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**SECOND REPORT SUBMITTED BY MONTENEGRO  
PURSUANT TO ARTICLE 25, PARAGRAPH 2  
OF THE FRAMEWORK CONVENTION FOR  
THE PROTECTION OF NATIONAL MINORITIES**

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**Montenegro**  
**THE GOVERNMENT OF MONTENEGRO**  
**Ministry of Minority Rights**

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

**Submitted on the basis of Article 25 paragraph 2 of the CoE  
Framework Convention for the Protection of National Minorities**

*Podgorica, August 2012.*

# THE SECOND REPORT OF MONTENEGRO ON IMPLEMENTATION OF FRAMEWORK CONVENTION FOR THE PROTECTION OF NATIONAL MINORITIES

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## I INTRODUCTION

Following restoration of independence, Montenegro stated, in the letter sent by Minister of Foreign Affairs dated June 5 2006, that accepted all the obligations arising from the conventions and treaties of the Council of Europe, which were signed or ratified by the former state union of Serbia and Montenegro. By granting observer status to Montenegro, the CoE Committee of Ministers, already during the pre-accession period, recognized membership of Montenegro in conventions and protocols open for access to non-member states, and the succession status in a number of so-called closed conventions including the Framework Convention for the Protection of National Minorities (hereinafter referred to as the *Framework Convention*).

On May 11 2007, Montenegro became a full member of the Council of Europe, while the membership of the Framework Convention was recognized on June 06 2006 (date of the declaration on succession status in the CoE conventions and protocols, whose party or signatory was the former state union of Serbia and Montenegro).

Pursuant to the provisions of Article 25, paragraph 1 of the Framework Convention, Montenegro submitted its first report in June 2007, after which the Advisory Committee began to review the report during its 30th Meeting held in the period 05 - 09 November 2007.

In the period 04 - 08 December 2007, the delegation of the Advisory Committee visited Montenegro, where they received additional information from representatives of the Government, local authorities (Tuzi, Bijelo Polje, Rožaje and Berane), NGOs and other independent sources. The Advisory Committee adopted its opinion on Montenegro at its 31st meeting, held on 28.02.2008.

Montenegro, during preparation of forthcoming session of the Committee of Ministers, received the List of points addressed in relation to supplementary information in relation to the Initial report, which was submitted in October 2008. Montenegro has submitted comments on the Opinion of the Advisory Committee, and the Committee of Ministers Resolution was adopted on 14 January 2009.

After the publication of the Advisory Committee's Opinion and the relevant Resolution of the Committee of Ministers, Montenegro continued dialogue with the Advisory Committee. In that sense, on 29 March 2010, the Roundtable was organized and held in Podgorica, where the actions undertaken to implement the Framework Convention were analyzed, as well as the steps that have been taken and/or planned to implement the recommendations contained in the First Opinion of the Advisory Committee and in the Resolution of the Committee of Ministers. Representatives of the Government, NGOs, minority councils, experts, and representatives of the Advisory Committee, headed by the first vice-president of the Advisory Committee - Ilze Brandz-Kehris, attended the roundtable.

Ministry of Minority Rights has published on its official website first report, the Opinion of the Advisory Committee, and the Resolution of the Committee of Ministers ([www.minmanj.gov.me](http://www.minmanj.gov.me)).

The second report of Montenegro aims to highlight the legislative, institutional, and other measures that Montenegro has undertaken to meet the obligations set forth by the Framework Convention. Following the recommendations contained in the First Opinion of the Advisory Committee and Resolution of the Committee of Ministers,

report, as much as possible, adheres to the form of replies to certain questions. However, in order to give as much information as possible and to keep the coherent text, the repetition could not be avoided, and reference to some of the information given during the processing of other articles of the Framework Convention was made.

The second report was prepared under the coordination of the Ministry of Minority Rights, with the participation of the Ministry of Education and Sports, Ministry of Culture, the Ministry of Labor and Social Welfare, the Ministry of Interior, Ministry of Justice and Human Rights, and the Employment Agency of Montenegro.

The Draft second report was published on 27 July 2012 on the official website of the Ministry. In addition, the Draft second report was delivered to all councils, it was also delivered, through mailing lists of the Centre for Development of NGOs (CRNVO), to non-governmental organizations, to review its content and submit their comments. The Capital of Podgorica and Bosnian Council in Montenegro delivered their suggestions.

## II GENERAL INFORMATION

The last Census was conducted in the period 01 - 15 April 2011. According to the results of the Census, Montenegro has a population of 620,029, whereof 313,793 or 50.61% are women and 49.39%, or 306,236 are men. The largest population is in Podgorica (185,937), representing 30% of the total population of Montenegro, followed with Niksic and Bijelo Polje. About 50% of the total population of Montenegro is concentrated in these three municipalities. The municipalities with the lowest number of inhabitants are Šavnik (2070), Plužine (3,246) and Zabljak (3,569).

Total 392,020 inhabitants live in urban type settlements, which represent 63% of the total population, while in other areas live total 228,009 inhabitants. The average age of the population of Montenegro is 37 years old. Women in average are 38 years old, and men are 36 years old. Adult population makes 76.5% of the total population

In accordance with the Methodology for the preparation, organization and implementation of the census, enumerators were required to notify all persons enumerated on the right to express their ethnicity, religion and mother tongue freely and of their own faith, and that they do not need to answer the question offered if they do not want to do so. If the person did not want to comment and answer on questions mentioned above, the answer which was inscribed is "Does not want to declare." On the question of nationality, i.e. ethnicity total 4.87% of people gave this answer, on the question on mother tongue total 3.99% persons stated as mentioned above, and on the question regarding religion total 2.61% persons responded the same way. Based on the proposed content of other questions offered, enumerated persons gave answers about the housing situation, educational attainment, employment and other issues of importance to their status and social life in Montenegro.

The category "Other" classified national or ethnic origin, language and religion that make up the population of less than 100 at the national level.

Territory of Montenegro is 13, 812, 00 km<sup>2</sup>. Coastline has a length of 293.5 km, while land border is 614 km. The capital, administrative and economic center of Montenegro is Podgorica, while the royal capital - a historical and cultural center of Montenegro is Cetinje. Montenegro has 21 municipalities and 1256 village

Since the Statistical Office of Montenegro - MONSTAT has not yet processed the complete list of results, we provide you with an overview of the reported results in relation to ethnicity, religion and mother tongue

*Population by ethnicity<sup>1</sup>*

no	Ethnicity	2003		2011	
		Persons	Percentage	Persons	Percentage
1.	Montenegrins	267.669	43,16%	278.865	44,98%
2.	Serbs	198.414	31,99%	178.110	28,73%
3.	Yugoslavs	1.860	0,30%	1.154	0,19%
4.	Albanians	31.163	5,03%	30.439	4,91%
5.	Bosniaks	48.184	7,77%	53.605	8,65%
6.	Bosnians	/	/	427	0,07%
7.	Bosniaks /Muslims	/	/	181	0,03%
8.	Montenegrins/Muslims	/	/	175	0,03%
9.	Montenegrins /Serbs	/	/	1.833	0,30%
10.	Gorani	/	/	197	0,03%
11.	Muslims-Bosniaks	/	/	183	0,03%
12.	Muslims-Montenegrins	/	/	257	0,04%
13.	Serbs/Montenegrins	/	/	2.103	0,34%
14.	Turkish	/	/	104	0,02%
15.	Egyptians	225	0,04%	2.054	0,33%
16.	Italians	127	0,02%	135	0,02%
17.	Macedonians	819	0,13%	900	0,15%
18.	Hungarians	362	0,06%	337	0,05%
19.	Muslims	24.625	3,97%	20.537	3,34%
20.	Germans	118	0,02%	131	0,02%
21.	Roma	2.601	0,42%	6.251	1,01%
22.	Russians	240	0,04%	946	0,15%
23.	Slovenians	415	0,07%	354	0,06%
24.	Croats	6.811	1,10%	6.021	0,97%
25.	Other	2.180	0,35%	3.358	0,54%
26.	Does not want to declare	26.906	4,34%	30.170	4,87%
27.	Regional qualification	1.258	0,20%	1.202	0,19%
28.	Unknown	6.168	0,99%	/	/
<b>T O T A L</b>		<b>620.145</b>	<b>100%</b>	<b>620.029</b>	<b>100%</b>

*Population by religion<sup>2</sup>*

no	Religion	Persons	Percentage
1.	Orthodox	446.858	72.07
2.	Catholics	21.299	3.44

<sup>1</sup> Source: MONSTAT

<sup>2</sup> Source: MONSTAT

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3.	Islam	118.477	19.08
4.	Adventist	894	0.14
5.	Agnostic	451	0.07
6.	Atheist	7.667	1.24
7.	Buddhist	118	0.02
8.	Christians	1.460	0.24
9.	Jehovah witness	145	0.02
10.	Protestants	143	0.02
11.	Other religions	6.337	1.02
12.	Does not want to declare	16.180	2.61
<b>TOTAL</b>		<b>620.029</b>	<b>100%</b>

*Population by mother tongue<sup>3</sup>*

no	Mother tongue	Persons	Percentage
1.	Serbian	265.895	42.88%
2.	Montenegrin	229.251	36.97%
3.	Albanian	32.671	5.27%
4.	Bosnian	33.077	5.33%
5.	Bosniaks	3.662	0.59%
6.	Hungarian	225	0.04%
7.	Macedonian	529	0.09%
8.	German	129	0.02%
9.	Roma	5.169	0.83%
10.	Slovenian	107	0.02%
11.	Croatian	2.791	0.45%
12.	Montenegrin/Serbian	369	0.06%
13.	English	185	0.03%
14.	Croatian/Serbian	224	0.04%
15.	Mother tongue	3.318	0.54%
16.	Romanian	101	0.02%
17.	Russian	1.026	0.17%
18.	Serbo-Croatian	12.559	2.03%
19.	Serbo-Montenegrin	618	0.10%
20.	Regional languages	458	0.07%
21.	Other languages	2.917	0.47%
22.	Does not want to declare and unknown	24.748	3.99%
<b>TOTAL</b>		<b>620.029</b>	<b>100%</b>

Pursuant to the criteria of the United Nations Development Program (UNDP), Montenegro is a country with the mid-level development and takes 54<sup>th</sup> place on Human Development Index for 2011 (Human Development Index / HDI ranking)<sup>4</sup>. Basic economic indicators for the period 2004 – 2012 are given in the following Table<sup>5</sup>.

<sup>3</sup> Source: MONSTAT

<sup>4</sup> Source: UNDP/International Human Development Indicators, 2011

<sup>5</sup> Source: Ministry of Finance

	2004	2005	2006	2007	2008	2009	2010	2011	2012
GDP (mil €)	1700	1815	2149	2680	3086	2981	3104	3273	3405
GDP real growth %	4.4	4.2	8.6	10.7	6.9	-5.7	2.5	2.5	2.0
GDP per capita <sup>6</sup>	2648	2912	3443	4280	4908	4720	5006	5279	5492
GDP per capita PPP (in €)	7369	7959	8910	10120	11058	10538	10774	11228	n.d.
GDP per capita, PPP (% share in EU27 average) <sup>7</sup>	n.d.	31	36	40	43	41	41	n.d.	n.d.
Average gross income	303	326	377	497	609	643	715	722	
Average net income	195	213	246	338	416	463	479	484	
Average old-age pension	150	156	168	190	250	300	309	321	
Average pension	123	129	140	159	209	253	261	273	
GINI coefficient (%) <sup>8</sup>		25,9	24,4	26,4	25,3	26,4	24,3		
Number of work permits issued	29136	25694	23965	39247	58340	17108	14596	19469	
Public consumption (% of GDP)	42	42	43	43	50	51	47	43	40
Deficit of public finances (% of GDP)	-2,6	-2,0	2,9	6,7	-0,4	-5,7	-4,9	-4,0	-1,1
Public debt (% of GDP)	45	38	33	28	29	38	42	45	47
GDV rate	17% and 0%	17% and 0%	17% and 0%	17% 7% and 0%					
Income tax – rates	0% 15%, 19% and 23%			15%	12%	9%			
Profit tax – rates	<ul style="list-style-type: none"> <li>• 15% €</li> <li>• 15000€+20% for the amount exceeding 100.000 €</li> </ul>			9%					

### III IMPROVING THE POSITION OF ROMA AND EGYPTIANS

<sup>6</sup> The Statistical Office of Montenegro and estimation of MF for 2011 and 2012

<sup>7</sup> Source: The Statistical Office of Montenegro

<sup>8</sup> Source: The Statistical Office of Montenegro: The Gini coefficient is related to the whole consumption in society (the rich and the poor), has inequality values ranging from 0 to 1 (0-indicates that all persons have equal consumption or income, a 1-indicates that one person has all the income or consumption in society, and all others have none).



The Government of Montenegro adopted on the session held on 08 November 2007, a *Strategy to Improve the Position of RAE Population in Montenegro 2008-2012*. The strategy represents a set of concrete measures and activities in the next four years of legal, political, economic, social, town-municipal, educational, cultural, informational, health, and any other necessary characters, their holders, deadlines, and financial costs. In addition to the basic goals and objectives to be achieved by the implementation of this document, the Strategy defines the scope, priority objectives, methods of implementation, the duration of the strategy, evaluation mechanisms, etc. Priority action areas are set as follows: development of a database of RAE population, resolving the legal status of the RAE (registration and troubleshooting personal documents), education, preservation of culture and traditions, employment and labor rights, health and health care, social and child protection, improvement of living conditions and participation in public and political life.

The Government adopted decision on establishing the Committee to monitor the implementation of this strategy, which consisted of representatives of the state administration, the representative of the Roma Council in Montenegro and representatives of Roma NGOs

Apart from funds allocated to improve the situation of Roma in certain areas, the Government, in the framework of budget of the Ministry of Minority Rights, allocated special means for the implementation of the Strategy. In 2008 the allocated means amounted 400,000 euro, in 2009 - 600,000 EUR, in 2010 - 400,000 EUR, in 2011 - 300,000 EUR, which is total of 1.7 million euros for this period. In order to make funds for the implementation of the strategy transparent and accessible to all social actors, the Commission announces a public competition every year. Competitions/public calls are published in newspapers and on the website of the Ministry. The rights to participate in public competitions have government bodies, public enterprises and institutions, broadcasters, local government bodies, and non-governmental organizations. In the previous four-year period, out of total designated funds, total 65 projects were supported and realized.

### **1.Database and civil registration**

In October 2008, the Statistical Office (MONSTAT), in cooperation with the Roma Council and the coalition of Roma NGO "Roma Circle," conducted the first survey necessary to design a database of RAE population in Montenegro. The research results were published in December 2009. The database contains information on the total number of RAE population, gender, age, and number of children encompassed by the education system, the rate of illiteracy, employment, and change of residence, number, and structure of households. According to the last census in 2011, the share of the Roma community in the general population is 1.01%, or 6250 of the Roma, 87 Ashkali and 2045 Egyptians. RAE population has a high birth rate, which, with high mortality rate, makes them the youngest community. The census figures show that children of pre-school age (up to 6) make 19.9% of the total population, while the primary school age (6-14 years) makes 24.9% of them. Illiteracy rate of RAE population is 26.4%, while the illiteracy rate of the Roma population is 28.1%, i.e. 1206 persons are illiterate. According

to census data, primary education encompassed 62.5% of RAE population of primary school age, and 5.5% of secondary school age. Further analysis of education shows that the educational level of RAE population is very low because of the population aged 15 years and over – total 41% has no educational qualifications, 31.3% has incomplete primary education, 19.5% completed primary school, about 4% graduated from high school, and 0.8% of the population has a college degree.

Law on Amendments to the law on citizenship provides that persons with residence in Montenegro before 3 June 2006 can submit the request for the acquisition of Montenegrin citizenship by admission under easier conditions (these people do not need to submit proof of knowledge of the Montenegrin language sufficiently to communicate, and proof on ten years of continuous residence in Montenegro) until 31 July 2012 (the previous deadline was the 5 May 2011). In addition, in late May 2011, the Law on Amendments to the law on identity card was adopted, which provides that an identity card issued under previous legislation (Law on Identity Cards from 1993) is valid until the expiration date, but not later than 31 July 2012 (previous validity was determined by 22 June 2011). In this manner, Montenegro provided assistance to persons who had a permanent residence in Montenegro before 3 June 2006, enabling them to have sufficient time to obtain the necessary evidences and submit a request for acquisition of Montenegrin citizenship by admission, and during that time, to have an identification document, ID card issued on the previous pattern, which serves as proof that a person resides in Montenegro.

As for the RAE population who reported residence in Montenegro before 3 June 2006, and who submitted a request for acquisition of Montenegrin citizenship by admission, they received a guarantee from the Ministry of Interior of Montenegro to be admitted into the Montenegrin citizenship once they got release from previous citizenship. The validity of the guarantee is two years, and during that time, they must obtain a release from the earlier citizenship. Montenegro has taken important actions to provide financial assistance to RAE persons in respect of payment of administrative fees that are required in order to obtain release from previous citizenship. This means that Montenegro for such cases provides the means to these people so that they can pay administrative fees in another state or country of which they are citizens. Financial means for this purpose are paid to the Roma Council. The amount of means for this purpose is determined from the fund for the implementation of the Strategy. In 2010 the means allocated for this purpose amounted 85,000 EUR, and in 2011 - 90,000 EUR. In addition, the association "Humanitarian" realized the project entitled "Exercise of the right to an identity through the subsequent birth registration of 43 disabled children of RAE population from Montenegro," which is supported with 4,700 €.

## **2. Education**

Programs of inclusion for Roma and Egyptian children are continuously implemented at all levels of education. There has been significant progress, but also to the challenges of full social inclusion of RAE population are clearly identified.

In Montenegro, the total preschool education covers 14% of RAE children, while the total coverage at the state level is also low, at around 22% of children. On the territory of the capital Podgorica there is functional educational unit attended by children

of Roma and Egyptian population, located in a village with a bigger RE population. Parents of these children are exempt from nutrition costs. The Red Cross of Montenegro organizes psychosocial workshops for preschoolers.

Number of Roma and Egyptian children in primary schools is steadily increasing. In relation to the school year 2001/02, the number of students RE in the school year 2011/2012 is almost tripled, from 536 to 1582 students, of which: local members of the RE - 842, internally displaced RE persons from Kosovo – 720, and displaced RE persons from former Yugoslavia republic – 20. In cooperation with the Pedagogical Center and the University of Montenegro, the programs are being implemented with following aim: to improve the performance of pupils / students, to reduce language barriers, to support and assist in coping with social skills and knowledge, as well as to support the development of a higher level of confidence and pleasure. Since the school year 2008/09, the various activities are implemented in order to eliminate segregation in education of RE population from Camp Konik by involving children in urban/city schools. Ministry of Education and Sports provides free textbooks and transport to the city schools for RAE children. Furthermore, in the last four years free textbooks have been provided for all children who attend the first, second and third grade of elementary school (annual amount of funds required for this is app 33,000 EUR). Additional classes for RAE students in elementary school "Bozidar Vukovic – Podgoričanin" are being performed continuously. This type of education included 160 students, and the School has designated a supplement program for first, second and third grades for subjects of the Montenegrin language and literature, Science and Society, and Music Cultures with content from Roma literature, history, traditions and music.

In the school year 2008/2009, the secondary schools were attended by 30 students, during 2009/2010 - , during school year 2010/2011 - 57, and the school year 2011/2012 – total 72 students. During last four years, high school students received monthly scholarship for EUR. At the beginning of the school year, they were donated 100 EUR for textbooks each. Their work and their success are monitored, and they are provided extra help in mastering the curriculum, and the computers and IT equipment are provided for them as well. In most cases RE population students enroll the secondary schools on basis of the principle of affirmative action.

In the academic 2011/2012 in Montenegro total 8 members of the RE population studied. All students, during the last four years, receive a monthly scholarship in the amount 150 EUR. In addition, a financial assistance of 150 EUR was provided and awarded to them at the beginning of every school year for buying textbooks. Students received computer equipment as well, as a donation of the Ministry for Human and Minority Rights. Furthermore, tuition is also paid for students, while renting of apartment is paid for four students, and travel expenses are covered for two students (4.200, 00 EUR). Scholarship program for high school pupils and university students is realized through the NGO "The Roma Scholarship Foundation ", and in the previous four years, this program was provided with 233,653 EUR.

Education programs for adults are being implemented in accordance with the current public education programs. Students do not pay for primary education and the first qualification degree. Programs that have been developed and realized relate to functional literacy and curriculum of primary schools for adults. In addition, the project "Step by step - change" was realized, supported by UNESCO, with the aim to strengthen

understanding of the motives of parenting and the role of parents in the process of raising and educating children, development of future high-quality parent-child relationships, and constructive communication skills and problem-solving situation, etc.

The project "Support to the full process of social inclusion" is being currently implemented through IPA 2010. Sub-objectives of the project relate to: improving MIES mechanisms for data collection and their use by the schools for information on the RE children; developing and piloting models of preparatory kindergartens; defining opportunities for engagement and identification of resources for RE assistants; dropout prevention - in 6 pilot schools "case management" strategies will be developed and implemented; draft Guide for the Dropout Prevention and run programs to raise the awareness of parents and the community for schooling RE children.

Ministry of Education and Sports in coordination with the Bureau for Education Services, through the education of teachers and educational personnel in the past period created a favorable environment and conditions for the integration and socialization of Roma children. Following seminars have been organized for teachers: Index for Inclusion - (35 teachers), Peace and Tolerance (32 teachers); Development of Critical Thinking (18 teachers); Education for Social Justice - against stereotypes and prejudice (25 teachers); Innovative methods in education for Roma integration (12 teachers), etc.

Professional development and individual professional advancement of teachers, as well as improving the quality and efficiency of the education system is the responsibility of the Department for continuous and professional development within the Bureau for Education Services. Bureau for Education Services selects the programs through open competition and brings them into the Catalog of programs for professional development of teachers. Training programs for the professional development of employees in education are accredited by the Commission of the Bureau for Education Services, and approved by the Ministry of Education and Sports. In the Catalog of programs for the academic 2011/2012 following programs are offered: "The integration of Roma children in primary schools-support to inclusion" and "Kindergarten as Family Center for Roma children – support to inclusion," as well as many others that contribute to the process of social inclusion

Center for Vocational Education, at the request of the Employment Agency, designed standards of vocations and training programs for the project "Creating equal access to jobs for the RAE population". In addition, Center for Vocational Education, at the request of the Roma Scholarships Foundation and the Red Cross of Montenegro, sets up standards, programs, monitors their implementation, and organizes, together with Examination Center, final exam for students of elementary functional literacy program. Within the project "Inter-sectoral initiative on disease prevention and special education for displaced Roma persons in Konik Camp", which is being realized by the Red Cross of Montenegro, and the Center for Vocational Education is partner in its implementation, elementary functional literacy program was completed, which was attended by 30 participants. Total 28 students successfully completed this program, as follows: 17 male participants and 11 female participants. The training programs for low-skill occupations attended over 40 students of which 31 students successfully completed and passed test of qualification/final exam. Professional qualification for an occupation assistant hairdresser acquired 10 participants. Professional qualification for an occupation of assistant car

mechanic acquired 11 participants. Professional qualification for an occupation of tire technicians acquired 10 participants.

In the following project is being implemented: "Student volunteering - from desegregation to quality integration of Roma pupils." Partners in the project are as follows: Pedagogical Center of Montenegro and the University of Montenegro - Faculty of Philosophy, Niksic. A list of other participating organizations: Coalition of NGOs "Roma Circle" and the Primary School "Bozidar Vukovic Podgoričanin". The direct beneficiaries of the project are Roma children from elementary school "Bozidar Vukovic Podgoričanin". The project began in March 2011 and it will last until December 2012. The project includes the following: 1. Improving the academic achievement of students and reducing language barriers for students; 2. Support and assistance to students in learning social skills and knowledge; 3. Preparation and raising level of students' readiness for all future integrations and socialization; 4. Raising the level of quality in educational work - individualized approach to teaching; 5. The development of the concept of volunteerism through students teaching and pedagogical practices; and others. So far, Analysis of the research documents and instruments has been completed; trainings for students – researchers organized; Research was completed; A group of students volunteers was established; Advertising needs to Roma assistants in the community (RAZ); RAZ selection and monitoring their work.

Ministry of Education and Sports is included, through IPA 2010 program, in the project "Reform of social protection and children care system: enhancing social inclusion", through Component 1 "Inclusive Education". One of the expected results of this project is to increase the total number of RAE children in the education system through following: to establish the necessary conditions for their involvement, develop mechanisms for preventing school dropout, provide so-called Roma assistants, and continuously monitor the continuity of their education through a database. Implementation of the project began in late February. Job description was prepared - Terms of Reference IPA 2010 for Component 1 - Inclusive Education. Based on it, the EU Delegation in Montenegro has published open competition for the bidders – companies to perform requested tasks. Received offers/bids were reviewed by the Committee consisting of representatives of Ministry of Education and Sports and EU Delegation in Montenegro. The Committee made short list of companies that are required, in the next period (August 22), to provide a detailed description of activities foreseen to implement the project.

Brochure on the Rights of the Child was created on the Montenegrin, Albanian and Roma language. Workshops on children rights were held in:

- Primary school "Božidar Vuković" – Podgorica;
- Primary school "Mileva Lajović –Lalatović" – Nikšić;
- NGO Roma and Egyptians – Ulcinj;
- Primary school "Ilija Kišić" – Herceg Novi;
- Primary school "Radomir Mitrović" – Berane

In these workshops, about 500 copies of "Album of Children's Rights" were distributed and more than 800 students were informed on the children rights. Besides the students of RE population, non-Roma children participated in workshops, children from the second to fifth grade. Workshops were conducted in three languages - in Montenegrin, Albanian, and Roma. In addition, representatives of the Ministry of

Minority Rights, Roma Council, NGOs and the Red Cross discussed with school principals and teachers problems in the education of Roma children, as well as possible assistance and joint activities.

A campaign "Turn List" was realized in cooperation with UNHCR, with the aim to promote the right to education of Roma children.

In addition to these projects, in order to implement the strategy, the following projects in the field of education were supported and carried out:

- NGO "Children - Enfants," project "Education for All" in the amount of 4,600 EUR;
- Ministry of Education, Bureau for Education Services and Kindergarten "Đ.Vrbica", project "Participation for Breakfast to Roma children in Kindergarten" in the amount of 20,800 EUR;
- Roma Scholarship Foundation, project »Successful completion of the school«, in the amount of 16.100,00 EUR;
- Primary school »Božidar Vuković - Podgoričanin, amount of 5.000,00 EUR, for buying textbooks for RE students, awards for best students, and adaptation of classrooms;

### **3. Employment**

**National Strategy for Employment and Human Resources Development for the period 2012-2015** defines the priorities in the area of employment and human resources for the specified period. One of the three priorities of the Strategy is to promote social inclusion and poverty reduction through the improvement of the system of social benefits and social services, in order to better focus and cover vulnerable groups, improve the integration in field of employment of persons with disabilities, and integration in employment and integration of RAE population, refugees and displaced persons.

Objective related to the RAE population, refugees and displaced persons is focused on providing support for this population to increase employability and employment, and in that way to reduce their poverty and social exclusion so that they become active and full members of the Montenegrin society.

In order to increase the employment rate of all persons, including the less employable person, the Employment Agency carried out a series of measures of active employment policy that complies with the guidelines of the European Employment Strategy.

Employment Agency of Montenegro does not keep unemployment registers by ethnicity, but, due to the needs of the "Roma Inclusion Decade ", Agency made changes to the application, allowing search records on that basis, whereas the declaration of an unemployed person on ethnicity is not obligatory but is strictly voluntary.

On average, per year, about 1000 persons who identify themselves as members of the RAE are in the registries of the Agency. The participation of women is about 40%. Share of RAE population in total registered unemployment is 3-4%. Over 90% of the registered unemployed RAE population consists of people without vocation and education. They, as a rule, wait longer for employment and the job offer for them is extremely limited. A smaller part of RAE population is employed in seasonal work in construction, agriculture, and tourism sectors, as well as through public works programs,

where they are employed for a limited time. Out of the total number of unemployed Roma and Egyptians registered in the records of the Employment Agency only 7.5% are active job seekers, which means that they occurring regularly on time in the Agency for registering and want to participate in measures of active labor policy.

For this reason, the Employment Agency puts great efforts, through various forms of animation, to motivate RAE population to sign into the unemployment register and to take part in the measures and programs of active employment policy, which can help them to raise their level of employability and participation in the legal labor market. In this sense, the Agency cooperates with local community organizations and Roma NGOs, while through media informs and animates Roma population.

Independently or as a partner in the project, the Employment Agency, in the period 2008 - 2012, implemented a number of activities related to increasing employability and employment of RAE population. Some are of continuous characters, and some are related to the implementation of targeted partnership projects.

Annually, on average, between 50 and 100 unemployed Roma and Egyptian persons is covered by programs of active employment policy, particularly through education and training programs, public works, both state and local, and seasonal jobs. The participation of women is about 40%.

**The project "Second Chance" - 2007/08** – is a program of integrating adults, through literacy training and professional education of 61 persons of Roma and Egyptian nationality from Podgorica and Niksic, aged 15 to 40 years (40% female participation), for a period of 18 months. Students have successfully completed the program in functional literacy and passed the final exams, after which they continued professional training for occupations in the field of construction, hospitality, and personal services. Most of these candidates obtained basic computer skills and passed the driving test for a B category. The Roma Scholarship Foundation, the Employment Agency of Montenegro, the Center for Vocational Education, and the German international organization for adult education "DVV International" jointly implement the project. The European Union through the European Agency funded this project for Reconstruction. Total 11 participants of the program are employed in the utilities sector in Podgorica, 10 participants are employed in the hospitality industry, construction, maintenance and education; eight participants provide services in their own community. In addition to hiring a number of people, the project participants, this project is significant from the point of view of involving RTAs with the third and fourth level of education, which greatly helped the project to be realized in a proper way.

The project **"Reducing vulnerability of domicile RAE population"** was realized in 2008, 2009, and in part of 2010, with the support of UNDP, in the municipalities of Bar, Berane and Niksic. The project related to the capacity building of the Employment Agency (building institution capacity and improving knowledge of employees in order to enhance the quality of services provided to this category of less employable persons); improvement of professional classifications and skills of Roma, through involvement in education and training programs, support development of entrepreneurial initiatives through the award of grants to start economic activity. Through the implementation of project activities, 75 members of RAE population have completed a training program. After the completed training, seven people have found employment with the contractor. Of the total number of participants, 39 or 52% are women.

Professions for which candidates were trained are those with the lower level of expertise/classification, such as a mechanic assistant, assistant hair stylist, assistant sewer, assistant cook, assistant serving person, assistant ceramists, a mechanic, a tire repairperson. One goal of the project was to promote entrepreneurship in the RAE population. This is the first time in Montenegro that grants are awarded to RAE population members. Six grants were awarded and funded (one in the municipality of Bar, three in Niksic, and two in Berane). Users were provided with an elementary knowledge about entrepreneurship and business, the barriers, and benefits of private business. By implementing these ideas, opening of 12 job positions is envisaged. Following project ideas were financed: locksmith shop, hairdressing salon (two), workshops for making Roma traditional costumes, service for repair of car refrigerators, service for the repair and maintenance of vehicles. Although the users, following receiving of funds, registered activity, and hire the required number of persons, currently, out of the total number of users, only two of them duly registered business, the required number of employed persons and carry out their work, in accordance with market conditions, more or less successfully (33 percent success %).

The most important results of the project can be summarized as follows:

- 75 individuals completed one among a number of offered training programs (52% participation of women)
- The number of trained persons is 16.5% of registered RAE members in the records in the three target municipalities;
- Number of domicile Roma registered with the Employment Agency in three municipalities grew by 77.4% in the period 01.10.2007 - 31.12.2009;
- 107 persons (of whom 26% are women), or a total 23.5% of total registered in the target municipalities are employed in some way in the same period (through public works, seasonal employment, project activities - grants)
- Created and adopted five occupational standards and training programs for occupations/vocations that will be competitive in the labor market and meet the needs of the RAE population;
- Provided funding (grants) for the six business ideas in three target municipalities. Success rate is 33%;

**Education and training of adults** is one of the measures of active employment policy which has being implemented continuously and includes education and training programs for the first job, retraining, upgrading, innovation of the knowledge within the same occupation and level of education, the acquisition of key skills. Education and training can be carried out for the needs of the employer and the labor market.

The objectives of the program are to reduce unemployment, increase the employability of persons seeking employment through the promotion of quality offers, meet current needs, requirements and working conditions, as well as mitigate the imbalance between supply and demand in the labor market. Professions for which members of RAE population are trained include simple ancillary occupations such as assistant mechanic, assistant hair stylist, assistant sewer, assistant cook, assistant serving person, assistant ceramists, tire repair person, etc. The problem that often arises in the implementation of these programs is literacy level of the participants, meaning that a large number of participants is not able to follow the training programs which are provided.



**Public works** are one of the most successful programs of active employment policy, which is also realized in continuity. These are programs that are local or state employment programs, organized for the implementation of social protection programs, educational, cultural programs, environmental protection programs, utility and other programs, which are based on community benefit, non-profit work. Public works programs encourage creation of new job positions and raising the working force, the level of knowledge and skills of unemployed persons, while also helping the development of local self-governments. From the standpoint of the RAE population, these programs are important because they increase the level of social inclusion and alleviate the consequences of unemployment. Every year, these programs include around 100 members of RAE population.

**Seasonal employment** is a measure of the active employment policy that contributes to mitigate the effects of open unemployment. A general characteristic of seasonal jobs is their specificity, given the seasonal nature of the strategic sectors of the economy, due to irregularities in need during the year, the length of time, and the conditions in which they are made. The Agency, through its policies and activities, seeks to employ a large number of seasonal workers, and to obtain conditions that are more convenient for employers to employ these categories of people: better incomes, accommodation and food requirements, paid transportation costs, and other. Seasonal job is an opportunity for a large number of Roma that, even for a short time, become employed. Thus, during the past two years, more than 150 persons of Roma population were employed during the seasons.

**Elementary functional literacy program** – Roma Scholarship Foundation, for many years now, since the Second Chance project, continuously implement education programs for Roma and Egyptians adults, in which their partner is the Employment Agency. Two segments of the program are implemented: basic functional literacy and vocational training. Upon completion of three grades of primary school, students acquire linguistic and mathematical literacy, which enables them to continue with vocational training, through programs of active employment policy of the Employment Agency. Functional literacy programs have been realized for Roma adults since 2009 through the project "Integration of minority groups in the southeastern Balkans", which is carried out jointly by the Italian organization COSV ("Comitato di Coordinamento delle Organizzazioni per il Servizio Volontario"), the Center for Vocational Education, the Employment Agency of Montenegro, and the Roma Scholarship Foundation, and is planned for this project to be implemented in the period 2009 -2012. A key activity of the project is functional literacy and vocational training of Roma persons from Podgorica, who are illiterate, with no education or have completed less than three years of primary school, aged 15 to 35 years. Since the beginning of this project realization, the program attended and completed app 40 Roma persons, 30 of whom successfully passed the vocational exam.

**Project: "Creating equal access to jobs for RAE population"** – the Employment Agency of Montenegro, based on the competition, which was published in March 2010 by the Ministry of Human and Minority Rights of Montenegro, the Commission for the Implementation of the Strategy for Improving the Status of RAE Population in Montenegro, has received funding for the project "Creating equal access to jobs for the RAE population." The realization of the project started on 01 September

2010, while the project activities ended on 01.04.2011. Project activities were related to the inclusion of unemployed persons (total 55, out of which total 48 were Roma and Egyptian) in training programs for acquiring first vocation (19 RAE females or 40%). Persons were trained for following occupations: house cleaner and hygiene attendants, utility hygiene attendants, ceramists and support workers in orchards and vineyards. Out of the total number of trained persons, 18 people (32%) were employed. The project was implemented in the municipalities of Bijelo Polje, Podgorica and Tivat. Adequate preparation of students and a good selection of the right employers, which have proved to be serious partners, is best-realized activity, which resulted in the hiring. In addition to employment, the results of the project are following: affirmation of employers, who have not had experience with this population that far, to train RAE population, and express willingness to employ a certain number of people, which can serve as a good example for the employment of RAE population in the future; preventing discrimination in employment and creating equal opportunities for all in the labor market. With the help of employers a good atmosphere was achieved in the group and there was no drop-out of groups. One of the results is the further improvement of the partnership between all institutions that deal with improving the situation of RAE population; providing training to the target groups in social skills needed in the labor market, such as communication skills, teamwork, assertiveness, etc.; design of two occupational standards and two training programs, adjusted to opportunities and needs of RAE population, namely: hygiene attendants/hygienist and utility hygiene attendants.

**The project "Local initiatives to increase the employability of unemployed persons in the pilot municipalities in the North of Montenegro"** (grant scheme) - in 2011, as a part of this project, functional literacy training was realized in Bijelo Polje for 10 Roma persons (eight women), while five persons (two women) participated in the education training for a assistant cook, and one person (male) was included in education training for a job "carpenter assistant".

**Journalism School for the Roma population** - Media Institute of Montenegro realized, in period from 03.10.2011 - 29.02.2012, the journalism school for the Roma population in Montenegro, which was supported by the Open Society Institute, the U.S. Embassy in Podgorica and the Fund for Active Citizenship. The program attended 10 unemployed Roma persons, with completed secondary school, from Podgorica and Niksic. The Employment Agency supported this project through providing and financing scholarships for all students for the entire duration of the program. The aim of the school was to enable young Roma, who wish to work in journalism, to acquire, in a relatively short period, basic knowledge and journalistic skills that will help them to perform professionally journalistic assignments on the radio. All students spent a month on the practice in a variety of radio stations, as part of the program. After completing the school and evaluating the success of students, some media have expressed interest to hire several students on part-time basis. Nine persons have completed the entire program (two women) and received certificates.

**Motivation of employers to employ RAE population** – the Employment Agency of Montenegro pays special attention to cooperation with employers regarding employment of persons of Roma and Egyptian nationality. In that sense, for persons who successfully complete an education program and training, the Agency, to the most possible extent, and according to the principles of affirmative action, mediates in finding

employment, seasonal work and in the involvement in public works programs. One of the ways to encourage employers to hire greater number of RAE population members is **Decree on subsidies for the employment of certain categories of unemployed persons**, adopted by the Government of Montenegro 26.01.2012. Decree identifies subsidies for legal entities and entrepreneurs who hire certain categories of unemployed persons who are registered with the Employment Agency of Montenegro. Subsidies can be used by the employer that, among other categories, hires "unemployed Roma, Ashkali and Egyptians." For employing such persons, the employer does not pay contribution for obligatory social insurance on earnings (contributions for pension-disability insurance, health insurance, and contributions for unemployment insurance) and the contribution for the Labor Fund, as well as the tax on personal income. The regulation will be applied until 31.12.2014.

**Employers Survey 2011/2012** was organized as a part of the regular research activities of the Employment Agency and it makes an important assumption in activities and measures projection of active employment policy. The survey aims to review the current and projected employment and employing course. Survey 2011/2012 included, among other things, the questions on employment of Roma as well as the questions regarding the intention of employers to hire members of this population in the future. In addition to identifying the needs of employers in employing members of RAE population, during the conduct of the polls, the Agency had in mind the need to inform employers and to reduce the deep-seated prejudice against the RAE population as workers (insufficiently motivated for work and employment, insufficiently reliable in carrying out tasks, lack of work and technological disciplines, under-educated and insufficiently trained to perform tasks). It was attempt to encourage the reduction of discrimination in the labor market when it comes to hiring of persons from this category of unemployed. It can be concluded, from the responses received from surveyed employers, that the relation towards the RAE population significantly improved, both in terms of the number of employers who are willing to hire these people, and in terms of the number of planned employments. Total 19% of employers (in survey from 2010 - 5%) said they were willing to hire 450 people from the RAE population.

In addition to these activities of the Employment Agency, several significant activities were implemented in the area of employment in the framework of the Strategy for Improving the Status of RAE population 2008-2012, as follows:

- the Bureau for the Care of Refugees - the project is related to the acquisition of private cart for working-age persons (32 tricycles), in the amount of 16,250 EUR;
- the NGO "Foundation for Development of North of Montenegro" - the project related to the acquisition of agricultural machinery for RAE in Pljevlja, Niksic and Berane, in total amount of 48,764 EUR (supplied 10 multi-purpose tractors with trailers for the collection, transport and storage of waste materials in Berane, and 3 in Pljevlja; 1 small tractor with mower, one milking machine for sheep, 1 roto-tillers as a connection element to motor cultivator and 1 coulter as a connection for the user; the most important effects of the project is the fact that 26 members of the RAE in Pljevlja and Berane and 4 members of the family Adžović in

Niksic are employed, and 63.9 tonnes of waste and recyclables were collected).

- The NGO "Chimney Sweep" - a project related to the procurement of equipment and hiring of 10 chimneys sweeps in the municipality of Berane, in a total amount of 4.835 EUR;
- the Roma Scholarship Foundation - a project entitled "Through employment against poverty", in amount of 24,100, 00 EUR (working arrangement for eight persons from the Roma and Egyptian population and recruitment of highly educated female Egyptian, who is engaged as the project coordinator);
- the NGO "Development Center" Bijelo Polje - a project entitled " Through employment against poverty", in amount of 14,530, 00 EUR (temporarily employed ten RAE persons, engaged in cleaning the river bed of the river Lješnice, municipality of Bijelo Polje);
- NA "Skills"-Berane - a project called "Craft against poverty - shoe-shop", in amount of 5955,00 EUR (training for five members of the RAE population for shoemaker and opening of common shoemaking workshop in Berane);
- the NGO "Intudil" - project titled "Job Fair for RAE population", in amount of 2,800, 00 EUR (in collaboration with the "Career ways" collected the available offer for hiring RAE population and improvised fair activities through direct contact with interested representatives of RAE for work engagement);
- Since 2009 one Roma person is employed in the Ministry of Minorities, the first scholar who graduated from college. Also, during 2011, three members of RE population were employed in the state administration: General Secretariat of the Government, the Ministry of Foreign Affairs and European Integration, and the Ministry of Justice and Human Rights.

#### **4. Social protection and health care**

The system of social and child protection does not contain record that is based on ethnicity, national origin or other affiliations of social protection beneficiaries. With regard to the previously mentioned problem of not having personal documents, and therefore lack of access to various rights, a small number of Roma and Egyptian families receive material assistance for the family, supplement for children, and other social benefits that are realized based on legal regulations in this field. During the awareness raising campaigns, these persons are informed on the manners to exercise these rights in Montenegro.

Law on Health Care Insurance prescribes that socially vulnerable groups, unemployed persons, children up to primary school, and if they proceed with high school and the faculty until graduation, women during pregnancy and one year after childbirth, aged 65 years and suffering from various diseases, do not participate in the costs of medical treatment (they have free medical care). Decree on Manner to Exercise Right on Medical Care for Foreigners prescribed equal rights for Roma and Egyptian population in access to health care with the rights of insured persons (to whom the Law on Health Care

Insurance relates to). Now, there are no normative barriers for the Roma and Egyptian persons, who do not have the document (identity card, passport or other identification document, birth certificate, national identification number), to exercise the right on health care, both in scope and in content of services. In the period after the establishment of Camp I and Camp II in Podgorica, a clinic for adults and clinic for children were opened, in which doctors for adults and doctors for children work every day for two hours (previously ambulance was open for 2 hours in the morning and 2 hours in the afternoon). After working hours of clinics, members of Roma and Egyptian population can get medical care in ambulances of Primary Health Care Center Podgorica (in all locations, the closest location is a medical care facility Konik). In order to get reproductive and sexual health care services, the Roma and Egyptian population members may go to chosen gynecologists in health care centers, and delivery of babies can be achieved in every maternity hospital in Montenegro. Vaccination of children of Roma and Egyptian population, who have not chosen their pediatrician and who do not go to school, is conducted in the villages where collective accommodation of members of this population is provided. The Public Health Institute organizes periodic vaccination campaigns of Roma and Egyptian children in Konik, resulting in a high percentage of coverage (for some disease even up to 98%).

Given the fact that majority of Roma population live at the territory of Podgorica capital, the activities of Secretariat for Social Welfare are very intensive, and those activities encompass Roma population as well:

- One-time assistance – in money or in goods (food items, clothing, footwear, fuel, toiletries); during winter disasters (heavy snowfall), total 600 packages with food items were distributed at the Konik camp (for both domicile and displaced Roma);
- Free daily meal – total 500 meals are distributed on daily basis. App 60% of beneficiaries are members of Roma population;
- Gift packages for newborns;
- Financial assistance for the purchase of textbooks and school items at the beginning of the academic year;
- Free vacation and recreation;

In framework of implementation of the Strategy for Improving the Status of RAE population, in the field of social and child protection, and health promotion, the means were allocated and the following projects were implemented:

- the Bureau for the Care of Refugees, project entitled „Assistance to mothers and newly born children“, in the amount of 15.000 EUR;
- Public Institution - Center for social work in Bar and Ulcinj, project entitled „Child Supplement for RAE from Kosovo“, in the amount of 2.773 EUR;
- The Women's Association „Luč“ Nikšić, project entitled „We are people as well – help us“, in the amount of 5.223 EUR;
- NGO „Children – Enfants“ , project entitled „Adequate social protection, better integration“, in the amount of 3.100 EUR;
- Foundation Nikšić drug addicts prevention, project entitled „ Raising the level of health care among Roma “, in the amount of 4.230 EUR;
- Red Cross Nikšić, project entitled „ Prevention of infectious diseases among Roma in Niksic “, in the amount of 2.810 EUR;

- Visan-CG DOO, project entitled „ Pest Control, disinfection and disinfestations of Roma settlements “, in the amount of 6.000 EUR;
- Association »Impuls«, project entitled »We also need parents«, in the amount of 7.140 EUR;
- NGO »4 life«, project entitled »Raising awareness of children and young Roma on harmful effects of inhalants and other psychoactive substances on human health«, in the amount of 8.130 EUR;
- he Women's Association of Roma and Kovač-Women's heart, project entitled »I want to know what is the reproductive health«, in the amount of 4.730 EUR;
- NGO »Preporod«, project entitled »More educated, healthier, safer«, in the amount of 4.500 EUR;
- NGO »4 Life«, project entitled » Raising awareness of children and young Roma on harmful effects of psychoactive substances on psychophysical health«, in the amount of 6.000 EUR;
- NGO »Bjelogorac«-Ulcinj, project entitled » I want to continue where I stopped «, in the amount of 6.440 EUR;
- Roma Council in Montenegro, in the amount of 3.500 EUR, as financial assistance for socially vulnerable groups and as help in death cases

Ministry for Human and Minority Rights, Ministry of Culture and the Office for Combating Trafficking in Human Beings conducted a media campaign in order to combat begging, especially among Roma children. TV commercials are broadcasted on channels of public service broadcaster and commercial broadcasters from 10 June 2011.

## **5. Housing**

Housing conditions are one of the most important benchmarks for measuring living standards. There is no precise information on the facilities where Roma and Egyptian population live, whether it is conditional or provisional. It is a general observation that the housing conditions of majority of Roma and Egyptians in Montenegro are below minimum national and international standards of living. Some Roma and Egyptians have almost no permanent accommodation, and many live in an area that is not even close to adequate housing. A large number of the population lives in especially poor and extremely disturbing hygienic and health condition.

Some housing issues were solved through appropriate projects in the past, and in cooperation with international organizations and local self-governments:

- Solving housing problems of REA population in "Talum" settlement in Berane municipality - 24 housing units were built for 27 families of internally displaced RAE. The project was implemented through a partnership: German humanitarian organization "Help", the local self-government, the UNHCR - office in Montenegro, and the Bureau for the Care of Refugees in Montenegro.
- The building of settlement for 10 Roma families - realized through a partnership: Pljevlja Municipality, UNHCR, German humanitarian organization "HELP", and the Bureau for the Care of Refugees in Montenegro –the settlement with 10 prefabricated houses was built, on the area of 420 m<sup>2</sup>. The total investment amounted € 271,237.51. Lot/building site and infrastructure ports were provided by Pljevlja municipality,

Commission of the Ministry of Human and Minority Rights provided support for € 32,500.00, and the Government of Germany through the “HELP” provided the remaining assets.

- Municipality of Podgorica financed, in 2008, from its own funds, the construction of 9 apartments for the socially most vulnerable RAE families. The apartments were bestowed in accordance with the relevant procedure and moved in.
- The solving of housing issues for two most vulnerable REA families from Niksic", realized in partnership between: Niksic Municipality, Roma Association "Start", and Centre for Social Welfare of Municipalities of Niksic, Savnik, and Plužine. The project envisaged constructing of two prefabricated facilities, but the Niksic municipality decided, in addition to providing land, project documentation and providing free infrastructure ports, to finance on its own the construction of the third flat, intended for prominent athlete. The total investment amounted 72.500 €. Commission of the Ministry of Human and Minority Rights has provided 33,728 €, and the remaining funds were provided by Niksic Municipality. Niksic Municipality provided and adjusted adequate lots for 6 RAE families repatriated from the Western European countries. In addition, Municipality provided, for four houses that were completed and moved in mid-2008, total 30% of construction materials: bricks, gravel, sand, netting, planks, etc.
- Project “Through Housing to Better Integration”, implemented by the Association of Roma-Bar, value of 8,000 €, and supported by the Commission of the Ministry of Human and Minority Rights, with the participation of the Bar Municipality, envisaged building of prefabricated building for Nerda family containing of 16 members from Bar.
- Niksic Municipality, Center for social welfare of Niksic, Plužine, and Šavnik, and Roma Association "Pocetak", realized the project which regulates housing for 9 most vulnerable Roma families. Niksic Municipality has provided land, project documentation, and infrastructure ports, and the Ministry participated, from the funds allocated for the Strategy implementation, in the amount of 180.000 EUR. In addition, the Ministry helped, with the amount of 15.000 EUR, building of power transformer station for these objects. In cooperation with the NGO "Susreti"-Niksic, the furniture was purchased for all families, as well as solid fuel stoves and other appliances of 5.000 euros value. In December 2011, the keys were handed over to beneficiaries.
- Municipality of Bijelo Polje received funds for a project to solve the housing problem for eight Roma families, in the amount of 150.000 euros, but this project has not been completed yet.
- Berane municipality was supported with 60.000 EUR through the project "We need a home as well" in order to build objects (5 houses of solid material) on foundation sized 6.3mX6.3m, with living space of approximately 35m<sup>2</sup>.

- NGO Foundation "Caritas" and the Municipality of Berane, with the financial assistance of 30,975 EUR from the Ministry of Minorities, implemented the project entitled "Improving the living conditions of the displaced RAE in Berane." Total 6 houses were built, the size of 35m<sup>2</sup> (3 houses), 45m<sup>2</sup> (2 houses) and 55m<sup>2</sup> (1 house). Total area of residential usable space is 250m<sup>2</sup>. The objects are placed on a concrete foundation, with downstairs. Houses are connected to electrical, water and sewage networks.
- Financial support was provided, in cooperation with the Coalition of NGO "Roma circle," for the legalization of a residential building, in the amount of 3.270 euros.
- Adaptation of unconditioned living space for one scholar was made, provided by the Ministry of Minorities was 2.956 EUR.

Furthermore, through Secretariat for Social Welfare of the Podgorica Capital, Roma population members can solve their housing problems: via public competition – allocation of apartments for use, and by providing assistance to improve housing conditions.

## **6. Culture and informing**

Informing of the Roma population in Montenegro is realized through the programs of the national public broadcasting service. Over the past four years themes relating to Decade of Roma Inclusion 2005-2015 were also elaborated and analyzed from different aspects, where the Ministry of Culture co-financed eight programs and projects in the print and electronic media.

Ministry of Culture publishes annual competition for the best media investigative article/report on the theme of social integration of Roma in Montenegro, and both print and electronic media in Montenegro have the right to participate.

In 2010 and 2011, Ministry of Culture co-financed following: making compilations of four TV spots dedicated to the Decade of Roma Inclusion 2005-2015 in the implementation of the NGO "NEW ART" from Niksic, making the TV spot "Decade of Roma Inclusion 2005-2015, Roma and media" – realized by NGO "NEW ART" from Niksic; project »Training for work with the media for young Roma activists from the NGO sector" - realized by the NGO "Women's Alliance for development" from Niksic; photo exhibition on the occasion of International Roma Day "One Ordinary Day" by Dejan Kalezić; post-production, publication and distribution of TV film "King of Disks" realized by the Cultural Center "Cold bay" from Bar; making of TV spot "Stop to Begging" realized by the NGO "NEW ART" from Niksic.

In 2008 and 2009, TV "MBC" - Podgorica broadcasted 24 collage TV shows in the series entitled "Stretch out your hand" lasting 40 minutes each episode. Episodes covered field of education, preservation of culture and tradition of RAE minorities, aimed to inform majority of the population about the cultural and other specifics of the Roma minority and with all the problems they face now in Montenegro. The series is financed in framework of the implementation of the Strategy for Improving the Status of RAE Population in Montenegro 2008-2012, in the amount of 20,500 euros.

Radio "Skala" Kotor and radio "Mojkovac" from Mojkovac were also supported by the Ministry of Minority Rights (8,000 euros) through appropriate projects, and



contributed, to certain extent, to the popularization and preservation of culture, traditions and customs of RAE population.

Radio "Elita"-Ulcinj, through the implementation of two projects, "Amaro Drom (Our Way)" and "Separate and Equal" (supported with 7590 EUR and 7960 EUR) has contributed to better informing of the Roma and Egyptian population, as well as to informing of the majority population on problems Roma and Egyptians face with. Shows are broadcasted in Montenegrin, Albanian and Roma language.

NGO "Civil Forum" from Niksic implemented a project entitled "Journal Media Policy-information campaign on registering Roma in the birth record books" and the project was supported with 980 euros.

The most important project in the field of information was the opening of "Roma radio." In cooperation with the Roma Council in Montenegro, with funding of 32,530 EUR allocated in the Strategy, "Roma radio" started to broadcast program on 8 April 2011.

In the field of protection and promotion of RAE culture and traditions, Center for the preservation and development of minority cultures played the most important role with their programs. Within the Center, the magazine "Alav" is launched which is published in Montenegrin and Roma language. Also, the first book is printed in the Roma language - "Emeritus" written by Ruždija Sejdovic. Part of cultural events is funded through the projects that have been implemented with financial support of the Fund for Minorities.

In a specific, but exceptionally designed way, by preserving the culture, traditions and customs of the RAE population, the students of the Department for Preschool Education of the Faculty of Philosophy from Niksic, in cooperation with colleagues of RAE population from the Faculty in Podgorica and amateur actors from Podgorica and Niksic, have performed very well visited puppet show for the kids - play "Diary". The premiere was presented in KIC "Budo Tomovic", and plays were performed in Niksic and Herceg Novi. Also, the NGO "Roma dream," prepared and presented the theater show "The Roma Wedding" (in Niksic, Podgorica and Herceg Novi), with funding in the amount of 8,000 euros from the resources allocated for the implementation of the Strategy.

Every year, Ministry of Minority Rights and the Ministry of Culture mark the World Roma Day by organizing cultural and other events. Thus far, very successful concerts, press conferences, receptions, exhibitions were organized. In 2010, the celebration was organized with the UN Office in Montenegro, and photo exhibition titled "Barvale" by Dusko Miljanic was organized.

## **7. Participation of Roma in public and political life**

In terms of greater involvement of RAE population in political and public life, some very significant results have been achieved. Through funds allocated for the implementation of the Strategy, the coalition "Roma Circle" was awarded 23,491 EUR for the project, which involves capacity strengthening of the Roma NGOs and monitoring of policies relating to the RAE population in Montenegro

Roma Council in Montenegro implemented the project entitled "Enhancing cooperation of Roma Council with local RAE NGOs and local institutions in Montenegro" (supported with 4420 EUR). The attitude of local authorities towards the

issues of RE population changed in many ways. Most of the local parliaments and assemblies have introduced the institution of "empty chair", which was used by a representative of the Association of Roma "Pocetak" during the adoption of the Local Action Plan in the municipality of Niksic. Local action plans were adopted in Niksic, Herceg Novi and Tivat, while the preparatory work is underway for the adoption of plans in the municipalities of Ulcinj, Bar and Bijelo Polje. These activities are carried out in cooperation between the Ministry and the OSCE.

A positive example is the stance of Herceg Novi Municipality, where an office "Roma Center" was opened for the NGO "Young Roma" in Herceg Novi.

Ministry for Minority Rights provided translation in the Romany language and printing of the most important regulations: the Constitution of Montenegrin, Law on Minority Rights and Freedoms, the Law on the Protector of Human Rights and Freedoms, the Law on Prohibition of Discrimination, Law on Media, and the Law on Public Broadcasting Services.

Ministry for Human and Minority Rights, in cooperation with the Roma Scholarship Foundation, and Roma Council in Montenegro, is implementing a project to combat begging. The aim of the project is to link and coordinate the activities of the police and social welfare centers in taking measures to combat begging. In addition, the Ministry for Human and Minority Rights, Ministry of Culture and the Office for the fight against human trafficking financed the shooting and broadcasting of TV spots aimed at combat begging among Roma.

The projects supported by the means allocated for the implementation of the Strategy are following: NGO "Zabjelo Republika" – project, "One day - every day" - a documentary, supported with 5.770 EUR; Judo Club "Trebjesa"-Niksic, a project entitled "Roma-our competitors-that live with us, not by us", supported with 4,000 EUR; and NGO "Informa" project called "Youth photo patrols" supported with 1175 EUR.

The Government of Montenegro adopted, on the session held on April 5, 2012, a ***Strategy to Improve the Position of Roma and Egyptians in Montenegro 2012-2016***, and Action Plan for the implementation of the Strategy for 2012. The strategic goal set by this document is the improvement and enhancement of the status of Roma and Egyptians in Montenegrin society, which should lead to a reduction in the differences that exist between their position and the rest of the population.

The strategy relies on international and domestic legislation, as well as the European Framework for National Roma Integration Strategies up to 2020, particularly in the areas of access to education, employment, health services, and the right to housing and basic living conditions. The strategy covers the period from 2012 – 2016, and will be implemented through one-year action plans. The first Action Plan covers the period since the adoption of the Strategy by the end of 2012, and annual action plans will be prepared in the last quarter of the current year for the following year. Annual action plans will specify the priority measures and activities to be performed in that year.

The Strategy identifies the most important areas of its application, including: resolving the legal status, education, employment and labor rights, health and health care, social and child protection, violence against women and domestic violence, cultural and linguistic identity, information, housing and participation in public and political life. In order to monitor the activities realized, Committee was established to monitor the implementation of the Strategy. The Committee consists of representatives of institutions

that are recognized in the Strategy and Action Plan as holders of certain activities, as well as representatives of the Roma Council in Montenegro and Roma and Egyptian NGOs, who were elected through a public call.

The Government will provide a budget for each year of Strategy implementation from their own sources and respective international funds. For the first year of implementation of this document, the Government, in accordance with the funds approved by the Budget of Montenegro for 2012, provided funding in the amount of € 473,080.00, of which the funds in the amount of 230,000 € were provided by the Ministry for Human and Minority Rights, and the remaining amount of the budget was planned under other consumer items, according to the Action Plan for 2012. The total amount of funds to be drawn from the budget of Montenegro in the coming years to finance the Strategy will depend on the funds planned for this purpose in annual laws on budget of the holders of activities envisaged in the Strategy.

## **IV DISPLACED AND INTERNALLY DISPLACED PERSONS**

Given the fact that displacement is a problem of national, social and international importance, the Government of Montenegro, at the session held on 28 July 2011, adopted the **Strategy for permanent solving of the status of refugees and internally displaced persons in Montenegro, with special reference to the Konik area**, with supplementing Action Plan. The strategy covers the period August 2011-December 2015, and Action plans for its implementation will be adopted for a period of one year. The general aim of the Strategy is to resolve the status of refugees and internally displaced persons in a durable and sustainable manner, in cooperation with the international community, and in accordance with international standards and principles. By respecting the personal choice of the displaced persons, the Strategy defines two possible solutions to this issue - local integration and voluntary return, and the Action Plan provides the goals and actions for their realization.

In order to monitor the implementation of the Strategy and coordinate activities of the state administration, government authorities and other relevant institutions in this regard, the Government established, by the Decision ("Official Gazette of Montenegro, No. 48/11") adopted on 22 September 2011, the Coordination Committee to monitor the implementation of the Strategy, with particular reference to the Konik area.

Following the adoption of the Strategy and Action Plan, the authorities work persistently to create conditions for the fulfillment of the objectives defined in the systemic documents in this area.

Coordination Committee has so far held five meetings, where analyzed and discussed the dynamics of the implementation of the activities envisaged by the Action Plan, and the best models for resolving outstanding issues holders of activities face with during the implementation of the activities envisaged by the Action Plan.

### **1. LOCAL INTEGRATION**

#### **1.1. Legal status**

Legal status is the most important segment of the Strategy, but, also, it is a basis for the exercise of other rights of displaced persons. Initial activities in this field have

already been implemented by the adoption of the Law on Amendments to the Law on Aliens, which stipulates that displaced and internally displaced persons may submit request for obtaining the status of an alien with permanent resident status until 31.12. 2012.

Further activities aimed at solving the legal status will relate to the harmonization of national legislation with the Law on Amendments to the Law on Aliens, so that displaced and internally displaced persons could make use of a set of rights, which are granted upon obtaining permit for permanent or temporary residence. The Strategy acknowledges the need for amending and harmonizing the legal framework when it comes to the Law on the Civil Registries, Law on General Education, Rulebook on criteria, manner, conditions and amount of compensation for exercise of the right to accommodation and food in dormitory, student loan, scholarship and participation in transport costs, and Law on Social and Child Protection. In this regard, the UNHCR submitted to the Coordinating Committee a table of the rights of person with the status of alien with permanent or temporary residence in Montenegro, which contains an overview of the legislation and practice in this area.

In addition to the Law on Amendments to the Law on Aliens, which ensured a precondition for the realization of the legal status of refugees and internally displaced persons, the Law on Social Housing is also significant for the issue of local integration.

The Ministry of sustainable development and tourism is competent for preparation of this law, while Ministry of Finance and the Bureau for the Care of Refugees are involved in this process. It is planned that this law defines who will be entitled as the property owner / owner of facilities that are to be constructed in the framework of the Regional Project, and to address the questions that relate to the property management. During the third session of the Coordination Committee, it was agreed to intensify the work on this law, and to try to finish the text of the law before the deadline (the end of 2012.). MoSDT expects this Law to be completed within the prescribed time frame.

In order to eliminate any possible insufficiencies in re-registering internally displaced persons, which was conducted during 2009, the Committee was established, in September 2011, with task to determine the number of internally displaced persons who have been refused during re-registration in 2009, and who are still in need of protection, to regulate the status of an alien with permanent resident status. Criteria were also defined that would serve as guidance for the Commission in its work and based on which it will approve or reject the re-registration of applicants. The Commission chaired by representative of the Bureau for the Care of Refugees, in cooperation with representatives of UNHCR and the Ministry of Interior, received requests by end 2011, after which began to analyze all individual cases, and, by the 10 June 2012, solved requests of 329 persons, whereof 221 persons were approved to re-register, 85 persons were rejected, 14 requests have been suspended, while the analysis of 9 requests is still pending.

Parallel to this activity, MoI/ the Asylum Office, in cooperation with the UNHCR, received the requests for review/reconsidering of the status of persons whose status is questioned but has not been confirmed during re-registration in 2004, and who responded on the call published by the Asylum Office in 2009. Asylum Office has received a total of 227 claims and conducted a proceeding of reconsideration of the status, and the main criteria used in the process of review was whether a person is permanently resident in Montenegro or not. The process was conducted in collaboration with UNHCR, all the

submitted requests were individually reviewed, and decisions were made upon them. The procedure for resolving the status of abovementioned persons is underway, in accordance with the relevant regulations.

The competent bodies discussed and reviewed cases of children whose parents have confirmed status of the displaced of person/s, and who are not registered in the database of displaced persons. Their DP status will be confirmed and it will not be an obstacle in regulating their status.

In order to facilitate the procedure of obtaining documents necessary to regulate the status of refugees and internally displaced persons, in framework of the so-called "Belgrade Initiative" process, five meetings of the Regional Technical Working Group were held to address this issue. This working group, chaired by Montenegro, has achieved significant results in their work: encouraged the competent authorities of countries involved to actively address the issue of displaced, internally displaced persons and refugees, as well as the issue of returnees, and to remove all doubts or any obstacles in obtaining documents and determining the citizenship of these people, because legal mechanisms for regulating the status are created, both in the countries of origin of these people, and also in the receiving countries.

At the third session of the Coordinating Committee for monitoring the implementation of the Strategy for resolving the status of refugees and internally displaced persons with special attention to the area Konik a question regarding the subsequent registration in birth record books of children born outside of health institutions in Montenegro was initiated, through amendments of existing or adoption of new regulations. MoI came to the conclusion that the issue of registration in birth record book of a child born out of health care facilities, who does not possess birth a certificate signed and issued by medical doctors, as it is the case with a large number of children born in Konik, cannot be effectively and permanently solved in the administrative procedure, or by amending relevant legislation in the field of civil registers, due to the existing danger of the abuse and trafficking in children.

As a possible solution for this situation, amending of the current Law on out-of-court proceeding is suggested, and this would allow these individuals to subsequently enroll their children, born outside of medical institutions, in the birth record books. The opinion of the Ministry of Justice is requested upon this issue.

The Bureau for the Care of Refugees continuously carries out activities to identify the most vulnerable people in need of assistance in providing documentation and paying administrative fees (Konik and Riverside-Berane). Until 10 June 2012, total of 10 collective bus trips to Kosovo for about 450 most vulnerable persons were organized. Visits had a very successful outcome, and most people managed to acquire the necessary documents (passport, birth certificate, certificate of citizenship). New departures for Kosovo and Serbia are planned.

In the framework of project "Acting as One", financial means have been ensured for three organized visits to Kosovo for the purpose of obtaining documentation required for the regulation of the legal status of internally displaced persons residing in Montenegro. The Ministry of Labour and Social Welfare and the Bureau for the Care of Refugees will identify the persons who need this kind of assistance.

During the meeting that representatives of the Bureau for the Care of Refugees, Ministry of Labour and Social Welfare and UNHCR held with Deputy Minister for

Communities and Return in the Government of the Republic of Kosovo and the deputy mayor of Klina Municipality, which took place on 31.10.2011, it was promised that the Kosovo authorities would simplify procedures and facilitate access to documents needed for status regulation of persons who come in organized visits (organized by the Bureau for the Care of Refugees), as well as to consider the possibility to exempt displaced persons from paying administrative fees related to the regulation of personal documents, when it comes to Klina Municipality.

Requests for acquiring Montenegrin citizenship by admission, filed by displaced persons, are addressed within the statutory deadline.

Total of 37 refugees and internally displaced persons are accommodated in institutions of social and childcare. Activities related to collecting documentation necessary for submitting of the application for the status of foreigner with permanent residence are implemented. In order to ensure smooth implementation of mentioned activities, legal representatives and guardians are appointed to obtain documents necessary for these persons to apply for the status of foreigner with permanent residence. In addition, contacts were established with the Consulate of the Republic of Serbia in Montenegro, Consulate of the Republic of Croatia in Kotor and, the Red Cross of Bosnia and Herzegovina.

## **1.2. Provision of accommodation**

This is one of the key elements for the integration of local DPs, and it is planned to be implemented through a regional initiative, international grants, soft loans and own resources. Montenegro's contribution will be primarily reflected in the allocation of land and the provision of primary infrastructure.

When it comes to Joint Regional Programme for the permanent solution of the status of Displaced Persons (Sarajevo Process/Belgrade Initiative), a Draft institutional, political and legal framework for realization of housing projects is prepared, which includes three levels of management: Steering Committee, Coordinating Board, and National Implementation Unit (coordinated by Ministry of Labor and Social Welfare), which consists of representatives of the Bureau for the Care of Refugees, Ministry of Foreign Affairs, Ministry of Finance, Podgorica Municipality, Directorate for Public Works, Ministry of Interior, UNHCR and the Association of Municipalities, i.e. technical working body.

Ministry of Labour and Social Welfare, on 15.02.2012, established the expert team - National Project Implementation Unit for preparation of National Housing Project in framework of the "Sarajevo process-Belgrade Initiative" with the task of drafting a National Housing Project, in cooperation with municipalities, UNHCR, local and foreign experts. A series of activities is undertaken in collaboration with the Association of Municipalities in order to meet the initial requirements for participation in the National Housing Project, and mayors of municipalities expressed their full political will to support a National housing program, revise their detailed urban plans and define the location for the construction of housing units. The National Project Implementation Unit prepared a proposal of the Action Plan, which includes the activities of all departments involved into the National Housing Project.

Donor conference for Regional housing program was held in Sarajevo, on 24 April 2012. On that occasion, the Regional housing program was presented, whose total

value is estimated at about 584 million EUR, of which the anticipated contribution of partner countries is about 84 million EUR. Out of the total 500 million EUR claimed that for the implementation of the program, total 260,505,000 EUR was collected through direct contributions at the donor conference. It is expected that this program significantly contribute to closing the Konik camp and other collective accommodation centers for refugees and internally displaced persons.

In addition, in May 2012, regional TV production of UNHCR Belgrade visited Montenegro, and recorded movie material for an information campaign in framework of the Regional project. On that occasion, the statements of the Minister of Labor and Social Welfare, the Minister of Internal Affairs, the Director of the Bureau for the Care of Refugees, Head of the OSCE Mission to Montenegro, Head of the EU Delegation to Montenegro, and Head of the UNHCR office were taken and recorded. On this occasion, various contributions were filmed in Podgorica, Berane, Pljevlja, Bar, Herceg Novi and Kotor.

Strategy recognizes Konik Camp as issue of special importance.

In order to create conditions for the construction of 90 housing units in Konik, the Podgorica Capital Assembly, on 16.02.2012, adopted following: Decision on participation of the Capital-Podgorica in building residential objects for collective accommodation, for the purpose of realization of housing project for internally displaced persons and residents of Konik camp; Decision on amendments to the Master Plan for the detailed urban plan "Konik- Vrela Ribnička II" in Podgorica; and the Decision on the detailed urban plan "Konik- Vrela Ribnička II" in Podgorica. Ministry of Labor and Social Welfare has received a certificate from urban planning documentation and technical requirements for the DUP "Konik Hot Ribnička II", for: UP 1 in zone "B", UP 1 in zone "A", thus creating conditions for the development of terms of reference, project documentation, and publishing of a tender by the Directorate of Public Works. For this purpose, 100.000 EUR is provided.

Furthermore, when it comes to Konik camp and in accordance with recommendations from the second Session of the Coordinating Committee, Working Group was established to consider models of strengthening the safety and security of life and property on Camp Konik. The Group consists of representatives of the BCR, the Ministry of Interior, Police Administration, Red Cross, and UNHCR. The Working group was tasked to define a set of rules that could lead to positive change in the general security situation in this location, with the aim of creating a model of behavior that is acceptable for all the inhabitants of the mentioned territory, with the plan to reduce, by applying defined rules, type and content of problems that burden not only the lives of residents in Konik, but also work of services that deal with them, and would gradually lead to positive changes until the implementation of the final solution. Based on the report of the Working group, Coordination Committee has concluded that it is necessary to improve the general state of the security situation in this location, but the final decision on how to resolve this issue will be taken after assessment of the organizational and financial feasibility of the solutions offered by the Working Group<sup>9</sup>.

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<sup>9</sup> In early morning on 24 July 2012, a huge fire occurred on Konik Camp, which completely destroyed 29 barracks, an office, and Red Cross warehouse, a youth club, community center with two kindergarten classes, field office of the Legal Center, Roma NGO office, and ambulance. There were no casualties in fire but 150 families with app 800 members lost their homes. Having in mind this situation, Minister of Labour and Social Welfare established Operative Team that consists of representatives of state administration bodies, local self government, Red Cross, and UN

### **1.3. Equal access to education, health care and labor market**

Education is significant for faster socialization and integration of people in a society. Number of RAE children who are involved in the education system in Montenegro is increasing every year. In order to increase the number of IDP children from the RAE population covered by preschool education, it is planned to conduct information campaigns on the need for preschool education. In addition, activities relating to the provision of school materials, transportation of children to city schools, snacks for children attending city schools, as well as for the children from the children's playgrounds in the camp, are being implemented. The project "Support to the full social inclusion process" is being currently implemented, which is supported by the IPA 2010 program, whose overall goal is to enable, through the social care services and the education system, inclusion of vulnerable, socially excluded groups.

In addition, in order to equalize the rights of students with the status of foreigner with permanent residence with students who have Montenegrin citizenship, Regulation on amending the rulebook on the criteria, conditions and amount of compensation for the right to accommodation and food in the dormitory, student loans, scholarships and transport allowance was passed.

Ministry of Health and the Red Cross of Montenegro implemented the activities intended for improving the knowledge on health care, family planning, and reproductive health. On average, app 1000 health services are provided on weekly basis at all levels of care in health institutions in Montenegro.

In order to improve employment and self-employment, and to support the economic development of displaced economically active population, the Employment Agency realizes education and training programs for the first job, retraining, upgrading, updating the knowledge in the same occupation and level of education, the acquisition of key skills, which aims to create conditions for the easier employment of these individuals and increase their competitiveness in the labor market.

Information campaign for displaced and internally displaced persons is conducted in order to better inform them about issues related to the regulation of the legal status in Montenegro and the exercise of other related rights. Campaigns were held in Podgorica, Budva, Tivat, Kotor, Herceg Novi, Niksic, Andrijevica, Plav, Rozaje, Kolasin, Bijelo Polje, Berane and Pljevlja.

At the IV session, the Coordination Committee concluded that it is necessary, in implementing the information campaigns, to send a strong message and notify interested in the status of foreigner with permanent residence in Montenegro on the deadline for application for the acquisition of this status, which is defined by the Law on Aliens.

## **2. VOLUNTARY RETURN**

When it comes to voluntary return, the Government, in collaboration with UNHCR, is creating the conditions for the return to be based on good information about the situation in the country of origin, and which will take place within the internationally recognized framework, with the help that is available through international organizations, donors and

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agencies. On the same day, tents were provided and set on the prepared ground, delivery of food and drinking water was organized, as well as health care, accomodation of persons in special institutions, etc. Currently, Team is seeking the opportunity and solution to purchase 150 housing containers, as temporary solutions of these families.



countries of origin. In terms of internally displaced persons from Kosovo, the lack of available land and housing solutions, with generally limited conditions for reintegration, continues to affect the prospects for sustainable voluntary return to Kosovo.

The Bureau for the Care of Refugees, since 2005, keeps a record of the persons who exercised the right of voluntary return, as well as of persons who would like to return to Kosovo. So far, app 2,700 persons exercised this right. Nowadays, there are 319 (60 families) interested for return to Kosovo. These individuals are interested to return to the region of Pec and the municipalities of Pec, Djakovica, Klin and Istok. Out of this number, 220 persons (41 families) reside in Camp Konik.

It is necessary to provide more support from the Kosovo government bearing in mind that the return process requires joint action of Montenegro, country of origin and the international community, in order to create better conditions for the return of internally displaced persons from Kosovo to the country of origin. In this regard, the Government of Montenegro is implementing activities aimed at signing the Agreement on the voluntary return of internally displaced persons residing in Montenegro into Kosovo. Thus, on 19 May 2011, the Government of Montenegro adopted the Proposal Negotiation Platform for the Agreement on voluntary return of internally displaced. At the same time, Draft Agreement on voluntary return of internally displaced persons from Kosovo residing in Montenegro between the Government of Montenegro and the Government of the Republic of Kosovo was adopted as well. Coordination Committee concluded that it is necessary to make additional efforts in the future in order to make sure that this Agreement is signed as soon as possible, but it is also noted that the implementation of this measures directly depends of the political will of the Government of Kosovo.

## **V IMPLEMENTATION OF THE FRAMEWORK CONVENTION**

### *Article 1*

The Constitution prescribes that the ratified and published international agreements and generally accepted rules of international law make an integral part of the internal legal order, and have the supremacy over the national legislation and apply directly when they regulate relations differently than the national legislation (Article 9). In addition, in Constitution in Article 17 prescribes that “rights and liberties shall be exercised on the basis of the Constitution and the confirmed international agreements”.

Law on minority rights and freedoms, in Article 1, states following: „Montenegro, in accordance with the Constitution, ratified and published international treaties and generally accepted rules of international law, shall ensure to minority nations and other national minority communities and persons belonging to them, the protection of human rights and freedoms guaranteed to all citizens, as well as protection of particular minority rights and freedoms”.

In March 2010, Montenegro deposited with the Secretary General of the Council of Europe an instrument of ratification of the Revised European Social Charter and thus undertook obligation, in accordance with Article 21 of Part IV, to report on the implementation of the accepted provisions of the instrument. Pursuant to the decision of the Council of Europe, Montenegro fulfilled obligation to draft and submit, until 31 October 2011, its first national report in regard to the accepted provisions of the articles within the thematic group "Employment, training and equal opportunities", i.e. provisions

of the Articles 1, 9, 10, 15, 20 and 24, for the period 01 May 2010 - 31 December 2010. The preparation of the second national report on the implementation of the Revised European Social Charter is underway.

Montenegro adopted the Law on Ratification of the Convention on the Avoidance of Statelessness in relation to state succession ("Official Gazette of Montenegro", no. 02 dated 16.03.2010), and the Law on Ratification of the European Convention on Nationality ("Official Gazette of Montenegro", no. 02 from 16.03.2010).

### *Article 2*

The Constitution states following » Montenegro shall cooperate and develop friendly relations with other states, regional and international organizations, based on the principles and rules of international law«. (Article 15 para 1)

### *Article 3*

Pursuant to Article 46, para 2, of the Constitution "no one shall be obliged to declare own religious and other beliefs".

The Constitution also guarantees the protection of personal data, prohibits use of personal data for purposes other than those for which they were collected. Everyone has the right to be informed about the personal data collected about him or her and the right to court protection in case of abuse (Article 43).

Pursuant to the Law on minority rights and freedoms, Minority nations and other national minority communities "shall mean any group of citizens of Montenegro numerically smaller than the rest of predominant population, having common ethnic, religious or linguistic characteristics, different from those of the rest of the population, being historically tied to Montenegro *and motivated by the wish to express and maintain* their national, ethnic, cultural, linguistic and religious identity".

The Article 79 of the Constitution states that "Persons belonging to minority nations and other minority national communities shall be guaranteed the rights and liberties, *which they can exercise individually or collectively with others*". The same definition is given in the Article 3 of the Law on minority rights and freedoms. The Law on Local Self-Government in Article 10 stipulates: "the municipality shall ensure conditions for the protection and promotion of minority rights, in accordance with the Constitution, international legal instruments, and special legislation."

### *Article 4*

Basis of the legal protection against discrimination in Montenegro consists of the constitutional guarantees for primacy and direct application of international legal norms over domestic legislation. In that manner, this provision of the Framework Convention, as a legally binding instrument, is also incorporated in the Montenegrin legal framework and forms part of its substantive law. In addition to judicial protection, which ensures the exercise of freedom and human rights in Montenegro, it is possible to request, on the same basis, protection before the Constitutional Court, which rules upon constitutional complaints filed after exhausting all permissible and effective means of national law.

The Constitution in Article 6 guarantees inviolability of human rights and freedoms, infliction or encouragement of hatred or intolerance on any grounds is prohibited (Article 7), direct or indirect discrimination on any grounds is prohibited

(Article 8). New Law on Prohibition of Discrimination more closely defined discrimination. At the same time, this systemic law has supplemented the missing legal framework of the existing constitutional guarantees of Article 8 and 17 of the Constitution of Montenegro, which prohibits any direct or indirect discrimination on any grounds, and that all are equal before the law, regardless of any particularity or personal feature.

The principles of this systemic Law point to the definition of discrimination, i.e. the definition of direct and indirect discrimination and incitement to discrimination, as its special form (*Article 2 of the Law on Prohibition of Discrimination*):

*„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, color of skin, national affiliation, social or ethnic origin, affiliation to the minority nation or minority national community, language, religion or belief, political or other opinion, gender, gender identity, sexual orientation, health conditions, disability, age, material status, marital or family status, membership in a group or assumed membership in a group, political party or other organization as well as other personal characteristics.*

*Direct discrimination exists if 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 an unequal position by an act, action or failure to act, on any ground referred to in paragraph 1 of this Article.*

*Indirect discrimination exists if apparently neutral provision of a regulation or general act, criterion or practice is bringing or can bring a person or a group of persons into unequal position in respect to other person or group of persons, on any ground referred to in paragraph 1 of this Article, unless the provision, criterion or practice are objectively and reasonably justified by a legitimate purpose and achievable with the means appropriate and necessary to use for achieving that purpose, and when they are acceptable and proportionate in relation to the purpose to be achieved.*

*The incitement or giving instruction to discriminate against certain person or a group of persons on any ground referred to in paragraph 1 of this Article shall be deemed to be discrimination.“*

In addition to these definitions, the Law recognizes some of the principles that international standards contain, more precisely - provisions on the protection of persons who testify or provide information on the discrimination (protection against victimization); the principle of affirmative action in the form of special measures, which are aimed at creating conditions for national, gender and overall equality and protection of persons who may be in an unequal position on any grounds, and which may be imposed by state authorities, state administration bodies, local self-governments, public enterprises and other legal persons performing public functions, as well as other legal entities and individuals; principle that the consent of a person to be discriminated does not relieve from responsibility the person exercising discrimination, giving instruction to discriminate or inciting discrimination; and the principle of general application to all natural and legal persons to whom national legislation of Montenegro apply.

An absolute novelty in Montenegrin legislation is a system of judicial protection, prescribed by this Law, exercised through the litigation institute in which the victim of discrimination through lawsuit may require following:

1. establishment of the fact that the respondent has acted discriminatory against the plaintiff;
2. prohibition of exercising the activity that bears potential treat of discrimination, i.e. prohibition of repetition of discrimination activity;
3. compensation of damage, in accordance with the law,
4. in case discrimination is performed through the media, publication in the media, on the expenses of respondent, of the judgment establishing discrimination;

The institutional framework of protection against discrimination in Montenegro is the institution of **Protector of Human Rights and Freedoms/Ombudsman**, who can be addressed by anyone who believes that an act, action or failure to act of the authorities violated his/her rights or freedoms. In addition, a complaint can be filed by individuals or organizations involved in the protection of human rights, with the consent of the discriminated person or group of persons. Acting upon the complaint is conducted in accordance with the regulations governing the work and competencies of the Protector of Human Rights and Freedoms.

In addition, the relevant inspection authorities, as part of the state administration, have the right and obligation to act upon reported cases of discrimination in the field of labor and employment, work safety, health, education, construction, transport, tourism and other fields, when performing inspection activities in these areas, in accordance with the law.

The Law also contains a number of penalty measures for sanctioning following: the refusal to provide public services; providing services under the conditions not required by other persons or groups or intended delay or postponement of service, although the person or group of persons requested and qualify for the timely provision of services before others; disabling, restricting or impeding access to the building and land intended for public use for persons with reduced mobility and persons with disabilities; filing lawsuits without the written consent of the discriminated person or group of persons; the lack of specific records of all reported cases of discrimination or untimely delivery of data from records; not keeping specific records on filed complaints of discrimination or failure or untimely delivery of data from the records of the Ombudsman.

The Law on Minority Rights and Freedoms prescribes that persons belonging to minority nations and other national minority communities are equal to other citizens and enjoy equal legal protection. Any violation of the rights of minority nations and other national minority communities is unlawful and punishable (Article 4). Also, Article 39 prescribes following: "It shall be prohibited any direct or indirect discrimination on any ground, including race, color, sex, national belonging, social origin, birth or similar status, religion, political or other orientation, material status, culture, language, age and mental or physical disability."

The Ministry has adopted the Rulebook on contents and manner of keeping records on cases of reported discrimination, which means that public authorities and

institutions that come into contact with cases of discrimination (courts, inspection services, and misdemeanor bodies), are required to keep accurate records of these cases and submit it regularly to the Ombudsman, which, in that way, becomes an integral part of Ombudsman's Special reports in field of discrimination in Montenegro. Ombudsman submits that Report to the Parliament. Rulebook was published on 6 May 2011, and it entered into force for all bodies involved and they are obliged to keep records of incidents of discrimination.

In order to implement the law, the Ministry has developed an Education Plan and Media Plan for promotion of anti-discrimination legislation. In cooperation with CEDEM, a survey of attitudes of Montenegrin citizens on marginalized social groups was conducted. The results of this research were presented to the Montenegrin public in June 2011.

Training of civil servants, judicial officials, and employees of other independent bodies and organizations performing in the field of protection against discrimination has been realized through a cycle of workshops, where key areas and forms of discrimination in society were analyzed and discussed. Education has continued in 2012.

Media campaign on anti-discriminatory behavior has been designed with the aim of creating a more humane and tolerant environment, and to educate the general public on the rights guaranteed by Law. The campaign began on 27 May and lasted until 5 October 2011. It included television spots, (1045 spots broadcasted or 62.700 seconds), newspaper ads, newspaper inserts (204.000) throughout the entire circulation of the three daily newspapers in Montenegro, and a large number of billboards (total 64) across Montenegro. In areas inhabited by ethnic Albanian population (Ulcinj, Tuzi, Plav), campaigns (billboards, flyers, jingles) are implemented in the Albanian language.

The Government of Montenegro adopted the Decision on the establishment of the Council for the Protection against Discrimination ("Official Gazette of Montenegro" no. 50/11 and 53/11), which consists of the Prime Minister, the Minister of Human and Minority Rights, Minister of Justice, Minister of Labor and Social Welfare, Minister of Health, Minister of Education and Sports, adviser to the Prime Minister for human rights and protection from discrimination, and four representatives of non-governmental organizations.

The Montenegrin Parliament adopted the Law on Free Legal Aid on 5 April 2011, and the Law entered into force on 01 January 2012. Adoption of the law was preceded by preparation of Needs Assessment for the introduction of state legal aid system, which was prepared by the Ministry of Justice of Montenegro. The Ministry of Justice also prepared, in cooperation with the Open Society Institute and the NGO "The Center for Legal Aid", analysis of legal practice in the provision of free legal aid in Montenegro; a comprehensive public awareness campaign was conducted as well as public debates in the central, southern and northern region of Montenegro; the international and national consultants were engaged to make recommendations when drafting laws, while Gender Sensitivity Analysis of the working version of Draft law was done as well.

The law stipulates that socially vulnerable citizens or those with low incomes are entitled to free legal aid, thus meeting the constitutional provision that all must be equal before the court, regardless of any particularity or personal feature.

The law stipulates that legal aid include legal advice, drafting of documents, representation in proceedings before the court, before the Prosecutor's Office, the Constitutional Court, as well as in the procedure for the out-of-court dispute settlement. Circle of beneficiaries of free legal aid is defined, as a rule, on basis of the financial situation of the applicant. Financial status is determined based on the income and assets of the applicant and the income and property of the members of his family.

Pursuant to the Law, in addition to the Montenegrin nationals, stateless persons (apatrids) lawfully residing in Montenegro are also entitled the right to free legal aid, as well as persons seeking asylum in Montenegro, and the foreigners with permanent or temporary residence permit in Montenegro. It should be noted that the Law enables the provision of free legal aid to the poor and vulnerable groups, such as beneficiaries of family support, children without parents, persons with disabilities, victims of crime and domestic violence in the family, and victims of trafficking in human beings.

In respect to the **Article 4, paragraph 2** of the Framework Convention, in addition to the basic human rights and freedoms, in order to protect total national identity, the Constitution, and the laws of Montenegro also grant a set of additional rights for minorities. Article 79 of the Constitution states that persons belonging to minority nations and other minority national communities are guaranteed the rights and liberties, they can exercise individually or collectively with others.

The Constitution guarantees following special minority rights, as follows:

- (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 also 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 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 also 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;

These constitutional guarantees are additionally elaborated in the Law on Minority Rights and Freedoms, which more closely regulates set of minority rights and mechanisms for their protection. The Law relates to the preservation of the national identity of minorities, i.e. protection from assimilation of minorities, as well as enabling effective participation in public life. The Law encompasses several areas that are of importance for identity protection and ensuring equal chances for minority members:

- the right to express, preserve, develop, transmit and publicly manifest their national, ethnic, cultural, religious and linguistic identity, as a part of their tradition;
- the right to establish institutions, societies, associations and non-governmental organizations in all fields of social life, and the State shall take part in funding these organizations;
- the right to national determination in a free and independent manner, the right on free choice and use of their personal and family names, as well as the right to enter those names in public registers and personal documents in their language and alphabet;
- the right to use freely and officially their language and alphabet;
- the right to access to information and media, as well as to programmatic contents on minorities in public broadcasting services;
- the right to education in their language and to adequate representation of their language in general and vocational education, and principles of affirmative action in enrollment policy;
- the right to use their national symbols and the right to celebrate important dates, events and personalities from their tradition and history;
- the right to free association and realize undisturbed contact with compatriots outside Montenegro;
- right to political participation of minorities in the Parliament and in the assemblies of local communities;
- the right to proportional representation in public services, state bodies and local self-government bodies;
- right to mechanisms for protection of interfering in matters of vital interest to the life of minorities, at both the state and local level;
- right to articulate their demands through the possibility of forming a minority councils with special powers;
- right to establish the Minority Fund in order to ensure financial support from State for national particularities;
- protection of above mentioned rights through national and international legislation;

Strategy of Minority Policy and Strategy for improving the status of Roma and Egyptians in Montenegro 2012-2016 define measures of affirmative action in order to achieve full and effective equality for minorities and other minority ethnic groups in Montenegro<sup>10</sup>.

Given the level of poverty and uneven regional development in Montenegro, we will present below some of the activities undertaken in the field of poverty reduction and balanced regional development.

There is a significant difference in the poverty level between the northern region of Montenegro and other parts of the country. Poverty rate in the northern region in 2009 was 13.2%, which represents an increase of 4.3%. 30.3% of the total Montenegrin population lives in northern region, while 58.6% is the share of the poor. The poverty rate in the central region is 4.0%, and in the South is 4.4%

In 2009, in urban areas the poverty rate amounted 2.6%, and was several times lower than in rural areas where it was 14.8%. The poor tend to live in large households and the highest poverty rate is measured for households with six members. In households with more than two children, the risk of poverty is almost two times higher than the national average.

Some population groups are much poorer than others are. Roma, Ashkali and Egyptians (RAE) were socially most vulnerable population with a poverty rate of 36%; they were followed with Refugees / IDPs with 34%; and social assistance beneficiaries by 30%; pensioners with 15.7%, the long-term unemployed persons with 12.3%; and people with disabilities with 11.9%.<sup>11</sup>

In response to the emerging needs, Montenegrin government has adopted a series of documents aimed at reducing poverty levels<sup>12</sup>. Since the Poverty Reduction Strategy is adopted, around 100 million EUR are spent annually on various programs that directly or indirectly contribute to poverty reduction in Montenegro. The programs are developed in close cooperation with the World Bank and the European Commission through the IPA funds.

The uneven development of Montenegro presents a long-term developmental problem. Although the regional dimension of development was presented in all development policies of the State, reducing of disparities in the level of development of municipalities, i.e. regions has not been recorded. For the purposes of national policy for regional development, geographic classification of regions of Montenegro was made - on the northern, central, and coastal region. In order to create preconditions for the even and sustainable development of Montenegro, a new strategic and institutional framework of regional policy has been defined, and the Ministry of Economy coordinates the activities in implementation of this policy.

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<sup>10</sup> Affirmative action measures in these two important policy documents are presented through the exercise of certain rights relating to certain members of the Framework Convention.

<sup>11</sup> National Report on Human Development, UNDP/2009

<sup>12</sup> In the period 2003-2009 following documents were adopted: Development and Poverty Reduction Strategy (2003-2007), the National Strategy for Combating Poverty and Social Exclusion (2007-2011), the National Development Strategy for Social and Child Protection in Montenegro (2008-2012); Integration Strategy for persons with disabilities in Montenegro (2008-2016) with supplementing Action Plan for its implementation (2008-2009), Development Strategy for Social Protection of the Elderly in Montenegro (2008-2012);



In 2010, Government adopted a Regional Development Strategy of Montenegro for 2010-2014, with the aim to achieve even and balanced socio-economic development of the State, in accordance with the principles of sustainable development. The Strategy identifies three strategic objectives, namely: 1) balanced and more even development of all local self-government units and regions, 2) accelerated development of less developed regions and local self-governments, and 3) regional development and environmental protection.

In terms of restrictive budgetary framework, which was typical for 2010 and 2011, and the additional impacts of the financial crisis, significant actions were taken to realize defined goals. The value of completed projects and incentives from the state budget, IPA funds, and other grants and loans of development banks in 2010 was approximately 180 million EUR. The projects related to the construction, maintenance and improvement of infrastructure; promotion of local economic development; supporting the development of small and medium-sized enterprises, including the preparation and implementation of programs and projects of small and medium enterprises; promotion of employment and the reduction of negative demographic trends; raising the level and quality in education, in accordance with the needs and demands of the market, and in particular through development and strengthening of entrepreneurial skills among young people; improving services in social and child protection; improving environmental protection; adoption and implementation of spatial - planning documents and improving the state of play in this field; ensuring adequate and qualitative utility services, municipal delivery of products and so on. Out of this amount, the total value of realized earnings for development projects and incentives of the state in the north, as the least developed region, was about 43% of total assets in 2010.

In addition to these investments, the value of investments in development projects from the budget of local self-government units (LGUs), according to data from LGUs, was 80.9 million EUR, which represented 51% of total funding of development projects at the local level in 2010. This, along with the aforementioned investments, makes total 260.9 million EUR of funded development projects and incentives from the central and local budgets, development banks loans, grants and other sources in 2010.

Key incentives by the State in 2010 referred to the support of less developed local self-governments through the Equalization Fund, conditional grants, state aid, Agro budget, credit support to small and medium-sized enterprises and employment, IPA co-financing of projects, business environment etc.

The State financed from its budget about 50% of the development projects of local self-government units in northern region, 30% of development projects of local self-government units in the central region, and 5% of the development projects of local self-government units in coastal region.

In 2011, activities in the implementation of regional development policy were intensified as follows: the Law on Regional Development was adopted, which created the legal basis for conducting regional development policy, and a series of bylaws was prepared that are aimed at ensuring consistency of the interests of local communities and the general development framework. In accordance with the Regulation on the manner of calculating the development index of local self-government units, the level of their development was defined. "Resource Map of Montenegro" was prepared, which presents the basis for the preparation of planning documents, with the aim to define a starting

point for resource management, the analysis of competitiveness of the region in terms of available resources and potential for development, and to attract potential investors.

In order to ensure transparency and involvement of all stakeholders in the design and implementation of regional development policy, Partnership Council for Regional Development was established. In order to build local capacities needed to improve the situation and the life quality of local residents, drafting of strategic development plans for the period up to seven years is underway, with the identification of the key problems of the communities, and the main directions of development involving all stakeholders at the local level.

In addition to abovementioned, in framework of sectoral policies, state administration and organizations performing activities that promote regional development implement development projects within their jurisdiction, which contribute to more balanced regional development and the development of communities in which minority nations and other minority national communities live.

### **FUND FOR THE PROTECTION AND PROMOTION OF MINORITY RIGHTS**

Following the proposal of the Government, the Parliament of Montenegro, in February 2008, adopted the Decision on the Establishment of the Fund for Minorities ("Official Gazette of Montenegro", No. 13/08). The Minority Fund was established to support the activities important for preservation and development of national or ethical particularities of minorities and other minority national communities and their members in the fields of national, ethical, cultural, linguistic, and religious identity.

Governance structure of the Fund consists of the Director and the Steering Committee. The Steering Committee has 15 members, whereof one member represents each of the constituted Minority Councils, one member is representative of the Ministry of Minority and Human Rights, and eight members are elected by the parliament, on the proposal of the parliamentary committee responsible for the selection and appointment.

The Fund is financed from the budget of Montenegro and from other sources. A part of financial means is allocated for the operation and regular work of the Fund, and a part of means is allocated for projects for support of the activities. Prior to the amendments of the Law on Minority Rights and Freedoms (December 09, 2010), the funds were divided and allocated in accordance with the proportional share of minorities in the population of Montenegro. However, amended Law stipulates that the funds for financing of projects will be allocated and granted through open competition based on the following criteria:

- Contribution that the project provides for preservation and development of national, cultural, religious, linguistic and ethnic identity
- Compatibility of the project with strategic documents of the Government;
- Transparency and monitoring capacity over the project realization;
- Applicant's credibility;

The right to participate in open competition for the allocation of funds have non-governmental organizations and other legal entities and individuals whose activities relate to the preservation and development of national or ethnic characteristics of minorities or other minority national communities and their members in the field of national, ethnic, cultural, linguistic and religious identity. Steering Committee of the Fund passes the decision on the use and distribution of funds.

In 2008, financial means of the Fund were 422.125 EUR, in 2009 - 975.704,76 EUR, in 2010 - 993.169,64 EUR, and in 2011 – Minority Fund had available 947.413,24 EUR (total 3.338.412, 64 EUR).

- In 2008 – Steering Committee of the Fund decided to grant total 200.247 EUR to Minority Councils (six Councils received per 33.374,58 EUR), and other part of means, in amount of 200.247 EUR, was distributed through open competition. Total 41 projects were supported through these means in 2008.
- In 2009 – total 900.000 EUR was distributed through open competition to support 104 projects.
- In 2010 - total 850.000 EUR was distributed through open competition to support 126 projects.
- In 2011 – total 800.000 EUR was distributed through open competition to support 131 projects.

In previous four years, a total of 2,750,247.58 EUR was distributed through an open competition to support total 402 projects.

In relation to the **Article 4, para 3** of the Framework Convention, Article 8, para 2 and 3 of the Constitution defines following „Regulations and introduction of special measures aimed at creating the conditions for the exercise of national, gender and overall equality and protection of persons who are in an unequal position on any grounds shall not be considered discrimination. Special measures may only be applied until the achievement of the aims for which they were undertaken”.

### **Article 5**

Article 79, point 1, of the Constitution stipulates “the right to exercise, protect, develop and publicly express national, ethnic, cultural and religious particularities” for persons belonging to minority nations and other minority national communities. In addition, Article 77 of the Constitution states, “The state shall encourage and support the development of education, science, culture, arts, sports, physical and technical culture. The state shall protect the scientific, cultural, artistic, and historic values.” Article 78 of the Constitution states following: “Everyone shall be obliged to preserve natural and cultural heritage of general interest. The state shall protect the natural and cultural heritage.”

Article 8 of the Law on Minority Rights and Freedoms states following: „Minority nations and other national minority communities and persons belonging to them 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 shall develop and promote the study of history, tradition, language and culture of minority nations and other national minority communities. In accordance with the present Law and accepted international commitments, the competent bodies shall provide for the protection of the cultural heritage of minority nations and other national minority communities and persons belonging to them”.

Law on Culture established the principles for achieving the culture based on the freedom of expression, respect for cultural rights, with equal preservation of all cultural identities and respect for cultural diversities. The same Law established, as the public interest in culture, the obligation of the State to create the conditions for the steady and

equal development of culture in the whole territory of Montenegro, as well as the preservation of original and traditional cultural and ethno-cultural characteristics. Furthermore, the Law on Culture stipulates that the strategic medium-term development of culture in Montenegro is realized on basis of the National Program for the Culture Development, which includes goals and priorities for the development of culture of Montenegro as a "multi-national, multi-cultural and multi-religious country" (Article 7 of the Law).

In addition to the Law on Culture, the Law on Publishing Activity (Official Gazette of MNE, no. 30/12) also stipulates that the public interest in the field of culture, among other things, is exercised through "extensive publications in the language of national minorities and other minority ethnic groups in Montenegro" (Article 6).

The Law on Theatre addresses the issue of minority cultures, in a manner which provides that the National Theatre, as part of its repertoire, prepare and present plays with elements of the cultural heritage of Montenegro. Pursuant to Article 6 of the Law, "cultural heritage of Montenegro" means "Montenegrin cultural heritage and the cultural heritage of minorities and other minority ethnic groups in Montenegro."

In order to preserve the authenticity of cultural heritage as a part of national identity, the Ministry of Culture in August 2010 proposed, and the Parliament of Montenegro adopted, four new laws (Law on Protection of Cultural Property, Law on Museums, the Law on Archives, Law on Libraries) to ensure protection and preservation of cultural heritage in the manner prescribed by the European and international standards and conventions.

The basic principles of the Convention on the Protection and Promotion of the Diversity of Cultural Expressions, which was ratified by Montenegro in August 2008, are contained in Article 3 and 5 of the Law on Culture. In accordance with the obligations of each party to the Convention on the Protection and Promotion of the Diversity of Cultural Expressions, Montenegro also appointed CCP (Cultural contact point) in 2010, i.e the person responsible for the implementation of the requirements arising from the implementation of this Convention and for the exchange of information related to the Convention.

Support and encouragement of cultural activities, provided by the Ministry of Culture, relate to all actors of Montenegrin cultural scene, and it is realized through the annual open competition. Programs and projects in all areas of cultural and artistic creativity are co-financed through open competition: art, literature, magazines in the field of culture and art, music, filmmaking, theater productions, amateur activity in the culture, creative industries, youth activities and creations, art activities by persons with disabilities, preservation of old arts and crafts, festivals and events. Programs and projects are evaluated according to publicly available criteria relating to: the artistic quality and importance for the development of Montenegrin culture, references of potential implementers, contribution to developing multinational and multicultural values, contribution to fostering international dialogue and encourage the development of partnerships, international recognition of Montenegrin culture, preserving the tradition and Montenegrin cultural heritage.

The procedure for support and encouraging the development of culture, established by the Law on Culture, involves all members of minority communities, their creators and artists who, under equal and fair conditions, provide funds in the annual

competition of the Ministry of Culture for better conditions for their creative work and planning cultural activities.

Law on Culture, also, prescribed obligation for the Ministry of Culture to provide and create the conditions for the steady development of culture throughout the territory of Montenegro. In this context, during 2009, 2010, and 2011, Ministry of Culture realized Cultural Development Program in the north of Montenegro, which encompassed 11 municipalities in the north of Montenegro (Kolasin, Mojkovac, Pljevlja, Zabljak, Bijelo Polje, Berane, Plav, Andrijevisa, Rožaje, Plužine, Šavnik). The program consisted of reconstruction and rehabilitation of cultural facilities, purchase new stage technique for the implementation of cultural programs and projects, and production of cultural and artistic programs. During this period, over 700 cultural programs was performed, 14 cultural objects was reconstructed and equipped with new stage technology. Additionally, in 2011, the production and realization of 25 events in these 11 municipalities was supported, which were designed to reflect and promote the protection, conservation and presentation of cultural heritage, original and traditional cultural and ethno-cultural characteristics and values of Montenegro as a multicultural community. In the same way, programs for remaining 10 municipalities in Montenegro will be prepared and implemented in the period to come. By doing so, conditions for further development will be fully established, and it will improve the state of play in the culture for all users and actors of Montenegrin cultural scene.

Financial assistance that is provided to members of minority nations and other minority ethnic groups for the promotion and presentation of their cultural activities is in line with the budgetary possibilities of the Ministry of Culture and the quality criterion.

This assistance is intended to:

- Encourage types of expression and initiatives specific for different means of access to art works produced in minority languages,
- Foster the different means of access for works produced in regional or minority languages to become available for the general public,
- Encourage direct participation of representatives of those that use regional or minority language in providing conditions and planning cultural activities.

In the area of cultural heritage preservation, especially churches, the Ministry of Culture has provided direct financial help in some activities, but the most important are as follows:

- Repair and rehabilitation of sacral object – Mosque in Starodoganja - 10.000,00 € (Committee of the Islamic Community)
- Repair of the damage caused by the fire - 10.000,00 € (Committee of the Islamic Community)
- Organization of Islamic calligraphy exhibition "Esthetic Quills" and presentation of the book "The Art of Islamic Calligraphy" - 3.000,00 € (Committee of the Islamic Community)
- Restoration of the roof of the St. Petra church in Ljuta - 10.000,00 € (Foundation for the restoration of the sacred complex St. Eustatius)
- Protection of the St. Eustatius Church where the church linen fabrics is stored - € 3,189.00 (Foundation for the restoration of the sacred complex St. Eustatius)

Also, in order to promote the protection of cultural heritage, some institutions and organizations were exempt from customs duties and VAT, and the most prominent among them are as follows: Library in the Mosque in the village of Vranj - Tuzi, NGO "Number 19", the Islamic Cultural Center in Podgorica, Eparchy of Budimlje-Nikšić area etc.

### **Center for the preservation and development of minority cultures**

In order to promote cultural diversity and the preservation of culture and cultural heritage of minorities and other minority communities, the Government of Montenegro established **Center for the preservation and development of minority cultures**. Center for the preservation and development of minority cultures is a separate budget institutions whose main task is following:

- the preservation, development and expression of culture of minorities in Montenegro;
- Realization and distribution of programs and organizing of events in all areas of arts (art, theater, literature, film, etc.) referring to minority members and institutions in Montenegro;
- Animation work with minorities in Montenegro, by organizing discussions, seminars, courses, lectures, promotions, etc;
- Organization of professional performances, and visits of artists from the country and abroad that are relevant to the culture of minorities in Montenegro;
- Supporting research projects in the field of minority culture in Montenegro;
- Providing financial support to institutions and associations in the field of culture (libraries, galleries, non-governmental organizations and others) on the territory of Montenegro, which are important for minority cultures;
- Financing of projects that are of importance to the culture of minorities in Montenegro;
- Supporting and developing cooperation with cultural institutions and other institutions of a similar type in the country and abroad;
- Supporting and assisting institutions in Montenegro which work on improving mass culture and cultural and artistic amateurism among minority members in Montenegro;
- Supporting free artistic initiatives of all minorities in Montenegro in all forms of artistic activities;
- Publishing expert literature and other publications within the scope of work of the Center;
- Publishing magazines in field of culture and art of the minority members in Montenegro;
- Creating information contents in field of culture of minorities;

During 2009, the Center's activities have ranged in two directions: first – organization of round tables, events, promotions ... and the second direction - co financing and / or sponsorship of cultural activities. The most important activities in 2009 were following:

- „Evening with Hamdija Šahinpašić“
- „Customs and tradition of Gornji Bihor“
- Three exhibitions (in Bar, Kotor and Plav)

- Round table „The mission of multiculturalism“

Following projects were financially supported: International festival of original creativity in Tuzi, "Byron and Albanians" Elite from Ulcinj, "Days of Bosnian culture"-Bosnian Cultural Center, Roma-our neighbors - Clamp from Berane (film), Anthology of Albanian Poetry - DANU, Minority culture in media (documentary) - Media cult, "Flows" - a collection of poems by Adrović Braha, Ibar River Spring - 40 years - concert, Plav literary meetings, etc. The Center is financially supported by a number of Cultural and Art Societies/CAS - "Tekstilac" Bijelo Polje, CAS "Milješ", CAS "Bihor," as well as by individuals - Ivan Toskić -Romani writer, musician, painter, Majda Mučić - painter (exhibitions in Sarajevo 2010 ), Zuvdija Hodzic (Italian translation of "Star of David"), Ibrahim Berjaši - poetry meetings in Ljubljana.

The biggest and most important event organized by the Centre was "Days of Minority Culture" which was held this year under the slogan MONTENEGRO OUR HOME. The event began on 20 November in KIC "Budo Tomovic" in Podgorica, and it was closed on 12 December in Plav. The programs were realized in nine cities (Podgorica, Tuzi, Bar, Tivat, Kotor, Ulcinj, Petnjica, Bar and Plav). To Cultural-Art Societies took part in the program, as well as 9 vocal-instrumental ensembles, 20 individuals, 14 masters of ceremonies. The program included 600 participants, and nearly 2,500 people followed it

During 2010, Center organized following activities:

- Round table: Minority cultures, opportunities, and prospects - The goal of the round table was to contribute to a clearer picture of the culture of the minorities, define goals in this area and ways for implementation. The discussion at the Round table included representatives of the Ministry of Human and Minority Rights, Ministry of Culture, representatives of the cultural centers where minorities make a significant part of the population, representatives of embassies of countries from the region, NGOs, artists and individuals.
- Workshop – traditional costumes and musical instruments of minorities - In this workshop, each minority community has introduced its characteristics of folklore. The workshop had an educational character in terms of determining the true national costumes in relation to the variations that occur. Musical instruments that are typical for a particular minority community were presented as well.
- Presentation of cultural and historical monuments of minorities in Montenegro - The objective of this presentation was to present the rich cultural heritage of minorities and other minority ethnic groups in Montenegro, examine the relationship of the education system towards these values, tourist evaluation and recognition of Montenegro as multicultural society.
- Book Fair in Podgorica - The Center presented editions of Almanac, Art Club from Ulcinj, Matica Muslimanska, Gospe od Skrpjela, etc. as the leading publishing houses that in the scope of their activities have presentation of cultural works of minorities and other minority communities.
- Roundtable – Art of painting of minorities - value and opportunities for further promotion of painting art of minority members were analyzed.

- Musical evening of Nikola Cucic - the creative work of Nikola Cucic, winner of the Lifetime Achievement Award of the Association of Composers of Montenegro was presented

Activities on local level:

- Exhibition of paintings, ethno concert "Montenegro is our home" in Bijelo Polje
- Evening of Hamdija Šahinpašić - one of the most famous performers of old folk love songs in this region
- Exhibition and ethno concert „ Montenegro is our home “ in Rožaje
- Photo exhibition: „ Oriental-Islamic Monuments of Culture” and „Days of Diaspora” – Music and poetry program in Petnjica.

Days of Minority Culture 2010 - "The wealth of diversity"

- Opening Ceremony - "Contemporary art scene of minority nations and other minority ethnic groups in Montenegro" - Presented representative values and the individuals in the field of art, literature, and music
- Exhibition of paintings by representative artists members of minority nations and other minority ethnic groups
- Promotion of the collection of poems "From the nest to the stars" - the contemporary poetry by poets members of minority nations and other minority ethnic groups. Center is the publisher of the collection
- "Contemporary creative work of minorities and other minority ethnic groups in Montenegro" - programs performed in Berane, Bijelo Polje, Kotor, Bar, Tuzi and Ethno concert "The Wealth of Diversity" was held in Tuzi.

Center, in cooperation with NGO Carver, is a part of the cross-border cooperation project with Albania, i.e. project entitled "Two languages - one book." The project includes translation of the works of writers from Albanian language into Montenegrin and vice versa.

During 2011, Center organized following activities:

- On its 40th anniversary of work, Center has organized an evening dedicated to the work of author Kujevic Ibish, choreographer, researcher, and collector of national treasures and cultural heritage of Montenegro. The program was held in Podgorica
- An evening of poetry by poet Victor Vida was held in Kotor. The poetical works of Viktor Vida discussed: Vlatko Simunovic, M. Lompar and Bogić Rakocevic. Viktor Vida is one of the most prominent Croatian poet from Boka Kotorska, whose work, unfortunately, is little known in Montenegro
- On the International Roma Day, the Center has promoted one more release, a collection of short stories by Roma writer in Podgorica Ruždija Rus Sejdovic called "Eremit". The book was published in Roma and Montenegrin language. This is the first book written in standardized Roma language, which is published in Montenegro.
- Center began cross-border cooperation by promoting its publishing debut book "From of the nest to the stars" in Shkodra. Promotion was held in the University



Library "Luigi Gurakući", while Zuvdija Hodzic, Čazim Muja and prof. Hasan Lekaj presented the book.

- Exhibition of drawings by Zuvdija Hodzic was held in Berane on 23 April. The same evening, there was a discussion "Meet the Creator", dedicated to his literary work. Prof. Dr Hodzic Hasnija, Muratagic Tuna, and Vukic Pulević presented Zuvdija's literary portrait.
- Center, in cooperation with Cultural Center Bar, organized exhibition of paintings and graphics by Ismet Hadžić. Hadžić presented to public in Bar total 27 works, 10 oil paintings and 17 prints made by the technique of intaglio printing
- A program called "Under Basilica Bells" is dedicated to honorable admiral of Boka Navy, Dr. Milos Milosevic. Dr. Gracijela Culic, dr. Jelena Antović, mr. Jovica Martinovic, and Captain Ilija Radovic presented work of Milos Milosevic. The Kalapa Grotta participated in the musical part of the program.
- The Center, in cooperation with the Art Club of Ulcinj, introduced the book "Five Albanian Writers in Montenegro", as a part of the literary event "Calimera 2011, art festival." The book contains translated works of five major writers (Aslan Bissau, Ibrahim Berjaši, Fran Camaj, Haji Shabani and Anton Djokaj).
- In cooperation with the National Community of Montenegrin from Croatia, Center organized in Zagreb a poetic and musical evening titled "Montenegro - our home." The program was attended by minority writers: Zuvdija Hodzic, Basra Caprice, Sejdović Rushdie, and composers: piano duo Muratagic sisters, soprano Djulija Pelinka with piano accompaniment by Fatima Bazooka, trio Andrea Petrovic, Andrea Orleando and Darko Kolanda and Safet Drljan, soloist harmonics.
- In framework of the traditional event "Days of Diaspora" in Petnjica, the Center has organized a program of traditional music of Bosniacs and Muslims. Omer Hodzic, solo accordion, Anida Idrizović, performer of original songs, Safet Drljan, solo accordion, attended the program.
- Poetry and music program, "Montenegro - Our Home" took place at the Bosnian Cultural Center in Sarajevo. The program is organized in collaboration with the Association of BiH citizens originally from Sandzak.
- Exhibition paintings by Abaz Dizdarević held at the gallery "Center" in Podgorica on 6 September
- In November 2011, promotion of the first bilingual publications "A Selection of Contemporary Albanian and Montenegrin poetry and drama" and "A Selection of Contemporary Albanian and Montenegrin prose" was held. The books were published under the project "Two languages one book" implemented by the NGO "Prostory" from Podgorica and "Luigi Gurakući" University from Shkodra, with a Center for the preservation and development of minority cultures from Montenegro and Cultural Center "Camaj Pipa" from Albania and it is a part of the European Union project, delegations of the European Commission to Montenegro and Albania through the cross-border program Albania - Montenegro, 2007 - 2013.
- In the framework of this program, evening dedicated to works of Ismail Kadare was held in Podgorica

Days of Minority Culture 2010 - „Here we are“

- The event began on 09 November in the National Theatre of Montenegro. Prime Minister of Montenegro, Igor Luksic, opened the event. At this opening, the writers-members of minority nations who were born in Montenegro and currently live and work abroad: Basri Čaprići, Ruždija Sejdović, Faiz Softić, Maja Perfiljeva, and composers: Ida and Ana Muratagić, Meša Kerović, Đulije Pelinku, Fatima Bazuku, Adrian Perović, Andrea Orleando, Darko Kolanda, Andrea Petrović, Safet Drljan, Brass Quartet and String sextet from Kotor.
- The program continued with poetry-musical evenings in Bijelo Polje on 11 November, and in Berane on 12 November;
- Since 16 November, Roma community in Montenegro has the first magazine in the Roma language "Alav", written in standardized Roma language. This magazine has opened a new page in the presentation of Roma culture in Montenegro. Editorial board of magazine consists of members of the Roma and Egyptian population;
- On 17 November, a retrospective exhibition of painter Hilmija Čatovića was opened in the Petrovic Castle in Podgorica. Center for the preservation of cultural development of minorities in Montenegro and the Center of Contemporary Art jointly organized the exhibition and published bilingual monograph (in Montenegrin and English) that follows the exhibition.
- On 18 November, in the facilities of the Cultural Centre in Ulcinj, Center has promoted CD with original Albanian traditional songs in Montenegro. Traditional music works were presented in authentic way by: Shaban Gjeka, Traditional Orchestra Amanda & Vera Ujkaj, Mark Prenkočaj, Shemso Hasanagaj, Enver Behluli Burimi Orchestra.
- On 22 November, Center promoted another debut, the magazine of culture, literature, and science "CODE". It is the first magazine in Montenegro where art works are published in Montenegrin and minority languages. Editorial Board is composed of members of minority groups, and in the first issue contained different records and reports, and rich translated material
- On 23 November, in Tivat, Round Table on the traditions and customs of the Croats of Boka was held. Linguist from Tivat, Miomir Abović, talked about the specific features of the language spoken by Croats in Boka, while the fashion designer, Anuška Vlahovic, presented features of men and women's traditional Boka costumes. One of the most important ethnographic fragments of culture of this area - the famous Dobrota wedding, in all its aspects, with video projection, was presented by Captain Vjeko Radimir, while researcher and writer Zoroslav Radimir talked about the ancient custom called "Fašinada" that is held in Perast. The librarian of the Maritime Museum of Montenegro, Slavko Dabinović, held lecture on outside celebrations of St. Tryphon, patron saint of the city of Kotor for more than 12 ever.
- On the closing event, on 28 November, in Bar, a concert of Šukrija Zuti Serhatlić – evening of traditional love songs was held, with the participation of Podgorica orchestra, Omer Hodzic and Safet Drljan.

In relation to Article **5 para 2** of the Framework Convention, the Constitution in Article 80 prescribes, “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*

In relation to **Article 6 para 1** of the Framework Convention, the Constitution in Article 7 prohibits “Infliction or encouragement of hatred or intolerance on any grounds”.

In accordance with Article 15 of the Law on Minority Rights and Freedoms, the subject curricula for the purpose of education will contain topics in the fields of history, arts, literature, tradition and culture of minority nations and other national minority communities. In the institutions and schools in which instruction is performed in the official language, the education curricula will contain topics from the mother tongue and literature, history, art and culture of minority nations and other national minority communities and other contents that promote mutual tolerance and cohabitation.

Article 2 of the Law on Media stipulates following: „ The Republic of Montenegro shall guarantee the right of free founding and undisturbed work of media based on: the freedom of expression; freedom of investigation, collection, dissemination, publicizing and receiving information; free access to all sources of information; protection of man’s person and dignity and free flow of information“. Article 23, paragraph 1 of this Law prescribes that „It is forbidden to publicise information and opinions that instigate discrimination, hatred or violence against persons or group of persons based on their belonging or not belonging to a certain race, religion, nation, ethnic group, sex or sexual orientation.“ Article 11 of the Law on Media also prescribes that „the competent court may ban the distribution of the publicised media programming that: invites forceful destruction of the constitutional system and violation of the territorial integrity of the Republic; infringes on the guaranteed human and citizen’s freedoms and rights; or instigates national, racial or religious intolerance or hatred. “

The Law on Culture, Article 3, point 3 - the culture is realized and developed on the principles of ... equal preservation of all cultural identities and respect for cultural diversity.

Article 2 of the General Law on Education prescribes 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 multiethnic and diversity; develop the awareness on national affiliation, culture, history and tradition. Article 9, paragraph 1 of the General Law on Education also prescribes that regardless of the national affiliation, race, gender, language, religion, and social background and of other personal characteristics, all citizens of Montenegro will be equal in the exercising of the right of education. Article 2 of the General Law on Education also prescribes that the goals of general educations are, among other things, to ensure general education to all citizens, development of creative persons, to educate for respect of national values of history and culture, and to respect cultural and other specificities of other nations; to ensure education for mutual tolerance, respect of

differencies, cooperaton with others, respect of humans and fundamental freedoms, which leads to development of capability to live in democratic society, development of democratic stances, tolerance and cooperation (in and outside of school), and the respect of rights. Article 2 of the Law on High School prescribes that education in high schools is aimed to enable students the acquisition of necessary knowledge, skills, capabilities and habits based on the scientific, technical, culture and art achievements, all for the purpose of the continuation of education, the developing of capabilities for life in a pluralistic and democratic society; and the fostering of understanding, tolerance and solidarity.

Promoting mutual understanding and tolerance between all of Montenegro in the field of education is reflected in the creation of compulsory and optional subjects. The knowledge and skills in the field of human rights and multiculturalism, students can opt to study the compulsory and optional subjects. Compulsory subjects which have such facilities as: Civic Education in sixth and seventh grade, History in middle school and high school geography in middle school and high school, Sociology in high school, Mother Tongue (Montenegrin-Serbian, Bosnian, hrvtaski language and Literature, General Law changes on Education of 09.09.2011. whatever.) in all primary and secondary schools. Elective courses in which topics are taught about human rights and multiculturalism are: Exploring Humanitarian Law in VIII or IX grade, the European Union VIII or IX grade, History of Religion in the eighth grade, Citizenship education in high school, History religion in high school, and European integration in high school. Multiculturalism is, in addition, an immanent part of the study of musical cultures and languages, compulsory and optional subjects: English, French, Italian, German, Spanish, Russian and Turkish languages.

In accordance with the recommendations from the Law on Minority Rights and Freedoms, the subject curricula for the purpose of education contain topics in the fields of history, arts, literature, tradition and culture of minority nations and other national minority communities. In the institutions and schools in which instruction is performed in the official language, the education curricula contain topics from the mother tongue and literature, history, art and culture of minority nations and other national minority communities and other contents that promote mutual tolerance and cohabitation

In July 2009, the Parliament of Montenegro adopted the Declaration on the acceptance of the European Parliament Resolution on Srebrenica. Through the expressed need of Montenegro to contribute to truth, justice, peace, and discovering sinful memory of the innocent, the Government of Montenegro, in cooperation with local government, adopted the necessary regulations and declared a park in the capital city to be "Memorial Park to Civilian Victims of War 1991 -2001", and in the central part of the park put the monument for "Civilian victims of the wars in former Yugoslavia 1991-2001 - Never again." On the occasion of the remembrance of the genocide in Srebrenica, on 11 July 2011, a monument- plaque was revealed by the Prime Minister of Montenegro, Igor Luksic.

In relation to **Article 6 para 2** of the Framework Convention, the Law on Prohibition of Discrimination defines special measures for protection against discrimination. First, it defines grave forms of the discrimination (Article 20), which is:

- 1) committed against the same person or the group of persons on multiple grounds referred to in the Article 2, paragraph 2 of this Law (multiple discrimination);

- 2) committed several times against the same person or the group of persons (repeated discrimination);
- 3) committed during a long period of time against the same person or the group of persons (extended discrimination)
- 4) disseminated through public media, as well as by writing and displaying the materials and symbols of discriminatory content in public places;
- 5) which has particularly grave consequences for discriminated person, group of persons or their property;

In addition to the competencies and authorisations prescribed by the separate law, in cases of discrimination, the Protector of Human Rights and Freedoms is also competent to:

- 1) provide required information to the complainant who considers to be discriminated by the natural or legal person, about his/her rights and duties, as well as about possibilities of court protection;
- 2) conduct the conciliation proceeding, with the consent of the person allegedly discriminated against, between that person and authority or other legal and natural person he/she considers to have performed discrimination, with the possibility of concluding a settlement out of trial, in accordance with the law regulating the mediation proceeding;
- 3) inform the public about the important issues of discrimination;
- 4) if necessary, carry out the researches in the field of discrimination;
- 5) keep separate records of submitted complaints with regard to discrimination;
- 6) collect and analyse statistical data on cases of discrimination;
- 7) undertake actions to raise awareness on issues related to discrimination;

Pursuant to this Law (Article 22) “Anyone who considers to be discriminated against by an act, action or failure to act made by an authority and other legal and natural persons, may address the Protector with a complaint. The complaint referred to in paragraph 1 of this Article can be submitted to the Protector also by organisations or individuals dealing with the protection of human rights, with the consent of the person or the group of persons discriminated against.”

The Law on Prohibition of Discrimination also regulates procedure before the court. Article 24 defines that “Anyone who considers to be damaged by discriminatory treatment of an authority and other legal and natural person shall be entitled to the court protection, in accordance with the law. The proceeding shall be initiated by filing a lawsuit. The provisions of the law regulating civil proceeding shall be accordingly applied on the proceeding referred to in paragraph 2 of this Article, unless this law provides otherwise. The proceeding referred to in the paragraph 2 of this Article is urgent. In the dispute for protection from discrimination the revision shall be always allowed”.

Article 29 defines burden of proof, i.e. “If the plaintiff proved the likelihood of respondent committing an act of discrimination, the burden of proving that due to that act the violation of equality in rights and equality before the law did not occurred, passes on the respondent”.

According to Article 30, “The lawsuit may be filed, on behalf of discriminated persons, also by organizations or individuals who are dealing with the protection of

human rights. The lawsuit may be filed only with the written consent of a discriminated person or a group of persons.”

The Law on Protector of the Human Rights and Freedoms, in Article 27, gives the following possibility: “When deems necessary, the Protector shall initiate a court proceeding for the protection from discrimination or shall join a discriminated person in that proceeding as an intervener”. In addition, this Law widens scope of work of the Ombudsman and includes now legal and physical entities, when it comes to discrimination (Article 27, paragraph 4).

### **The Protector of Human Rights and Freedoms**

After the adoption of the Constitution of Montenegro, and decision to introduce new powers to Protector of Human Rights and Freedoms, there was an emerging need to amend existing Law on the Protector of Human Rights and Freedoms. Since this would include large-scale amendments, the Ministry for Human and Minority Rights and Protector of human rights and freedoms have decided to draft a new law. The Government of Montenegro passed draft Law on the Protector of Human Rights and Freedoms on 17 March 2011. The Parliament of Montenegro adopted, on 29 July 2011, the Law on Protector of Human Rights and Freedoms of Montenegro ("Official Gazette of Montenegro" No. 42/11 as of 15 August 2011.).

The new Law on the Protector of Human Rights and Freedoms defines a Protector as a national mechanism for the prevention of torture and other forms of inhuman treatment or punishment. In addition, given the commitment to determine the Protector as a mechanism for the prevention of and protection from discrimination as well, the law also defines that issue.

The new Law increases the number of the Protector’s deputies, and specifies the actions of a deputy in the field of protection of apprehended or arrested persons, the protection of the rights of minorities and other ethnic minority communities, protection of child rights, protection of gender equality, protection of persons with disabilities and protection from discrimination. New definition of standards on the Protector of Human Rights and Freedoms strengthens the independence in the functioning of Ombudsman’s office, especially through increased financial support, administrative capacity strengthening and powers and security of the office staff.

The citizens of all nationalities and religions addressed the Protector of Human Rights and Freedoms in order to protect their rights. In the period since 2008, the Protector of Human Rights and Freedoms of Montenegro received 30 complaints pertaining to violations of human rights or discrimination against minorities and other ethnic minority groups. Complaints referred to the improper use of the Serbian language in the education system and public administration, the inequality of the Muslim people in education, cultural and national aspect, as well as their inadequate representation in government bodies, local authorities and public services, and in programme contents of the public broadcasting service. Also, a number of complaints related to termination of employment, deprivation of liberty, the right to personal documents, delays in court proceedings and administrative silence. On the occasion of two complaints, the Ombudsman addressed the Parliament of Montenegro and delivered an initiative to adopt a law on use of the official language and alphabet and language and alphabet in official use, in order to regulate this matter in a comprehensive manner. After conducted

procedure upon complaints, the Ombudsman determined that a law was not violated in a number of complaints, some complainants were not complemented by the set deadline, in some cases after the filing of the complaint legal proceedings was initiated, and in some cases the violations were remedied during the procedure, in some cases the complainants were referred to other legal remedies, etc.

Ombudsman, on its own, on 18 September 2008, initiated procedure to review statements expressed in public regarding enrollment into the Police Academy, and sent a request to the Director to provide information on certain media allegations on possible discrimination against members of minority nations. Furthermore, the Ombudsman visited the Police Academy in Danilovgrad and spoke with the director of the Academy, where he confirmed that it was evident that they, upon admission to the Police Academy, have not complied with the constitutional and legal obligation to ensure proportional representation of minorities and other minority groups.

Based on obligations stemming from the international law and national legislation on proportional representation of minorities in all the institutions of the political system in Montenegro, the Ombudsman sent a letter to the Steering Committee of the Police Academy of Montenegro with the aim of finding a mode for ensuring the proportional representation in enrollment of minorities in the Police Academy.

In addition, the Ombudsman, on its own, initiated procedure to review the implementation of the constitutional and legal provisions on exercise of minority rights, i.e. on the proportional representation of minorities and other minority communities in state authorities, local self-government units, and public services. Based on the results of examination procedure conducted, the Ombudsman learned that some state authorities and some local self-government units inconsistently implement regulations on proportional representation of minorities and other minority ethnic communities in institutions in Montenegro. Based on this, and in accordance with legal competencies, the Ombudsman, in December 2008, made the following recommendation: state administration and public services in Montenegro to, within its jurisdiction, take into account the implementation of constitutional and legal provisions for minority representation in public bodies as well as the implementation of international commitments in this area; the local self-government units in the territory of Montenegro to, having in mind their needs, and when engaging the new employees who meet the requirements prescribed for a specific job, take special care on the employment of minorities and other minority ethnic groups, in order to ensure relatively adequate representation of different ethnic communities in the local government bodies in proportion to their share in the total population in the territory of the local government; all the authorities are obliged to, upon the expiration of 6 months from the date of submission of recommendations, to submit a report to the Ombudsman on the actions and measures taken to realize and implement recommendations.

Given the fact that the state bodies and local self-government bodies failed to deliver to the Ombudsman, in prescribed time frame or after that, reports on activities undertaken in order to implement the recommendations, the Ombudsman, on 7 July 2012, delivered urgency to all state bodies and local self-government bodies in regard to the reports needed. Following that Ombudsman's urgency, a certain number of state and local self-government bodies delivered reports that contain information on undertaking certain activities in order to implement recommendations.

The Ombudsman received complaints from some members of the Roma population as well. They mainly complained on following: the poor living conditions, poverty, lack of personal documents, unemployment, health insurance, housing conditions, difficulties in the inclusion of Roma children in the education system and so on. Ombudsman indicated, in its annual reports, that Roma are specific historically neglected and most vulnerable ethnic minority. Therefore, the competent state authorities have specific duties and responsibilities in providing protection of human rights of the Roma.

Ombudsman and the National Council Roma in Montenegro organized several forums for members of the Roma population in some municipalities, e.g. in Podgorica, Berane and Niksic. During these forums, the representatives of the Ombudsman Office informed Roma population about responsibilities and powers of the Ombudsman's Office, and on possibility to address this institution in order to exercise their human rights.

In order to improve the status of Roma population in Montenegro, the Ombudsman in its report on work recommended undertaking of following actions: 1) that all relevant state authorities, in line with the Government Strategy for improving the status of RAE Population in Montenegro 2008-2012, take active role and register ex officio RAE population in the birth record books and to develop specific program for registering all RAE children born in Montenegro in the birth registry, 2) to consider the possibility of opening a temporary office in the Ministry of Interior for the subsequent registration of RAE population in birth records, 3) state bodies and local governments to establish active cooperation with the National Council of Roma in Montenegro, 4) to plan the budget at the national level but also at the local level, in order to ensure funds which will be allocated for the program improvements of status of Roma, 5) that the relevant social actors, governmental and non-governmental organizations, and especially organizations dealing with human and minority rights, work jointly to sensitize non-Roma population on the needs and problems of the Roma and, in that way, to overcome prejudices about the Roma population, 6) that the state should to create a modern education system that will meet the educational needs of children and improve the educational situation of the Roma population, which is currently very dissatisfying, 7) to introduce to the project "the inclusion of Roma children in primary school education" in all municipalities where Roma live, and that this project is to be implemented by the Ministry of Education in collaboration with the National Council of Roma in Montenegro.

In addition, living conditions in the Konik camp in Podgorica, where live mainly displaced Roma, Ashkali and Egyptians from Kosovo, are a matter of serious concern and it is necessary to dismantle the camp and provide a better life conditions for those persons.

The Ombudsman, through his/her reports on work, recommended to the competent authorities to create the necessary legislative and institutional requirements for the protection and promotion of minority rights in Montenegro. Ombudsman indicated that the protection of minority rights is, so to speak, double. On the one hand, the minorities should be protected from adverse discrimination in the exercise of economic, social, cultural, civil, and political individual rights. In fact, it should not be allowed that a minority member is discriminated in employment, participation in the political process,



and in association and expression, in implementation of the electoral law, and in protection of the life and personal integrity. At the same time, the protection of minorities has another aspect, not less important, which is the protection of collective rights, such as education in their own language, minority culture and information, the use of minority languages in the private, public and official spheres, and the right to the effective participation of minorities in public life.

According to the Law on Prohibition of Discrimination, the Ombudsman is an institutional mechanism for protection against discrimination. Since this law entered into force, the Ombudsman received 19 complaints for discrimination based on ethnicity and language. In this regard, the Ombudsman has taken a series of measures and actions in accordance with its statutory powers, in order to improve the level of protection against discrimination of minorities and other minority communities.

### **Cases before national courts (upon the interest of the Advisory Committee)**

Case "Ks no.6/11-10", publicly known under the name "**Bukovica**" was closed by the final judgement of the Higher Court in Bijelo Polje on 22.03.2012. Defendants Đ.R., Đ.R., C.S., G.Đ, B.M, S.S and Š.R. by final judgement of the High Court were acquitted as it was not proved that they committed the crime they were charged. The Appellate Court of Montenegro altered judgement of the High Court only in regard to grounds on basis of which they were acquitted, as the Court found out that offence for which they were charged pursuant to the provisions of the Law is not treated as the criminal offence pursuant to the provisions of the Article 373, point 1 of the Criminal Procedure Code.

Case named „**Kaluderski laz**“: Defendants are: P.S. M.B. P.L. A.K. B.R. B.N. M.B. R.Đ., for committing criminal act of war crime against civilians pursuant to Art. 142, para 1 of the Criminal Code of SRY /KZ SRJ/.

Request for investigation was submitted on 9 February 2007, while the decision on opening of the investigation was adopted on 22 February 2007. The indictment was submitted to the High Court in Bijelo Polje on 30.07.2008. It is stated in the indictment that the defendants, as members of the Yugoslav Army, on 18.04.1999 in Klauderski Laz, committed criminal act against the civilian population of Albanian nationality, with violation of international law, when took up combat positions nearby and around the village Kaludjerski Laz where they waited for the convoy of unarmed civilians who moved from Kosovo to Montenegro, and fired a burst on civilians when the column stopped. In addition, defendant Predrag Strugar, who was Yugoslav Army battalion commander, is also charged for issuing an order to the group of unidentified soldiers to proceed with inhuman treatment and killing of civilians on seven occasions in the municipality Rožaje from 18 April to 21 May 1999, during the armed conflict between the FRY and the NATO pact. The result was 17 killed and 5 injured persons. Arrest warrant was issued for all defendants on 1.08.2008. All of them were traced down and arrested, except for defendant Predrag Strugar.

- Defendant B.R. - on the proposal of defence attorney, and with the consent of the Supreme State Prosecutor's Office, detention was repealed on 23.10.2009, with imposed control measure of prohibition to leave the residence, mandatory reporting and seizure of travel documents;

- Defendant A.K. - on the proposal of defence attorney, and with the consent of the Supreme State Prosecutor's Office, detention was repealed on 9.05.2011, with imposed control measure of prohibition to leave the residence, and mandatory reporting;
- Defendants B.M, L.P, N.B, B.M. and Đ.R. – detention repealed on 1.08.2011, upon the expiry of three years of the maximum detention period after the indictment, in accordance with the law.

Trial / Court proceeding - the indictment and detention order could not be delivered to defendant P.S. because the state bodies could not traced him down, which presented an obstacle to the entry into force of the indictment and the determination of the date for main hearing.

- International legal aid was requested from the competent bodies of Serbia (as it was reported that defendant had the residence in Belgrade);
- On 6 February 2009, the notification on serving the indictment to defendant was received;
- On 16 March 2009, it was decided that defendant Predragu Strugaru would be tried in absentia;
- First main hearing was scheduled 19-20 March 2009, and until 30.09.2009, several main hearings took place
- On 30.09.2009, trial started again from the beginning due to change of composition of court council, after which several trials took place;
- On 9.05.2011, trial started again from the beginning for the second time due to change of composition of court council as the result of the implementation of new Criminal Procedure Code, after which several trials took place;
- The last trial was scheduled for 26.06.2012, but due to absence of defence attorney the trial was postponed, and the next trial is scheduled for 14.09.2012.

Case „Orlov let“: In case “K.br.281/06” total 17 persons were accused: Lj.D, D.Đ, S.A, S.V. as accomplices in committing criminal act of associating for unconstitutional activities from Art 372, para 1 in relation to Art 365 of CC, and preparing acts against constitutional order and security of Montenegro from Art 373, para 2 in relation to para 1 in relation with Art 365 of CC, and defendants are as follows: B.Z, I.S, I.Đ, L.Đ, D.V, D.P, D.R. and D.K, for associating for unconstitutional activities from Art 372, para 3 in relation to para 1 with reference to Art 365 of CC KZ, and preparing acts against constitutional order and security of Montenegro from Art 373, para 2 with reference to para 1 and in relation to Art 365 of CC.

- D.Đ, criminal act of illegal possession of weapons and explosives from Art 403 para 1 of CC;
- Lj.N, criminal act of illegal possession of weapons and explosives from Art 403 para 2 with reference to para 1 of CC;
- I.M. criminal act of providing assistance in criminal act of illegal possession of weapons and explosives from Art 403 para 2 with reference to para 1 of CC and in relation to Art 25 and 49 of CC;
- K.V. criminal act of illegal possession of weapons and explosives from Art 403 para 2 of CC;

- B. M. criminal act of illegal possession of weapons and explosives from Art 403 para 2 with reference to para 1 of CC.

They are sentenced to the imprisonment as follows:

- Unique sentence in duration of 6 (six) years and 6 (six) months of imprisonment Lj.D, US citizen;
- Unique sentence in duration of 5 (five) years of imprisonment D.Đ;
- Unique sentence in duration of 6 (six) years of imprisonment S.A;
- Unique sentence in duration of 5 (five) years of imprisonment S.V;
- Unique sentence in duration of 4 (four) years of imprisonment, B.Z, I.S – US citizens;
- Unique sentence in duration of 3 (three) years of imprisonment, D.P, D.R. and D.K – US citizens;
- Unique sentence in duration of 3 (three) years of imprisonment and 3 (three) months, trial in absentia for Lj.N;
- Unique sentence in duration of 2 (two) years and 5 (five) months of imprisonment I.Đ;
- Sentence in duration of 6 (six) months of imprisonment Lj.N, K.V. i B.M,
- Sentence in duration of 7 (seven) months of imprisonment and sentence in duration of 3 (three) months mjeseća, D.Đ.

In the case Ks br 11/08 - There is a special procedure (separate procedure) against DV-trial in absentia. The defendant was sentenced to imprisonment in duration of 6 (six) years and 6 (six) months for the criminal offense of Associating for unconstitutional activities from art 372, para 1, with reference Art 360 of CC and preparing acts against the constitutional order and security of Montenegro from Art 373, para 1 with reference to para 2 and in relation to Art 360 of CC.

Judgments in cases K.br.281/06 and Ks.br.11/08 are final and in force.

Case,,Morinj“								
No of Case	No of indictment	Name and Surname, profession and education of defendant	Criminal offense	Articles covering offense	Type of decision / ruling	The sentence or sanction	Convicted of Art.	The files delivered upon appeal before the second instance court
Ks33/10	Kts.7/08 15.08.2008	G.M. Military Academy, Retired military officer	War crimes against civilians and war crimes against prisoners of war	Art. 142 para.1 CC SRY and Art. 144 CC SRY	<b>JUDGEMENT dated 25.01.2012.</b> Acquittal			<b>THE APPELATE COURT 2.04.2012</b>
		T.Z. Military Academy Editor in chief of	War crimes against civilians and war	Art. 142 para.1 CC SRY and Art. 144 CC	Acquittal			

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		Odgovor magazine, journalists	crimes against prisoners of war	SRY				
		G.I. Economist Painter	War crimes against civilians and war crimes against prisoners of war	Art. 142 para.1 CC SRY and Art. 144 CC SRY	2 years of imprisonment for committing offense from Art 144			
		L.Š. Sailor Higher Nautical Faculty	War crimes against civilians and war crimes against prisoners of war	Art. 142 para.1 CC SRY and Art. 144 CC SRY	3 years of imprisonment for committing offense from Art 144			
		M.I. Owner of the restaurant in Belgrade	War crimes against civilians and war crimes against prisoners of war	Art. 142 para.1 CC SRY and Art. 144 CC SRY	4 years of imprisonment for committing offense from Art 144			
		G.B. Painter	War crimes against civilians and war crimes against prisoners of war	Art. 142 para.1 CC SRY and Art. 144 CC SRY	3 years of imprisonment for committing offense from Art 144			

Case: „The deportation of refugees from Bosnia-Herzegovina“								
No of Case	No of indictment	Name and Surname, profession and education of defendant	Criminal offense	Articles covering offense	Type of decision / ruling	The sentence or sanction	The value of proceeds confiscated	Date of Final Judgment – entering into force
Ks.3/09	Kts.18/08	B.B. Lawyer Employed in the Chamber of	War crimes against civilians	Art. 142 para.1 CC SRY	Main hearing scheduled for			Repealed Old number 214/08

		Commerce of Belgrade Serbian citizenship			06.09.2012.			
		M.M. Lawyer Retired Serbian and MNE citizenship	War crimes against civilians	Art. 142 para.1 CC SRY				
		R.R. Lawyer Retired Serbian and MNE citizenship	War crimes against civilians	Art. 142 para.1 CC SRY				
		B.D. Lawyer Retired Serbian and MNE citizenship	War crimes against civilians	Art. 142 para.1 CC SRY				
		S.B. Security Faculty Retired	War crimes against civilians	Art. 142 para.1 CC SRY				
		I.M. Lawyer in Belgrade Serbian and MNE citizenship	War crimes against civilians	Art. 142 para.1 CC SRY				
		Š.M. Economist Herceg Novi Municipality	War crimes against civilians	Art. 142 para.1 CC SRY				
		B.B. History professor Unemployed	War crimes against civilians	Art. 142 para.1 CC SRY				
		G.S. Lawyer Police officer	War crimes against civilians	Art. 142 para.1 CC SRY				

**Statistical data on cases before Montenegrin cases (for period 2008 – July 2012) for following criminal acts:**

- Infringement of the right to free use of language and alphabet - Article 158 of CC
- Infringement of equality of citizens - Article 159 of CC
- Infringement of the right to expression of national or ethnic affiliation - Article 160 of CC
- Infringement of freedom of confession of religion and performance of religious rites - Article 161 of CC

- Causing national, race and religious hatred, divisions and intolerance - Article 370 of CC

In **2008**, one procedure was conducted before the basic courts in Montenegro for committing criminal act of Infringement of the right to expression of national or ethnic affiliation from Article 160 of CC. This procedure was suspended.

During the same year, before the High Court in Podgorica, one procedure was conducted for causing national, race and religious hatred, divisions and intolerance - Article 370 of CC, against one person. That person was found guilty and sentenced to the imprisonment in duration of 7 months. The judgement is final and in force.

In **2009**, two procedures were conducted before the basic courts in Montenegro for infringement of freedom of confession of religion and performance of religious rites - Article 161 of CC against 2 persons. One person was acquitted and second person was found guilty with sentence imposed in form of fine in amount of 800, 00 EUR. Both judgments are in force.

In **2010**, one procedure was conducted before the High Court in Podgorica for causing national, race and religious hatred, divisions and intolerance - Article 370 of CC, against two persons. Both persons were found guilty and sentenced to the imprisonment in duration of 5 and 4 months. The judgement is final and in force.

In **2011**, one procedure was conducted before the basic courts in Montenegro for infringement of freedom of confession of religion and performance of religious rites - Article 161 of CC against 22 persons. Procedure is pending.

During the same year, one procedure was conducted before the High Court in Podgorica for causing national, race and religious hatred, divisions and intolerance - Article 370 of CC, against two persons. Procedure is pending.

In **2012**, until 15 July – there were no court cases filed for abovementioned criminal acts.

### **Fight against trafficking in human beings**

For the criminalization and prosecution of trafficking in human beings the main regulations are Criminal Code and Criminal Procedure Code. Priorities in combating trafficking in human beings are ensured by adopting a set of laws in the field of justice. Montenegrin Criminal Code covers offenses that criminalize trafficking in persons (human trafficking, trafficking in children for adoption and slavery, and transportation of enslaved persons). Law on Amendments to the Criminal Code modified definition of "Trafficking in Human Beings" and introduced a special form of the offense which criminalises the use of victim services. The intention was to act preventively even with threatened imprisonment from 6 months to 5 years, or from 3 to 15 years if this offense was committed against a minor.

Office for Combating Trafficking in Human Beings, which is a part of the Government of Montenegro, coordinates activities of relevant government authorities, international and non-governmental organizations, thus combining all the positive efforts to combat trafficking in human beings in Montenegro. The Office manages the Shelter

for victims of trafficking and leads the complete program to protect victims of human trafficking.

According to assessments of the relevant domestic and international entities, Montenegro was recognized as a country of transit, less as a country of source and destination country for trafficked persons. The Government began with building a system of combating this phenomenon by developing a national mechanism for the prevention of human trafficking, as well as by establishing and strengthening international cooperation. Since 2006, projects of the International Centre for Migration Policy Development ICMPD are continuously implemented, entitled "Transnational Referral Mechanisms for Trafficked Persons in South-East Europe TRM-I" and "Strengthening cross-border cooperation in trafficking cases TRM-II." Implementation of these programs has significantly contributed to improving cross-border cooperation between SEE countries in the fight against human trafficking through the implementation of a series of regional trainings for representatives of institutions competent for the fight against this phenomenon in the countries of South Eastern Europe. In addition to improving cross-border cooperation between Montenegro and other countries of South Eastern Europe, ICMPD programs have made significant contribution to strengthening of the professional capacities of the Montenegrin authorities responsible for the fight against human trafficking, primarily representatives of the police and prosecutors, as well as representatives from health institutions and NGOs dealing with the issue of providing assistance to the victims of trafficking.

Supreme State Prosecutor's Office has signed agreements on cooperation in the fight against serious transnational crime, crimes against humanity and other goods protected by international law - human trafficking, with prosecutor's offices of Serbia, Albania, Macedonia, Croatia, Russian Federation, Italy, Ukraine and the Office of EULEX Kosovo. Cooperation between the police services is carried out through Interpol, liaison officers of the Department for International Police Cooperation and European Integration of Montenegro, and the SECI centers, as well as based on bilateral agreements.

A number of measures were realized in the field of prevention and combating:

- In the framework of joint project "Cooperation between the public and private sector in the prevention of trafficking and sexual exploitation of minors in the travel and tourism industry" over 200 representatives of the tourism industry have signed and consistently implement the principles of the "Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism". The Code aims to increase the commitment of Montenegrin tourism companies to join efforts in the fight against child trafficking.
- In the Agreement on cooperation between institutions of Government, signed in 2007, the special attention is given to the treatment in relation to women and children victims of trafficking. Due to the needs that trafficking cases as soon as possible get a court epilogue, and appreciating a strong contribution of civil society in the process of providing assistance and protection to victims, the Agreement was amended and revised in 2010. It is expected that this agreement is to be signed with the Supreme Court, the Center for Child and Family Support and three non-governmental organizations as well.

- In order to ensure regular and mandatory lectures on human trafficking in all schools in Montenegro, the Office for Combating Trafficking in Human Beings accredited training program for teachers on "Raising awareness about child trafficking through the education system", in framework of which teachers are trained on the phenomenon of trafficking in children. The topic of human trafficking will be introduced as a separate education unit within the subject Civic Education. This project was conducted with the support of UNICEF.
  - Government SOS line for victims of trafficking is free and available 24/7 for potential victims of trafficking, and for all those who want to be informed about this phenomenon.
  - Special attention in all programs is paid to the vulnerable groups, especially Roma
- National Working Group for Monitoring the Implementation of the National Strategy for Combating Trafficking in Human Beings has drafted a national strategy to combat human trafficking for the period 2012-2018, with an action plan. The draft strategy is currently in the process of public consultations. The objectives of the Strategy 2012-18 are consistent with the objectives set by the Directive 2011/36/EU of the European Parliament and the Council as of 5 April 2011 on the prevention and fight against trafficking in human beings, the recommendations of relevant actors at the international level, as well as NATO program for fight against human trafficking. A compliance with the relevant international standards (UN and Council of Europe) was taken into account, including the EU acquis (the "acquis communautaire"). In the new strategy, special emphasis is placed on the process of identifying victims of trafficking.

### *Article 7*

The Constitution of Montenegro, in Article 52, guarantees the freedom of peaceful assembly, without approval, with prior notification of the competent authority. The freedom of assembly may be temporarily restricted by the decision of the competent authority in order to prevent disorder or execution of a criminal offence, threat to health, morality or security of people and property, in accordance with the law.

Law on Public Assembly („Official Gazette of Republic of Montenegro“, no 31/05) defines the right to freedom of public assembly. Peaceful assemblies are held at the appropriate area, with the previous obligations of organizer to notify and report to the territorial competent authority for policing.

Police Administration, pursuant to Article 11 of this Law, may prohibit the public assembly in the following cases: if it is not timely and properly reported; it is reported in the area where cannot be held according to law; assembly is aimed at the violation of guaranteed freedoms and rights of individuals or incitement to violence, national, racial, religious or other form of hatred; there is a real danger that the peaceful assembly would compromised safety of people and property, or it would violate public peace and order to a large extent; if it is necessary to prevent a threat to human health at the request of the state agency in charge of health care.

Law on Public Assembly explicitly stipulates that the freedom of assembly and other forms of gathering may be temporarily restricted in order to protect the rights of others, public order and safety, public morals, the environment and human health.

Restricting or prohibiting public assembly is deemed as a criminal offense under Article 181 of the Criminal Code, and it is punishable with a fine or imprisonment of up



to one year for any person who uses force, threat, deception or otherwise prevents or hinders a public assembly organized in accordance with the law. If public official in the performance of duty commits this offence, he/she shall be punished with imprisonment not exceeding three years.

In the period of 2006-2011, the Police have registered one criminal charge for a criminal act of preventing public assembly under Article 181 of the Criminal Code. Statistics of court cases for committing criminal act of prevention public gathering (Article 181)<sup>13</sup> from 2006 to 2011 is as follows: one procedure was conducted in 2011 before basic courts in Montenegro.

The Constitution of Montenegro guarantees the freedom of political, trade union and other association and action, without approval, by the registration with the competent authority. No one shall be forced to become a member of an association. The state supports political and other associations, when there is a public interest to do so (Article 53). The Constitution of Montenegro also protects of the employed to strike. The right to strike may be restricted to the persons employed in the Army, the Police, state authorities and public service, in order to protect the public interest, in accordance with the law (Article 66).

The Labor Law prescribes that employees have the freedom of trade union organizing and action, participation in concluding collective agreements, peaceful settlement of collective and individual labor disputes, consulting, informing, and expressing opinions on the issues of importance in the field of labor, in accordance with the law. Employee or representative of employees referred to in paragraph 1 of this Article shall not be held responsible, or put at a disadvantage with regard to working conditions, if acting in accordance with the law, the collective agreement, and labor contract. Employees and employers are entitled, at their free choice, without a prior approval, to establish their organizations and become their members, under the conditions determined by the statute and rules of those organizations (Article 154). Employees shall be guaranteed the freedom of trade union organizing and action, without prior approval. Trade union organizations shall be entered into the register of trade union organizations kept by the Ministry. Procedure of entry into the register, change of entry and deletion form the register shall be prescribed by the Ministry.

Law on Non-Governmental Organizations (“Official Gazette of MNE”, no 39/11) regulates procedure of foundation, registration, operation, connection, and cessation of operation of non-governmental organizations, status, bodies, financing and other issues of importance for work and functioning of non-governmental organizations. Non-governmental organizations according to this Law shall be non-governmental associations and non-governmental foundations. Non-governmental association shall be a non-profit organization with members, founded by domestic and foreign physical persons and legal entities, in order to realize individual or common interests or for realization and affirmation of public interest. Non-governmental foundation shall be a non-profit organization without members, founded by domestic and foreign physical persons and legal entities, with or without starting assets, in order to realize general goals and interests. A non-governmental organization is a legal entity upon the date of registration, in accordance with the law. The work of NGO is public. The public work is carried out in

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<sup>13</sup> Source: The Supreme Court of Montenegro

accordance with the statute of non-governmental organizations. A non-governmental organization established on a permanent or temporary basis. Non-governmental organizations can enroll into alliances or other forms of connecting with non-governmental organizations in Montenegro and abroad. Establishing of alliances or other forms of association between non-governmental organizations in Montenegro will be regulated by the provisions of this law governing the establishment of the association. The association may be established by at least three persons, one of whom must have a permanent residence or a head office in Montenegro. The founder of the Association may be a minor who has attained 14 years of age, with the consent of a legal representative, in accordance with the law.

The Foundation may be established by one or more persons irrespective of residence, or registered office in Montenegro. If the foundation is established by several persons, they exercise their rights jointly, unless the statute stipulates otherwise. Foundations can be established by testament as well.

Register of associations, the register of foundations, and of the foreign organization in written and electronic form is kept by the state administration body responsible for the administration issues (Ministry of Interior), which prescribes the content and manner of keeping registers, and prescribes the application forms for registration. Registration of non-governmental organizations shall be made on the basis of the application form, in accordance with the law. Data entered in the registers are public and published on the website of the Ministry of Internal Affairs, unless a special law stipulates otherwise. The decision on registration and the decision on deletion from the register shall be published in the "Official Gazette of Montenegro".

Foreign organization can act on the territory of Montenegro if it registered its branch office in the register kept by the Ministry, in accordance with the law. Branch office of the foreign organization shall not be deemed as a legal entity. The register of associations kept by the Ministry of Interior registered 198 foundations and 5948 associations, as well as 122 foreign NGOs.

In Montenegro, in accordance the Article 182 of the Criminal Code prescribes that anyone who by violating law knowledgeably or in any other unlawful manner prevents or disturbs political, trade union or other association or activities of citizens or activities of their political, trade union or other organizations shall be sentenced to a fine or imprisonment not exceeding one year.

In period 2006 – 2011, there were no criminal procedures conducted for committing criminal act of preventing political, trade union or other association and activities. There was only one case registered which was closed with the decision on dismissal.

Exercise of the rights in field of informing is guaranteed by the Constitution of Montenegro. Everyone have the right to freedom of expression by speech, writing, picture or in some other manner. The right to freedom of expression may be limited only by the right of others to dignity, reputation and honor and if it threatens public morality or the security of Montenegro (Art. 47).

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, is guaranteed. The right to a response and the right to a correction of any untrue, incomplete, or incorrectly conveyed information that

violates a person's right or interest and the right to compensation of damage caused by the publication of untruthful data or information are guaranteed (Art. 49).

There is no censorship in Montenegro. The competent court may prevent dissemination of information and ideas via the public media only if so required in order to prevent invitation to forcible destruction of the order defined by the Constitution; preservation of territorial integrity of Montenegro; prevention of propagating war or incitement to violence or performance of criminal offences; prevention of propagating racial, national and religious hatred or discrimination (Art. 50).

According to the Constitution, everyone have the right to obtain information held by the state authorities and organizations exercising public authority. The right to accessibility of information may be limited if this is in the interest of: the protection of life; public health; morality and privacy; carrying of criminal proceedings; security and defence of Montenegro; foreign, monetary and economic policy (Art. 51).

Constitutionally guaranteed right to freedom of expression in Montenegro is closely regulate by media regulations, which is aligned with international standards in the field of media.

Infringement of freedom of speech and public appearance is a criminal act, and it can be sentenced to a fine or imprisonment not exceeding one year. Should this act be committed by a person acting in an official capacity, during performance of his/her duties, that person shall be sentenced to imprisonment not exceeding three years (Article 178). Criminal Code also prescribes criminal act of prevention of printing and distribution of printed matters, and broadcasting (Article 179). It states that anyone who prevents or disturbs, without permission, printing, recording, sale or distribution of books, magazines, newspapers, audio and video cassettes or other printed or recorded matters, shall be sentenced to a fine or imprisonment not exceeding one year. This sentenced shall be also applied for a person who prevents or disturbs, without permission, broadcasting of radio or TV programs. If this act is committed by a person acting in an official capacity, during performance of his/her duties, that person shall be sentenced to imprisonment not exceeding three years. Preventing publishing of answers and correction is also a criminal offense and it can be sentenced to a fine or imprisonment not exceeding one year. The same sentence will be also imposed to unauthorized person who prevents or hinders broadcasting of radio and television programs.

In period 2006 – 2011, here were no criminal procedures conducted for infringement of freedom of speech and public appearance (Article 178) and prevention of printing and distribution of printed matters, and broadcasting (Article 179). In one case that was initiated before the court, decision on declining jurisdiction of that court was passed.

In order to improve media freedom in Montenegro, the amendments to the Criminal Code were adopted in June 2011. The criminal act of insult and defamation were deleted.

According to the Law on Minority Rights and Freedoms, Article 9, with a view to preserve and develop national or ethnic identity, minority nations and other national minority communities and persons belonging to them have the right to establish institutions, societies, associations and non-governmental organizations in all fields of social life. Article 22 stipulates that persons belonging to minority nations and other

national minority communities have the right to free association, in accordance with the law and principles of international law on freedom of association.

Special possibility that the Law on Minority Rights and Freedoms provides is the possibility of establishing **Councils of Minority Nations**, as a form of minority government, with the aim of improving the freedoms and rights of minorities. A minority can choose only one council, and council consists of members by function, those who want, and members who are elected at electoral Assembly. Members by function Members of Parliament and members of the Government pertaining to the respective minority nation and other national minority community, presidents of municipalities, presidents of city municipalities, presidents of municipality assemblies, presidents of city municipality assemblies, presidents of parties represented in the Parliament of Montenegro, municipality assemblies, city municipality assemblies pertaining to the respective minority nation and other national minority community. Basic competencies, conferred by law, of the councils are as follows: represent and act on behalf of minority nations and other national minority communities, submit proposals to state bodies, local self-government bodies and public services in charge of the promotion and development of the rights of minority nations and other national minority communities and persons belonging to them, submit an initiative to the President of Montenegro to refuse to promulgate a law through which the rights of minority nations and other national minority communities and persons belonging to them are violated; participate in the planning and establishing of educational institutions; provide an opinion on subject curricula which reflect specificities of minority nations and other national minority communities; suggest enrolment of certain numbers of students at the University of Montenegro; and launch an initiative for the amendment of legislation and other acts that regulate rights of persons belonging to minority nations and other national minority communities. On issues which relates to the rights of minority nations and other national minority communities and persons belonging to them falling within the competence of state bodies and public services, a necessary co-operation with the council in order to build mutual confidence will be established. Funds for the work of councils will be provided from the budget of Montenegro.

Ministry for Minority Rights adopted the Rulebook for the first elections of the councils of minority nations, as well as Instructions on the unique method of conduct of the elections for members of the Council ("Official Gazette of RMNE", no. 46/07). This Rulebook and Instructions specifies the composition and number of members of councils, selection procedure, working mechanism of the Electoral Assembly, and give clear guidance in this process. These regulations created the legal preconditions for the election of the first minority councils. In addition, all of these documents were published on the official web site of the ministry, printed in form of insert in the daily newspaper "Pobjeda", weekly magazine in Albanian language "Koha Javor", and rules were also announced through the public broadcasting service - RTCG, commercial television - TV IN, and local radio and television stations. The meeting was held with NGOs from all minority communities and the process of establishing of minority council was presented to them. Pursuant to adopted legislative solutions, Electoral Assemblies for the election of the members of following councils have been held so far: Croatian Council (21.12.2007.), Bosniak Council (15.03.2008), Roma Council (22.03.2008), Muslim Council (29.03.2008), Albanian Council (19.04.2008.) and the Serbian Council

(27.09.2008). Statutory sessions of councils were held and councils were registered with the Ministry of Minority Rights. Since August 2008, the Councils' work is funded through this ministry. In 2008, the councils were funded for 130,000 EUR; in 2009 in the total amount of 210,576.48 EUR; in 2010 - 278,533.80 EUR; and in 2011 – total 300,000 EUR was provided for councils.

Law on political parties does not deprive members of minority nations and other minority national communities of the right on political engagement and association through the work of national parties. Although the members of minority groups are present in civil political parties, there is a number of national political parties of which the following are represented in the Parliament of Montenegro: Bosniak party, the Democratic Union of Albanians, the Democratic Association in Montenegro, Forca, Albanian Coalition - Perspective and Croatian Civic Initiative. Muslims and Roma have their own national political party. Law on political parties, members of minority nations and other minority national communities are not deprived of the right of association and political engagement through the work of national parties. Although they are members of minority groups present in civil political parties, there are a number of national political parties of which the parliamentary: Bosniak party, the Democratic Union of Albanians, the Democratic League in Montenegro, Force, Albanian Coalition Perspective and Croatian Civic Initiative. Muslims and Roma do not have their own national political party.

### *Article 8*

The Constitution of Montenegro, in Article 46, stipulates following: “Everyone shall be guaranteed the right to freedom of thought, conscience and religion, as well as the right to change the religion or belief and the freedom to, individually or collectively with others, publicly or privately, express the religion or belief by prayer, preaches, customs or rites. No one shall be obliged to declare own religious and other beliefs.

Freedom to express religious beliefs may be restricted only if so required in order to protect life and health of the people, public peace and order, as well as other rights guaranteed by the Constitution”.

Article 14 of the Constitution states following: “Religious communities shall be separated from the state. Religious communities shall be equal and free in the exercise of religious rites and religious affairs.” We emphasize that Constitution guarantees the right of Objection of conscience: “No one shall be obliged, contrary to own religion or conviction, to fulfill a military or other duty involving the use of arms.“ (Article 48).

Exercise of religious rights is specifically governing by the Law on the Legal Position of Religious Communities and the Law on the Celebration of Religious Holidays.

Prime Minister Igor Luksic signed with religious leaders following agreements: an agreement regulating relations between the Government of Montenegro and the Islamic community in Montenegro (30 January 2012) and the regulating relations between the Government of Montenegro and the Jewish community in Montenegro (31 January 2012). In addition, the Parliament of Montenegro adopted, on 27 June 2012, the Law on Ratification of the Basic Agreement between Montenegro and the Holy See. These agreements regulate relations between the Government of Montenegro and the religious communities in matters of common interest (freedom of communication and maintaining relationships with religious organizations, guarantees for the freedom of

action and the public performance, verbal and written expression, printing activities, establishment of radio and television, the establishment of associations and institutions with the aim of social assistance and humanitarian action, the freedom to conduct religious rites, the appointment and assignment of religious services, appointment, transfer and removal of persons who perform religious services, in principle, to regulate issues related to property, the right to establish religious schools and educational institutions of higher rank, etc.)

The Montenegrin government is open for a dialogue with other religious organizations in Montenegro in order to regulate relations in a similar manner.

Decree on the organization and manner of work of the state administration from August 2011 prescribed that the relationship with religious communities were entrusted to the Ministry of Human and Minority Rights. New Decree, adopted in May 2012, prescribes that relations with religious communities are within the competence of the Ministry of Justice and Human Rights.

Criminal code in the corpus of criminal acts against the human rights and freedoms also prescribes criminal offense of infringement of freedom of confession of religion and performance of religious rites (Article 161).

In period 2006 – 2011, the Police Administration registered 4 criminal charges brought for committing criminal act of infringement of freedom of confession of religion and performance of religious rites (Article 161).

### *Article 9*

The Constitution in Article 47 guarantees freedom of expression by speech, writing, picture or in some other manner. The right to freedom of expression may be limited only by the right of others to dignity, reputation, and honor and if it threatens public morality or the security of Montenegro. In addition, Article 49 of the Constitution guarantees freedom of press and other forms of public information. The right to establish newspapers and other public information media, without approval, by registration with the competent authority is also guaranteed.

**Law on Media**, as systemic law in field of media, governs preconditions for exercise of right to freedom of expression and media freedom. Law on Media, in Article 1, prescribes following: „Media shall be free in the Republic of Montenegro. Censorship of media is prohibited in the Republic of Montenegro. The Republic of Montenegro shall provide and guarantee freedom of information at the level of the standards as contained in the international documents on human rights and freedoms (the United Nations, the OSCE, the Council of Europe, the European Union). This Law shall be interpreted and implemented in compliance with the principles contained in the European Convention for the Protection of Human Rights and Fundamental Freedoms and shall be governed by the case law practice of the European Court for Human Rights.“ Article 2 of this Law prescribes following: “The Republic of Montenegro (hereinafter referred to as: the Republic) shall guarantee the right of free founding and undisturbed work of media based on: the freedom of expression; freedom of investigation, collection, dissemination, publicizing and receiving information; free access to all sources of information; protection of man’s person and dignity and free flow of information. The Republic shall guarantee equal participation in information to both domestic and foreign legal and natural persons in compliance with both this Law and the Broadcasting Law.“

Furthermore, Article 3 of the Law on Media states following: “The Republic shall provide a part of the funding for realization of the citizens’ right to be informed as granted by the Constitution and law, without any discrimination whatsoever.” In exercise of these rights, Montenegro provides a part of financial means for programmatic contents in Albanian and languages of other minority nations and ethnic groups. Article 11 of the Law on Media states that “On the basis of the State Prosecutor’s proposal, the competent court may ban the distribution of the publicized media programming that: invites forceful destruction of the constitutional system and violation of the territorial, integrity of the Republic; infringes on the guaranteed human and citizen’s freedoms and rights; or instigates national, racial or religious intolerance or hatred.” Article 23, paragraph 1 stipulates following: “It is forbidden to publicize information and opinions that instigate discrimination, hatred or violence against persons or group of persons based on their belonging or not belonging to a certain race, religion, nation, ethnic group, sex or sexual orientation.”

**Law on public broadcasting services of Montenegro** regulates the activities of public broadcasting services, Radio and Television of Montenegro (RTCG), in accordance with the law and international standards and regulations in this field. Article 9 of the on public broadcasting services of Montenegro stipulates following: “RTCG shall produce and broadcast programs, with respecting high standards of professional ethics and quality, which shall:

- 1) serve as referent points in terms of strengthening community and social integration of all individuals, groups and communities;
- 2) meet public interests on both national and local level, in balance manner, and with appropriate representation of informative, cultural, educational, scientific, sport and entertaining programs;
- 3) ensure space for open and free expression of different opinions and positions on issues of public interest;
- 4) 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;
- 5) affirm and foster Montenegrin national and cultural identity, cultural and ethnic identity of national and ethnic minorities, European cultural heritage and cultural diversity;
- 6) affirm Montenegrin cultural heritage, foster and encourage cultural and art work, and widen knowledge on different cultures presented in Montenegro;
- 7) reflect different ideas and religious beliefs in society, aimed at strengthening of understanding, tolerance and promoting of multicultural, multiethnic and multi-confessional society of Montenegro;
- 8) contribute to the observance and promotion of fundamental human rights and freedoms, democratic values and institutions, and pluralism of ideas, public dialogue culture, linguistic standards, privacy and dignity of individuals;
- 9) instigate development of democratic culture of society;
- 10) promote and support civil society values, and present citizens’ initiative;
- 11) inform the public on the events and matters of public importance in the country and abroad in a truthful, complete, impartial and timely manner;
- 12) reflect actual life problems of different structures in Montenegrin society;

- 13) present and promote historical sources and material evidences on past;
- 14) promote development of Montenegro and Montenegro as ecological country;
- 15) inform the public on issues of importance for health of people, protection of citizens, property, cultural heritage and environment;
- 16) ensure production and representation of cinematographic and audiovisual works;
- 17) during the election campaign, on the basis of separate regulations, provide equal presentation of political parties, coalitions and individuals;”

By adoption of the **Law on Electronic Media** („Official Gazette of MNE“, no 46/10) the Law on Broadcasting from 2002 ceased to be valid. Following bylaws were also adopted: Rulebook on Program Standards in Electronic Media („Official Gazette of MNE“, no 35/11) and Rulebook on Commercial Audio-Visual Communications („Official Gazette of MNE“, no 36/11). Law on Electronic Media “governs rights, obligations, and responsibilities of legal and physical entities performing the activity of production and providing of audiovisual media services (hereinafter referred to as „AVM service“), and providing of services of electronic publications via electronic communication networks; regulate competences, status, and financing of Agency for Electronic Media; regulate prevention of illegal media concentration; encouraging of media pluralism; and govern other issues relating to providing of AVM service, in accordance with international conventions and standards.“ Furthermore, Article 2 of this Law stipulates following: “No provision of this law may be interpreted in a way that gives the right to censorship or restrictions on the rights of freedom of speech and freedom of expression. This law shall be interpreted in accordance with the principles of the European Convention for protection of human rights and fundamental freedoms, and by using case law practices of the European Court for human rights.“ Governing of relations in field of AVM (audio-visual media) services is based upon following principles: freedom, professionalism, and independence; prohibition of all forms of censorship; balanced development of public and commercial AVM service providers; free and equal access to all AVM services; development of competition and pluralism; application of the international standards; objectivity, prohibition of discrimination, and transparency.

Article 5 of the Law on Electronic Media prescribes following: „Montenegro shall ensure freedom of reception and re-broadcasting of AVM services the member states of the European Union and other European countries signatories of the European Convention on Trans frontier Television, and in certain cases may restrict freedom of reception and re-broadcasting, in accordance with the international agreements and provisions of this Law. “

Article 48, paragraph 2, stipulates: “AVM service shall not encourage or facilitate the spread of hatred or discrimination based on race or ethnicity or color, sex, language, religion, political or other opinion, national or social origin, property, trade union membership, education, social position, marital or family status, age, health, disability, genetic heritage, gender identity, expression or sexual orientation.“

Article 55, point 9 stipulates that “Usage of Montenegrin language shall not be obligatory in program intended for members of minority groups and members of other minority national communities.“

Article 74 of the Law on Electronic Media prescribes following: „Public broadcasters shall produce and broadcast news programs, cultural, art, educational,



scientific, children, entertainment, sports, and other program contents, that ensure exercise of the rights and interests of citizens and other subjects in the field of informing. In order to realize public interest in the field of information, public broadcasters shall:

- 1) independently and autonomously produce, edit and broadcast programs that do not serve to the political, economic or other power centers;
- 2) objectively and timely inform the public on political, economic, cultural, educational, scientific, sports and all other important events and issues both in the country and abroad;
- 3) produce and broadcast programs intended for all segments of the society, without any discrimination, especially taking into account specific social groups such as children and youth, minority ethnic communities, the disabled, the socially and medically challenged, etc.;
- 4) promote the culture of public communication and linguistic standards;
- 5) produce and broadcast the programs expressing the cultural identity of nations, nationalities and ethnic groups;
- 6) produce and broadcast programs in native languages of national and ethnic groups in the areas inhabited by them;
- 7) during the election campaign, on the basis of separate regulations, provide equal presentation of political parties, coalitions and candidates with the accepted candidature and election lists
- 8) Mutually co-operate and exchange program contents of interest for the citizens of Montenegro.

Furthermore, Article 76 stipulates, “The public broadcasters shall acquire their revenues from the part of general revenues of the Budget of Montenegro i.e. part of general revenues of local self-government units, and other sources in compliance with law and founding act. The Budget of Montenegro or of the local self-government unit shall provide a part of the funds for the realization of citizens’ right to be informed without discrimination, guaranteed by the Constitution and the Law, based on the programming important for:

- 1) exercising of the right on public information and informing of all citizens of Montenegro, exercise of rights of members of minority groups in Montenegro and members of other minority national and Montenegrin communities abroad;
- 2) exercise of human rights and political rights of the citizens, and enhancing of legal and social state and civil society;
- 3) development of culture, science, education and art;
- 4) protection of Montenegrin national and cultural identity, and cultural and ethnic identity of minority nationals and other minority communities;
- 5) encouraging of cultural activity;
- 6) information intended for persons with hearing and sight impairments.

With the aim to realize the rights, referred to in the paragraph 2 of this Article, the Budget of Montenegro, or the budget of local self-government unit shall provide a part of the funds for the program contents Albanian and Roma language. Administration authority competent for media affairs, on behalf of the Government of Montenegro or the competent executive authority in the local self-government unit, and the public electronic media shall stipulate by contract mutual rights and obligations related to the use of funds referred to in paragraph 1, 2 and 3 of this Article. The Manner and conditions of the fund

provision, referred to in paragraphs 1, 2, and 3 of this Article, shall not influence the editorial independence of the public broadcaster. The contract, referred to in the paragraph 4 of this Article, shall be announced in a manner prescribed by the founding act of the electronic media and submitted to the Agency. Budget of Montenegro, i.e. budget of the local self-government unit shall envisage means for covering costs of transmission and broadcasting of the program of public broadcasters by means of terrestrial broadcasting systems.“ Article 136 of the Law on Electronic Media prescribes “part of the revenue from games of chance shall be allocated in amount and manner defined by separate law regulating field of games of chance, in purpose to encourage media pluralism, production of commercial broadcasters and preserving diversity of electronic media in Montenegro. The means referred to in paragraph 1 of this Article shall stimulate the production of program contents of commercial broadcasters, which are of public interest, and which are particularly important for:

1. national minorities in Montenegro,
2. promotion of prevention and preventing of all forms of discrimination,
3. encouraging and promotion of social inclusion of disabled persons,
4. encouraging AVM service providers to make gradually available their services for persons with hearing and sight impairments
5. protection of nature, environment, and health,
6. enhancing culture of public dialogue,
7. encouraging cultural activities,
8. development of education, science and art,
9. protection of Montenegrin national and cultural identity,
10. encouraging and promotion of exercising and protection of human rights,
11. development of awareness on gender equality;

Law on Minority Rights and Freedoms, Article 12 stipulates following: “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 programmes in the languages of minority nations and other national minority communities and persons belonging to them, as well as programme contents related to life, tradition and culture of minorities and shall provide the financial means for funding those programme contents. The programme 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 programmes 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 programmes referred to in paragraph 3 of this article within other radio and television programmes”.

The Government of Montenegro, in the context of sustainability of commercial broadcasters during the economic crisis, is putting additional efforts to assist broadcasters, through state aid, and intervene in the paying off the debts incurred for the rental of facilities for the transmission and broadcasting of radio and TV signals, and the use of frequencies.

In framework of informing the minorities through print media in Montenegro, the largest number is in the Albanian language, but Serbian, Croatian, Bosnian and Roma are also present. Print media are mostly financed from the funds of the Fund for Minority Nations, except weekly magazine "Koha Javore" (funded under the NPE "Pobjeda") and of "Alav" (funded by the Center for Preservation and Development of Minority Culture).

The weekly magazine "Koha Javore" treats a broad range of topics related to culture, education and scientific activities of the Albanians and their coexistence with other nations in Montenegro. The magazine published interviews and texts of the famous Albanian, Montenegrin and international authors. This magazine has paid special attention to people with disabilities, and published special inserts for them. "Koha javore" also published other similar inserts and reports on the multicultural, ecology and education (21 inserts). Total number of copies of the weekly "Koha Javore" issued for the period 2008-2012 is 222. The anticipated dynamic of publishing of the weekly "Koha Javore" was fully respected.

### **Radio „Montenegro“**

In period 2008 – 2011, radio “Montenegro“ broadcasted 2.883 programs in Albanian and Roma language.

- Total number of programs in 2008: 624
- Total number of programs in 2009: 753
- Total number of programs in 2010: 753
- Total number of programs in 2011: 753

#### **Lajmet (News):**

**Genre:** News / Information program

**Broadcasting dynamic:** every day

**Broadcasting time:** every day at 08.05 am

**Minutes:** 3' (average)

**Total number of realized programs:** 2008–312, in 2009– 365, 2010– 365 and 2011–365)

**Total minutes of broadcasted program:** 2008-936', 2009-1095', 2010-1095' and 2011-1095'

- Informative program on the most important daily events in Montenegro and abroad.

#### **Ditari (Daily News):**

**Genre:** News / Information program

**Broadcasting dynamic:** every day

**Broadcasting time:** every day at 17.30 pm

**Minutes:** 30'

**Total number of realized programs:** 2008-240, 2009-312, 2010-312, 2011-312,  
**Total minutes of broadcasted program:** 2008-7200', 2009-9360', 2010-9360', 2011-9360'

The program consists of information and reports on daily, national and activities abroad, and on the events that are of the importance for Albanians in Montenegro in first place.

**Ne fund te javes (At the end of the week):**

**Genre:** News / Information program

**Broadcasting dynamic:** weekly

**Broadcasting time:** every day at 17.30 pm

**Minutes:** 30'

**Total number of realized programs:** 2008-48, 2009-52, 2010-52, 2011-52

**Total minutes of broadcasted program:** 2008-1440', 2009-1560', 2010-1560', 2011-1560',

This is information-musical program on tradition, culture, education, agriculture, tourism, and other current topics for Albanian population in Montenegro. Program is own production and exchange of programs. Since July 13, 2011, editorial board prepares daily news in Albanian for web site of RTCG.

**Program on Roma population:**

**Genre:** News / Information program

**Broadcasting dynamic:** biweekly

**Broadcasting time:** Monday at 19.30 pm

**Minutes:** 30'

**Total number of realized programs:** 2008-24, 2009-24, 2010-24, 2011-24,

**Total minutes of broadcasted program:** 2008-720', 2009-720', 2010-720', 2011-720',

Program on current life issues, education and the integration of the Roma population in Montenegro in society. Majority of program is broadcasted in Roma language and content is illustrated by Gypsy music. Program is own production and exchange programs. Program covers topics from everyday life of Roma; housing problems, employment problems, education, culture, communication and operation of non-governmental organizations that deal with the integration of Roma into society, the work of the Council of the Roma, as well as the cooperation between the Media Institute in Podgorica and Roma Council.

Radio programs on life, culture, customs, tradition, etc, of other minority communities are realized in framework of regular program broadcasted by Radio Montenegro.

Local public broadcaster Radio Bar (editorial board in Albanian language) broadcasts program in Albanian language through informative and entertaining program five times a week for 45 minutes. Local public service broadcaster - Radio Ulcinj broadcasts in two languages: 70% in Albanian, and 30% in Montenegrin. Rožaje Radio, Radio Kotor, Tivat Radio, Radio Niksic, Bar Radio broadcast programs with local topics and topics on minority groups. Also, in late 2009, "Dux-radio" began broadcasting established "in the interest of preserving the historical identity of promoting cultural heritage and protection of the rights of Croats as a minority and indigenous peoples in Montenegro", and founder is NGO Croatian Community "DUX Croatorum ". In 2009,

Serbian radio "Cool" started to broadcast program, and it is financed by the Fund for Minorities. Since April 8, 2011, "Radio Roma" also broadcasts program and it is funded by the resources allocated for the implementation of Strategies to improve the position of RAE Population in Montenegro 2008-2012.

### **Television „Montenegro“**

- 2008 – 260 information programs LAJMET in Albanian language were realized in duration of 15 minutes each. LAJMET was broadcasted at 17.15 hrs.
- 2009 - 260 information programs LAJMET in Albanian language were realized in duration of 15 minutes each. LAJMET was broadcasted at 17.15 hrs
- 2010 - 260 information programs LAJMET in Albanian language were realized in duration of 15 minutes each. LAJMET was broadcasted at 17.15 hrs
- 2011 - 260 information programs LAJMET in Albanian language were realized in duration of 10 minutes each. LAJMET was broadcasted at 15.10 hrs.
- 2012 – Until 15 June - 117 information programs LAJMET in Albanian language were realized in duration of 10 minutes each. LAJMET was broadcasted at 15.10 hrs
- 2008 – 47 programs MOZAIKU were broadcasted; program on life and work of Albanians in Montenegro in duration of 1 hour each, and it was broadcasted at 17.30 hrs.
- 2009 - 47 programs MOZAIKU were broadcasted; program on life and work of Albanians in Montenegro in duration of 1 hour each, and it was broadcasted at 17.30 hrs.
- 2010 - 47 programs MOZAIKU were broadcasted; program on life and work of Albanians in Montenegro in duration of 40 minutes each, and it was broadcasted at 14.10 hrs.
- 2011 - 47 programs MOZAIKU were broadcasted, program on life and work of Albanians in Montenegro in duration of 40 minutes each, and it was broadcasted at 14.10 hrs
- 2012 – until 15 June - 23 programs MOZAIKU were broadcasted, program on life and work of Albanians in Montenegro in duration of 30 minutes each, and it was broadcasted at 14.10 hrs.

In above-mentioned period, four New Year's programs were broadcasted in duration of 1 hour.

Starting from September 2011, TV program under the title "MOSTOVI (bridges)" was initiated. It deals with culture, tradition, history and position of Bosniaks, Muslims, Albanians, Croats, and Roma in Montenegro. The program is developed in cooperation with the Center for Preservation and Development of Minority Culture of Montenegro, National Councils and Minority Cultural Centers. In framework of this program, the program for Roma in Roma language is prepared once a month, which is tailored to the needs of this population and its integration in our society.

During 2011, in framework of series of MOSTOVI, 4 programs dedicated to the art and culture of Croats in Montenegro were broadcasted, as well as 5 programs dedicated to the tradition and culture of Bosniaks and Muslims in Montenegro, 2 programs dedicated to the Albanian art work in Montenegro, 2 programs dedicated to the Roma in Montenegro, but it is necessary to note that 7 programs on RAE population in duration of 30 minutes were broadcasted in framework of other program segments.

*MOSTOVI - 2011*

- 07.10. Contemporary Muslim poetry in Montenegro - 30 minutes
- 14.10. Social activities of Roma in Bijelo Polje (in Romani) - 30 minutes
- 21.10. Croatian poet Viktor Vida - 30 minutes
- 28.10. Medieval painting in the Bay of Kotor - 30 minutes
- 05.11. Bosniak cultural associations in Montenegro - 30 minutes
- 12.11. Albanian musical roots - 30 minutes
- 19.11. Life in the Roma settlement in Doljani (in Romani) - 30 minutes
- 26.11. Traces of Islamic architecture in Montenegro - 30 minutes
- 02.12. Interview with Abdulah Sidran, Muslim writer and poet, duration 25 minutes
- 09.12. Albanian painting in Montenegro, duration 25 minutes
- 16.12. Contemporary Croatian art in Montenegro, duration 25 minutes
- 23.12. Celebrating Catholic Christmas, duration 25 minutes
- 30.12. Published Almanac, society for the preservation of the culture of Bosniaks / Muslims in Montenegro, duration 25 minutes

In 2012, as part of the series "MOSTOVI" 6 programs were dedicated to the Croatian art and culture, as well as 3 programs to the culture and tradition of Bosniaks, 5 programs to the the culture and traditions of Muslims, 4 programs to the the Albanian cultural creativity, and 5 programs to the the culture and traditions of Roma in Montenegro.

*MOSTOVI - 2012*

- 13.01. Croatian Art in Montenegro, duration 25.00
- 20.01. Painting of silence, visual artist Mučić Majda, duration 25.00
- 27.01. Forum of Bosniaks / Muslims of Montenegro, duration 25.00
- 03.02. Albanian ethno museum in Tuzi, duration 25.00
- 10.02. Albanian culturologist György Đokaj, duration 25.00
- 17.02. Monograph of the Albanians in Malesija, duration 25.00
- 24.02. Wealth of Diversity, National Councils of Montenegro with special focus on the Roma Council, duration 25.00
- 02.03. Roma media in Montenegro, the duration 25.00
- 09.03. Bosnians in Bar, duration 25.00
- 16.03. Under the bells of the basilica, Boka Navy, duration 25.00
- 23.03. Old Roma crafts, duration 25.00
- 30.03. Portrait of Croatian culturologists Milos Milosevic, duration 25.00
- 06.04. International Roma Day, the duration 25.00
- 13.04. Ethno sounds of Malesia, duration 25.00
- 20.04. Croatian literature in Boka, duration 25.00
- 27.04. Muslim folk dance choreography, duration 25.00

- 04.05. From Kuči to Keln, portrait of Roma writer Ruždija Sejdovic, duration 25.00
- 11.05. Portrait of Bosniak musicians Omer Djurdjevic, duration 25.00
- 18.05. Portrait of the composer Senad Gačević, the first part, the duration 25.00
- 25.05. Portrait of the composer Senad Gačević, the second part, the duration 25.00
- 01.06. Muslim spiritual music, the duration 25.00
- 08.06. Bridges are like rainbows, Croatian choral singing, duration 25.00
- 15.06. Kotor, my city and my music, portrait Croatian conductor Nicholas Cucic, duration 25.00

In framework of the Program for minorities, four live broadcasts of Eid prayers were realized in duration 1 hour and 30 minutes each, and live broadcasts of Christmas Mass in duration 1 hour.

Television of Montenegro broadcasts contents on culture, tradition, customs and life of all minorities. There are special contents related to the national identity of minorities particularly through educational and scientific program. It is particularly important to point out that satellite TV program "Montenegro", as it is mainly intended for the Montenegrin diaspora, and given that a large part of the diaspora make minority communities, adapts content to that fact, so that the greater part of the program is intended to minorities. Since 2009, every Sunday in the central news of TVCG, one report in Albanian and other minority languages is broadcasted, and subtitle goes in Montenegrin. Contribution to television informing in Albanian language also provide commercial televisions in Montenegro - TV Teuta from Ulcinj and TV Boin from Tuzi, whose projects in the past were co-financed by the Ministry through open competition.

Some parts of Montenegro receive radio and television programs of neighbouring countries. It should be said that even in 2008 almost all of the operators who have obtained a permit for the construction and use of system for distribution of radio and TV programs to end users started with the provision of those services. Currently, in the Montenegro, program contents, including those from neighboring countries, are provided by 9 operators (cable, MMDS, IPTV, DTH).

### *Article 10*

In Montenegro, the official language is Montenegrin, and the languages in official use are Serbian, Bosnian, Croatian, and Albanian. The official use of the language of minority nations and other national minority communities particularly implies the following: use of the language in administrative and court proceedings and in conducting administrative and court proceedings, at issuance of public documents and keeping official records, on ballot papers and other electoral material as well as in the work of representative bodies.

The Law on Minority Rights and Freedoms also provides that minority nations and other national minority communities and persons belonging to them have the right to use their language and alphabet. In the local self-government units, in which persons belonging to minority nations and other national minority communities constitute a majority or a considerable part of the population, according to the results of the last census, the language of that minority nation and other national minority community is in official use. Within the territory of the local self-government units the names of bodies performing public powers, the name of the local self-government unit, name of settlements, squares and streets, institutions, businesses and other entities and the

topographical indications shall also be written in the language and alphabet of minority nations and other national minority communities.

Statutes and Rules of Procedure of the capital Podgorica, Tuzi, municipalities Ulcinj and Plav define the use of language and alphabet.

Pursuant to the Rules of Procedure of the Parliament of Montenegro ” A member of the Parliament whose language is not the official language of Montenegro shall be entitled to use his language at the sittings of the Parliament, provided that he informs the Secretary General of the Parliament of the intention to use this right on timely basis, so that Secretary General would be able to provide translation to the official language”.

Right to use language that understands a person in judicial proceeding is defined by procedural laws of Montenegro. The right of a minority member to be immediately informed in their language or in a language they understand about the grounds for their apprehension and the right on conduct defense in the minority language is defined by the Criminal Procedure Code

Article 7 of the Code states following: “In criminal proceedings, the official language shall be the Montenegrin language. In courts having jurisdiction over the territory in which members of minority nations and other minority ethnic communities constitute a substantial part of inhabitants, their respective language shall be in the official use in criminal proceedings in accordance with law”.

Article 8 of the Code prescribes that parties, witnesses and other persons participating in the proceedings have the right to use their own language or the language they understand in the proceedings. If proceedings are not conducted in a language those persons understand, interpretation of statements and translation of documents and other written evidence is provided. These persons are instructed of their right to interpretation, and they may waive that right if they understand the language in which the proceedings is conducted. Interpretation shall be entrusted to an interpreter.

In framework of the criminal procedure, Article 9 of the Code prescribes that complaints, appeals and other submissions are filed to the court in the Montenegrin language. Persons deprived of liberty may file submissions to the court in their language or in the language they understand. Court issues summonses, decisions and other writs in the Montenegrin language. If the language of a minority is also in the official use in the court, the court shall deliver writs in that language to persons belonging to the respective national minority if they have used that language in the course of the proceedings. Those persons may request that writs be delivered to them in the Montenegrin language. An accused person in detention, a person serving a sentence or a person, against whom a security measure in a medical institution is being enforced, will also receive a translation of the writs in the language used by this person during the proceedings.

The Law on Civil Procedure, in Article 7, prescribes that the civil procedure is conducted in the language, which is in official use in the court, which means under the same conditions as defined by the Criminal Procedure Code, when it comes to the minority nations.

On the other hand, the parties involved and other participants in the procedure may use their native language or other language which they can understand if they do not speak or do not understand the language which is in official use in the court, during the trial or when submitting the writs to the court. Pursuant to the Article 99 of this Law, if the procedure is not conducted in the language of the party or other participants in the



procedure, at their request, court will provide interpretation to their language or language that they can understand and translation of all pleadings and written evidence, as well as interpretation of what is being said at the hearing. The paragraph 3 of this Article states that the parties and other participants in the procedure will be instructed about their right to follow up the procedure before the court in their own language with assistance of interpreter. It is noted in the record that they have been instructed thereon. Interpretation is provided by interpreters.

### *Article 11*

In relation to **Article 11** of Framework Convention, in addition to constitutional provisions that guarantees to minorities free use of language and alphabet, Law on Personal Name, in Article 2, para 3, stipulates that members of national and ethnic groups may enter personal name in their alphabet. In addition, Law on Minority Rights and Freedoms (Article 10) stipulates that persons belonging to minority nations and other national minority communities have the right to national determination in a free and independent manner, 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 language and alphabet. Furthermore, this Law also stipulates the right to a name and registration of the name in the language and alphabet of minority nations and other national minority communities can also be exercised by organizations, associations, societies.

Law on Personal Name was adopted on July 29, 2008. Article 5 of the Law stipulates that a Montenegrin citizen may enter his/her name into record books or registries in one of the languages in official use (Serbian, Bosnian, Albanian, and Croatian).

Law on Identity Card was adopted on November 29, 2007 (amendments adopted in May 2011), and Article 7 of this Law stipulates following: "Identity Card form is printed in Montenegrin and English language and it is filled out in Montenegrin language. For the citizens who officially use Serbian, Bosnian, Albanian or Croatian language, the ID form content and data are filled out in these languages, except name and surname, which are filled out in language and alphabet of submitter of the request, in case that he/she requests it". When submitting the documents necessary for the issuance of identity documents, the authorized officer is obligated to warn the applicant and ask in what language the applicant wants the documents.

Law on Record Books (adopted in same period when Law on Identity Card was adopted) - This law regulates the registration of births, marriages, deaths and other legally prescribed data concerning or relating to the personal and family status of Montenegrin citizens incurred in Montenegro and other states, as well as citizens of other countries and stateless persons. The law stipulates that birth record books, marriage record books and record books of deaths are kept in Montenegrin, and the certificates are issued in Montenegrin. Furthermore, the law also stipulates that the data relating to minorities and other minority communities in the record books are entered in the language and alphabet of minorities in accordance with the law. Personal name of a person belonging to minority is entered into the record books in his/her language and alphabet, in accordance with the law. Certificates from the record books for the minorities are issued in the language and alphabet of the minority to which a person

belongs. To implement this standard, certificate of birth record book, certificate of record book of death, and certificate on Montenegrin citizenship are issued at the request of the applicant, in the following forms:

- Montenegrin language – Latin alphabet;
- Serbian language – Cyrillic alphabet;
- Bosnian language – Latin alphabet (bilingual);
- Albanian language – Albanian alphabet (bilingual);
- Croatian language - Latin alphabet (bilingual);

The term "bilingual" means the writing in Montenegrin language in Latin alphabet, as the official language, and writing in one of the languages in official use.

Since the implementation of the Law on Identity Cards started (05.05.2008), and as of 16.12.2011, the Montenegrin citizens that officially use Serbian, Montenegrin, Bosnian, Albanian and Croatian, the data in the ID are entered also in one of these languages, and the full name is entered only in the language of the applicant, as follows:

- Serbian – 19.335;
- Bosnian – 1.420;
- Albanian – 4.922;
- Croatian – 483;

Since the implementation of the Law on Travel Documents started (05.05.2008), and as of 16.12.2011, at the request of the applicant, the first name and last name are entered in the passport in one of the languages in official use, as follows:

- Serbian – 6.907;
- Bosnian – 1.417;
- Albanian – 5.941;
- Croatian – 355.

Law on Personal Name regulates the meaning, composition, procedure and manner for determining and using the (personal) name, as well as conditions for changing and correcting name of Montenegrin citizen. Personal name and last name or just the name can be changed after the change of family or personal status (adoption, paternity or maternity determination, marrying, development, or marriage annulment), or upon the request of the Montenegrin citizen. Article 14 stipulates that personal full name or just a name of an adult can be changed only upon the personal request, while the name of a juvenile can be changed only upon the request of his/her legal representative. State administration body competent for internal affairs decides upon the submitted request for change of name.

It is stipulated in Article 15 of the Law on Personal Names that only a change of full name or just a name will not be allowed for a person who has been convicted of a criminal offense prosecuted ex officio, until the execution of the sentence or while the legal consequences of conviction are in force. The Ministry shall, during proceeding upon any request for change of the name, ex officio obtain information from criminal records and information about the trial, in case that a court procedure for a criminal offense ex officio prosecuted is pending for a person who seeks the change of name.

The Law on Personal Names, in Article 16 stipulates that if one parent requests the change of the name of a minor, the consent of the other parent have to be submitted as accompanying document. If a legal guardian requests the change of the name of a minor, the approval from the guardianship body is needed. The same article stipulates that if the

other parent does not consent to the change of the name of a minor, the guardianship body assists parents in reaching an agreement, and if the parents do not agree on the change of the name of a minor even with the help of the guardianship body, court decides, in out-of-court proceeding, decides upon the change of a name of a minor, upon the proposal submitted by one or both parents.

This Law, in its Article 17, stipulates that the personal name of a juvenile over the age of ten (10) may only be made by his approval, except in cases when the child is mentally challenged.

Last name, which is attained during the matrimonial ceremony, will be entered in the language of the person whose name is taken, having in mind that the new last name will be entered in one alphabet.

Accordingly, Article 22 of the Law on Personal Names stipulates that a citizen of Montenegro, whose personal name was registered in accordance with previous regulations, is allowed to change a name if the request is filed within five years from the date of entry into force of this law (starting from 16 August 2008).

Request for change of the name is submitted to the organizational unit for administrative internal affairs of the Ministry of Interior with the proof of payment of tax in the amount of 20 EUR, unless the request is made pursuant to Article 22 of the Law on Personal Name, when the change of a name is allowed without obligation to pay tax.

Law on Minority Rights and Freedoms, Article 11, paragraph 4, envisages that within the territory of the local self-government units the names of bodies performing public powers, the name of the local self-government unit, name of settlements, squares and streets, institutions, businesses and other entities and the topographical indications shall also be written in the language and alphabet of minority nations and other national minority communities

### *Article 12*

The Constitution of Montenegro (Article 75) guarantees the right to education under same conditions, while elementary education is obligatory and free of charge. General Law on Education, which governs the field of preschool, elementary and secondary education (high school/gymnasium and vocational), guarantees the equal exercising of the right of education for all citizens of Montenegro regardless of the national affiliation, race, gender, language, religion, and social background and of other personal characteristics (Article 9). Law on Higher Education emphasizes that higher education is accessible to all persons, and that in exercising the right to higher education no discrimination is allowed on any grounds such as sex, race, marital status, colour of skin, language, religion, political or other beliefs, national, ethnic or other origin, belonging to a national community, material status, disability, birth, or on similar grounds, position or circumstances (articles 6 i 7).

General Law on Education regulates the issue of language use in education: “The teaching in the institutions shall be accomplished in Montenegrin. In the municipalities within which the majority, or a significant part of population, is composed of the members of national and ethnical groups, the teaching shall be accomplished in the language of those national, or ethnical groups” (article 11). Classes in educational institutions place are held in Montenegrin language, in the territory where Albanians make majority population teaching is accomplished in the Albanian language, or

bilingually (in Montenegrin and Albanian), while in one private primary school for education of children of foreign nationals, classes are taught in English.

Article 101 of the General Law on Education prescribes that a teacher shall be employed based on public competition, in line with the law. However, teachers in institutions or special classes of the institution where the teaching is accomplished in the language of minority, in addition to the conditions prescribed by the law, have to have, along with Montenegrin language, active knowledge of language and alphabet of the respective minority.

In accordance with the constitutional commitment to develop as a civil and democratic state, Montenegro developed, in framework of education reform in line with European standards, the new curricula in field of mother tongue, society, history, music, and art, which, to the significant extent, integrated contents that represent the language, art, history, and culture of minorities in Montenegro. Compulsory subject entitled “Civic Education” is introduced in elementary school curriculum, and in the high school, this subject is on the list of optional subjects. This subject is designed to promote human rights, democracy and multicultural society.

The subject “Montenegrin - Serbian, Bosnian and Croatian language and literature” is taught in schools. The adopted solution, that native languages and literature of the people who live in Montenegro: Montenegrins, Serbs, Bosnians and Croats are studied within a single program yielded good results and contribute to intercultural intermingling, integration and it prevents segregation of children and young people.

In the past four academic years, a number of teachers has attended planned training and seminars, such as: Index for Inclusion - (35 teachers), Peace and tolerance - Creative problem solving (32 teachers) Step by Step - Basic (28 teachers) and advanced (26 teachers), Development of critical thinking (18 teachers); Education for Social Justice - against stereotypes and prejudice (25 teachers); Active Learning (48 teachers); Innovative methods in education for Roma integration (12 teachers), and others.

The Bureau for Education Services, in accordance with the adopted annual program of continuous professional training of teachers, conducts regular training of teachers in the field of human rights, inclusive education, civic education, mother tongue teaching and others. The Bureau for Education Services, Department for Continuous Professional Development of Teachers, issued Catalog of programs for professional development of teachers. In the catalog for 2011/12 academic year, a range of programs is offered, which entirely, or through topics, relate to interculturalism:

a) Intercultural education in elementary and secondary schools

The objectives of the program are to promote knowledge on intercultural education, pluralism of cultures and the need of common living and respect of diversity. The program enhances the following professional skills and abilities: understanding and application of the principles of interculturalism in teaching and school life, the creation of the school as a democratic community in which everyone is equal and respected and where the democratic ambience for work is achieved.

The program offers the following topics: What is culture; Influence of education on the development of cultural values; Multiculturalism, interculturalism, respect of diversity; Intercultural education and its impact on the positive climate for learning in the school; Awareness raising of self and others; Intercultural learning through a variety of

subjects and extracurricular activities in school, project development; Examples of co-existence in the local area, region and country, the affirmation of positive experiences.

b) Integration of Roma children in elementary schools – support to inclusion

The program objectives are to provide support for Roma communities and Roma children to integrate into society and the education system.

The program offers the following topics: Training adult professionals and adult Roma for the role of assistants; Developing mechanisms to overcome the problems associated with the inclusion of Roma children in the educational institutions; Acquisition of knowledge and skills necessary to work with the Roma community and family; Mastering basic knowledge and skills needed comprehensive preparation of Roma children for education in non-Roma language; Developing professional sensitivity for recognition and appreciation of the specificity of the Roma community and culture; Acquiring skills needed to create an environment that is stimulating for learning and work; Mastering communication skills required to create an atmosphere of equality among students in the educational process; Mastering the skill of applying individual plan of student progress.

c) Culture of Human Rights

The objectives of the program are for participants to understand the civil, political, social, economic, and cultural rights, children's rights, minority rights and multiculturalism; European values in education on human rights and fundamental freedoms, and spread a culture of human rights

The program offers the following topics: Concept of modern protection of human rights; the European system of human rights protection; Implementation of human rights; Prohibition of discrimination; Civil, political, economic, social rights; Collective, cultural and children's rights; Law and multiculturalism; Intercultural dialogue.

d) Training of teachers for the teaching of the history of religion in elementary and secondary schools

The objectives of the program are: training teachers to teach subjects of the history of religion in elementary and secondary schools; acquire skills that are lacking in basic education of teachers; and strengthening of teachers' professional identity; multiethnicity in teaching the history of religion and avoiding of religious dogma.

The program offers the following topics: Application in primary and secondary schools of the subject of history of religion; role of teachers in raising and strengthening multi-religious and multicultural society of Montenegro; modern forms and methods of work: interactive strategies / methods, the role of the teacher / student and active teaching.

In the territory where the Albanian population lives, pre-school education is organized in public preschools in accordance with the law. This education level included 272 children divided in eight education groups. Teachers carry out educational work in the Albanian language.

In territories where Albanian population is in majority or represents a significant portion of the population (Ulcinj, Tuzi, Rozaje, Plav, Bar) teaching is carried out in the Albanian language in 12 public elementary schools that have a large number of branch departments, as well as in school for elementary music education. In these schools, 3472 Albanian students attend classes. Special attention was paid to the preparation and publication of textbooks for teaching in the Albanian language, which is a production of the Institute for textbooks and teaching aids.

Secondary education in the Albanian language is carried out in four high schools (in Ulcinj, where there are two high schools, one of which is a private high school, Tuzi, and Plav). In this academic year, 1343 students attended classes in the Albanian language (grammar school and vocational school). Institute for Textbooks and other teaching aids provided all the necessary textbooks for classes in the Albanian language in gymnasiums, as its own production, while there are still problem with the textbooks for certain vocational schools, including those with classes carried out in Albanian language. Institute for Textbooks and other teaching aids is trying to resolve this lack of textbooks by downloading textbooks for vocational education from neighboring countries whose content is compatible with the content of educational programs in the Montenegro, in accordance with the recommendation of the Ministry of Education and Sports.

The University of Montenegro is implementing the study program for teachers in Albanian language, in accordance with the Law on Higher Education. It is an academic program of study in duration of four years. The program began to be implemented in academic 2004/05 when 49 students were enrolled. In this study program, 84 students are currently enrolled, and so far this program completed 39 students, which is of great importance for the further promotion of minority languages and creating the conditions for the implementation of education in that language. In this department, 80% of the teaching is done in Albanian and 20% Montenegrin. For the full respect of minority rights, the State University can enroll certain number of students belonging to minorities each academic year, a in accordance with the university act.

Adult Education is a part of the single education system in Montenegro. Ministry of Education and Sports, according to the General Law on Education, is responsible for issuing licenses to institutions that meet the requirements for the performance of accredited adult education programs. Until now, the license to run adult education programs was issued to Secondary School "Bratstvo-Jedinstvo" in Ulcinj, where teaching is carried out in the Albanian language, and the Primary School "Bosko Strugar" also from Ulcinj is in procedure of obtaining this license.

Every academic year, Ministry for Minority Rights, in cooperation with the Ministry of Education of the Republic of Albania, ensures a certain number of places in colleges and universities in Tirana and Shkoder for enrollment of students - ethnic Albanians from Montenegro. In the academic 2008/2009, 86 students were enrolled, and they do not pay for their education, in the academic 2009/2010 - 113 students were enrolled, 84 of them do not pay for their education and 29 students bearing the costs of their education, in the academic 2010/2011 - 118 students were enrolled, whereof 103 students who do not pay for their education and 15 students bearing the costs of their education, in the academic 2011/2012 - 108 students were enrolled, whereof 89 students who do not pay for their education and 19 students bearing the costs of their education.

Recognition of foreign educational documents in Montenegro is regulated by the Law on recognition and evaluation of foreign educational documents, Law on the national vocational qualifications and the Law on the recognition of foreign qualifications to perform the regulated professions. According to the Law on recognition and evaluation of foreign educational documents, recognition of foreign educational documents means verifying the foreign educational document on the acquired or ongoing education or part of education (Article 2). Recognition of foreign educational documents on acquired primary, secondary general or vocational education, in order to continue education, or for employment purposes, is conducted by the Ministry of Education and Sports. Recognition of documents on acquired higher education, for employment purposes, is done by the Ministry of Education and Sports through the National Information Center - ENIC center. Recognition of documents, for purpose of continuing higher education, is done by the professional body of the licensed institution of higher education, on basis of prior opinion of the ENIC center.

If in the process of recognition, or equalization, a significant difference in the education i.e. study program is determined, partial recognition of foreign educational documents shall be made (Article 4). In the process of recognition of documents, decision upon application shall be issued by the Ministry within 30 days from the date of application, which shall be deemed as final in the administrative procedure (Article 19).

### *Article 13*

Article 17, paragraph 1, of the Law on Minority Rights prescribes that „Minority nations and other national minority communities and persons belonging to them shall have the right to establish educational institutions“. Paragraph 2 of this Article prescribes that financing of the institutions referred to in paragraph 1 of this Article is the obligation of the founder. Furthermore, pursuant to Article 32 of the Law on Minority Rights, minority nations and other national minority communities and persons belonging to them can receive material and financial assistance from domestic and international organizations, foundations, and private persons. In case of assistance to associations, institutions, societies and non-governmental organizations of minority nations and other national minority communities received from abroad, the state can provide special tax or other favorable conditions or customs exemption.

In academic 2006/07, the first private high school was established in Ulcinj. In the same year, this high school became functional and the classes are in Albanian language. High school „Drita“ is licensed by the Ministry of Education and Sports and it carries out publicly valid curriculum adopted by the competent Council for Vocational Education.

### *Article 14*

Article 11 of the General Law on Education stipulates that the teaching in the institutions is accomplished in Montenegrin language, while in the municipalities within which the majority, or a significant part of population, is composed of the members of national and ethnical groups, the teaching is accomplished in the language of those national, or ethnical groups. In case the teaching is accomplished in the language of national or ethnical groups, the language that is in the official use is a compulsory subject. School is in obligation to provide a student attending the lessons in non-mother tongue language adequate help in the learning of the language in which the teaching is

carried out. Article 114 of the General Law on Education stipulates that in schools that carry out the teaching process in the language of the members of national and ethnical group, the pedagogical records are kept both in Montenegrin and in the language of the members of national and ethnical groups as well. In addition, in school in which the teaching process is carried out in the language of national or ethnical groups, public documents are issued both in Montenegrin and in the language of the national or ethnical groups.

Additionally, Article 13 of the Law on Minority Rights and Freedoms envisages that minority nations and other national minority communities and persons belonging to them shall have the right to education in their language and to adequate representation of their language in general and vocational education, depending on the number of pupils and financial possibilities of Montenegro. These rights are exercised through special schools or special classes in regular schools at all levels of education.

Article 14 the Law on Minority Rights and Freedoms prescribes that classes with instruction on the language and alphabet of minority nations and other national minority communities can even be established for a smaller number of pupils than prescribed for work of such an institution, and which cannot be less than 50% of the number of pupils defined by the law.

In accordance with the Article 114, paragraph 2 of the General Law on Education, in schools that carry out the teaching process in the language of the members of national and ethnical group, the pedagogical records are kept both in the language that is in the official use and in the language of the members of national and ethnical group as well.

Provisions of Article 115, paragraph 3, of the General Law on Education stipulate that in school in which the teaching process is carried out in the language of national or ethnical groups, public documents are issued both in the language that is in the official use and in the language of the national or ethnical groups.

Persons belonging to national minorities exercise their right to learn their mother tongue in accordance with the law and the Constitution. This right is not exercised by members of the Roma and Egyptian minority, which, according to 2011 census, make total 1.34% of the population of Montenegro. This right cannot be provided to members of this national minority also because there is no qualified teaching staff for teaching in Roma language. In addition, the Roma language is not standardized and there are no relevant textbooks in the Roma language.

### *Article 15*

The Constitution, in Article 79, points 9 and 10, persons belonging to minority nations and other minority national communities are guaranteed „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; the right to proportionate representation in public services, state authorities and local self-government bodies”.

The Law on Minority Rights and Freedoms, in Article 25, stipulates following: “Minority nations and other national minority communities shall have the right to proportional representation in public services, state bodies and local self-government bodies. Competent bodies in charge of human resources, in co-operation with the councils of minority nations and other national minority communities, shall look after the



representation of persons belonging to minority nations and other national minority communities in the sense of paragraph 1 of this Article”. Article 26 of this Law stipulates that minority nations and other national minority communities and persons belonging to them have the right to participate in the process of adoption and proposing decisions of state bodies that are of interest for exercising the rights of minority nations and other national minority communities, in accordance with the law. Participation of minorities comprises consultations, opinion polls, dialogue and special procedures undertaken by those who are directly concerned by the respective decision. Article 28 defines obligations of the local self-government as follows: „In the local self-government units in which minority nations and other national minority communities constitute either a majority or a considerable part of the population, the local self-government shall be obliged to, within the plan and programs for effective participation of the local population in performing public affairs or by delivering special plan and programs, through the council of the respective minority nations and other national minority communities, provide conditions for the participation of minority nations and other national minority communities in the adoption of development program of municipality, spatial and urban planning, budgets and general acts stipulating rights and obligations of citizens as well as to regulate the manner and procedure for the participation of minority nations and other national minority communities in performing public affairs and to appoint the body in charge of conducting a public debate related to these or other legal acts”.

According to article 49, paragraph 3 of the Law on State Administration, minister, or head of the independent administration body, in making decision during hiring process, „shall take special care on exercise of the right to proportional representation of members of minority nations and other ethnic minority communities “.

The Law on Minority Rights and Freedoms provided minority nations and other ethnic minority communities’ possibility to establish councils. Article 35 of this Law prescribes competencies of council.

The Law on Election of Councilors and Members of the Parliament (adopted by the Parliament on September 8, 2012) closely defines the constitutional guarantee for minority nations and other minority ethnic communities to have an authentic representation in the Parliament of Montenegro. The principle of affirmative action defined by electoral legislation is particularly reflected through following:

- Possibility of a smaller number of parliamentary candidates on the lists submitted by citizen groups or political parties representing minority nations and minority ethnic communities;
- Smaller number of signatures to verify the lists submitted by citizen groups or political parties representing minority nations and minority ethnic communities;
- Preferential treatment when no electoral lists for the election of representatives of members of certain minority nations and minority ethnic communities meet the defined threshold of 3% of the total valid votes, and individually wins at least 0.7% of the valid votes, gain the right to participate in the distribution of seats as one - cumulative election list with a total number of valid votes received, having in mind that calculation that ensures up to winning of three mandates will be taken into account for recognition of the mandates;
- For the Croatian people in Montenegro, in case that none of the electoral lists for the election of MPs from among this nation meet the requirements listed above,

the most successful of these lists with at least 0.35% of the valid votes shall be entitled to mandate.

The above listed rights are exercised by the electoral lists of members of certain - same minority nations, or by some certain - same minority ethnic community, with the participation of up to 15% of the total population in the constituency, according to data from the last census.

The Law on Minority Rights and Freedoms defines following: “Should Members of Parliament elected in accordance with the principle of affirmative action, and according to the electoral legislation consider that a proposed act or regulation substantially interferes with interests of those minority nations and other national minority communities, the proponent and these Members of Parliament shall harmonize their stands thereon. Harmonization, in the sense of paragraph 1 of this Article, shall relate to: issues pertaining to changes in the ethnic composition of the population contrary to Article 39, paragraph 1 of the present Law; issues pertaining to content of educational curricula adopted without the opinion of councils of minority nations and other national minority communities; issues pertaining to the preservation of linguistic and national identity of minority nations and other national minority communities.” (Article 29)

The main project of the Ministry for Minority Rights, in cooperation with the Human Resources Management Agency, which began in late 2010, is preparation and drafting of the ***Information on the representation of minorities and other minority ethnic communities in public services, the state administration bodies and local self-government bodies in Montenegro***<sup>14</sup>. The poll was used to collect data, with the questionnaire as an instrument, which was specially created for the realization of the defined objectives. The questionnaire was standardized and consisted of nine basic questions. The interviewed persons responded on the questionnaire by writing in the answer or by choosing the one of offered answers. Each questionnaire form also contained a brief guide how to fill out the questionnaire. The questionnaires were anonymous, i.e. the respondents were not required to sign it or to write their personal name.

The poll was realized in the following state bodies: state administration bodies (ministries, administrations, directorates, departments, secretariats, and agencies); local self-governments; courts, prosecutor’s offices; Misdemeanor Council as well as regional misdemeanor bodies; and other state bodies to which the Law on Civil Servants and State Employees applies. The circular letter was delivered to all supervisors and heads of state bodies, explaining the purpose of the research, and the demand to deliver data on the total number of employees divided on the basis of engagement manner (engagement for indefinite period; engagement for defined period of time; engaged through special service agreements; trainees and internship). Letter and questionnaire were posted on the official websites of the Ministry for Minority Rights and the Human Resources Management Agency and sent by regular mail to 144 bodies. Responds were received from 132 bodies, while 12 bodies have not submitted data. Out of total 15,118 persons employed, 13,900 have delivered data on ethnicity. Data from each questionnaire were entered in specially designed software. Software was needed also because of the volume of research, i.e.

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<sup>14</sup> This Information was analyzed on the session of the Committee for human rights and freedoms of the Parliament of Montenegro.

extensiveness of collected data, and rapid access to information per required criteria. After entering the data received, control input accuracy was conducted as well.

Out of the total number of 13,900 questionnaires, in terms of ethnicity, employees declared as follows: Montenegrins: 10 985 (79.03%); Serbs: 1194 (8.59%); Albanians: 389 (2.80%); Bosniaks: 575 (4.14%); Muslims: 332 (2.39%); Roma: 1 (0.01%); Croats: 124 (0.89%); Others: 59 (0.42%).

It can be concluded from the gathered data, which does not give an accurate picture of the national structure of employees, that the share of minority nations and other minority national communities in public services, state administration bodies and local self-government units is larger than in the previous period (at least according to incomplete information of the Ministry of Human and Minority rights, which on two occasions attempted to gather valid data), but that still does not reach the desired and proclaimed levels. In order to consistently implement the constitutional and legal guarantees of proportional representation of minority nations and other minority national communities in the public service, state administration and local self-government units, it is necessary to undertake a series of measures adopted by the Government following analysis of this Information.

According to data of the Ministry for Minority Rights, based on a personal declaration of delegates in constituting minority councils, the representation of minorities and other minority national communities in the current assembly of the Parliament of Montenegro is as follows:

r/b	MPs / nationality	No of mandates	Share in total number of mandates (81)	Share in population
1.	Bosniaks – total	<b>16</b>	19,75%	8,65%
	- SDP	5		
	- DPS	8		
	- BS	3		
2.	Albanians – total	<b>7</b>	8,64%	4,91%
	- DPS	3		
	- UDSH	1		
	- FORCA	1		
	- Lidhja Demokratike në Mal të Zi	1		
	- Albanian coalition - perspective	1		
3.	Muslims - total	<b>1</b>	1,23%	3,34%
	- DPS	1		
4.	Croats - total	<b>1</b>	1,23%	0,97%
	- HGI	1		
<b>T O T A L</b>		<b>25</b>	<b>30,85%</b>	<b>17,87%</b>

The new Government of Montenegro, elected in December 2010, consists of 18 members, whereof three are members of the minority nations (16.66%). Minister of Labor and Social Welfare is Muslim, Minister for Minority Rights is Albanian, a Minister without portfolio is Bosniak.

### *Article 16*

Article 39, paragraph 1 of the Law on Minority Rights and Freedoms stipulates following: „It shall be prohibited to undertake measures and activities to change the structure of the population on the territories where persons belonging to minority nations and other national minority communities live, and which are aimed at restricting legal rights and freedoms”.

Law on Territorial Organization of Montenegro, adopted on 17 November 2011, governs following: the territorial organization of Montenegro, terms, conditions and procedures of territorial organization and other issues of importance to the territorial organization (Article 1); that the territory of local governments and municipalities can change the name in accordance with this Law (Article 3); the new municipality may be established in a territory that represents a natural and geographic area, as well as economically integrated space with municipality location as gravitational center (Article 15); that the territorial change may be made in order to promote economic development of certain areas, provide a higher level of service, and more efficient realization of tasks in order to satisfy local population and businesses in the county, provided that territorial changes do not jeopardize the economic development of an area or capacity of municipalities to effectively carry out their functions (Article 18); that the change of territory is estimated on the basis of the criteria laid down in Art 15 of the Law, indicators of the effects of territorial change that is initiated (economic, demographic, spatial and other); the fiscal capacity of municipalities and areas which require territorial change (Article 19).

Furthermore, this Law prescribes following: the initiative for a territorial change may be submitted by at least 30% of the citizens who have the voting in the area for which the territorial change is requested (Art. 22); submitting of feasibility study together with the initiative for territorial changes (Article 24, paragraph 1); content and methodology of the study is determined by the Ministry responsible for local government affairs (Article 25, paragraph 3); applicant delivers the study and the initiative to the Ministry for opinion concerning the fulfillment of the formal legal requirements (Art. 26 paragraph 1); the Parliament or municipal assemblies are required to decide upon the initiative within 30 days from the date of delivery (Article 27, paragraph 2); in order to give citizens the opportunity to state their opinion on territorial change, the municipal assembly calls referendum for local government unit (consultative referendum), whose results are presented for the municipality territory, in the case of division or change the boundaries on the area to which the territorial change applies (Art. 29 para. 1 and 4); to assess the eligibility of territorial changes, the Government shall establish Commission within 15 days following the day of receiving the referendum results. The Commission delivers to the Government the opinion on the fulfillment of requirements for territorial changes within 30 days following the day of the Commission establishment (Art. 30, para. 1 and 5); a decision on the initiative, after conducted procedure, is passed by the Government, which, if accepts the initiative, drafts and adopts proposal law, within 30 days from the date of the decision adoption (Art. 31 para. 1 and 2); if the law is proposed by the MP or at least 6 000 voters, the feasibility study will be delivered to the Government with the proposal law, for further proceedings in accordance with law, After the Government’s opinion, the Parliament decides upon on the proposal law (Art. 19).

Rulebook on the content and methodology of the feasibility study on the territorial change ("Official Gazette of Montenegro", No. 15/12) further regulates the content and methodology of the study on territorial justification of territorial changes, which contains an introduction, an analysis of the current situation, the analysis of fiscal capacity, parameters for possible development, SWOT analysis and data sources used.

The above listed provisions are aligned with the European Charter on Local Self-Government, which was ratified by Montenegro in 2008 („Official Gazette of Montenegro - International Treaties", no. 5/08), with Article 5, which defines 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*

The Constitution, in Article 79, point 12, guarantees right to minority nations and and other minority national communities „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”.

Additionally, Article 31 of the Law on Minority Rights and Freedoms stipulates following: “Minority nations and other national minority communities and persons belonging to them shall have the right to establish and maintain free and peaceful relations across borders with the 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 defines the limitation of this right only if this right is exercised contrary to the interests of Montenegro. The Law in its scope is even one step ahead of the Framework Convention - the Framework Convention requires states that states guarantee free and peaceful contacts with *persons*, i.e. their compatriots in other states, while the Law gives the possibility of contacts with *states* (given the fact that for some minority nations neighboring countries are the countries of origin).

Cooperation between minorities and neighboring countries and their compatriots in Montenegro is realized intensively. The interests of Montenegro are good neighborly relations with all, especially with the neighboring countries, so that Montenegro has a dynamic relationship with its neighbors. This dynamic is reflected in very good communication in the economic, business, as well as the cultural, scientific, and sports field. Following the proclamation of the independence of Montenegro and the opening of diplomatic missions, cooperation is even more intensified. In addition to the state cooperation, good connections and relations have been established between the minority associations and the state, i.e. compatriots of those minorities with the environment.

The Constitution guarantees freedom of association and action (Article 53), and the Law on Minority Rights and Freedoms, in Article 9, defines following: “With a view to preserve and develop national or ethnic identity, minority nations and other national minority communities and persons belonging to them shall have the right to establish institutions, societies, associations and non-governmental organizations in all fields of social life”. Montenegro participates in financing of these organization, in accordance with the material capacities and possibilities.

Article 22 of the Law define that persons belonging to minority nations and other national minority 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 national minority communities and persons belonging to them can, in order to exercise common interests, co-operate with governmental and non-governmental organizations in the country and abroad.

Law on Non-Governmental Organizations prescribes possibility for national and/or foreign physical and/or legal entities to establish non-governmental organization or foundation, in order to exercise common goals and interests (Art. 2 and 3). Member of association can be every person under the equal conditions defined by the Statute (Article 21).

### ***Article 18***

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

The Law on Minority Rights and Freedom, in Article 6, stipulates following: “Montenegro shall conclude international agreements for the protection of rights of persons belonging to minority nations and other national minority 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”.

According to opportunities provided, and having in mind that Montenegrin minority exist in the Republic of Croatia and the Croatian minority exist in Montenegro, with the intention to provide for minorities that live in Montenegro and the Republic of Croatia the highest level of legal protection and the preservation and development of their national identity, Montenegro and the Republic of Croatia signed a bilateral agreement. With regard to the provisions of Article 82, paragraph 1, item 17 of the Constitution, which stipulates that Parliament ratifies international treaties, the Government of Montenegro adopted the Proposal Law on Ratification of the Agreement between Montenegro and the Republic of Croatia on the protection of Montenegrin minority in the Republic of Croatia and the Croatian minority in Montenegro, at the session held on 16 December 2010. The Parliament of Montenegro passed this Law on 05 April 2011.

### ***Article 19***

There are limitations on rights and freedoms in the legal system of Montenegro, and those limitations and derogation of certain rights are in accordance with the relevant international legal documents. The general basis for limiting human rights and freedoms is respect of the rights and freedoms of others (Article 6, para 3 of the Constitution), while the boundaries of freedoms in Montenegro are defined in the Article 10 of Constitution: “In Montenegro, anything not prohibited by the Constitution and the law shall be free. Every person shall abide by the Constitution and the law.”

Guaranteed human rights and freedoms may be limited by law to the extent permitted by the Constitution and international legal standards, and to the extent necessary to satisfy, in an open and democratic society, the purpose of the limitation.

Limitations may not be imposed for purposes other than those for which they were prescribed. During a declared war or a state of emergency the exercise of certain rights and freedoms may be limited, only to the extent necessary to achieve the purpose of limitation. The limitations shall not be introduced on the grounds of sex, nationality, race, religion, language, ethnic or social origin, political or other beliefs, financial standing or any other personal feature.

According to provisions of Article 25 of the Constitution, following rights may not be limited: life, legal remedy and legal aid; dignity of and respect for a person; fair and public trial and the principle of legality; presumption of innocence; defense; 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 period of duration of the state of war or emergency.