly newspaper in the Albanian language, "Koha Javore". The annual budget of the weekly newspaper "Koha Javore" is 100,000 euros.

From 2018 to 2022, the weekly newspaper was published regularly, and in 2018, 50 editions were published, in 2019 47 editions, in 2020 49 editions, as well as in 2021.

In order to preserve and improve cultural identity, as one of the most important rights of minorities, the Ministry of Human and Minority Rights during the reporting period continued to publish regulations as well as other literature concerning minority peoples and other minority national communities in minority languages. *The Law on amendments to the Law on minority rights and freedoms as well as the Law on the selection, use and public display of national symbols* have been translated into the Albanian language.

## ARTICLE 10

*1. The Parties undertake to recognise that every person belonging to a national minority has the right to use freely and without interference his or her minority language, in private and in public, orally and in writing.*

*2. In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if those persons so request and where such a request corresponds to a real need, the Parties shall endeavour to ensure, as far as possible, the conditions which would make it possible to use the minority language in relations between those persons and the administrative authorities.*

*3. The Parties undertake to guarantee the right of every person belonging to a national minority to be informed promptly, in a language which he or she understands, of the reasons for his or her arrest, and of the nature and cause of any accusation against him or her, and to defend himself or herself in this language, if necessary with the free assistance of an interpreter.*

Article 13 of the Constitution stipulates that the official language in Montenegro is Montenegrin, and languages in official use are Serbian, Bosnian, Croatian and Albanian. Cyrillic and Latin alphabet are equal.

Special minority rights by Article 79 of the Constitution of Montenegro, guarantee rights and freedoms that can be used individually and in community with others and concern, among other things, the use of one's own language and script in private, public and official use; to education in their own language and script in state institutions and that the curriculum includes the history and culture of members of minority nations and other minority national communities; that in areas with significant participation in the population, local self-government organizations, state and judicial bodies conduct proceedings in the language of minority nations and other minority national communities; to write their own name and surname in their own language and script in official documents; that in areas with a considerable participation in the population, traditional local names, names of streets and settlements, as well as topographical signs should be written in the language of minority nations and other minority national communities; and to be informed in their own language.

A number of procedural laws, as well as a special law on minority rights and freedoms, regulate the way to exercise this right.

The Law on minority rights and freedoms, in Article 10, stipulates that members of minority nations and other minority national communities have the right to freely choose and use their children's personal and family names, as well as the right to enter their names in registers and personal documents on their language and script. Furthermore, Article 11 states that members of minority nations and other minority national communities have the right to use their own language and script. In local self-government units where members of minority nations and other minority national communities make up the majority or at least 5% of the population, according to the results of the last two consecutive censuses, the language of those minority nations and other minority national communities is also in official use. The official use of language is particularly understood to mean the use of language in administrative and judicial proceedings and the conduct of administrative and judicial proceedings, when issuing public documents and keeping official records, on ballots and other election materials and in the work of representative bodies. Additionally, in local self-government territories, where members of minority nations and other minority national communities make up the majority or at least 5% of the population according to the results of the last two consecutive censuses, the names of the authorities that exercise public authority, the name of the local self-government unit, the name of populated areas, squares and streets, institutions, business and other companies and toponyms are written in the language and script of minority nations and other minority national communities.

Pursuant to its contractual obligations, Montenegro created the conditions for the implementation of the obligations established by the framework convention by adopting and improving the existing laws.

When it comes to procedural laws, there are a number of provisions on the right to use the language, that is, the language in official use. In this sense, it is necessary to mention the Code of criminal procedure, the Law on civil procedure and the Law on administrative procedure, which contain a number of provisions and procedural guarantees related to the use of language in the procedure.

The Code of criminal procedure<sup>85</sup>, in Article 7, stipulates that in courts having jurisdiction over the territory in which members of minority nations and other minority national communities constitute a substantial part of inhabitants, their respective language is in the official use in criminal proceedings in accordance with law, in addition to official Montenegrin language. Although the criminal proceedings are conducted in the Montenegrin language, parties, witnesses and other people participating in the proceedings have the right to use their own language or a language they understand. If the proceedings are not conducted in the language of one of those people, a translation of statements, documents and other written evidence will be provided. The aforementioned people, who can waive this right if they know the language in which the proceedings are conducted, will be instructed about the right to translation, and it

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<sup>85</sup> "Official Gazette of Montenegro", no. 057/09 of 18.08.2009, 049/10 of 13.08.2010, 047/14 of 07.11.2014, 002/15 of 16.01.2015, 035/15 of 07.07.2015, 058/15 of 09.10.2015, 028/18 of 27.04.2018 , available at <https://wapi.gov.me/download-preview/a1a42830-9a42-45d4-b519-64bc53300bd5?version=1.0>

will be noted in the minutes that the instruction was given and the statement of the participants in the proceedings. (Article 8)

Additionally, Article 9 states that lawsuits, appeals and other submissions are sent to the court in the Montenegrin language. A person deprived of liberty may refer in his own language or in a language he/she understands. If the language of the minority is also in official use in the court, the court will deliver written notices in that language to people who are members of that minority and who used that language in the proceedings. A translation of the lawsuit, appeal and other submissions, as well as summons, decisions and other documents in the language used in the proceedings, will be delivered to the defendant who is in custody, serving a sentence or in a health institution where a security measure is being implemented.

In Article 10 of the said Law, it is stipulated that if the document is written in the language of the minority, and is addressed to a court where that language is not official, a translation in the Montenegrin language will be attached.

The Law on civil proceeding<sup>86</sup>, in Article 7, states that civil proceedings are conducted in the language that is in official use in court, and parties and other participants in the proceedings who do not understand or do not speak the language in official use have the right to use in their own language or in a language they understand. In accordance with Article 99 of the said law, the court is obliged, if the proceedings are not conducted in the language of the party or other participants in the proceedings, at their request, to ensure the translation into their language or a language they understand, of all submissions and written evidence, as well as that which is presented at the hearing. Paragraph 3 of the same article states the obligation of legal instruction on the right to follow the oral proceedings before the court in one's own language through an interpreter. A record of the given instruction is made in the minutes. The translation is done by an interpreter. Translation costs arising from the application of this Code on the right of parties, witnesses and other people participating in the proceedings to use their own language will be covered by the court.

Article 100 stipulates the obligation that if the official duty of the court is one of the languages of the national minorities, the court will deliver court documents in that language to those parties and participants in the proceedings who are members of that national minority and use that language in the proceedings. Also, the parties and other participants in the proceedings may submit their submissions in the language of national minorities that is not in official use in the court, if this is in accordance with the law. The costs of translation into the language of national minorities, which arise from the application of the provisions of the Constitution and this law on the right of members of national minorities to use their own language, are borne by the courts. Article 241 of the said Law states that a witness who does not know the language in which the proceedings are conducted will be heard through an interpreter.

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<sup>86</sup> Official Gazette of the Republic of Montenegro, 022/04 as of 02/04/2004, 028/05 of 05.05.2005, 076/06 of 12.12.2006, Official Gazette of Montenegro ", no. 073/10 of 10.12.2010, 047/15 of 18.08.2015, 048/15 of 21.08.2015, 051/17 of 03.08.2017, 075/17 of 09.11.2017, available at <https://wapi.gov.me/download-preview/9c88f87f-7afd-4131-9d79-8a34ba8e60eb?version=1.0>

The Law on administrative procedure<sup>87</sup>, in Article 9, stipulates that if a party, i.e. another participant in an administrative procedure does not understand the Montenegrin language, the public legal authority is obliged to ensure in the administrative procedure that the course of the procedure is translated into their language or a language that they understand, as well as the delivery of the summons and other literates in their language and alphabet.

The Criminal Code of Montenegro<sup>88</sup> prescribes a violation of the use of language and alphabet. Namely, in Article 158, it is stated that anyone who, in breach of the regulations governing the use of language and alphabet of peoples or members of nations and other members of minority national communities living in Montenegro denies or restricts to citizens the use of their mother tongue or alphabet when exercising their rights or addressing authorities or organizations, shall be sentenced to a fine or imprisonment not exceeding one year.

In accordance with the Rules of Procedure of the Parliament of Montenegro<sup>89</sup>, an MP whose language is not an official language in Montenegro is entitled to, at the sessions of the Parliament, speak in his/her own language, provided that, if he/she wishes to exercise that right, notifies the Secretary General of the Parliament in timely manner, so to enable the provision of a translation into the official language.

When talking about the local level, municipalities are obliged to provide conditions for the protection and promotion of minority rights in accordance with the Constitution, the law and confirmed contracts, according to the Law on the Local Self-Government (Article 11).<sup>90</sup> Article 168 of the same law stipulates that the program of public hearings in municipalities where the majority or a considerable part of the population is made up of representatives of minority nations and other minority national communities includes a method of ensuring the participation of minority nations and other minority national communities in their language. In Article 95, it is forbidden for local officials or state employees to discriminate in the performance of their duties, among other things, on the basis of language.

The Assembly of the Capital City - Podgorica, at the session held on February 18, 2019, adopted the Statute of the Capital City<sup>91</sup>, which, in Article 47, prescribes that a councilor whose language is not the official language in Montenegro has the right to speak in his own language

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<sup>87</sup> The Law on administrative procedure ("Official Gazette of Montenegro ", no. 056/14 of 24.12.2014, 020/15 of 24.04.2015, 040/16 of 30.06.2016, 037/17 of 14.06.2017), available at <https://www.gov.me/dokumenta/a1a122ef-013c-4b53-9ffc-0718d16b4d99>

<sup>88</sup> Criminal Code of Montenegro (Official Gazette of Montenegro, 040/08 as of 27/06/2008, 025/10 as of 05/05/2010, 073/10 as of 10/12/2010, 032/11 as of 01/07/2011, 064/11 as of 29/12/2011, 040/13 as of 13/08/2013, 056/13 as of 06/12/2013, 014/15 as of 26/03/2015, 042/15 as of 29/07/2015, 058/15 as of 09/10/2015, 044/17 as of 06/07/2017, 049/18 as of 17/07/2018, 003/20 as of 23/01/2020, available at <https://crnvo.me/wp-content/uploads/2021/02/Krivicni-zakonik-Crne-Gore.doc.pdf>

<sup>89</sup> The Rules of the Procedure of the Parliament of Montenegro, available at <https://www.skupstina.me/me/poslovnik-o-radu>

<sup>90</sup> Law on the Local Self-Government, (Official Gazette of Montenegro 2/2018, 34/2019 and 38/2020), available at <https://wapi.gov.me/download-preview/7aff6d9b-94e0-4552-b3e5-654375b945ab?version=1.0>

<sup>91</sup> Statute of the Capital City, available at <http://skupstina.podgorica.me/statut/>

at the Assembly session, but that he must first inform the secretary of the Assembly in order to ensure the translation. Article 163 of the Statute states that petitions, motions and civil appeals can be filed, among other things, in the event that the Capital City does not provide protection of minority rights and freedoms.

In Ulcinj, where the majority of the population is Albanian, the Statute of the Municipality of Ulcinj adopted on October 28, 2019, in Article 10 states that the Montenegrin and Albanian languages and scripts are in equal official use. Furthermore, in Article 11, it is prescribed that municipal bodies, local government bodies, public institutions and companies founded by the municipality of Ulcinj are obliged to ensure the use of the language and script from the previous article in administrative and judicial proceedings, when issuing public documents and keeping official records, all acts related to electoral law, expression, preservation, nurturing and development and public manifestation of national, ethnic, cultural and religious distinctiveness in accordance with the Law. The names of authorities that exercise public powers, the name of the municipality, the name of populated areas, squares, streets, institutions, business and other firms and toponyms of places are written in the language and script referred to in Article 10 of this Statute. Equality of the Montenegrin and Albanian languages and alphabets in public life is ensured in the proceedings before public institutions, schools, companies and all entities that exercise public powers and in all contents of public life (citizen assemblies, gatherings, proclamations, etc.). Article 9 stipulates that the seal of the municipal body and local self-government body shall contain the name of the body and shall be written in the official and Albanian language.

In the Ulcinj Municipality Assembly, in accordance with the Statute as of 19 October 2018<sup>92</sup>, councillors belonging to national minorities are provided with the use of their own language and alphabets in accordance with the law.

Draft acts are submitted for public discussion in the Montenegrin and Albanian languages and in writing, and the discussion is conducted in both languages. General acts passed by municipal authorities are published in both languages. In the local administration bodies of the Municipality of Ulcinj, bilingual forms of invoices for services of public companies, forms for tax returns, requests, extracts from the marriage register, etc. are available.

The official website of the Municipality of Ulcinj is available in Albanian, Montenegrin and English languages.

According to data from the last population census from 2011 for the municipality, there are at least two minority groups whose representation is greater than 5%, Albanians and Bosniaks. Despite this data, taking into account the census from 2003, according to the Statute of the Municipality of Bar<sup>93</sup> from October 9, 2018, there are no articles related to the use of language in any sense. According to data from this municipality, the use of the Albanian language in the Municipality of Bar is traditionally present.

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<sup>92</sup> Statute of the Municipality of Ulcinj, available at: <http://www.ul-gov.me/Opstina-Ulcinj/5091/Statut-Opstine.shtml>

<sup>93</sup> Statute of the Municipality of Bar, available at: <https://bar.me/statut-opstine-bar/>

The official use of the languages of minority nations and other minority national communities in the Municipality of Bar is carried out specifically through the following areas:

- Administrative procedures
- Issuing public documents and keeping official records is done (bilingually) in the Albanian language. When issuing official documents, the personal name and surname are entered in the applicant's language. For local communities where the majority of the population are minorities, election material is printed and distributed also in the minority language (Albanian). The names of authorities that exercise public powers, the name of the local self-government unit, the names of populated places, squares and streets, institutions, business and other companies and toponyms are also written in the language and alphabet of minority nations and other minority national communities.
- Judicial proceeding
- In the conduct of judicial proceedings, the institute of translators must be used when a party to the proceedings declares that he does not understand the official language.

In March 2019, Tuzi was declared an independent full-fledged municipality. In accordance with the Statute of the Municipality of Tuzi from June 2019<sup>94</sup>, in the Municipality of Tuzi, in addition to the use of the official Montenegrin language and alphabet, the Albanian and Bosnian languages and alphabets are in official use. The bodies of local government, public institutions and companies founded by the Municipality of Tuzi are obliged to ensure the use of language and alphabet in the administrative procedure, when issuing public documents and keeping official records, of all acts related to electoral law, expression, preservation, nurturing and development and public expression of national, ethnic, cultural and religious distinctiveness in accordance with the law. Draft acts are submitted for public discussion in the official language and languages in official use, and discussions are conducted in those languages. General acts passed by the authorities of the Municipality of Tuzi are written and published in the official language and languages in official use. An interpreter is provided at the sessions of the Municipal Assembly and each councillor chooses at his own will in which language he will speak and in which language he will receive materials for the sessions.

An official website of the municipality has been established, which transmits all information in both languages - Albanian and Montenegrin.

In the Municipal Assembly, a councillor, a member of a minority nation or other minority national community is provided with the use of their own language and alphabet. The member of the Plav Municipal Assembly is allowed to address the Assembly and the public in his native language, and the Assembly has the obligation to provide a translation if the participant requests it with prior notice.

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<sup>94</sup> Statute of the Municipality of Tuzi, available at: <https://tuzi.org.me/cg/dokumenti/opština>



The Statute of the municipality of Plav<sup>95</sup> stipulates that in addition to the use of the official language and alphabet, Bosnian, Albanian and Serbian languages and alphabets are also in official use.

According to the statute, in the local government bodies and public services founded by the municipality, the conditions for the use of languages and alphabets will be provided in accordance with the possibilities.

Local administration bodies and public institutions and companies founded by the Municipality are obliged to ensure the use of the Bosnian, Albanian and Serbian languages and alphabets in the administrative procedure, when issuing public documents and keeping official records, of all acts related to electoral law, expression, storage, nurturing and developing and public expression of national, ethnic, cultural and religious distinctiveness in accordance with the law and the possibilities of the municipality.

It is foreseen, by law and statute, that the name of the municipality, the name of inhabited places, squares, streets, public institutions and toponyms of places are also written in the languages in use.

In the implementation, in the territory of the Plav municipality, the names of local self-government bodies that exercise public powers and the name of the local self-government unit are written in the official and Albanian language, while the names of inhabited places, squares and streets, state institutions, business and other companies and toponyms are not all written in the Albanian language and alphabet, as well as in the Cyrillic script in the Serbian language, primarily due to the lack of financial resources, but also due to the fact that members of minority nations and other minority national communities who live in settlements that are almost ethnically or nationally homogeneous do not want and often do not allow that the names of those settlements are written in a language and alphabet that is not their own.

According to data from the last census from 2011 in the Municipality of Rožaje, over 5% of the representation are members of the Albanian nation living in this municipality. In the Statute of the Municipality of Rožaje from October 25, 2018<sup>96</sup>, there are no articles regarding the use of language, despite the fact that over 5% of the Albanian population is represented in this municipality.

According to data from this municipality, the official use of languages of minority nations and other minority national communities in the Municipality of Rožaje is carried out through the following areas:

- In the administrative procedure, members of the Albanian minority are allowed to follow the course of the administrative procedure through an interpreter and, if they wish, they can receive a copy of the decision or conclusion in the Albanian language.

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<sup>95</sup> Statute of the Municipality of Plav, available at <https://www.plav.me/tacka-custom/dokumenta/statut-opstine-plav.pdf>

<sup>96</sup> Statute of the Municipality of Rožaje, available at: <https://www.rozaje.me/wp-content/uploads/2019/10/Statut-opstine-Rozaje.pdf>

- Given the importance of using language in the sphere of personal documentation, the legal solutions offered by the Law on Identity Cards, the Law on Travel Documents and the Law on national registers of citizens are very important
- Issuance of official documents (registration in one's own language and alphabet).
- For local communities where the majority of the population is a minority, election materials are printed and distributed also in the minority language (Albanian).
- The legal possibility has been given that the names of authorities exercising public powers, the name of the local self-government unit, the name of inhabited places, squares and streets, institutions, business and other companies and toponyms are also written in the language and alphabet of minority nations and other minority national communities.

In the Municipality of Tivat, members of the Croatian minority represent over 5%, according to data from the last two population censuses. In the Statute of this municipality, there are no articles concerning the use of language. According to the information of the Croatian National Council, it is added in the legal provision that the Croatian language is the language in official use in Montenegro, and the fact that members of the Croatian people in Montenegro understand and use Montenegrin and other regional languages in official use, makes the request for an interpreter meaningless.

The Statute of the Municipality of Gusinje<sup>97</sup> dated December 28, 2018 stipulates that in addition to the use of the official language and alphabet, the Bosnian and Albanian languages and alphabets are also in official use. In the Municipal Assembly, councillors belonging to national minorities are provided with the use of their own language and alphabet in accordance with this Statute and the Law.

Local administration bodies and public institutions and companies founded by the Municipality are obliged to ensure the use of language and alphabets in the administrative procedure, when issuing public documents and keeping official records, of all acts related to electoral law, expression, preservation, nurturing and development and public manifestation of national, ethnic, cultural and religious distinctiveness in accordance with the Law.

The name of the municipality, the name of inhabited places, squares, streets, public services and toponyms are written in both languages. Draft acts are submitted for public discussion in the official language, Bosnian and Albanian languages and alphabets. The debate on acts is conducted in those languages.

General acts adopted by municipal authorities are written and published in the official, Bosnian and Albanian languages.

According to the Constitution, everyone has the right to personal freedom, and deprivation of freedom is allowed only for reasons and in a procedure prescribed by law. Article 29 of the Constitution stipulates that a person deprived of liberty must be immediately informed in his

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<sup>97</sup> Statute of the Municipality of Gusinje, available at <https://www.opstinagusinje.me/statut-zastava-i-grb/statut-opstine-gusinje-novi-28-12-2018/>

own language or in a language he understands about the reasons for the deprivation of liberty. At the same time, it must be known that he is not obliged to declare anything. At his request, the authority is obliged to immediately notify the person who has been deprived of his liberty of the deprivation of liberty. A person deprived of liberty has the right to be attended by a defence attorney of his choice. Additionally, as previously pointed out, according to the Criminal Procedure Law, a person deprived of liberty can refer in his own language or in a language he understands. If the language of the minority is also in official use in the court, the court will deliver in that language to persons who are members of that minority, and who used that language in the proceedings. A translation of the lawsuit, appeal and other submissions, as well as summons, decisions and other documents in the language used in the proceedings will be delivered to the defendant who is in custody, serving a sentence or in a health facility where security measures are being implemented.

## ARTICLE 11

*1. Member states undertake to recognize the right of every member of a national minority to use their surname and first name (patronym) in the language of the minority and the right to their official recognition according to the modalities established in their legal system.*

*2. Member states undertake to recognize the right of every member of a national minority to display signs, inscriptions and other information of a private nature written in his or her minority language in places visible to the public.*

*3. In areas traditionally inhabited by a significant number of persons belonging to a national minority, member states shall endeavour, within the framework of their legal systems, including, where appropriate, treaties with other states and taking into account their special conditions, that traditional local names, street names and other topographic marks intended for the public shall also be highlighted in the language of the minority, when there is a sufficient demand for such marks.*

In Article 79 of the Constitution, members of minority nations and other minority national communities are guaranteed the right to write their own name and surname in their own language and alphabet in official documents.

The Law on Minority Rights and Freedoms, in Article 10, stipulates that members of minority nations and other minority national communities have the right on free choice and use of their personal and family names and of names of their children, as well as the right to enter those names in public registers and personal documents in their own language and alphabet.

The Law on personal name<sup>98</sup> in Article 5, paragraph 2, clearly states that Montenegrin citizen may enter the personal name in the civil registers in one of the official languages (Serbian, Bosnian, Albanian and Croatian).

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<sup>98</sup>Law on personal name (Official Gazette of Montenegro 047/08 as of 07/08/2008, 040/11 as of 08/08/2011, 055/16 as of 17/08/2016)

According to the Law on Identity Cards <sup>99</sup>, it is prescribed that the request is submitted on a prescribed form that contains the following information: surname, first name, parent's name, gender, day, month and year of birth, place, municipality and country of birth, citizenship, unique identity number, unique parents' registration numbers, if they are specified, place of residence and address of the apartment, signature and indication of the language and alphabet in which the data will be entered in the form of the identity card.

Article 7 prescribes that the form of the identity card is printed in Montenegrin and English and filled in in Montenegrin. For citizens who use the Serbian, Bosnian, Albanian or Croatian languages in official use, the contents of the ID card form and other provided data are also entered in those languages, except for the first and last name, which are entered in the language and alphabet of the applicant, if he so requests.

According to this law, in all organizational units in the room where a citizen submits an application for the issuance of an ID card, in a visible place within the counter service, the Ministry is obliged to display a notice about the citizen's right to have his name and surname in the content of the ID card form entered in the language and the alphabet it requires. In the event that a citizen requests the entry of the surname and first name in the form of the identity card in a language and alphabet, on the day of the issuance of the identity card, the entry of the surname and first name in that language and script will be carried out ex officio in the registry of births (Article 12).

The Law on Travel Documents <sup>100</sup>, Article 15, stipulates that forms for travel documents are printed in the Montenegrin language, in Latin script, as well as in English and French languages, and are fulfilled in the Montenegrin language, in Latin script. For members of a minority nation or other minority national community, the surname and the name in the travel document form, at the request of the applicant, shall be entered in the language and script of the minority to which it belongs, in accordance with the Constitution, special law or international treaties and standards

At the request of the applicant, the surname and the name shall be entered in the Cyrillic alphabet. In the above cases, the Ministry will ex officio enter the personal name of the applicant in the language and alphabet he has filed in the application and in the birth register.

Additional right to use regional and minority languages in private and public life as an inalienable right that is in accordance with the principles of the International Covenant on Civil and Political Rights and in accordance with the spirit of the European Convention on the Protection of Human Rights and Fundamental Freedoms of the Council of Europe.

For Montenegrin citizens who use the Montenegrin, Serbian, Bosnian, Albanian or Croatian languages in official use, the data in the identity card is also entered in one of those languages,

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<sup>99</sup> Law on Identity Cards (Official Gazette of Montenegro [12/2007](#), [73/2010](#), [28/2011](#), [50/2012](#), [10/2014](#) i [18/2019](#))

<sup>100</sup> Law on travel documents (Official Gazette of Montenegro 21/2008, 25/2008, 40/2011 – another law, 39/2013 i 54/2016.)

and the name and surname are entered only in the applicant's language, below are the statistics that refers to the use of this right for the period from 2018 to 2021.

Year	Document	Language	Number of documents
<b>2018</b>	ID card	Albanian	<b>1173</b>
	ID card	Bosnian	<b>386</b>
	ID card	Montenegrin-Latin	<b>80339</b>
	ID card	Montenegrin-Cyrillic	<b>962</b>
	ID card	Croatian	<b>127</b>
	ID card	Serbian	<b>3131</b>
	Passport	Albanian	<b>1481</b>
	Passport	Bosnian	<b>424</b>
	Passport	Montenegrin-Latin	<b>72284</b>
	Passport	Montenegrin-Cyrillic	<b>525</b>
	Passport	Croatian	<b>117</b>
	Passport	Serbian	<b>1784</b>
<b>2019</b>	ID card	Albanian	<b>1596</b>
	ID card	Bosnian	<b>305</b>
	ID card	Montenegrin-Latin	<b>87157</b>
	ID card	Montenegrin-Cyrillic	<b>1148</b>
	ID card	Croatian	<b>142</b>
	ID card	Serbian	<b>3778</b>
	Passport	Albanian	<b>2001</b>
	Passport	Bosnian	<b>457</b>
	Passport	Montenegrin-Latin	<b>80723</b>
	Passport	Montenegrin-Cyrillic	<b>557</b>
	Passport	Croatian	<b>133</b>
	Passport	Serbian	<b>2134</b>
<b>2020</b>	ID card	Albanian	<b>872</b>
	ID card	Bosnian	<b>148</b>
	ID card	Montenegrin-Latin	<b>72942</b>
	ID card	Montenegrin-Cyrillic	<b>1009</b>
	ID card	Croatian	<b>75</b>
	ID card	Serbian	<b>3261</b>
	Passport	Albanian	<b>922</b>
	Passport	Bosnian	<b>377</b>
	Passport	Montenegrin-Latin	<b>49804</b>
	Passport	Montenegrin-Cyrillic	<b>370</b>
	Passport	Croatian	<b>45</b>
	Passport	Serbian	<b>1440</b>

<b>2021</b>	ID card	Albanian	<b>938</b>
	ID card	Bosnian	<b>301</b>
	ID card	Montenegrin-Latin	<b>95842</b>
	ID card	Montenegrin-Cyrillic	<b>1529</b>
	ID card	Croatian	<b>59</b>
	ID card	Serbian	<b>6298</b>
	Passport	Albanian	<b>1144</b>
	Passport	Bosnian	<b>316</b>
	Passport	Montenegrin-Latin	<b>56755</b>
	Passport	Montenegrin-Cyrillic	<b>510</b>
	Passport	Croatian	<b>40</b>
	<b>Passport</b>	<b>Serbian</b>	<b>2075</b>

Based on Article 3 of the Law on Civil Registers<sup>101</sup>, civil registers are kept, and the certificates are issued in the Montenegrin language. Personal name of members of minority nations or other minority national communities shall be entered in the Civil Registers in his/her own language and script, in accordance with the law. Personal name of a foreigner shall be entered in the language of the applicant in the Latin alphabet. Personal name in the Civil Registers can be written only in one language and script. Exceptionally, the family name acquired during marriage shall be entered in the language of the person whose name is taken or joined, whereby new name must be written in one script. The data on place, the municipality and the state relating to the members of minority nations or other minority national communities shall be entered in the language and script of that minority nations or other minority communities, in accordance with the Law. Excerpts and certificates from civil registers for members of a minority nation or other minority national community shall be issued in the language and script of this minority nation or other minority national community, in accordance with the Law. For the purposes of implementing this norm, the extracts from the Register of Births, the Register of Deaths and the Certificate of Montenegrin Citizenship shall be issued at the request of the applicant on the following forms:

- Montenegrin language - Latin script;
- Serbian language - Cyrillic script;
- Bosnian language - Latin script (bilingual - writing in the Montenegrin language in the Latin script, as the official language, and writing in one of the languages in official use);
- Albanian language - Albanian script (bilingual);
- Croatian language - Latin script (bilingual).

The Law on Road Traffic Safety<sup>102</sup>, in Article 187 paragraph 5 and Article 272 paragraph 7, stipulates that driver's and traffic license forms are printed in the Montenegrin and English languages, and filled in in the Montenegrin language in the Latin alphabet, as well as that the

<sup>101</sup> Law on civil registers (Official Gazette of Montenegro 47/2008, 41/2010, 40/2011 – another law 55/2016) available at: <https://wapi.gov.me/download-preview/a7c7c5c8-4ed7-4880-aa57-d7c461b54ab9?version=1.0>

<sup>102</sup> <https://wapi.gov.me/download-preview/022a8ec6-b13e-44d2-8493-24e781bd94c3?version=1.0>

personal name of the Montenegrin the citizen's driver's license is entered in the language and alphabet in which it is entered in the register of births, the personal name of the foreigner in the language and alphabet in which it is entered in the register of foreigners granted temporary or permanent residence in Montenegro, and the personal name of the person who is Montenegro was granted international or temporary protection in the language and alphabet in which it was entered in the records of asylum seekers and foreigners under subsidiary or temporary protection.

Language	2018	2019	2020	2021
<b>Albanian</b>	547	564	379	485
<b>Bosnian</b>	84	96	40	69
<b>Montenegrin-Cyrillic</b>	400	424	412	469
<b>Croatian</b>	60	61	51	54
<b>Serbian</b>	1343	1510	1245	1682
<b>Total</b>	4452	4674	4147	4780

As previously pointed out, in the statutes of the municipalities of Tuzi, Ulcinj, Gusinje and Plav, the names of authorities exercising public powers, the name of the local self-government unit, the name of populated areas, squares and streets, institutions, business and other companies and toponyms are written in the language and alphabet of the minority nations and other minority national communities. Although within the framework of the statutes of the municipalities of Rožaje, Tivat and Bar, according to the provided information, they fulfil the obligation stipulated by the Law on Minority Rights and Freedoms. In this regard, according to the data of the Croatian National Council, the names of the spaces where non-governmental organizations, societies and library spaces operate, as well as the national Croatian National Council, are in the Croatian language, as is the plaque on the "Josip Marković" building in Donja Lastva with the name of this Council.

## ARTICLE 12

- 1. Member States will, where appropriate, undertake measures in the field of education and research with the aim of spreading knowledge about the culture, history, language and religion of their national minorities and majorities.*
- 2. In this regard, member states shall inter alia provide appropriate opportunities for teacher training and access to textbooks and facilitate contacts between students and teachers of different communities.*
- 3. Member States undertake to promote equal access to education for members of national minorities at all levels.*



On the initiative of the Ministry of Education, in cooperation with the Institute of Education, two trainings on the topic of civic education were held in 2021, with a special focus on respecting the human rights of members of minority nations and other minority national communities. 62 primary and secondary school teachers participated in the training. The teachers, who have undergone training, come from the central and southern regions. The professional development program in the field of civic education can be found in the Catalogue of professional development programs of the Bureau for Education Services.

On the occasion of the International Day of Tolerance, which is celebrated on November 16, the Ministry of Education sent a circular letter to all primary and secondary schools to, in accordance with the possibilities and teaching conditions due to the coronavirus pandemic, dedicate one school hour to tolerance. The United Nations Educational, Scientific and Cultural Organization (UNESCO) established the International Day of Tolerance in 1995. At the end of the school lesson, the students were given the message that a tolerant person is one who sticks to their beliefs, but also accepts the fact that others have the right to their opinion and the right to be who they are.

Staff training "Work in the RE community and self-evaluation" was held on September 24, 2020, in kindergarten unit in the Zagorič settlement for kindergartens in municipalities with a significant number of RE populations: Podgorica, Nikšić, Berane, Bijelo Polje, Tivat, Herceg Novi, Bar, Ulcinj, Kotor, Cetinje, Pljevlja. In parallel, the coaching of work in the RE community and kindergartens took place. Conceived and implemented staff training "Coordination of activities: Kindergarten RE community, NGO, monitoring of child's achievements and planning of activities". This was followed by the formation of the team and the definition of responsibilities. The Final Checklist - monitoring the work and development of RE children has been designed.

At the session held on June 20, 2019, the Government of Montenegro adopted the Program for Suppression of Peer Violence and Vandalism in Educational Institutions in Montenegro with the 2019-2021 Action Plan. In order to overcome peer violence and vandalism, as well as the fact that there is no environment and community, that is, an environment in which these phenomena do not occur, the Ministry expects that the implementation of the Program will contribute to the suppression of recognized challenges. Within operational objective 1, which is focused on the prevention of peer violence, the Ministry formed a Team for monitoring the occurrence of peer violence and vandalism in educational institutions. Also, all primary and secondary schools formed safety teams. An expert, a pedagogue, has been appointed at the Bureau for Education Services, who deals with all reported cases of violence in schools. The Instruction "Division of responsibility and actions aimed at prevention and in cases of occurrence of violence" has been improved. In the MEIS application, the module related to the work of pedagogical and psychological services by recording cases of peer violence has been improved. The Ministry has opened a free telephone line for reporting cases of violence and vandalism in educational institutions. A meeting was held with representatives of centres for social work, where the improved Instructions were presented, and the framework for joint action was set. It is planned to conduct trainings in certain primary and secondary schools. A

protocol on cooperation on the "Safety of Children" program was concluded between: the Ministry of Internal Affairs, the Ministry of Education and the Police Directorate. Trained officers of the Police Administration held lectures. Within operational objective 2, which is focused on the prevention of vandalism, the Education Program for the acquisition of the professional qualification of Assistant in the prevention of violence and vandalism at school was developed. The institution for the acquisition of this qualification for adult is licensed. The key challenge during the implementation of the Program are the circumstances under the influence of COVID-19, primarily because they required a new organization of school work. At the session held on November 27, 2020, the Government of Montenegro adopted the Report on the Implementation of the Program for Suppression of Peer Violence and Vandalism in Educational Institutions in Montenegro with the 2019-2021 Action Plan, for the school year 2019/2020.

By applying a systemic approach to the development of teaching staff, as well as establishing microbit clubs and equipping them in all primary schools in Montenegro, preconditions are created for the development of the necessary knowledge for the 21st century in a systematic and sustainable manner. One of the key goals of the "Teacher for the 21st Century" project is to improve the professional skills and knowledge of classroom and subject teachers in primary schools in order to support the development of critical thinking, problem solving and coding in students aged six to 14. Over the course of 24 months, the three-day training will include around 4,500 teachers who have not been part of the "Schools for the 21st Century" program until now. Through the implementation of this project, 20 new trainers will be trained, in accordance with the quality standards defined in the "Schools for the 21st Century" project. The benefit of the project is the equipping of all elementary schools with additional components for microbit. The terms of cooperation, rights and obligations of the Ministry of Education and the British Council are determined by the Agreement on cooperation on the project "Teacher for the 21st Century", which was accepted by the Government of Montenegro at the session held on December 26, 2019, and the Agreement on operational cooperation on the project "Teacher for the 21st century" which was signed on June 30, 2020.

In accordance with the Memorandum on Cooperation between the Ministry of Education and the Centre for Alternative Dispute Resolution of Montenegro, as well as the Government Program for the Development of Alternative Dispute Resolution 2019-2021, in February 2020, teacher trainings for school mediation were organized. The seminars were attended by 21 teachers from the High School "Slobodan Škerović", Primary School "Pavle Rovinski" and Primary School "21st May" in Podgorica. Flyers and posters for school mediation students were printed and distributed for schools whose teachers attended the training and school teams were formed.

The second year of the "Skills for Adolescence" program was implemented in cooperation with the UNODC Office, which includes the development of preventive socio-emotional competencies in 11 schools from the southern region. After the experience of two years of application, a comparison of the effects will be carried out when the program is implemented

for one or two years. During 2020, the program was predominantly online, and the so-called a post-test that will serve to measure the effects. In cooperation with the Podgorica Lions Club, the program was extended to six more elementary schools for which training was provided, as well as one session with educators in order to receive feedback on the dynamics of the program.

Four scholarships were awarded to students studying for deficit occupations for teaching in the Albanian language in 2021 and 2020, and five in 2019.

At the initiative of the Ministry of Education, 5 one-day trainings on the topic of integrative teaching were held, within which topics related to the realization of the 20% open part of the curriculum were also held, for about 140 teachers. Schools are obliged to include in the open curriculum 20% of the teaching content that will be created by teachers, and that they will be implemented in cooperation with the local community, which significantly contributes to the exercise of rights to study the specificities of language, culture, history and other peculiarities of minority peoples, i.e. the environment in which school is working.

In primary and secondary schools (mixed and high schools), there is a cross-curricular area in the Human Rights Education subject programs. The students got to know the principles of social, civic, multicultural and peace education, they got to know concepts such as democracy, citizen status and international declarations, how to ensure equality in the group and fight against discrimination, etc.

Teams for the prevention of any form of peer violence have been formed in all schools. At the Ministry of Education, a Team was formed to monitor the occurrence of violence and vandalism, which will meet quarterly or as needed. Members of the team are: representatives of the Ministry of Education, the Bureau for Education Services, the Ministry of Labour and Social Welfare, as well as representatives of the "Parents" Association.

An SOS line has been opened directly at the Ministry of Education, and there is a person in charge who will receive the calls. Also, a person was appointed at the Bureau for Education Services who will address peer violence. The phone number to which cases of violence and vandalism can be reported will be promoted by the campaign. Also, it is the obligation of schools to register the information about cases of violence and damages incurred, as well as measures taken, in the MEIS information system.

Material has been produced for the programme courses of Sociology, 4<sup>th</sup> grade of high school, and Sociology 3<sup>rd</sup> or 4<sup>th</sup> grade of vocational school, and Psychology, 2<sup>nd</sup> grade of high school, or Psychology, 3<sup>rd</sup> or 4<sup>th</sup> grade of vocational school. Psychology addresses the topic: Attitudes, prejudices and values, while Sociology addresses the topic: socialisation (goal: to develop a non-discriminatory attitude towards different sexual orientations).

Two training sessions were held for educators about the work with children of the RE population: Work with parents and Development of self-confidence, active approach and responsibility. Training for the development of specialised didactics in kindergartens was also provided. Practical guidance (coaching) was implemented for the programmes: portfolio,

interactive services, adaptation in working with children with special educational needs and monitoring the attendance of RE children.

Signed Memorandum of Understanding between the Ministry of Education and the Peace Corps, which represents the intention of the participants to cooperate on the development of projects and activities in the field of English language teaching, identified by the Ministry of Education, and supported by the Peace Corps, by ensuring Peace Corps volunteers in order to solve local and national priorities and achieve sustainable results. In addition to the support in teaching in English, volunteers will also work with local teachers to engage youth in extracurricular clubs, educational camps and sports programmes, with the aim of cultural cooperation and the development of certain abilities among students.

The contract was signed for the implementation of the project "Improvement of the curricula and services for the needs of marginalised groups" for a period of 24 months, Leading Contractor: IBF International Consulting from Belgium in a consortium with EuroPartner Consulting Int. from North Macedonia, with the total value of EUR 384,264.71.

## ARTICLE 13

*1. Within the framework of their education systems, the Parties shall recognise that persons belonging to a national minority have the right to set up and to manage their own private educational and training establishments.*

*2. The exercise of this right shall not entail any financial obligation for the Parties.*

the right to establish educational, cultural and religious associations, with the material support of the state is stipulated in the Article 79 of the Constitution of Montenegro. Additionally, Article 17 paragraph 1 of the Law on Minority Rights and Freedoms prescribes that minorities and persons belonging to them shall have the right to establish educational and pedagogic institutions, with the obligation of the founder to finance the institution. Also, Article 32 of the Law on Minority Rights and Freedoms prescribes that minorities and persons belonging to them can receive material and financial assistance from domestic and international organisations, foundations and private persons. In case of financial or other material assistance to associations, institutions, societies and non-governmental organisations of minorities received from abroad, the state can provide special tax or other relieves or customs exemption.

In 2022, the following institutions were founded that contain "religious" in their name:

- Private institution Secondary religious school - Gymnasium "Sveti Sava" in Podgorica
- Secondary religious school - Gymnasium "Metropolitan Hadži Sava Kosanović" in Nikšić

The founder of both institutions is the Metropolitanate of Montenegro and the Littoral, and both institutions will teach according to the curricula valid for general gymnasiums.

The Ministry of Education, Science, Culture and Sports of the 42<sup>nd</sup> Government signed permits for private religious secondary schools in Podgorica (April 18) and Nikšić (April 14), which was published in Official Gazette 47/2022 as of 28 April 2022.

## ARTICLE 14

*1. The Parties undertake to recognise that every person belonging to a national minority has the right to learn his or her minority language.*

*2. In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if there is sufficient demand, the Parties shall endeavour to ensure, as far as possible and within the framework of their education systems, that persons belonging to those minorities have adequate opportunities for being taught the minority language or for receiving instruction in this language.*

*3. Paragraph 2 of this article shall be implemented without prejudice to the learning of the official language or the teaching in this language.*

The rights of members of minority nations and other minority national communities in terms of education are regulated by the Constitution of Montenegro, the Law on Minority Rights and Freedoms, the General Law on Education and training, and other laws in the field of education and training.

The Constitution, in Article 79, guarantees the rights and liberties of persons belonging to minority nations and other minority national communities, which they can exercise individually or collectively with others to receive education in their own language and alphabet in public schools, and included in the curricula the history and culture of the persons belonging to minority nations and other minority national communities. The Law on Minority Rights and Freedoms, in Article 13, prescribes that minorities and persons belonging to them shall have the right on education in their language and on adequate representation of their language in general and vocational education, depending on the number of pupils and financial means of Montenegro. Rights are exercised at all education and pedagogic degrees, and can be exercised through special schools or special classes in regular schools. This article also stipulates that teaching shall be fully delivered in the language of minority. The curricula shall contain topics from the fields of history, art, literature, tradition and culture of minority nations and other minority national communities. It is also prescribed that before adopting the curricula for the subjects which reflect specificities of the minorities, the Council of the minority shall provide its opinion to the competent body in charge of adoption of the curricula for the subjects concerned. Also, in the institutions and schools in which teaching is delivered in the official language, it is encouraged that the curricula contain topics that promote mutual tolerance and

cohabitation (Article 15).

On territories where the language of minority is also in the official use, the curricula of the institutions delivering classes in the official language can also provide for a possibility to learn the language of the minority nations and other minority national communities.

Article 14 stipulates that classes in which the language and alphabet of minority is taught can be established even for a smaller number of students than what the standard for such an institution prescribes, and which cannot be less than 50% of the number of students prescribed by the law.

Article 16 recognises the importance of establishing Chairs, faculties or institutes of higher education can be established to educate pre-school and school teachers and professors in the language of that minority for educational needs regarding the language of respective minority,

In order to have an effective participation of minorities, Montenegro can foster international educational, scientific and technical cooperation with a view to enable persons belonging to minorities to study abroad in their mother tongue and to have their diplomas recognised, in accordance with the law.

The promotion of mutual understanding and tolerance is reflected in the conception of mandatory and elective courses. Namely, students acquire knowledge and skills in the field of human rights and values of interculturalism within the framework of mandatory and elective courses.

Also, schools are given the obligation to include within the open curriculum 20% of the teaching content that will be created by teachers, parents and schools in cooperation with the local community, which significantly contributes to exercise of the right to study the specificities of language, culture, history and other specificities of minority nations, i.e. the environment where the school operates.

In 2021:

- At the level of preschool education, bilingual teaching took place in preschool institutions: JPU "Kindergarten" in Plav, JPU "Đina Vrbica" in Tuzi, JPU "Vukosava Ivanović - Mašanović" in Bar and JPU "Solidarnost" in Ulcinj. There are a total of 374 children in preschool education (195 boys and 179 girls).
- At the level of primary education, bilingual teaching took place in Ulcinj - Primary School "Maršal Tito", Primary School "Marko Nukulović" and Primary School "Boško Strugar"; in Tuzi - Primary School "Mahmut Lekić"; in Plav - Primary School "Hajro Šahmanović" and in Gusinje - Primary School "Džafer Nikočević".
- At the level of secondary education, bilingual classes are attended in Tuzi - Combined Secondary School "25. May"; in Ulcinj – Combined Secondary School "Bratstvo Jedinstvo" and Plav – Combined Secondary School "Bećo Bašić". There were a total of 998 students in secondary education (523 boys and 475 girls).

- 183 students (75 boys and 108 girls) attended music schools with instruction in the Albanian language, namely the Primary Music School in Ulcinj and the Regional Institution of the Primary Music School "Vasa Pavić" in Tuzi.
- Teaching in the Albanian language takes place in six primary schools: Primary School "Đerđ Kastrioti Skenderbeg" in Bar; Primary School "29. November", Primary School "Jedinstvo" and Primary School "Đerđ Kastrioti Skenderbeg" in Tuzi; Primary School "Bedri Elezaga" in Ulcinj, and Primary School "Daciće" in Rožaje. There were 2,612 students in primary education (1,338 boys and 1,274 girls).
- Classes are taught in the Albanian language at the "Drita" Private Gymnasium in Ulcinj
- In Podgorica, there is a study programme for teachers in the Albanian language. In the academic year 2020/2021, 8 female students were enrolled in the Programme for teachers in the Albanian language. A total of 62 students are studying from the 1<sup>st</sup> to the 5<sup>th</sup> academic year. (37 male and 25 female students)

The Institute for Textbook Publishing and Teaching Aids deals with the editing of textbooks in the Albanian language with special attention. Sets of textbooks for teaching in the Albanian language for all courses are provided for each school year.

In 2017, the regional department of the "Vasa Pavić" music school in the Albanian language was opened in Tuzi.

In 2020:

- At the level of preschool education, bilingual teaching took place in preschool institutions: JPU "Kindergarten" in Plav, JPU "Đina Vrbica" in Tuzi, JPU "Vukosava Ivanović - Mašanović" in Bar and JPU "Solidarnost" in Ulcinj. There are a total of 372 children in preschool education (197 boys and 175 girls).
- At the level of primary education, bilingual teaching took place in Ulcinj - Primary School "Maršal Tito", Primary School "Marko Nukulović" and Primary School "Boško Strugar"; in Tuzi - Primary School "Mahmut Lekić"; in Plav - Primary School "Hajro Šahmanović" and in Gusinje - Primary School "Džafer Nikočević".
- At the level of secondary education, bilingual classes are attended in Tuzi - Combined Secondary School "25. May"; in Ulcinj – Combined Secondary School "Bratstvo Jedinstvo" and Plav – Combined Secondary School "Bećo Bašić". There were a total of 968 students in secondary education (519 boys and 449 girls).
- 198 students (74 boys and 124 girls) attended music schools with instruction in the Albanian language, namely the Primary Music School in Ulcinj and the Regional Institution of the Primary Music School "Vasa Pavić" in Tuzi.
- Teaching in the Albanian language takes place in six primary schools: Primary School "Đerđ Kastrioti Skenderbeg" in Bar; Primary School "29. November", Primary School "Jedinstvo" and Primary School "Đerđ Kastrioti Skenderbeg" in Tuzi; Primary School "Bedri Elezaga" in Ulcinj, and Primary School "Daciće" in Rožaje. There were 2,564 students in primary education (1,295 boys and 1,269 girls).
- Classes are taught in the Albanian language at the "Drita" Private Gymnasium in Ulcinj



- In Podgorica, there is a study programme for teachers in the Albanian language. In the academic year 2020/2021, 15 female students were enrolled in the Programme for teachers in the Albanian language.

In 2019:

- At the level of preschool education, bilingual teaching took place in preschool institutions: JPU "Kindergarten" in Plav, JPU "Đina Vrbica" in Tuzi, JPU "Vukosava Ivanović - Mašanović" in Bar and JPU "Solidarnost" in Ulcinj. There are a total of 386 children in preschool education (1228 boys and 158 girls).
- At the level of primary education, bilingual teaching took place in Ulcinj - Primary School "Maršal Tito", Primary School "Marko Nukulović" and Primary School "Boško Strugar"; in Tuzi - Primary School "Mahmut Lekić"; in Plav - Primary School "Hajro Šahmanović" and in Gusinje - Primary School "Džafer Nikočević".
- At the level of secondary education, bilingual classes are attended in Tuzi - Combined Secondary School "25. May"; in Ulcinj – Combined Secondary School "Bratstvo Jedinstvo" and Plav – Combined Secondary School "Bećo Bašić". There were a total of 810 students in secondary education (420 boys and 390 girls).
- 195 students (80 boys and 118 girls) attended music schools with classes in the Albanian language, namely the Primary Music School in Ulcinj and the Regional Institution of the Primary Music School "Vasa Pavić" in Tuzi.
- Teaching in the Albanian language takes place in six primary schools: Primary School "Đerđ Kastrioti Skenderbeg" in Bar; Primary School "29. November", Primary School "Jedinstvo" and Primary School "Đerđ Kastrioti Skenderbeg" in Tuzi; Primary School "Bedri Elezaga" in Ulcinj, and Primary School "Daciće" in Rožaje. There were 2,590 students in primary education (1,324 boys and 1,266 girls).
- Classes are taught in the Albanian language at the "Drita" Private Gymnasium in Ulcinj
- In Podgorica, there is a study programme for teachers in the Albanian language. In the academic year 2020/2021, 8 female students were enrolled in the Program for teachers in the Albanian language.

## ARTICLE 15

*The Parties shall create the conditions necessary for the effective participation of persons belonging to national minorities in cultural, social and economic life and in public affairs, in particular those affecting them.*

Article 79 paragraphs 9 and 10 of the Constitution guarantee the right to authentic representation in the Parliament of the Republic of Montenegro and in the assemblies of the local self-government units in which they represent a significant share in the population,

according to the principle of affirmative actions; as well as the right to proportionate representation in public services, state authorities and local self-government bodies.

The area of minority representation in the public sector is defined in Article 25 of the Law on Minority Rights and Freedoms and protects the rights of minorities to proportional representation in public services, state bodies and local government bodies. Competent bodies in charge of human resources, in cooperation with the Councils of minorities, shall look after the representation of persons belonging minorities in terms of paragraph 1 of this Article. According to Article 26, minorities and persons belonging to them shall have the right to participate in the process of adopting and proposing the decisions of state bodies that are of interest for exercising rights of minorities, in accordance with the law. Article 28 of the Law on Minority Rights and Freedoms defines the obligation of local self-government, that in the local self-government units in which minorities constitute either majority or at least 5% of the population, in two consecutive censuses, the local self-government bodies shall have a duty, when adopting plans and programmes for effective participation of the local population in performing public affairs or special plans and programmes through the Council of the respective minority, to provide conditions for participation of minorities in the adoption of development plan of the municipality, spatial and urban planning, budgets and general acts stipulating rights and obligations of citizens as well as to regulate the procedure for participation of minorities in performing public affairs and appoint the body in charge of organising public debates hearings to these or other legal acts.

In accordance with the Law on Civil Servants and State Employees, the Human Resource Management Authority is competent for monitoring the implementation of measures aimed at achieving proportional representation of minority nations and other minority national communities in the state body, gender-balanced representation and employment of persons with disabilities. To this aim, in the text of the internal, public advertisement and public competition, it is stated that candidates can declare these affiliations in their application or CV, because the head of the state body that initiated the employment procedure is obliged, in accordance with Article 45 of the Law on Civil Servants and State Employees, when issuing a decision on the selection of candidates, to take into account the proportional representation of members of minority nations or other minority national communities, gender-balanced representation, as well as the employment of persons with disabilities. Also, when determining the Ranking list for the selection of candidates, which is submitted to the head of the state body, in the form of a note, it is stated that the head, according to the Law, is obliged to take into account these details when issuing a decision on the selection, if the candidate has expressed himself about it. After the decision on the selection of a candidate has been issued and submitted by the head of the state body, the Human Resource Management Authority keeps records of the nationality, gender and other affiliation of the selected candidate.

In accordance with the Work Program of the Ministry for Human and Minority Rights for 2019 and the Action Plan for Chapter 23 - Judiciary and Fundamental Rights, the aforementioned

Ministry and the Human Resources Management Authority<sup>103</sup> initiated research in 2019 and in the first quarter of 2020 to collect data. for creating the said Information.<sup>104</sup>

Out of a total of 3,780 completed questionnaires in all 224 bodies that were included in this Information, employees, in a national sense, declared themselves as<sup>105</sup>:

- Montenegrin 1930 (51.1%),
- Serb 711 (18.8%)
- Muslim 76 (2.0%),
- Bosniak 537 (14.2%),
- Albanian 242 (6.4%),
- Roma 45 (1.2%),
- Egyptian 10 (0.3%),
- Croat 31 (0.8%),
- Yugoslav 6 (0.2%),
- Macedonian 4 (0.1%),
- Hungarian 1,
- Russian 1,
- Slovenian 1,
- 72 (1.9%) did not declare,
- No data 96 (2.5%),
- Other nations 13 (0.3%),
- Regional affiliation 4 (0.1%).

The above data indicate certain positive developments, bearing in mind that according to data from 2015, the representation of Bosniaks was 5.62%, Albanians 2.51%, Muslims 2.46%, Croats 0.76%, Roma only 0.02% and members of other minorities 0.42%.<sup>106</sup>

The political participation of minorities within the parliamentary power in Montenegro is defined by the electoral legislation<sup>107</sup>. At the moment, the key problem is the implementation of the principle of authentic representation in the Parliament of Montenegro and assemblies of local self-government units in which minorities constitute a considerable part of the population, in accordance with the principle of affirmative action. Given that this issue has become the exclusive right of political actors in the Montenegrin parliament, it is logical to expect that the

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<sup>103</sup> The Human Resources Management Authority, in accordance with the Law on Civil Servants and State Employees, maintains the Central Personnel Records of Civil Servants and State Employees, which, *inter alia*, includes personal data (name and surname, nationality and native language, address and unique master citizen's number – JMBG, etc.)

<sup>104</sup> Nota bene: The situation caused by the global pandemic of COVID-19 and the measures adopted to prevent its spread caused a delay in the collection and processing of data, and the aforementioned Information was adopted only in May 2021.

<sup>105</sup> Information on the representation of minority nations and other minority national communities in local self-government bodies, companies and public institutions, founded by the Capital, Old Royal Capital or Municipality, Podgorica, May 2021, p. 27, available at: <https://www.gov.me/dokumenta/c8da7fd8-b320-4edc-af39-d3322e3ee46f>

<sup>106</sup> Report on the development and protection of the rights of minority nations for 2015,

<sup>107</sup> Law on Election of the Members of the Parliament and Councillors – Official Gazette of the Republic of Montenegro 04/98...18/00... Official Gazette of Montenegro 46/11...109/20

responsibility for reaching a compromise lies within the political parties that participate in the parliamentary life of Montenegro. However, as this issue exceeds the time dimension of one parliamentary mandate, it would be extremely important to include minority councils and other actors that establish the political and legal framework of the state in solving this problem. This is all the more so if it is taken into account that some previous political solutions have not withstood the test of time, that individual exceptions are constituted according to political and other affinities, and that the Roma minority is continuously declared to be discriminated against due to the lack of representation in the parliament. At the same time, we should not overlook the fact that, regardless of the constitutional principle in Montenegro, there are still thoughts according to which affirmative action is not an adequate solution for parliamentarism in Montenegro. Of course, at this moment such positions are unsustainable in relation to the existing constitutional order.

In the election of a member of the permanent composition of the State Election Commission, Law on the Election of the Members of the Parliament and Councillors prescribes that one representative of a political party or candidate list submitting entity for authentic representation of members of national minorities or minority national communities which received the highest number of votes in previous elections shall also be appointed member of the permanent State Election Commission, while his deputy should be a member of another national minority or minority national community.

The law provides for an exception that there may be at least 1/3 and at the most as many candidates as are being elected on the candidate list for election of members of parliament submitted by groups of voters or political parties which represent a minority nation or a minority national community.

A candidate list for election of councillors or MPs may be accepted if it has been supported by signatures of at least 0.8% of voters out of the number of voters in the electoral district, counting according to the data on the number of voters in the elections which preceded the decision to call for elections, regardless of whether those were elections for the president of Montenegro or parliamentary elections. As an exception to this provision, candidate lists for election of councillors of political parties or groups of voters which represent a minority nation or a minority national community may be accepted if supported by the signatures of at least 150 voters, i.e. for election of members of parliament it may be accepted if supported by the signatures of at least 1,000 voters who are exercising the preferential treatment referred to in Article 94 paragraph 2 of this Law

In municipalities in which the seat of a councillor in previous elections was equal or less than 150 votes, candidate lists for election of councillors may be accepted if supported by the number of signatures of voters which is less by one compared to the number of votes equal to one councillor seat in the previous elections for the relevant municipal assembly.

A candidate list for election of members of parliament which represents a minority nation or a

minority national community which constitutes up to 2% of the Montenegrin population according to the last census results may be accepted if supported by the signatures of at least 300 voters.

Unlike the general rule, this Law foresees an exception for political parties or groups of voters representing a minority nation or a minority national community. Namely, candidate lists for election of councillors of political parties or groups of voters which represent a minority nation or a minority national community may be accepted if supported by the signatures of at least 150 voters, i.e. for election of members of parliament it may be accepted if supported by the signatures of at least 1,000 voters who are exercising the right referred to in Article 94 para. 2 of this Law. In municipalities in which the seat of a councillor in previous elections was equal or less than 150 votes, candidate lists for election of councillors may be accepted if supported by the number of signatures of voters which is less by one compared to the number of votes equal to one councillor seat in the previous elections for the relevant municipal assembly.

A candidate list for election of members of parliament which represents a minority nation or a minority national community which constitutes up to 2% of the Montenegrin population according to the last census results may be accepted if supported by the signatures of at least 300 voters.

Candidate lists which received at least 3% of the total number of valid votes in the electoral district shall take part in the allocation of seats. As an exception:

- 1) candidate lists for election of MPs members of a certain national minority or minority national community indicated in the application to contest elections or in the title of the candidate list, if none of them meet the requirement referred to in para.1 of this Article, or if they individually receive at least 0.7% of valid votes, shall acquire the right to participate in the allocation of seats as a single - general candidate list with the total number of valid votes received, provided that aggregation that ensures the winning of up to three seats shall be allowed for the purposes of calculating the number of seats;
- 2) where none of the candidate lists for election of MPs members of the Croatian people in Montenegro meets the requirements stated, the most successful of them, with at least 0.35% valid ballots, shall acquire the right to one MP seat;
- 3) candidate lists for election of MPs members of a certain minority nation or minority national community indicated in the application to contest elections or title of the candidate list, where none of them meets the requirement referred to in para.1 of this Article, shall acquire the right to participate in the allocation of seats individually, with the number of valid votes they have received.

Above mentioned preferential treatment is used by candidate lists of members of a certain (of the same) minority nation or of a certain (of the same) minority national community, whose share is up to 15% in the total population of the electoral district, according to the last population census data.

The right referred to in item 3 is used by candidate lists of members of a certain (of the same) minority nation or of a certain (of the same) minority national community, whose share is up to 15% in the total population at state level and from 1.5% to 15% in the total population in the territory of a municipality, Administrative Capital or Historic Royal Capital, according to the last population census data.

Participation of a candidate list of members of a certain minority nation or minority national community in a pre-election coalition with candidate lists of members of other minority nations or minority national communities or candidate lists of political parties or groups of citizens that are not exercising the right will not preclude other candidate list submitting entities of the same minority nation or minority national community from exercising this right.

In the last parliamentary elections held on August 30, 2020, out of a total of 81 seats, the Bosniak Party won three seats, and one seat each for the Albanian list "Nik Djeljošaj-Genci Nimanbegu" and the coalition "Jedonoglasno". Comparing the number of seats of minority nations and other minority national communities from the 2020 and 2016 elections, the data indicate there was one seat more in 2020 in comparison to 2016. However, for the first time the Croatian minority does not have its own representative in the national Parliament of Montenegro.

In contrast to the 41<sup>st</sup> Government of Montenegro, in which out of 24 members of the Government, 8 belonged to minority nations, which represents a third of the total number of representatives of the executive power, in the 42<sup>nd</sup> Government of Montenegro there were no representatives of minority nations. At the beginning of the year, the 43<sup>rd</sup> Government of Montenegro was appointed, in which representatives of minorities also participate, in which over 25% are members of minority nations.

As recognized by the Strategy for Social Inclusion of Roma and Egyptians, the Constitution of Montenegro<sup>108</sup> does not recognise Roma and Egyptians as a national minority, but treats them as "other minority communities". Also, the Law on the Election of Councillors and Members of Parliament<sup>109</sup> does not recognise the institution of affirmative action for members of the Roma and Egyptian communities. An important question that arises is the question of the political representation of the Roma and Egyptian community in Montenegro in light of the provisions of the aforementioned law, especially in relation to ethnic communities of approximately the same number as the Roma and Egyptian community, in terms of the application of affirmative action through the reduction of the electoral census by 0.35% for entering the national and local parliaments. In this regard, the third operational objective of this strategy is to increase the level of political participation and representation of the Roma and Egyptian community in the process of drafting, implementing and monitoring public policies through amendments to the Law on the Election of Councillors and Members of Parliament in

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<sup>108</sup>The preamble of the Constitution of Montenegro recognizes Montenegrins, Serbs, Bosniaks, Albanians, Muslims, Croats as nations and national minorities in Montenegro, while Roma and Egyptians are classified as "others"

<sup>109</sup> Law on the Election of Councillors and Members of Parliament (Official Gazette of Montenegro 16/2000, 10/2018, 109/2020)

order to define the census for political representatives for 0.35% by 2023, in addition to the segment of education and empowerment of these representatives.

As for the councils of minority nations and other minority national communities, which are established in accordance with Article 33 of the Law on Minority Rights and Freedoms, their participation in all social spheres is very important for the full enjoyment of freedoms and the exercise of rights guaranteed by the Constitution and laws. In this regard, on the basis of Article 35 of this law, it is prescribed that the council:

- represents and acts on behalf of minority nations and other minority national communities;
- submits a proposal for promotion and development of the rights of minority nations and other minority national communities and their members to state authorities, local self-government authorities and public services;
- submits an initiative to the President of Montenegro to refuse to promulgate a law which is violating the rights of minority nations and other minority national communities and their members;
- participates in planning and establishing of educational institutions;
- provides an opinion on the subject curricula which reflect specificities of minority nations and other minority national communities;
- proposes the enrolment of a certain number of students at the institutions for higher education in Montenegro;
- launches an initiative for the amendment of legislation and other acts that regulate rights of members of minority nations and other minority national communities;
- performs other activities in accordance with the present Law.

It is also prescribed that in order to build mutual confidence, a necessary co-operation shall be established with the Council on issues which relate to the rights of minority nations and other minority national communities and their members falling within the competence of state authorities and public services.

State and other authorities shall, within 30 days as of the day of launching an initiative or request in the sense of paragraph 1 of this Article, inform the Council about the undertaken measures.

In accordance with the regulations in Montenegro, there are the Albanian National Council in Montenegro, the Bosniak Council in Montenegro, the Council of the Muslim People in Montenegro, the Roma Council, the Croatian Council in Montenegro and the Serbian National Council.

## ARTICLE 16

*The Parties shall refrain from measures which alter the proportions of the population in areas inhabited by persons belonging to national minorities and are aimed at restricting*



*the rights and freedoms flowing from the principles enshrined in the present framework Convention.*

Article 39 paragraph 1 of *the Law on Minority Rights and Freedoms* prescribes that undertaking measures and activities to change the structure of the population on the territories where members of minority nations and other minority national communities live, and which are aimed at restricting legal rights and freedoms is prohibited.

The Law on Territorial Organisation of Montenegro<sup>110</sup> regulates the territorial organisation of Montenegro, the conditions, manner and procedure of territorial organisation and other matters of relevance for territorial organisation. The territory of the local self-government unit and the name of the municipality can be changed in accordance with this law.

Article 15 stipulates that a new municipality can be established on a territory that represents a natural and geographical entity, as well as an economically connected area with the seat of the municipality as the centre of gravity.

The territorial change is introduced in order to encourage the economic development of a certain area, to provide a higher level of services, as well as to perform tasks more efficiently in order to meet the needs of the local population and economic entities in the territory of the municipality. They must not threaten the economic development of an area or the capacity of municipalities to successfully perform their functions. (Article 18)

Article 19 defines the criteria on the basis of which territorial change may be introduced, and in addition to Article 15, it also includes indicators of the effects of the initiated territorial change (economic, demographic, spatial and others), as well as the fiscal capacity of municipalities and areas for which territorial change is required.

An initiative for territorial change can be submitted by:

- 1) at least 30% of citizens who have the right to vote from the area for which territorial change is requested;
- 2) municipal assembly;
- 3) the president of the municipality.

Along with the initiative, a study on the justification of the change needs to be submitted, which demonstrates the justification of the territorial change on the fulfilment of the above-mentioned criteria, as well as an assessment of organisational, personnel and technical capabilities. The content and methodology of the study is prescribed by the ministry competent for local self-government affairs (Articles 22-25). Furthermore, the law prescribes: that the applicant submits the initiative with the study to the Ministry for the purpose of giving an opinion related to the fulfilment of formal legal assumptions (Art. 26 paragraph 1); that the assembly, i.e. the municipal assemblies, are obliged to declare the submitted initiative within 30 days from the day of submission (Art. 27 paragraph 2); that for the purpose of prior declaration of citizens on

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<sup>110</sup> Official Gazette of MNE 54/2011, 26/2012, 27/2013, 62/2013, 12/2014, 3/2016, 31/2017 and 86/2018 – Decision of CC MNE.

the territorial change, the municipal assembly calls a referendum (consultative referendum) for the local self-government unit, the results of which are reported for the territory of the municipality, and in case of division or change of borders, also for the area to which the territorial change refers (Art. 29 para. 1 and 4); that in order to assess the fulfilment of the conditions for territorial change, the Government forms a Commission within 15 days from the date of receipt of the referendum results, which submits an opinion on the fulfilment of the conditions for territorial change to the Government within 30 days from the date of formation (Art. 30 paragraph 1 and 5); that the decision on the initiative, after the procedure has been carried out, is issued by the Government, which, if it accepts the initiative, determines the draft law within 30 days from the date of the decision (Article 31, paragraphs 1 and 2); that, if the proposer of the law is either a member of parliament or at least 6,000 voters, a study is submitted from the proposed law, which is submitted to the Government for further procedure in accordance with the law, and after receiving an opinion from the Government, the Assembly decides on the proposed law.

The Rulebook on the content and methodology of the study on the justification of territorial change (Official Gazette of Montenegro 15/12), more closely regulates the content and methodology of the study on the territorial justification of territorial change, which includes an introduction, analysis of the current situation, analysis of fiscal capacity, parameters of possible development, SWOT analysis and data source used.

The aforementioned provisions of the Law are in line with the European Charter on Local Self-Government, which was ratified in 2008 (Official Gazette of Montenegro - International Agreements, 5/08), with Paragraph 5, which prescribes that changes in local authority boundaries shall not be made without prior consultation of the local communities concerned, possibly by means of a referendum where this is permitted by statute (law).

## ARTICLE 17

*1. The Parties undertake not to interfere with the right of persons belonging to national minorities to establish and maintain free and peaceful contacts across frontiers with persons lawfully staying in other States, in particular those with whom they share an ethnic, cultural, linguistic or religious identity, or a common cultural heritage.*

*2. The Parties undertake not to interfere with the right of persons belonging to national minorities to participate in the activities of non-governmental organisations, both at the national and international levels.*

Article 79 paragraph 1 of the Constitution provides minority nations and other minority national communities with the right “to establish and maintain contacts with the citizens and associations outside of Montenegro, with whom they have common national and ethnic background, cultural and historic heritage, as well as religious beliefs”.

Also, Article 31 of the Law on Minority Rights and Freedoms prescribes that “minority nations and other minority national communities and their members shall have the right to establish and maintain free and peaceful relations across borders with parent countries and with their compatriots residing in other countries, in particular those with which they share ethnic, cultural, linguistic and religious identity”.

The law specifies the limitation of exercising this right only if this right is exercised contrary to the interests of Montenegro. In the scope of rights, the Law went a step further than the Framework Convention, because while the Framework Convention requires from states to enable free and peaceful contacts with persons, i.e. compatriots, in other states, the Law also provides the possibility of contacts with the states themselves (considering that for some minorities of the neighbouring countries are also home countries).

Cooperation of members of minorities with countries in the surrounding area and with their compatriots in Montenegro is carried out intensively. Montenegro's interest is good neighbourly relations with everyone, especially with neighbouring countries, so Montenegro has dynamic relations with its neighbours. This dynamic is reflected in very good communication on the economic and business, as well as on the cultural, scientific and sports level.

After the declaration of the state independence of Montenegro and the opening of diplomatic and consular missions, cooperation intensified. In addition to state cooperation, good connections and relations have been established between minority associations and states, that is, compatriots of those minorities with the surrounding.

The Constitution guaranteed freedom of association and action (Article 53), and the Law on Minority Rights and Freedoms, in Article 9, defines that " With a view to preserve and develop national or ethnic identity, minority nations and other minority national communities and their members shall have the right to establish institutions, societies, associations and non-governmental organizations in all areas of social life.

Also Montenegro shall take part in financing these organizations, in accordance with financial possibilities.

Article 22 prescribes that Members of minority nations and other minority national communities shall have the right to free association, in accordance with the law and principles of international law on freedom of association. Minority nations and other minority national communities and their members may, in order to exercise common interests, co-operate with governmental and non-governmental organizations in the country and abroad.

Law on non-governmental organisations provides domestic and foreign natural or legal persons with the possibility of establishing non-governmental organisation or foundation for the purpose of accomplishing common interests and goals (Art. 2 and 3), Any person can be a member of the association, under the same conditions established by the statute (Article 21).

## ARTICLE 18

*1. The Parties shall endeavour to conclude, where necessary, bilateral and multilateral agreements with other States, in particular neighbouring States, in order to ensure the protection of persons belonging to the national minorities concerned.*

*2. Where relevant, the Parties shall take measures to encourage transfrontier co-operation.*

Article 15 of the Constitution prescribes that “Montenegro shall cooperate and develop friendly relations with other states, regional and international organizations, based on the principles and rules of international law”.

Article 6 of the Law on Minority Rights and Freedoms reads that “Montenegro shall conclude international agreements for the protection of rights of members of minority nations and other minority national communities with other states. When concluding international agreements referred to in paragraph 1 of this Article, Montenegro shall stand for the creation and promotion of conditions necessary for the preservation, development and protection of national, ethnic, cultural, linguistic and religious identity.”.

Pursuant to Article 82 paragraph 1 point. 2 and 17 and Article 91 paragraph 2 of the Constitution of Montenegro, the Parliament adopted the Law on Confirmation of the Agreement between Montenegro and the Republic of Croatia on the Protection of the Rights of the Montenegrin Minority in the Republic of Croatia and the Croatian Minority in Montenegro, which was drawn up and signed by the representative of the Government of Montenegro and the Government of the Republic of Croatia, on January 14, 2009 in Zagreb, in the original in the Montenegrin and Croatian languages<sup>111</sup>. In order to implement the Agreement, the parties formed an Intergovernmental Mixed Committee for the Implementation of the Agreement between Montenegro and the Republic of Croatia on the Protection of the Rights of the Montenegrin Minority in the Republic of Croatia and the Croatian Minority in Montenegro (MMO), which meets alternately at the parties to the Agreement.

The last, third session of the Intergovernmental Mixed Committee was held on 27 September 2018 in Podgorica. The previous, second session of the Intergovernmental Mixed Committee was held on 24 May 2017 in Zagreb, while the first session was held on 28 April 2015 in Podgorica.

The third session was devoted to the analysis of the adopted recommendations from the previous session, and the solutions for current issues of importance to both minorities were

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<sup>111</sup> Law on Confirmation of the Agreement between Montenegro and the Republic of Croatia on the Protection of the Rights of the Montenegrin Minority in the Republic of Croatia and the Croatian Minority in Montenegro, available at: [https://narodne-novine.nn.hr/clanci/medunarodni/2005\\_04\\_3\\_25.html](https://narodne-novine.nn.hr/clanci/medunarodni/2005_04_3_25.html)

harmonized. It was agreed, on this occasion, that both countries are included in the European order of countries that provide a high level of minority rights in accordance with international protection standards. Friendly relations and the role of the Republic of Croatia on Montenegro's European path were also highlighted. The meeting was attended by the then minister without portfolio, Marija Vučinović, and before the start of the session, the Croatian delegation headed by State Secretary Zvonko Milaš received the then Minister of Human and Minority Rights, Mehmed Zenka.

At the second session of the Intergovernmental Mixed Committee, minutes were adopted and signed, containing common and individual recommendations. The adopted recommendations relate to the representation of minorities at the state, county and local level, as well as in administrative bodies, property restitution, education and information in the mother tongue and alphabet, official use of the language and alphabet, protection of cultural heritage. The governments of both countries adopted a Conclusion accepting the recommendations made at this session.

## ARTICLE 19

*The Parties undertake to respect and implement the principles enshrined in the present framework Convention making, where necessary, only those limitations, restrictions or derogations which are provided for in international legal instruments, in particular the Convention for the Protection of Human Rights and Fundamental Freedoms, in so far as they are relevant to the rights and freedoms flowing from the said principles.*

In the legal system of Montenegro, there are limitations of human rights and freedoms, and these limitations and derogations of certain rights are in accordance with relevant international legal documents. The general basis for limiting the human rights and freedoms is respect for the rights and liberties of others (Article 6 paragraph 3 of the Constitution), and the limits of liberties are defined by Article 10 of the Constitution: " In Montenegro, anything not prohibited by the Constitution and the law shall be free. Everybody is obliged to abide by the Constitution and the law."

Guaranteed human rights and freedoms may be limited by law only to the extent permitted by the Constitution and international legal standards, to the extent necessary to satisfy the purpose for which the limitation is permitted in an open and free democratic society. Restrictions may not be introduced for purposes other than those for which they are prescribed. During a declared state of war or state of emergency, the exercise of certain human rights and freedoms may be restricted, only to the extent necessary to achieve the purpose of the restriction. No restrictions may be imposed on the basis of sex, nationality, race, religion, language, ethnic or social origin, political or other belief, financial standing or any other personal characteristic.

According to the provisions of Article 25 of the Constitution there shall be no limitations imposed on the rights to: life, legal remedy and legal aid; dignity and respect of a person; fair and public trial and the principle of legality; presumption of innocence; defence; compensation of damage for illegal or ungrounded deprivation of liberty and ungrounded conviction; freedom of thought, conscience and religion; entry into marriage. There shall be no abolishment of the prohibition of: inflicting or encouraging hatred or intolerance; discrimination; trial and conviction twice for one and the same criminal offence (ne bis in idem); forced assimilation. Measures of limitation may be in effect at the most for the duration of the state of war or emergency.