

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

Strasbourg, 15 May 2014

MIN-LANG (2014) PR 6

EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES

**Third periodical report
presented to the Secretary General of the Council of Europe
in accordance with Article 15 of the Charter**

MONTENEGRO



Montenegro
GOVERNMENT OF MONTENEGRO
Ministry for Human and
Minority Rights

THIRD REPORT OF MONTENEGRO
ON IMPLEMENTATION OF THE EUROPEAN CHARTER ON
REGIONAL AND MINORITY LANGUAGES

Podgorica, April 2014

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I INTRODUCTION

Montenegro is established by its Constitution as a civil, democratic, ecological and the state of social justice, based on the rule of law. Bearer of sovereignty is the citizen with Montenegrin citizenship. The Constitution of Montenegro creates a legal basis for promoting, strengthening and improving protection of fundamental human rights and freedoms, and confirms the commitment of Montenegro to comply with international standards in that context.

In addition to fundamental human rights and freedoms, and in order to protect overall national identity, the Constitution and laws of Montenegro give minorities a set of additional rights. Part two of the Constitution, Articles 79 and 80, guarantee to persons belonging to minority nations and other minority national communities the rights and freedoms, which they can exercise individually or collectively with others, and prohibits assimilation of persons belonging to minority nations and other minority national communities. The state shall protect the persons belonging to minority nations and other minority national communities from all forms of forceful assimilation.

Part two of the Constitution contains 65 Articles which guarantee human rights and freedoms, civil and political, economic, social and cultural, and the rights of minorities as well.

In addition to national legislation, which guarantees the respect of fundamental human rights and freedoms, and the rights of minorities, Montenegro established by a provision of Article 9 of the Constitution that ratified and published international treaties and generally accepted rules of international law shall make an integral part of the internal legal order, and that they shall have the supremacy over the national legislation and shall be directly applicable when they regulate the relations differently from the internal legislation.

With regard to UN legal instruments, those are: Covenant on Civil and Political Rights, with both optional protocols, as well as the Covenant on Social, Economic and Cultural Rights, Convention relating to the Status of Refugees, with the Protocol, International Convention on the Elimination of All Forms of Racial Discrimination, Convention on the Elimination of All Forms of Discrimination Against Women, Convention on the Rights of the Child, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Also, Montenegro is

bound by the Universal Declaration of Human Rights, but not as a contractual obligation, but as an international customary-legal requirement.

With regards to legal instruments of the Council of Europe, these are: European Convention for the Protection of Human Rights and Fundamental Freedoms, European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, Framework Convention for the Protection of National Minorities, Charter on Regional and Minority Languages, European Social Charter.

By entering into force of the European Charter on Regional and Minority Languages in Montenegro on 6 June 2006, we committed to implement the principles contained in this international document, while by Ratification of the European Charter on Regional or Minority Languages, Montenegro determined that it relates to the use of Albanian and Romani languages. Changes to the 2011 Law in the field of education in mother tongue renamed the subject, which had been named “mother tongue” until then, into the subject named “Montenegrin, Serbian, Croatian and Bosnian Languages” – four languages with the same base and origin, as opposed to Albanian and Romani languages, which are different.

The legislation incorporating the provisions of the European Charter on Regional and Minority Languages includes the following: Law on Minority Rights and Freedoms, Law on Pre-School Education, General Law on Education, Law on Higher Education, Law on Public Broadcasting, Law on Media, Law on Radio-Broadcasting Services Radio of Montenegro and Television of Montenegro, Law on Personal Name, Law on Publishing Activity, Law on Cinematography and the Law on Drama Art, Law on General Administrative Procedures, Law on Local Self-Government, Law on Election of Members of Parliament and Local Councillors, Anti-Discrimination Law, Law on Protector of Human Rights and Freedoms, Statute of the Capital of Montenegro, Rulebook of the Capital City Council, Rulebook of Town Municipality Tuzi, Statute of Ulcinj Municipality, Statute of Plav Municipality, Rules of Procedure of Ulcinj Town Council, Rulebook of Plav Town Council, etc.

The Constitution of Montenegro (Official Gazette of Montenegro 01/07 of 25.10.2007), Article 13 paragraph 1, says that the official language in Montenegro is Montenegrin, while paragraph 3 prescribes that Serbian, Bosnian, Albanian and Croatian shall also be in the official use.

According to the data of the Statistical Office of Montenegro (MONSTAT), based on the 2011 census, Montenegro has 620.029 inhabitants: Montenegrins 278.865 (44.91%), Serbs 178.210 (28.73%), Albanians 30.439 (4.91%), Bosniaks 53.605 (8.65%), Muslims 20537 (3.31%), Roma 6.251 (1.01%) and Croats 6021 (0.97%). According to these data of the Statistical Office (MONSTAT), the linguistic picture of Montenegro is as follows: 265895 citizens or 42.88% of the population speak Serbian language, 229251 citizens or 36.97% of the population speak Montenegrin language, 32671 citizens or 5.27% of the population speak Albanian language, 33077 citizens or 5.33% of the population speak Bosnian language, 5169 citizens or 0.83% of the population speak Romani language, and 2791 citizens or 0.45% of the population speak Croatian language.

Strategic framework for minority policy is represented by the Strategy for Minority Policy adopted on 03 July 2008. In accordance with comparative-legal international standards, this Strategy defines measures for implementation of the Law on Minority Rights and Freedoms and improvement of the living conditions of minorities as a whole, which the state authorities shall gradually implement in the period of implementation of the document.

Protection of rights and improvement of the position of minorities in Montenegro is addressed by several very important institutions and authorities, such as the Ministry for Human and Minority Rights, and a standing working body – Committee for Human Rights and Freedoms is established in the Parliament of Montenegro, the Protector of Human Rights and Freedoms, who acts as an independent and autonomous institution, Councils of minority nations, Fund for Protection and Exercising Minority Rights, Centre for the Protection and Development of Minority Cultures, as well as a number of high quality and active non-governmental associations and organisations addressing the matters of protection of minority rights and improvement of the position of minority communities in the Montenegrin society.

The most important international documents and national legal acts have been translated into Albanian and Romani languages, such as: the Strategy for Improving the Position of RAE population in Montenegro 2008–2012 and 2012–2016, Law on Media, European Charter on Regional and Minority Languages, Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Language Minorities, Framework Convention for the Protection of National

Minorities, Constitution of Montenegro, Law on the Prohibition of Discrimination and the Law on Minority Rights and Freedoms, etc.

II BASIC DEMOGRAPHIC INDICATORS

The latest census of population, households and apartments was conducted in the period 01-15 April 2011. According to the results of this census, Montenegro has 620.029 inhabitants, 50.61% or 313.793 are women, and 49.39% or 306.236 are men. Podgorica has the largest population (185.937), which represents 30% of the total population of Montenegro, followed by Niksic and Bijelo Polje. Around 50% of the total population is concentrated in these three municipalities. Municipalities with the smallest population are Savnik (2.070), Pluzine (3.246) and Zabljak (3.569).

Urban-type settlements are a home to 392.020 inhabitants, which represents 63% of the total population, while 228.009 inhabitants live in other settlements.

In accordance with the Methodology for preparation, organization and implementation of the census, a person was not obliged to declare his/her nationality or ethnicity, or religion and mother tongue. If a person did not want to declare with regard to the above matters, the answer "Does not want to declare" was written down. This answer to the question on national, i.e. ethnical belonging was given by 4.87% of citizens, 3.99% of citizens gave this answer to the question on mother tongue, and 2.61% of citizens gave this answer to the question on religion.

Nationalities, ethnicities respectively, mother tongue and religions, which make less than 100 inhabitants in Montenegro, are classified in the category "Other".

Population by nationality:

No.	Nationality	2003		2011	
		Number of persons	Percentage share	Number of persons	Percentage share
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/S erbs	/	/	1.833	0.30%
10	Gorani	/	/	197	0.03%
11	Muslims/Bosnia ks	/	/	183	0.03%
12	Muslims/ Montenegrins	/	/	257	0.04%
13	Serbs/Monteneg rins	/	/	2.103	0.34%
14	Turks	/	/	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	Undeclared	26.906	4.34%	30.170	4.87%

27	Regional belonging	1.258	0.20%	1.202	0.19%
28	Unknown	6.168	0.99%	/	/
T O T A L		620.145	100%	620.029	100%

Population by religion

No.	Religion	Number	Percentage share
1.	Orthodox	446.858	72.07
2.	Catholic	21.299	3.44
3.	Islamic	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's witnesses	145	0.02
10.	Protestant	143	0.02
11.	Other religions	6.337	1.02
12.	Does not want to declare	16.180	2.61
T O T A L		620.029	100%

Population by mother tongue

No.	Mother tongue	Number	Percentage share
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.	Bosniak	3.662	0.59%
6.	Hungarian	225	0.04%
7.	Macedonian	529	0.09%
8.	German	129	0.02%
9.	Romani	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.	Undeclared and unknown	24.748	3.99%
T O T A L		620.029	100%

III LEGAL FRAMEWORK FOR THE PROTECTION OF MINORITIES IN MONTENEGRO

1. Human rights and protection of minorities in the Constitution of Montenegro

The Constitution of Montenegro provides a legal basis for promoting, strengthening and improving the protection of fundamental human rights and freedoms, and confirms the commitment of Montenegro to comply with international standards in that context. Almost half of Articles of the Constitution (68 of 158) relate to human rights and freedoms, which represents a legislative confirmation of their importance. The Constitution of Montenegro guarantees equal rights and obligations to all citizens, regardless of any particularities or personal attributes, and prohibits any direct or indirect discrimination on any grounds. The Constitution also defines an affirmative action, i.e. it says that regulations and introduction of special measures aimed at creating the conditions for the exercise of national, gender and overall equality and protection of persons who are in an unequal position on any grounds shall not be considered discrimination.

The main provisions of the Constitution include three provisions which are essential for enjoying human rights and freedoms. Article 6 gives an overall guarantee for the protection of human rights and freedoms, as inviolable categories. Article 7 prescribes the prohibition of infliction or encouragement of hatred or intolerance on any grounds, and Article 8 prescribes the prohibition of discrimination, as a general precondition for enjoying all human rights and freedoms. More specifically, Article 8 guarantees prohibition of any “direct or indirect discrimination on any grounds”, and also “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”, which leaves room for the establishment of additional mechanisms for protection and promotion of minority rights, and for integration of minorities while preserving their specificities.

Part two of the Constitution contains 65 Articles which guarantee human rights and freedoms, civil and political, economic, social and cultural, and minority rights.

In addition to national legislation, which guarantees the respect of fundamental human rights and freedoms, and the rights of minorities, Montenegro established by a provision of Article 9 of the Constitution that ratified and published international agreements and generally accepted rules of international law shall make an integral part of the internal legal order, and that they shall have the supremacy over the national legislation and shall be directly applicable when they regulate the relations differently from the internal legislation.

With regards to UN legal instruments, these are: Covenant on Civil and Political Rights, with both optional protocols, as well as the Covenant on Social, Economic and Cultural Rights, Convention relating to the Status of Refugees, with the Protocol, International Convention on the Elimination of All Forms of Racial Discrimination, Convention on the Elimination of All Forms of Discrimination Against Women, Convention on the Rights of the Child, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Also, Montenegro is bound by the Universal Declaration of Human Rights, but not as a contractual obligation, but as an international customary-legal requirement.

With regards to legal instruments of the Council of Europe, these are: European Convention for the Protection of Human Rights and Fundamental Freedoms, European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, Framework Convention for the Protection of National Minorities, Charter on Regional and Minority Languages, European Social Charter.

The guarantees given by the highest legal act of Montenegro are elaborated by a set of laws regulating labour relations, employment, pension and disability insurance, education, health and social protection, protection at work, family relations, criminal offences, etc.

2. Special minority rights

In addition to fundamental human rights and freedoms, in order to protect the overall national identity, the Constitution and laws of Montenegro give minorities a set of additional rights. Part two of the Constitution, Articles 79 and 80, guarantee to persons belonging to minority nations and other minority national communities the rights and freedoms, which they can exercise individually or collectively with others, and prohibits assimilation of persons belonging to minority nations and other minority national communities. The state shall protect the persons belonging to minority nations and other minority national communities from all forms of forceful assimilation.

The Constitution guarantees the following individual – minority rights:

- the right to exercise, protect, develop and publicly express national, ethnic, cultural and religious particularities;
- the right to choose, use and publicly post national symbols and to celebrate national holidays;
- the right to use their own language and script in private, public and official use;
- the right to education in their own language and script 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;
- the right, in the areas with significant share in the total population, to have the local self-government authorities, state and court authorities carry out the proceedings in the language of minority nations and other minority national communities;

- the right to establish educational, cultural and religious associations, with the material support of the state;
- the right to write and use their own name and surname in their own language and script in the official documents;
- the right, in the areas with significant share in the population, to have traditional local terms, names of streets and settlements, as well as topographic signs written in the language of minority nations and other minority national communities;
- the right to authentic representation in the Parliament 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 right to information in their native languages;
- 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;
- the right to establish councils for the protection and promotion of special rights.

Special measures may only be applied until the achievement of the aims for which they were undertaken, which leaves room for establishing of additional mechanisms for protection and promotion of minority rights, and for integrating minorities while preserving their specificities. The Constitution of Montenegro (Official Gazette of Montenegro 01/07 of 25.10.2007), Article 13 paragraph 1, says that the official language in Montenegro shall be Montenegrin, while paragraph 3 prescribes that Serbian, Bosnian, Albanian and Croatian shall also be in the official use.

3. Legal framework

The Law on Minority Rights and Freedoms defines the minority as 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 themselves and maintain their national, ethnic, cultural, linguistic and religious identity. Minorities are considered to be: autochthonous numerically minority nations, national minorities and ethnic minorities. Persons belonging to minority nations and other minority national communities shall be deemed equal to other citizens and shall enjoy equal legal protection. Any violation of the rights of minority nations and other minority national communities shall be unlawful and punishable. The Law on Minority Rights and Freedoms (Official Gazette of the Republic of Montenegro 31/06, 51/06 and 38/07) regulates more closely a set of minority rights and mechanisms for protection of such rights. The Law relates to protection of national identity of minorities, i.e. protection from assimilation of minorities, and provides for effective participation of minorities in public life.

Article 11 of the Law on Minority Rights and Freedoms says that minorities and persons belonging to them shall have the right to use their language and script. In the local self-government units in which persons belonging to minorities make majority or considerable part of the population, according to results of the latest census, the language of that minority shall be in the official use as well. The official use of languages of minorities, within the meaning of paragraph 2 of this Article, shall particularly imply the following: use of language in administrative and court proceedings and in conducting administrative and court proceedings, issuance of public documents and keeping official records, ballot papers and other electoral material, and in the work of representative bodies. On the territory of the local self-government units referred to in paragraph 2 of this Article, the names of bodies exercising public authority, names of the local self-government units, names of settlements, squares and streets, institutions, business and other entities and toponyms shall also be written in the language and script of the minority. In accordance with recommendations of the Law on Minority Rights and Freedoms, the curricula for the purpose of education shall contain topics relating to history, art, literature, tradition and culture of the minority nation or other minority national community.

In addition to the Law on Minority Rights and Freedoms, the legal framework regulating the rights of minority nations and other minority national communities is created by laws and other acts regulating the exercising of rights in individual fields, such as education, information, culture, use of language and script, etc. In addition, following a proposal

of the Government of Montenegro, the Parliament adopted the general Law on the Prohibition of Discrimination on 27 July 2010. The Law on the Prohibition of Discrimination is a systemic law which provides grounds and mechanisms for fighting against discrimination on the grounds of any personal trait (race, colour of skin, citizenship, national affiliation or ethnic origin, religious or political beliefs, gender, gender identity, sexual orientation, birth, genetic traits, health conditions, disability, marital and family status, age, membership in political, trade unions and other organisations, and other actual or assumed personal traits). Incitement of discrimination is also considered to be discrimination under this Law. The Law aims to protect every conscientious citizen who reported cases of discrimination, or gave, in any capacity, a statement before a competent authority in the proceeding investigating a case of discrimination – protection from victimization.

The scope of the Law is defined, i.e. the Law relates to all persons who are subject to regulations of Montenegro (citizens, foreigners, IDPs, asylum seekers, etc.). Also, norms of the Law apply to legal entities if such entities are discriminated on any of the defined grounds. The terms of harassment, mobbing, segregation are defined, and a particular emphasis is placed on a severe form of discrimination, which should guide a court when deciding on a sanction or an amount of damage compensation. A qualifier of a prohibited treatment directly guides everyone, particularly courts and other authorities whose task is to protect human rights, towards a stricter legal response as a consequence of a prohibited treatment. Therefore, regardless of whether it is a civil law, criminal law or other legal protection from discrimination, a state authority is instructed to impose stricter sanctions for the forms of discrimination that the legislator has qualified as particularly severe ones.

Among many forms and cases of discrimination, the Law includes those which prove to be, from aspects of legal order or moral standards, as particularly severe violations of the principles of equality of humans, and the cases which are not addressed specifically by a set of separate laws. The purpose of segregation of certain forms of discrimination is, primarily, to denote and qualify the prohibited actions which are considered particularly dangerous for a social community and to complete possible cases of potential discrimination, which are not included in separate legal regulations. A special emphasis is placed on

discrimination in proceedings before public authorities, discrimination in using public buildings and areas, discrimination on the grounds of health conditions, discrimination on the grounds of age, discrimination in the fields of upbringing, education and vocational training, discrimination in the field of labour, discrimination on the grounds of religion and beliefs, discrimination of persons with disabilities, discrimination on the grounds of gender identity and sexual orientation. The Law establishes a Protector of Human Rights and Freedoms Ombudsman as a mechanism for prevention of and protection from discrimination. Proceedings before the Protector of Human Rights and Freedoms Ombudsman are regulated by the Law and the secondary legislation. In addition, the Protector of Human Rights and Freedoms, in a separate part of the annual report, shall inform the Parliament of Montenegro about observed cases of discrimination and actions undertaken, and he/she is given an opportunity to submit a separate report on observed cases of discrimination.

In order to complete the overall system for protection from discrimination, in addition to the protection provided by the institution of the Protector of Human Rights and Freedoms, with its competences and appropriate measures which are imminent in this institutional form of protection of human rights and freedoms, court protection from discrimination is regulated as well. Namely, a developed and clearly regulated court protection is a necessary instrument in fighting against discrimination.

It is very important to point out that the burden of proof that discriminatory behaviour has not occurred is on the defendant, which is a standard in developed democratic societies in fighting against discriminatory behaviour. Proceedings before court, lawsuit, deadline for filing the lawsuit, filing of lawsuit by other persons and informing the Protector are also regulated.

Inspection control over the implementation of this Law with respect to discrimination in various fields shall be performed by inspections competent for those fields (provision of services, civil engineering, health, education, labour and employment, occupational safety, traffic, tourism, etc.). This clearly defines the role of inspection in protection from discrimination.

This Law obliges all authorities to keep separate records of cases of discrimination and to deliver such records to the Protector of Human Rights and Freedoms. Court authorities, inspection authorities

and misdemeanour authorities are also obliged to keep records. The Ministry for Human and Minority Rights is obliged to prescribe, within six months, a form and template for keeping records of all cases of discrimination. The Law clearly indicates misdemeanour punishable under this Law, since misdemeanour in exercising individual rights are defined by other laws, and criminal liabilities are defined by criminal laws.

The Law on Minority Rights and Freedoms (Official Gazette of the Republic of Montenegro 31/06) in accordance with the Constitution of Montenegro, Charter on Human and Minority Rights and Civil Freedoms, and generally accepted rules of international law and ratified international treaties, regulates, inter alia, a set of minority rights at local level.

It is prescribed that in the local self-government units in which persons belonging to minorities make majority or considerable part of the population, according to results of the latest census, the language of that majority shall also be in the official use. The official use of languages of minorities shall particularly imply: use of the language in administrative and court proceedings and in conducting administrative and court proceedings, in issuance of public documents and keeping official records, ballot papers and other electoral material, as well as in the work of representative bodies. The Law also prescribes that on the territories of local self-government, the names of bodies performing public authority, name of the local self-government unit, names of settlements, squares and streets, institutions, business and other entities and toponyms shall also be written in the language and script of the minority (Article 11). According to international standards, local self-government is a form of participation of minorities in public life.

The Law on Local Self-Government (Official Gazette of the Republic of Montenegro 42/03, 28/04, 75/05 and 13/06 and Official Gazette of Montenegro 88/09, 3/10, 73/10 and 38/12, 10/14) prescribes that, when performing their activities, local self-government authorities shall provide equal protection of rights and legal interests of the local population and legal entities provided by the law, and that the municipality shall provide conditions for the protection and promotion of minority rights as well, in accordance with the Constitution, international legal acts and separate laws (Article 10), and that the Law on the Capital City establishes Town Municipalities Golubovci and Tuzi for the purpose of more efficient performance of activities under the

competence of the Capital. Majority of the population of the Town Municipality Tuzi is Albanian population. In municipalities where Albanian population makes majority or a considerable part of the population of a local self-government unit, their decisions put in practice the defined minority rights relating to having names of settlements, streets and municipalities written in Albanian language. In addition to the above, in territories where Albanians are majority population, they have the right to use national symbols.

Unlike other minority nations and minority national communities, who are integrated in modern trends of the Montenegrin society, Roma and Egyptians are the most vulnerable and the most marginalized minority national community in Montenegro. For the purpose of affirmation and promotion of the rights of this community, local self-government units (Capital City-Podgorica, Berane, Bijelo Polje, Niksic, Tivat) have adopted actions plans containing sets of systemic measures and activities which need to be implemented in order to achieve integration of Roma and Egyptians in the fields of legal, political, economic and social, and cultural and information life, bearers, deadlines and funds needed, as well as sets of instruments for monitoring and assessing impact of undertaken measures. Implementation of action plans is aimed at contributing to improved quality of living conditions of Roma and Egyptians and at encouraging their integration in the local community. Municipalities undertake significant activities towards integration and improvement of the quality of life of Roma and Egyptians by addressing housing needs of this community, organizing educational and motivational workshops for RE parents on the importance and advantages of education, employing RE in local government authorities established by the municipality, improving their material status, mostly through programmes of one-off financial support. The Ministry of Interior, in cooperation with the Union of Municipalities of Montenegro and other ministries, gives awards for best practices in certain thematic fields, and so far Berane municipality received an award in 2013 for the practice "Improvement of integration of Roma and Egyptians in the municipality of Berane".

Systemic laws in the field of education have considered the concept of general constitutional guarantee relating to education of minorities, at the level of general goals and principles of education, and at the level of individual provisions. Essentially, the system aims at integration of minorities, with maintaining their identity. Students

belonging to minority communities have the right to education in mother tongue. The emphasis is on the curricula, which includes topics in the field of mother tongue and literature, history, art and culture of minorities and other contents promoting mutual tolerance and coexistence. In addition to the contents included in regular subjects, an opportunity is available for using 20% of free contents for particularities in terms of national culture, history, art. Education in Albanian is organized at all levels of education, from preschool to higher education. Also, the curricula of institutions and schools providing education in the language in official use includes topics relating to mother tongue and literature, history, art and culture of minorities, and other contents which contribute to mutual tolerance and coexistence. In addition to contents included in regular curricula, an opportunity is available for using 20% of free contents for particularities in terms of national culture, history, art.

The right to information in one's native language, besides the right to education, preservation and development of the culture, and the right to official use of the language and script shall constitute one of the fundamental minority rights which are guaranteed under the Constitution of Montenegro. The Constitution, also, guarantees the freedom of press and other types of informing, as well as the right to establish newspapers and other means of public informing with the entry at the competent body. The Constitution of Montenegro provides that the members of national and ethnic groups have the right to freely use their language and script, the right to education and the right to information in their native languages.

Media legislation includes special provisions related to informing the members of minority and ethnic groups in their native languages. The Law on Public Broadcasting Services of Montenegro (Official Gazette of the Republic of Montenegro 79/08), Article 8, states that "Radio - Television of Montenegro may, for the needs of certain public broadcasting services, establish regional radio and television studios, having a special obligation of production and broadcasting regional programs into minority nations' languages and other minority national communities in that area."

The obligation of production and broadcasting different program contents (informative, cultural, artistic, educational, scientific, sports, children and others) has been established, without any type of

discrimination or social differentiation, in order to satisfy the interests of the public on national and local level.

Production and broadcasting of the programs are “intended for all society segments, especially taking into consideration children and the youth, members of minorities and other minority national communities, the disabled, socially endangered, and other specific groups”. (Article 9 item 4 of the Law on Public Broadcasting Services of Montenegro, Official Gazette of the Republic of Montenegro 79/08)

Complying with the editors’ independence of the Radio and Television of Montenegro has also been established, with RTCG deciding independently on the content of its programs, terms and manner for broadcasting, obeying professional standards and program rules adopted by the RTCG Council, whereas they are obliged to inform the public truly, comprehensively, impartially and timely on the events and circumstances which are of public interest, to contribute to the respect for and promotion of basic human rights and fundamental freedoms, democratic values and institutions, idea pluralism, enhancing the culture and public dialogue and respecting ethical standards, privacy and dignity of the citizens.

Article 3 of the Law on Media (Official Gazette of the Republic of Montenegro 51/02, 62/02) sets forth that the State shall provide for a part of the funds for exercising the citizens’ right to being informed without discrimination, guaranteed by the Constitution and legislation. The Republic shall direct the funds for broadcasting in Albanian and in languages of other national and ethnic groups, in order to exercise the said rights under the Constitution.

A set of media laws regulates the field of information in accordance with the Constitution and at the level of standards contained in international documents on human rights and freedoms (OUN, OSCE, Council of Europe, EU).

4. Institutional framework for protection of minority nations and other minority national communities in Montenegro

Protection of rights and improvement of the position of minority nations and other minority national communities in Montenegro is addressed by several very important institutions and authorities.

As a product of democratic breakthrough and main aspirations contained in the 1997 “Agreement on Minimum Principles for

Development of a Democratic Infrastructure in Montenegro”, already the following year, after early parliamentary elections and constitution of the new Government, the Ministry for Protection of the Rights of National and Ethnic Groups was constituted. In the new organizational structure of the Government of Montenegro, this Ministry was renamed into the Ministry for Human and Minority Rights, and received competences for monitoring and protecting the human rights which are not the responsibility of other sectors. Objective of this Government sector is to monitor and examine, and provide protection of the rights of minorities in accordance with the Constitution of Montenegro and international documents relating to the same matters, in accordance with democratic trends that Montenegro strives towards.

Having in mind the programme orientation of the Ministry for Human and Minority Rights, this Ministry is working towards implementation of its main strategic projections. The foundation of this strategy is a full integration of minority nations in the social life with further protection and development of their national and cultural particularities, and promotion of their legal rights and freedoms. This is achieved by continuous communication between the Ministry and representatives of all minority nations, political entities, non-governmental organisations, institutions and establishments, and through partnerships with relevant international organisations and institutions addressing matters of protection of human and minority rights.

The Parliament of Montenegro established a standing working body – the Committee on Human Rights and Freedoms, which considers matters, particularly legislative proposals, in the field of human and minority rights.

The Protector of Human Rights and Freedoms Ombudsman also acts as an independent and autonomous institution. The Protector of Human Rights and Freedoms in Montenegro Ombudsman protects human rights and freedoms guaranteed by the Constitution, law, ratified international treaties on human rights, and generally accepted rules of international law, when such rights are violated by an act, action or failure of state authorities, local self-government authorities and public services, and other holders of public authority. This is the authority that citizens can refer to, easily, without special formalities and costs, for a prompt and efficient intervention, but it can also act on own initiative. Proceedings before the Protector are confidential and no one who files a

complaint, or participates in any way in the proceedings conducted by the Protector, may not be held accountable for that or put in a disadvantage on such grounds. The Protector communicates his/her findings, views and opinions to the Parliament and general public, thus contributing to openness and transparency of public administrative and other public services and authorities towards the Parliament, Government, public and citizens. According to existing legislative solutions, the Protector has a number of deputies, one of whom addresses protection of minority rights. Having in mind the programme orientation of the Ministry for Human and Minority Rights, this Ministry is working towards implementation of its main strategic projections. One of the main strategies of the Ministry is a full integration of minority nations in the social life with further protection and development of their national and cultural particularities, and promotion of their legal rights and freedoms. Strengthening of existing and activities of new institutions, such as minority councils, Centre for the Protection and Development of Minority Cultures, Fund for Protection and Exercise of Minority Rights, ministries of the Government of Montenegro, cooperation between local self-governments and state institutions, adds quality to institutional protection of minority rights.

Minority councils – For the purpose of implementation of the Law on Minority Rights and Freedoms, Ministry for Human and Minority Rights adopted secondary legislation which specifies the composition and number of members of minority councils, method of electing councils, method of summoning and work of electoral assembly, method of electing members of councils, and provide clear guidelines for this process. These acts have created legal preconditions for election of minority councils. The Law on Minority Rights and Freedoms specifies competences of councils, and they are registered with the Ministry for Human and Minority Rights. The work of the councils has been funded through this Ministry since August 2008. Electoral assemblies were held and new parliaments of Albanian, Bosniak, Croatian, Muslim, Roma and Serbian National Councils were constituted in 2013. Pursuant to Article 34 of the Law on Minority Rights and Freedoms (Official Gazette of the Republic of Montenegro 31/06, 51/06 and 38/07 and Official Gazette of Montenegro 02/11) and the Rulebook on the Form and Method of Keeping Records of Councils (Official Gazette of Montenegro 37/08), the

Ministry rendered decisions and inscribed all National Councils in Montenegro into the Register of Councils.

The Council shall, *inter alia*:

- represent and act on behalf of the relevant minority;
- submit proposals to state bodies, local self-government bodies and public services in charge of promotion and development of the rights of minorities and persons belonging to them;
- lodge initiative to the President of Montenegro for refusal to promulgate a law by which the rights of minorities and persons belonging to them are violated;
- participate in planning and founding of educational and pedagogic institutions;
- provide an opinion on curricula which reflect specificities of minorities;
- suggest enrolment of certain number of students at the University of Montenegro;
- launch initiative for amendment of legislation and other acts which regulate rights of persons belonging to minorities;
- also perform other activities in accordance with the present Law.

On matters discussed by state authorities and public services, which relate to rights of minorities and persons belonging to them, a necessary cooperation with the Council shall be established in order to build mutual confidence.

State and other competent bodies shall inform the Council about undertaken measures within 30 days from the day of launching of the initiative or a request within the meaning of paragraph 1 of this Article. The Centre for the Protection and Development of Minority Cultures is an institution founded by the Government of Montenegro, which recognized the importance of interculturality and Montenegrin cultural diversity, with the aim to promote minority rights in the field of culture and affirmation of multiculturalism as one of the fundamental values of modern Montenegro. The Centre is achieving these goals by development and research activities, studying cultures of minority nations, their specificities, values and importance, by creating documented foundation in all fields of life, culture and art related to minorities in Montenegro. The Centre promotes, affirms, encourages, protects and develops minority cultures by organizing various events, contents, projects, round tables, workshops, presentations, etc. Culture

and protection of cultural heritage is one of the main segments of the protection of the overall national identity.

By the Law on Minority Rights and Freedoms, Article 36, and by the Decision on Establishing the Fund for Minorities (Official Gazette of Montenegro 13/08 of 26.02.2008; 64/11 of 29.12.2011), the Parliament of Montenegro established the Fund for protection and exercise of minority rights for the purpose of supporting the activities important for preserving and developing national, i.e. ethnical specificities of minority nations and other minority national communities and persons belonging to them, in the fields of national, cultural, linguistic and religious identity.

The financial means for the Fund are secured from the Budget of Montenegro and from other sources, in accordance with the law. Minimum 0.15% of the total budgetary funds are allocated for this purpose from the Budget of Montenegro, decreased by the budget of state funds and the capital budget.

The financial means of the Fund are allocated, by decisions of the Management Board, as follows:

- financial means for the work (functioning) of the Fund, and
- funds for financial support to projects.

The financial means of the Fund for financial support to projects are allocated through public tenders, based on the following criteria:

- contribution that a project provides to preservation and development of national, cultural, religious, linguistic and ethnical identity;
- compatibility of a project with strategic documents of the Government;
- transparency and a possibility to control a project's implementation;
- credibility of an entity proposing a project.

Non-governmental organisations and other legal entities and natural persons, whose activities, i.e. actions are aimed at preservation and development of national, i.e. ethnic specificities of minority nations or other minority national communities and persons belonging to them, in the fields of national, ethnical, cultural, linguistic and religious identity, have the right to participate in a public tender for allocation of

funds referred to in paragraph 3 indent 2 of this Article. (Article 2, indent 5).

The Fund provides encouragement and support to the protection, development and affirmation of specificities of minority nations and other minority national and ethnic communities in Montenegro, in the fields of national, ethnic, cultural, linguistic and religious identity, and to protection and promotion of minority rights and freedoms, by financing and co-financing quality projects/programmes which are important for minority national communities and persons belonging to them. The Fund for Protection and Exercising of Minority Rights of Montenegro is an institution where applicants can submit their project proposals in languages in the official use, including Albanian language, in addition to the official language. The website of the Fund offers applications in the official language (Latin and Cyrillic scripts) and in Albanian language. Also, users of funds, and other interested parties, can send correspondence in Albanian language to the Fund.

A number of very quality and active non-governmental associations and organisations exist in Montenegro, and they address matters relating to protection of minority rights and promotion of the position of minority communities in the Montenegrin society.

5. Strategic policy framework for minority nations and other minority national communities

Strategic framework for minority policy is represented by the Strategy for Minority Policy adopted on 03 July 2008. In accordance with comparative-legal international standards, this Strategy defines measures for implementation of the Law on Minority Rights and Freedoms and improvement of living conditions of minorities as a whole, which state authorities shall gradually implement in the period of implementation of the document. In that respect, the Strategy represents a set of specific measures and activities of legal, political, economic, social, cultural and informative, educational and any other nature, for the next ten-year period, and it defines bearers, timeframes and financial costs, primarily of sectors of the Government of Montenegro, for the purpose of the overall improvement of the position of minorities and their better integration in social trends. The Strategy creates preconditions for implementation of the policy for protection and promotion of minority rights in Montenegro, which implies specific

implementation of international-legal standards and constitutional and legal standards based thereon, in relation to human and minority rights. The Strategy also implies coordinated, joint and synchronized efforts and activities of the Government of Montenegro, in financial and any other terms, international community and organized civil sector in Montenegro (particularly various non-governmental organisations in the field of protection and promotion of human and minority rights).

Strategy for Improving the Position of Roma and Egyptians in Montenegro 2012-2016 was adopted on 05 April 2012. The Strategy represents a set of specific measures and activities of legal, political, economic, social, urban-communal, educational, cultural-informative, health and any other nature, their bearers, timeframes and financial costs for the next four-year period. In addition to main objectives and intentions to be achieved by the implementation of this document, the Strategy defines fields of actions, priority tasks, methods of implementation, duration of the strategy, evaluation mechanisms, etc. The following are defined as priority fields: solving legal status of the RE population (registration and solving the issue of personal documents), education, preservation of culture and tradition, information, employment and the rights in the field of labour relations, health and health care, social and protection of children, violence against women and domestic violence, improvement of housing conditions and participation in public and political life.

IV LEVEL OF COMPLIANCE OF THE MONTENEGRIN LEGISLATION WITH THE EUROPEAN CHARTER ON REGIONAL AND MINORITY LANGUAGES

The Charter on Regional and Minority Languages defines minority languages as languages traditionally used within a given territory of a State by nationals of that State who form a group numerically smaller than the rest of the State's population and that are different from the official language of that State, not including either dialects of the official language of the State or the languages of migrants. As part of its preparation for the ratification of the European Charter on Minority and Regional Languages, Montenegro drew on the existing practices in the official use of language and script and the use of language in culture, education, judicial and administrative proceedings to specify that the minority languages in respect of which

Montenegro undertook to apply the measures under Part Three of the Charter are Albanian and Romani.

The legislation incorporating the provisions of the European Charter on Regional and Minority Languages includes the following: Law on Minority Rights and Freedoms (Article 11), Law on Pre-School Education (Article 24), General Law on Education (Articles 4, 11, 22 and 46), Law on Higher Education (Articles 6 and 7), Law on Public Broadcasting (Article 95, paras. 3, 5 and 6, Article 100), Law on Media (Articles 3 and 10), Law on Radio-Broadcasting Services Radio of Montenegro and Television of Montenegro (Article 4, 11, para. 2 and Article 15, para. 8), Law on Personal Name (Article 2, para. 3), Law on Publishing Activity, Law on Cinematography, Law on Drama Art, Law on General Administrative Procedure (Article 15), Law on Local Self-Government (Articles 10 and 84), Law on Election of Members of Parliament and Local Councillors, Law on the Prohibition of Discrimination, Law on Protector of Human Rights and Freedoms, Statute of the Capital of Montenegro, Rule Book of the Capital City Council, Rule Book of Town Municipality of Tuzi, Statute of Ulcinj Municipality, Rule Book of Plav Town Council, and the Decision on Assignment of Polling Stations for the Election of Five Members to the Parliament of Montenegro.

In its instrument of ratification of the European Charter on Regional and/or Minority Languages, Montenegro accepted Albanian and Romani as minority languages as other languages (Serbian, Bosnian and Croatian) are related and almost identical languages.

Montenegrin is the official language in Montenegro, while the languages in the official use are Serbian, Bosnian, Croatian and Albanian. The official use of a language implies, in particular, the use of such language in administrative and judicial proceedings, in the conduct of administrative and judicial proceedings, in issuance of public documents, in public records, in ballots and other election material, and in the work of representative bodies.

There are clear and visible indicators that the Albanian minority in Montenegro exercises its right to the official use of language and script. Administrative proceedings are conducted in the official language, but members of the Albanian minority are allowed to follow the course of administrative proceedings with the assistance of an interpreter and to be given, upon request, a transcript of the decision or ruling in Albanian in those municipalities where the Albanian minority is the majority or a significant part of their population. This applies to the municipalities of Ulcinj, Podgorica, Plav, and the town municipality of Tuzi. Members of the

Albanian minority acting as parties to administrative proceedings are further allowed to make their applications with the competent local administration bodies in Albanian, but they have so far not used this right. The competent local administration bodies in the above municipalities issue documents also in Albanian, upon prior request of the parties.

The use of Albanian is allowed in local town councils when regulations and other documents are debated, as well as in parliamentary committees. Draft legislation adopted by the Parliament is published also in Albanian, while at local administration levels, general regulations are published in Albanian in the town municipality of Tuzi, and partly in Ulcinj municipality.

The following paragraphs make an overview of the relevant provisions of the Criminal Procedure Code ('CrimPC') and Civil Procedure Code ('CivPC') that govern this matter.

Under Article 7, para. 2, Criminal Procedure Code, the courts in whose judicial districts members of minorities and other minority ethnic groups make a significant part of the population undertake to provide that the language of minorities is also in the official use in the criminal proceedings of that court, as provided by law. Article 8, para. 2 of CrimPC further provides that parties, witnesses, and other persons involved in the proceedings are entitled to use in such proceedings their own language or another language that they understand. Where the proceedings are not held in the language of one of the persons involved, interpretation and translation will be provided of any statements, documents, and other written evidence. The persons from para. 2 of this Article shall be notified of their rights. They may waive these rights if they understand the language of the proceedings (Article 8, para. 3 CrimPC). If a minority language is one of the languages in the official use in a court, the court shall serve the filings in the minority language to the members of that minority who used that language in the proceedings (Article 9, para. 4, CrimPC).

Particularly significant is Article 17, para. 2 of the CrimPC, which governs inadmissible evidence. It says that a court judgment may not be based on evidence obtained through a violation of human rights and fundamental freedoms enshrined by the Constitution or ratified international agreements, or on evidence obtained through a violation of criminal procedure rules, or other evidence that served as source of such information, nor can such evidence be used in the proceedings. This provision obviously refers also to the evidence obtained in violation of CrimPC provisions that govern the use of language in criminal proceedings. Also significant is Article 226, para. 6 of CrimPC, which says that the translation cost incurred

in the application of CrimPC provisions governing the rights of parties, witnesses and other persons taking part in the proceedings to use their own language is not to be collected from persons who under the provisions of CrimPC have the duty to repay the cost of criminal proceedings.

In addition, the Civil Procedure Code includes provisions governing the use of language in civil proceedings. Article 7, para. 1 of CivPC says that civil proceedings are to be held in a language that is in the official use in court. Parties and other persons taking part in the proceedings who do not understand or speak the language in the official use in court may use their own language or the language that they understand. Article 99, CivPC says that parties and other persons taking part in the proceedings may use their own language or another language that they understand (para. 1); where the proceedings are not held in the language of the parties or of other persons taking part in the proceedings, they will be provided, upon request, interpretation into their own language or another language that they understand of all the filings, as well as of what is presented at the hearing (para. 2), parties and other persons taking part in the proceedings are to be notified of the right to follow the oral proceedings before the court in their language with the assistance of an interpreter (para. 3). Further, Article 100, para. 1 of CivPC provides for summons, decisions and other courts filings to be served on the parties and other persons taking part in the proceedings in the language in the official use in court. Where a minority language is a language in the official use in court, the court is to serve the filings in that language on the parties and other persons taking part in the proceedings who are members of that minority and who use that language in court (Article 100, para. 2 CivPC). Article 101, para. 1 of CivPC provides that parties and other persons taking part in the proceedings are to file action, appeals and other submissions with a court in a language that is in the official use in that court. Parties and other persons taking part in the proceedings may also file their filings with the court in the language of minorities which is not in the official use in court, where so provided by law (Article 101, para. 2, CivPC). Particularly significant is Article 102 of CivPC, which says that the cost of translation into the language of national minorities that is incurred in the application of the provisions of the Constitution and this Code governing the rights of minorities to use their language is to be covered by the court concerned. This provision makes sure the members of national minorities do not give up using their language in court proceedings in order to avoid the cost of translation, and thus protects their right to free access to court and their right to a fair trial.

Following the examination of the above cited CrimPC and CivPC provisions, and their comparison with the relevant provisions of Article 9 of the European Charter on Regional or Minority Languages, in relation to Article 3 of the Law on Ratification, a conclusion can be drawn that the provision of Montenegro's procedural legislation is harmonised with Article 9 of the Charter.

Proceedings before the Administrative Court with respect to the right to the use of language is subject to the provision of the Civil Procedure Code. The Law on Administrative Dispute ("Official Gazette of RME", No. 60/2003), Article 55, says that all issues relating to administrative proceedings not regulated by that law shall be subject to the provisions of the Civil Procedure Code.

All the courts where the Charter is applied to Albanian and Romani have a Free Legal Aid Service, where aid is given free of charge by lawyers paid by the state budget and where members of Roma population make a significant part of the clients because of their poor financial status. This service allows members of Roma population free access to court as well as the right to a fair trial in proceedings that they take part in.

Where parties, witnesses and other persons taking part in proceedings use regional or minority languages, the court notifies them of the possibility for them to use their mother tongue and arranges for the translation of their statements, documents and other written documents to be provided by an interpreter to be paid from the state budget. In addition, parties to proceedings may produce evidence made in their mother tongue together with their translation by certified interpreters, with such evidence having the same validity as domestic documents.

The Ministry of Justice of Montenegro appointed a total of 39 certified interpreters for Albanian, which, in the opinion of the courts where Albanians make a significant part of the population, is sufficient for full implementation of Article 9 of the Charter. However, as Romani is not yet a standardised language, there are no certified interpreters for Romani in Montenegro yet.

In addition to the constitutional provisions allowing free use of language and script, the Law on Personal Name, Article 2, para. 3, provides that members of national and ethnic groups may have their name written in their script. Also, the Law on Minority Rights and Freedoms (Article 10), gives members of minorities the right to a free choice and use of their personal and family name and names of their children, as well as the right to have such names entered in registers of births and personal documents in their language and script. In addition to this right given to individuals, the

law grants the right also to minority organisations, associations, institutions and societies to have their name in a minority language and to have it written in a minority language. The Law on Personal Name was enacted on 29 July 2008 and its Article 5, para. 2 clearly states that a Montenegrin national can have their personal name entered in birth registers in one of the languages in the official use (Serbian, Bosnian, Albanian and Croatian).

The Law on Identity Card was enacted on 29 November 2007. Its Article 7 says: “the ID form is printed in Montenegrin and English and filled out in Montenegrin. For citizens who use Serbian, Bosnian, Albanian or Croatian in the official use, the ID form and the data entered will be in those languages, with the exception of the name and surname, that are entered in the language and script of the applicant, upon their request”. In receiving the required documentation for issuance of personal documents, the authorised officer has the duty to inform the applicant of their rights and ask which language they would like their documents to be in.

Law on Birth Registers (adopted at the same time as the Law on Personal Name) governs the registration of birth, marriage, death, and other data, as set by law, that either refer to or are related to personal and family status of Montenegrin nationals derived in Montenegro or another state, as well as of foreign nationals and stateless persons. It is prescribed by law that registers of birth, marriage, and death are kept in Montenegrin, and that extracts and certificates from such registers are issued in Montenegrin. It is also provided by law that where register data are on members of minorities and other minority ethnic groups, they must be also entered in the language and script of such minorities, as set by law. The personal name of a member of minority is entered in the birth register in their language and script in accordance with law. Birth register extracts and certificates are issued to a member of minority in the language and script of the minority they belong to.

V IMPLEMENTATION OF THE EUROPEAN CHARTER ON REGIONAL AND MINORITY LANGUAGES

1. Part I and II

Montenegro does not have a regulatory body specifically devoted to monitoring the implementation of the European Charter on Regional and Minority Languages. This is done by line ministries instead, according to their respective sphere of competence, by their departments or sectors dealing with minority rights and freedoms and their promotion.

Albanian is in the official use in Podgorica, Plav and Ulcinj, as well as in the town municipality of Tuzi.

Romani is recognised as a separate minority language by the Government of Montenegro under its ratification of the European Charter on Regional and Minority Languages, but is not included in the education system. Therefore, Romani as a minority language is not represented as a mother tongue in education institutions because it is not standardised and because there is no qualified teaching staff to provide teaching in Romani.

The rights of minorities and other minority ethnic groups with respect to their education are governed by the Constitution of Montenegro, the Law on Minority Rights and Freedoms, Law on General Education, Law on Higher Education and other education legislation.

The Constitution guarantees members of minorities and other minority ethnic groups the rights and freedoms that can be exercised individually or together with others. One of the guaranteed rights is to be taught in one's own language and script in state institutions, and that curricula include the history and culture of members of minorities and other minority ethnic groups.

The Ministry of Education provides support to projects significant to the improvement of status of Roma population, particularly those that refer to the exercise of the rights to education. In addition, the Ministry supports the activities of the non-governmental sector aiming to standardise and codify Romani.

Montenegro has good regional co-operation with former Yugoslav republics in issues relating to education in minority and regional languages, in Romani in particular. Positive experience in this area is followed and implemented to the extent possible. The work is now underway on compiling the first Romani dictionary, with a plan to also write the Romani grammar. This is undertaken in order to first standardise and codify Romani so that it has the form of a literary language and to train qualified teaching staff so that Romani can then be introduced in the education system. The Ministry of Education will support the progress made towards codification and standardisation of Romani in the countries in the region provided relevant representatives of Roma population in Montenegro have a positive attitude towards these achievements.

Conditions are not in place yet to introduce Romani as the language of teaching in pre-school, primary or secondary schools. Once Romani has been codified and standardised and the teaching staff qualified and trained to provide teaching in Romani, education and teaching can be realised in Romani at the level of pre-school, primary and secondary education.

Until the above conditions are put in place, i.e. until Romani can be fully introduced in the education system, Romani language, culture, history, customs and tradition is learned and taught in summer schools/camps.

The project Through Desegregation to a Full Integration is implemented with the participation, among others, of the Ministry of Education, Education Bureau, and the Ministry of Human and Minority Rights. Roma assistants have been introduced to help Roma students with language issues - to facilitate understanding and communication between teachers and students, and improve student overall performance at school.

In accordance with Article 2, para. 2 of the Charter, the paragraphs and/or sub-paragraphs that can apply to selected minority or regional languages are listed below.

Part II

Article 7

Paragraph 3

One of the ways in which mutual understanding and tolerance is promoted between all linguistic groups in Montenegro in the education sector is by designing compulsory and elective courses at school. Namely, knowledge and skills in human rights and multiculturalism are acquired as part of both mandatory and elective courses. Mandatory courses with such content include the following: Civic Education in VI and VII grades of primary school, History in higher grades of primary school and in secondary school, Geography in higher grades of primary school and in secondary school, Sociology in secondary school, Mother Tongue (Montenegrin-Serbian, Bosnian, Croatian Language and Literature, under amendments to the General Law on Education of 9 September 2011) in all grades of primary and secondary school. Elective courses with the content on human rights and multiculturalism are the following: Humanitarian Law in VIII and IX grade of primary school, the European Union in VIII and IX grade of primary school, History of Religion in secondary school, and European Integration in secondary school. In addition, multiculturalism is an integral part of courses in music and foreign languages, taken as compulsory and elective courses, such as English, French, Italian, German, Spanish, Russian and Turkish.

Civic Education was introduced as a compulsory course in VI and VII grade, and is taken as an elective course from I to IV course of grammar¹ school. These courses promote in students democratic attitudes and values,

¹ Grammar school is an academically oriented secondary school also referred to as gymnasium, after German secondary schools of this type (translator's note).

respect for human rights, understanding and acceptance of others and those who are different. An elective course the History of Religion has been designed for primary school and grammar school. Curricula for compulsory courses intended to give the students permanent and applicable knowledge and values have been revised and improved.

Following the recommendations of the Law on Minority Rights and Freedoms, curricula include such topics as history, art, literature, tradition and culture of a minority or a minority ethnic group. Education institutions and schools where the language of teaching is the official language also have curricula that include the topics of minority languages and literature, history, art, and culture and other content that promotes mutual tolerance and cohabitation.

Law on Primary Education provides that a class may have maximum 30 students. By way of an exception and following the permission of the minister of education, a class may have maximum 35 students. In addition, the Law on Minority Rights and Freedoms says that where the teaching is provided in a minority language and script, a class can be formed for fewer students than the number required by law for the institution concerned, with the number being at least 50% of the number set by law. The smallest number of students per class is set by secondary legislation of the Ministry of Education and Sport. It says that the combined class (with students of different grades) can be set up for minimum five students. This provision also applies to the classes taught in a minority language and script.

1. Article 8 - Education

- a) Selected paragraphs and sub-paragraphs (marked in bold type)
- | | |
|---------------|-----------------|
| paragraph | 1 |
| sub-paragraph | a, i): |
| “ | a, ii): |
| “ | a, iii): |
| “ | a, iv): |
| sub-paragraph | b, i): |
| “ | b, ii): |
| “ | b, iii): |
| “ | b, iv): |
| sub-paragraph | c, i): |

“ c, ii):
“ c, iii):
“ c, iv):

sub-paragraph d, i):
“ d, ii):
“ d, iii):
“ d, iv):

sub-paragraph e, i):
“ e, ii):
“ e, iii):

sub-paragraph f, i):
“ f, ii):
“ f, iii):

sub-paragraph g:
sub-paragraph h:
sub-paragraph i:
paragraph 2

The measures taken to implement each of the selected paragraphs or sub-paragraphs

ALBANIAN

Article 8 - Education Paragraph 1

Pre-school education sub-paragraph a) iii

Within the territory in which members of Albanian people live pre-school education is available in public pre-school institutions, in accordance with law.

Therefore, pre-school education in Albanian is available also in Albanian, i.e. it is provided where such need is expressed or where the parents request that pre-school education be provided in that language.

In 2013/2014, there were 276 children in 10 groups at this level of education in Podgorica, Tuzi, Plav, Ulcinj.

The public pre-school “Solidarnost” in Ulcinj has 8 groups, while the unit in Tuzi, which belongs to the public pre-school “Đina Vrbica” Podgorica, has one group, with another one in Plav. These groups are provided their entire education in Albanian. Their teaching staff meet the legal requirements in terms of their qualifications and have themselves studied in Albanian.

For the time being, there is sufficient pre-school teaching staff in Albanian.

Primary education
sub-paragraph b) i

Systemic education legislation recognise the concept of general constitutional guarantee on education of minorities at both the level of general objectives and principles in education and the level of individual provisions. In particular, the system is focused on integration of minorities and preservation of their identity. The students from minority ethnic groups are entitled to education in their mother tongue. The focus is on a curriculum which includes the topics relating to mother tongue and literature, history, art, and culture of minorities and other content that promotes mutual tolerance and cohabitation. In addition to the content of regular course curricula, also available for such content is 20% of curriculum which remains open to specific content on national culture, history and art. The teaching in Albanian is organised at all education levels, from pre-school to higher education. In the territorial units with majority Albanian population (Podgorica - Tuzi, Bar, Plav, Ulcinj, Rožaje), Albanian is the language of teaching in 12 primary schools („Đerđ Kastrioti Skenderbeg”, “Džafer Nikočević”, “Hajro Šahmanović”, “29. Novembar”, “Jedinstvo”, “Mahmut Lekić”, “Đerđ Kastrioti Skenderbeg”, “Daciće”, “Bedri Elezaga”, “Boško Strugar”, “Marko Nukulović”, “Maršal Tito”) for 2814 students (of which 1482 are boys, and 1332 are girls).

The Institute for Textbooks and Teaching Aids pays special attention to the textbooks in Albanian.

Full sets of primary school textbooks in Albanians were prepared for 2013/2014.

Under Article 18, para. 2, Law on Minority Rights and Freedoms, in addition to the statutory requirements set for the post of a school principal set under the General Law on Education, the principal of the school providing

teaching in Albanian needs to have competence in Albanian, i.e. to be able to actively use the Albanian language and script.

The principals of all the education institutions where teaching is provided in Albanian have an active knowledge of Albanian. Where teaching is in both Montenegrin and Albanian, most principals have active knowledge of Albanian. However, in a number of schools where the teaching is predominantly in Montenegrin, the principals were not required to meet this additional criterion.

When electing principals for the schools where teaching is conducted in Albanian, the Ministry of Education must obtain prior opinion from the Albanian National Council of Montenegro, as set by Article 18 of the Law on Minority Rights and Freedoms.

Secondary education

sub-paragraph c) ii

Secondary education in Albanian is provided in four secondary schools (in Ulcinj, where there are two secondary schools, one of which is a private grammar school, and one each in Tuzi and Plav). This school year, 2013/14, 1300 students have attended secondary schools that provide teaching in Albanian (grammar school and vocational schools), but also secondary mixed schools "Bećo Bašić" i "Bratstvo jedinstvo", and grammar schools "25. maj" and "Drita". The Institute for Textbooks and Teaching Aids provided all the grammar school textbooks for the teaching in Albanian.

Technical and vocational education

sub-paragraph d) i

Vocational education in Albanian is available in PI² Secondary mixed School "Bećo Bašić" in Plav and PI Secondary mixed school "Bratstvo jedinstvo" in Ulcinj.

In the above schools, students may take Albanian Language and Literature as an optional course.

Following the recommendation of the Ministry of Education, the teaching of vocational and theoretical courses in vocational education makes use of textbooks in Albanian issued in the region provided their content is compatible with the content of the courses here.

² PI stands for public institution (translator's note).

The Centre for Vocational Education has already called a tender for the translation into Albanian of the student's and teacher's book for the course in "Young Entrepreneurs".

University and higher education
sub-paragraph e) ii

Please note that the First Report erroneously stated that the Department for Albanian and Literature had been opened. A study programme was established instead within the University of Montenegro, named Teacher Training in Albanian. It is a four-year academic programme implemented as an independent study programme in Podgorica.

The programme started in 2004/2005, when 49 students were enrolled. In the academic 2011/12, 14 students enrolled, in 2012/13, 17 students enrolled, while in 2013/14, 12 students were enrolled. A total number of students for all years is 74. So far, 49 students have graduated. At this department, 80% of teaching is in Albanian and 20% in Montenegrin.

As for its teaching staff, 25 are professors, mainly engaged on a contract basis, and 7 are teaching assistants.

In order to promote full enjoyment of minority rights, the University of Montenegro, following a request of the Albanian Council in Montenegro, may enroll a number of students, members of minorities, every year, in accordance with the University internal regulations.

Adult and continuing education
sub-paragraph f)

Adult education is an integral part of Montenegro's education system. Under the General Law on Education, the Ministry of Education and Sports is responsible for issuance of licences to the institutions that meet the statutory requirements for the implementation of accredited programmes for adult education. Such a licence has so far been issued to the PI Secondary mixed school "Bratstvo-jedinstvo" in Ulcinj, that provides teaching in Albanian, while the licence procedure for the Primary school "Boško Strugar" from Ulcinj is still underway.

Teaching of history and culture
sub-paragraph g)

All textbooks for primary and secondary general education (grammar school) used for the teaching in Montenegrin have been translated into Albanian, while there is a separate textbook for the course in Albanian and Literature.

The curricula designed for schools where the teaching is in Montenegrin include topics that cover minority language, literatures, history, art, and culture and other content that promotes mutual tolerance and cohabitation. The primary reader in Montenegrin, for example, covers the works of notable Albanian writers. Other textbooks follow a similar principle.

Thanks to the teacher autonomy concept and the possibility for them to create and adjust some 20% of the teaching content to the needs and interest of their students, the number of units on the culture and history of Albanian people can be bigger than the number of such units in the translated textbook.

The new reformed curricula relevant to the teaching of the minorities (mother tongue, history, art, etc) have already greatly integrated content that promotes history and culture of the minorities in Montenegro. The measures that should ensure the teaching of history and culture have already been implemented as part of the new curricula for mother tongue, history and culture prepared for both primary and secondary education. The new textbooks in Albanian have been published.

Basic and further teacher training
sub-paragraph h)

Between the two reports, the schools providing teaching in Albanian, in accordance with the curricula, have been visited by the Education Bureau as part of their regular quality assurance procedures.

Beside the Education Bureau, professional development of teachers is also arranged by the Centre for Vocational Education for teachers of vocational, theoretical, and practical courses. These institutions have sufficient expert staff dealing with professional development of teachers. Professional development needs are also addressed through foreign projects. Education Bureau, Sector for Teacher Professional Development, issues the Catalogue of teacher continuing professional development, where it offers a number of programmes that address interculturality either wholly or through individual themes:

- a) Intercultural education in primary and grammar school offers such topics as: What is culture: impact of education on the development of cultural values; Multiculturality, interculturality, respect for diversity; Awareness raising of ourselves and others; Intercultural learning through various course and extra-curricular activities at school; Examples of cohabitation, promotion of positive experiences;
- b) Integration of Roma children in primary schools - support to inclusion with the aim to support Roma communities and children in their integration into the society and education system;
- c) The culture of human rights offers the following topics: Concept of modern and European protection of rights; Implementation of human rights; Prohibition of discrimination; Civil, political, economic, social rights; Collective, cultural and children's rights; Rights and multiculturalism; Intercultural dialogue;

The teacher training course on the history of religion in primary and grammar schools offers the following topics: Implementation of curriculum; Role of teachers in promoting and strengthening of multi-confessionalism and multiculturalism in the society; Modern forms and methodologies.

The Education Bureau is the institution in charge of professional development of teachers. The following are the programmes offered that address human rights and interculturality as their main content or content addressed in individual topics: Intercultural education in primary and grammar school; Integration of Roma children in primary schools; Culture of human rights; Teacher training for the History of Religion in primary and grammar schools, Education for social justice - against prejudice and stereotypes (programmes for children and adults), Children's rights, With education against prejudice, We the People - the citizen project; Democracy and education; Theory and practice of human rights, Research in humanitarian law; Teacher training for Civil education in primary school and Civil education in grammar school. The following is the list of training programmes implemented by the Education Bureau: Culture of human rights (44 participants in 2 seminars); Inclusion of Roma and Egyptian children in pre-school education (19 participants in 1 seminar); Teaching of language and literature in II and III cycle of primary school (102 participants in 3 seminars); Training programme for principals of education institutions; Module - Cooperation of principals with parents, school board, local and broader community (1 seminar for 20 participants); Pass to Democracy - Supporting Teachers in Preparing Students for Active Citizenship (Council of Europe) (21 participants in 1 seminar cooperation); Research in

Humanitarian Law (OSCE, Podgorica office) (15 participants in 1 seminar); Education for Social Justice - against stereotypes and prejudice (intended for adults) (32 participants in 1 seminar); Education for Social Justice - curriculum: 32 participants in 1 seminar.

The Ministry of Education, through its National Commission for UNESCO, implemented the project "Interactive services for early and pre-school education" targeting children living in rural areas. The three municipalities selected for these interactive services are Danilovgrad, Berane and Rožaje, because a significant number of rural communities gravitate around them, and because they are multi-cultural, multi-confessional, and multi-ethnic. The trained teachers promote programmes and activities relating to learning and child development by way of home visits and activities at the local facility.

The SIMPLE project is implemented in schools to promote equal opportunities for education irrespective of one's education, ethnic or any other difference. For reason of their cultural, national, linguistic and religious diversity, the following primary schools are covered: „21. maj“ and „Savo Pejanović“, Podgorica, „Mileva Lajović Lalatović“, Nikšić, „Maršal Tito“, Ulcinj, „Drago Milović“, Tivat, „Milan Vuković“, Herceg Novi, „Hajro Šahmanović“, „Džafer Nikočević“, Plav, Gusinje, and „Radomir Mitrović, Berane. The school activities are lead by school services that organised intercultural workshops together with their students. Posters on equality were created and posted in visible places at school. The day of interculturality was celebrated this year (29 January 2014) to show that diversity is wealth. An event was organised on this occasion at „21. maj“ primary school in Podgorica, where the students taking part in the campaign "Be the other one" showed their sensitivity and knowledge on this topic, first in a quiz and then by visual art performance.

The Council of Europe and European Union project "Regional support to inclusive education" is intended to improve social inclusion and cohesion in the broadest possible sense. The following seven elementary and primary schools have been selected: „Vuk Karadžić“ primary school, Podgorica; „Mileva Lajović - Lalatović“ primary school, Nikšić; „Mustafa Pećanin“ primary school, Rožaje; Secondary mixed school "Bećo Bašić" Plav; Secondary mixed school "Ivan Goran Kovačić" Herceg Novi; Grammar School "Tanasije Pejatović" Pljevlja, and Secondary vocational school "Sergije Stanić" Podgorica, where diversity among students is promoted.

There are no special teacher training programmes in Albanian and so the training is conducted using the teacher training programmes designed for

the teaching in Montenegrin. However, the Education Bureau has a team of teacher trainers who can do the training also in Albanian.

ROMANI LANGUAGE

Article 8 – Education

By ratifying the European Charter on Regional and Minority Languages, the Montenegrin Government has recognised the Romani language as a distinct minority language, but it has not included it in the curriculum. That is to say that Romani, as a minority language is not taught as a mother tongue in education institutions because it has not been standardised and because there is no qualified teaching staff to teach in Romani. In addition, according to data from the 2011 census, the Roma account for 1.01% of the Montenegrin population.

The Montenegrin Government provides free textbooks to Roma pupils in the early years of the primary school, while the Ministry of Human and Minority Rights provides bursaries to Roma students in the secondary school and at the Universities.

In 2013, as in the previous years, funding (EUR 75,000) was secured for the bursaries for all Roma secondary school and university students. The bursary programme is implemented by the Institute for Social Inclusion. In 2013, bursaries were granted to 14 university and 75 secondary school students.

Paragraph 1

Preschool education

item a) iv

Working with children from Roma and Egyptian (RE) backgrounds consists of focusing on their integration and on improving their educational and social attainment. Inclusion programmes for children from a R/E background are continuously implemented at all educational levels. In 2013, the most important activities were: the full-time preschool teaching programme (224 children from a RE background) and the half-day child care programme (on average, 80 children from a RE background).

Independent preparatory kindergartens for children from Roma and Egyptian backgrounds were independently established in 2013 for 87 preschool children who became entitled to enrol for primary school in the 2013/14 school year but had not previously attended any organised education. The following kindergartens were involved: “Đina Vrbica” from Podgorica, “Dragan Kovačević” from Nikšić, “Radmila Nedić” from Berane, “Bambi” from Tivat and “Naša radost” from Herceg Novi. The Bureau for Education has organised the training and supported the RE mediators. Under the Law on Preschool Education, teaching takes place six to 12 hours a day (it used to be 10 under the previous law), which enables parents to fit preschool around their working hours. The “Support to integration and voluntary return of internally displaced inhabitants of Konik camp in Montenegro” programme is being implemented with the support of the Delegation of European Union in Montenegro and the Government of Montenegro in the partnership with the German organisation - HELP. The REF (Roma Education Fund) is implementing the education component of this programme in the partnership with the Ministry of Education. The programmed child development and literacy programme for adults aim to improve the access to education and development during early childhood for the children from RE background. About 50 workshops have been held, since the beginning of the project, with two groups of mothers (twice a week) with the aim to optimise the early development and literacy of children.

Pursuant to the Law on Preschool Education, the costs of food in the institution for the children from the most vulnerable groups of population are paid by the Centre for Social Work depending on the territory where the children, i.e. the parents reside. The children from the most vulnerable groups of population are: children with developmental disabilities, and children having difficulties caused by social, language and cultural barriers.

A preparation programme for enrolment in the primary school and preschool institutions, and the programme of psychological and social support for preschool students have been envisaged within “Inclusion of Roma, Ashkali and Egyptians in city schools” project. The activities that will be implemented are as follows:

- development of short preparation programme for starting school for children aged 5-6 years, that ensures education activities one year before they start primary school;

- training of staff for the implementation of short programme,
- implementation of programme in public kindergarten „Đina Vrbica“;
- development of programme for psychological and social support and its implementation.

Primary education

item b) iv

A great deal of effort has been made in order to provide good quality primary education for children from Konik 1 and Konik 2 camps. Since 2008/09 school year the activities for inclusion of these children in the city primary schools have been implemented. In 2013/14 school year, the so called Desegregate education of Roma children from Konik 1 and Konik 2 camps is being implemented in 6 primary schools in Podgorica: “Božidar Vuković Podgoričanin”, “Marko Miljanov”, “21. maj”, “Savo Pejanović”, “Vladimir Nazor” and “Vuk Karadžić”. The activities represent the introduction into gradual closing down of a district unit of “Božidar Vuković Podgoričanin” school. This school has been given two shuttle buses for transportation of children (140 children) to the city schools. Six Roma mediators are daily looking after the children to make sure they go to the classes regularly and cooperate with the teachers and professional associates from the schools in order to help them get good grades. The volunteers (72 students) of Faculty of Philosophy in Nikšić are helping in overcoming the language barriers and to improve the school grades for 220 children that attend the regional unit of “Božidar Vuković Podgoričanin” school and 120 children that attend the city schools.

In order to increase the number of children from internally displaced persons from RAE population, the following activities are implemented and provided: an information campaign on necessity of preschool education and activities related to provision of school material, transportation of children to the city schools, snacks for children that attend the city schools, as well as for children from the children’s playroom in camps. Furthermore, there is an ongoing project – Support for the social inclusion process, and the goal is to ensure the inclusion of vulnerable, socially excluded groups, through the social care services and education system. The Amendatory General Law on Education is adopted by the Parliament of Montenegro, and is in force since 15th August 2013. These amendments enable the persons with

the status of foreigner with a permanent residence, to work as teachers in the education institutions in Montenegro.

In Inclusive education services project (IPA 2010) there has been work on prevention of school dropouts through mechanism of detection and case management in 8 schools (4 in Podgorica, 2 in Nikšić, one in Tivat and one in Berane). The job description for RE mediators has been done, 7 training courses held for 168 school directors, teachers, professional associates, a manual for professionals has been done (for teachers, professional associates, directors, Roma assistants) and for those interested in prevention of school dropouts. The Roma mediators are involved in the following primary schools: "Božidar Vuković Podgoričanin", "21.maj", "Savo Pejavić", "Vladimir Nazor", "Vuk Karađžić", "Marko Miljanov", and "Drago Malović" in Tivat. The commission is monitoring the dropout of Roma and Egyptian children (representatives of the line ministries, Red Cross of Montenegro and the NGO sector are also involved).

The number of Roma children in education system is increasing every year. The data show that there is a positive trend when it comes to primary education of Roma children. For example, in 2001/02 school year, 536 students have been enrolled, whilst in 2013/14 school year that number increased to 1853 students.

Within activities for the social inclusion of Roma into Montenegrin society, the Ministry for Human and Minority Rights has provided for 15 Roma and Egyptian children, the best students from Podgorica, Nikšić and Herceg Novi to stay at the Resort in Ivanova Korita. The Ministry has also organised a free seven day holiday for the primary school students, of Roma and Egyptian background. Twenty five of the best Roma and Egyptian students from VII, VIII and IX grades of primary schools from Berane, Bijelo Polje, Nikšić and Podgorica were in the period between 19th and 26th July 2013 at the children's resort "Lovćen" in Budva. The Ministry for Human and Minority Rights provided funds for procurement of free textbooks for students of I, II and III grade of primary school (EUR 54.349). The programme is implemented in cooperation with the Ministry of Education, and the textbooks are distributed via the schools.

The Ministry of Education in coordination with the Bureau for Educational Services, through the education of teaching staff is creating favourable environment and conditions for integration and socialisation of Roma children.

Secondary education

item c) iv

For the enrolled secondary school students of Roma background (81) free textbooks and scholarships are provided, and there is ongoing preparation of mentorship programme in which the assigned teachers will provide additional support. The Ministry is suggesting to the schools to enable interested Roma to sit deferred exams, free of charge, and according to the principle of affirmative action, the Ministry intercedes for enrolment in vocational schools (total 15 vocational schools). The same measure is implemented in cooperation with the higher education institutions.

The Bureau for Education is working on professional development and training of teachers. A number of programmes is being offered that, as a whole or through certain topics related to integration of Roma children. The following trainings were held: Inclusion of Roma children in preschool education: number of participants - 19 (one seminar); seminar: Education for social justice – against stereotypes and prejudice (Roma Education Fund) for 32 participants, and Education for social justice – curriculum (Roma Education Fund) also one seminar for 32 participants.

Also in 2013 the funds (EUR 75,000) were provided for scholarships of all Roma high school and university students. The scholarship programme is being implemented by the Institute for Social Inclusion, and in 2013, 15 university students and 81 high school students received scholarships.

The Ministry for Human and Minority Rights has provided the funds (EUR 54.349) for procurement of free textbooks for students of I, II and III grade of the primary school. The programme is being implemented in cooperation with the Ministry of Education, and the textbooks are being distributed by the schools. The students of Roma and Egyptian population are enrolled into secondary schools in which the teaching is conducted in Montenegrin and other languages in the official use, and in most of the cases according to the principle of affirmative action. In 2012/2013 school year the number of enrolled secondary school students was 75 and there were 9 university students, whilst this year (2013/14) we have 81 secondary school students.

Technical and vocational education
item d) iv

In the first half of 2013 the Centre for Vocational Education organised and held the event - XII Days of adult education and learning, from 27th May to 5th June 2013, and within this event three round tables were organized on the topic: "Importance of education for personal, economic and social development" in Podgorica, Mojkovac and Budva. The goal of round tables was to introduce the participants to the role that adult education and learning have for the personal, economic and social development, and particularly with its role in achieving gender equality and reduction of poverty. It has been pointed out that systemic planning of human resources development and investment in their education and training is not spending but investment for the future.

The Centre for Vocational Education in cooperation with the Institute for Social Inclusion has prepared the occupational standards for expert associate in social inclusion of Roma and Egyptians, and organiser of social inclusion, and these occupational standards were adopted on 20th December 2013 on XI meeting of the Council for qualifications, and curricula and training programmes for occupation of Associate in social inclusion of Roma and Egyptians and Organiser of social inclusion of Roma and Egyptians were adopted at the XXVI meeting of the National Education Council on 24th December 2013.

Within "Services of inclusive education" project the work included prevention of school dropouts through mechanism of detection and case management in 8 schools (4 in Podgorica, 2 in Nikšić, one in Tivat and one in Berane). The job description for RE mediators has been done, 7 training courses held for 168 school directors, teachers, expert associates, also a manual for professionals has been done (for teachers, associates, directors, Roma assistants) and for those interested in prevention of school dropouts.

University and higher education

Item e) iv

There are still no conditions for organized studies of the Romani language as a subject within higher education due to the fact that this

Name and surname	Faculty
1. Beganaj Sokolj	Faculty of Philosophy Nikšić – Master Studies, Pedagogy
2. Alković Biljana	Faculty of Political Sciences – Department for

language is not standardised. In 2012/2013 school year 9 students were enrolled, whilst this year we have 15 students.

	Social Work (specialist studies)
3. Beriša Elvis	Faculty of Law – Security and Criminology – II year
4. Beriša Edin	Faculty of Law – Security and Criminology – III year
5. Baftijari Serđan	Faculty of Political Sciences – Department for International Relations – II year
6. Delija Miljaim	Faculty for Sport and Physical Education Nikšić- Sports Journalist - III year
7. Ivanova Marija	Faculty of Political Sciences – Department for Journalism – I year
8. Nuraj Teuta	Faculty of Political Sciences – Department of International Relations – III year
9. Tahiri Almir	Faculty of Political Sciences – Department of International Relations – II year
10. Jaha Damir	Faculty of Philosophy Nikšić – Department of German Language and Literature - I year
11. Sukaj Ferida	Faculty for Tourism Kotor- Department for Tourism - I year
12. Tarlamišaj Zoja	Faculty of Philosophy Nikšić- Department for Pedagogy – I year
13. Delija Fana	Faculty of Philosophy Nikšić – Pedagogy – I year
14. Gurzaković Arslan	Faculty of Law – I year
15. Jaha Samir	Faculty of Philosophy Nikšić– Preschool Education - III year

Adult education and continuous education
Ítem f)

The adults may be educated according to the publicly valid curriculum for primary, general secondary and vocational education, adapted to the education or part of education, as well as in accordance with adult education programmes, pursuant to the Law on Adult Education. Adult participants of education courses are exempt from paying cost for primary education as well as for the acquiring of first qualification.

The Literacy programme and Primary school programme for adults are implemented by the schools and adult education providers licensed to work by the Ministry of Education and Sport.

Furthermore, the National Employment Agency is organising programmes for acquiring key skills for adult Roma people.

Within the “Inclusion of Roma, Ashkali and Egyptians in City Schools“ project it is envisaged to implement the workshops and focus groups with the parents on strengthening motivation for continuation of education; teaching of Montenegrin language for parents was also organised.

History and culture teaching item g)

In accordance with the Law on Minority Rights and Freedoms, the subject programmes comprise topics from the field of history, art, literature, tradition, and culture of a minority. The curriculum in institutions and schools that teach in Montenegrin language encompasses topics from the mother language and literature, history, art, and other cultures of minorities and other topics that encourage mutual tolerance and coexistence. With the aim of continuation of system activities in the field of social integration, last year in April, the Government adopted its new strategic document for the period 2012-2016.

The Strategy represents the set of specific measures and activities in the four year period, of legal, political, economic, social, urban and communal, education, health, cultural and informative, and any other necessary character. The Strategy that is in accordance with the guidelines for National Roma Integration strategies EU 2020, defines the implementers, deadlines and financial costs, as well as the manner of monitoring of the project implementation and obligations of one year reporting to the Government of Montenegro.

As it is already known, in June last year Montenegro assumed the presidency of Roma Inclusion Decade 2005-2015. In addition to the basic ideas of Montenegrin presidency of the Decade, i.e. the topics of education, residence, health protection, employment, Montenegro has chosen to deal also with the horizontal topics: antidiscrimination/i.e. human rights, gender equality and reduction of poverty.

The Ministry for Human and Minority Rights has provided for the translation and printing of publication that comprises three important international documents: "UN Declaration on the rights of persons belonging to national or ethnic, religious and linguistic minorities", Council of Europe "Framework Convention for the Protection of National Minorities" and "European Charter on Regional or Minority Languages". The publication is printed in Montenegrin, English, Albanian and Romani language.

Basic and continuous teacher training
item h)

Professional development and individual improvement of professional and teaching staff, as well as the improvement of quality and efficiency of education system is the responsibility of Department for Continuous and Professional Development of the Bureau for Educational Services. Training programmes for professional development of the employees in education sector are accredited by the Commission of Bureau for Educational Services, and confirmed by the Ministry of Education and Sport. The Bureau for Educational Services is choosing the programmes via the public competition and enlists them in the Catalogue of programmes for teacher training. In the Catalogue of programmes for 2010/2011 school year the following programmes are offered: "Integration of Roma Children in Primary Schools - support to inclusion" and "Kindergarten as a Family Centre for Roma Children - support to inclusion".

In "Inclusion of Roma, Ashkali and Egyptians in City Schools" project, a teacher training will be implemented according to different modules, in compliance with the rules of practical experience and specific examples. The emphasis is placed on the inclusion of Roma, prevention of violence, etc. Through the teacher training course it is also necessary to improve the skills for overcoming conflicts, building up Individual development and education programme (IDEP), cooperation

with the parents, etc. The training courses will also comprise topics such as: Roma history, origin, tradition, economic and social status, rites, and religion with the aim to improve cooperation and communication with the parents.

2. Article 9 – Judicial authorities

a) the selected paragraphs or items (are indicated in bold letters)

a) Chosen paragraphs or items are specified in bold:

paragraph	1:
item	a, i):
“	a,ii):
“	a,iii):
“	a,iv):
item	b,(i):
“	b,(ii):
“	b,(iii):
“	b,(iv):
item	c, (i):
“	c,(ii):
“	c,(iii):
item	d:
paragraph	2:
item	a:
“	b:
“	c:
paragraph	3:

Measures taken in order to implement any selected paragraph or item

Having in mind the provisions of Article 9, paragraph 1 of the Charter, that are related to the court authority and that pursuant to the Law on Ratification are applied to Albanian and Romani language, we emphasise the following:

The provision of Article 7 paragraph 2 of the Criminal Procedure Code stipulates that in the Courts having jurisdiction over the territory in which the majority or a substantial number of inhabitants consists of the members of national minorities, their respective languages and alphabets shall be in the official use in criminal proceedings in accordance with law. Furthermore, the Article 8, paragraph 2 of the Criminal Procedure Code stipulates that parties, witnesses and other participants in the proceedings shall have the right to use their own language. If the proceedings are conducted in the language those persons do not understand, provision shall be made for an interpretation of statements and the translation of documents and other written evidence. The person referred to in Paragraph 2 of this Article shall be instructed on his right to interpretation, and he may waive such right if he understands the language in which the proceedings are being conducted (Article 8, paragraph 3 of Criminal Procedure Code). If the language of a national minority is also in the official use in the Court, the Court shall issue summons, decisions and other papers in that language to the persons belonging to respective national minority if they have used that language in the course of the proceedings (Article 9 paragraph 4 of Criminal Procedure Code).

The provision in Article 17, paragraph 2 of the Criminal Procedure Code is very important, as it defines the legally invalid evidence, according to which the court decision cannot be based on the evidence that were obtained by violations of human rights and basic freedoms guaranteed by the Constitution or confirmed by the international agreements, or based on evidence that were obtained by violations of provisions of criminal proceedings, as well as on other evidence resulting from them, nor such evidence may be used in the proceedings. It is obvious that this provision refers also to the evidence obtained in contradiction with the provisions of the Criminal Procedure Code that define the use of language in the criminal proceedings. Another important provision is that from the Article 226, paragraph 6 of CPC, according to which the expenses of translation into languages which are not in the official use in the Court, and which are incurred in enforcing the provisions of the present Code related to the rights of parties,

witnesses and other persons participating in the proceedings to use their own language, shall not be collected from the persons who are pursuant to the provisions of the present Code required to compensate the costs of the criminal proceedings.

Also the Law on Civil Procedure (LCP) contains provisions that define the use of language in that procedure. The provision from Article 7, paragraph 1 of LCP stipulates that civil procedure is conducted in the language that is in the official use in the court. The parties and other participants in the procedure that do not understand or do not speak the language that is in the official use in the court shall have the right to use their own language or the language they understand. Article 99 of the LCP stipulates that parties and other participants in the procedure are entitled to use their own language or the language that they can understand before the court (paragraph 1), if the procedure is not conducted in the language of the party, or other participants in the procedure they will be provided, at their request, interpretation into their language or the language they understand, and the translation of all pleadings and written evidence and interpretation of what is being said at the hearing (paragraph 2), the parties and other participants in the procedure shall be instructed about the right to follow up the procedure before the court in their own language with assistance of interpreter (paragraph 3). Furthermore, the provision of Article 100, paragraph 1 of LCP stipulates that all the summons, decisions and other court writs shall be delivered to the parties and other participants in the procedure in the language which is in the official use in court. If any of the languages of national minorities is in official use in the court, the court shall deliver court writs in that language to those parties and participants in the procedure that belong to that national minority and use that language in the procedure (Article 100, paragraph 2 of LCP). The provision referred to in Article 101, paragraph 1 of LCP defines that parties and other participants in the procedure shall submit complaints, appeals and other pleadings to the court in the language that is in official use in the court. Parties and other participants in the procedure may also submit their pleadings to the court in language of national minorities which is not in official use in the court if that is in conformity with the Law (Article 101, paragraph 2 of LCP). Particularly important is the provision of the Article 102 of LCP, according to that provision the costs of translation into the language of national minorities arising from the application of the provisions of Constitution and this Law on the

right of national minorities to use their own language shall be charged to the court funds. This provision ensures that members of national minorities shall not give up on the use of their own language in the court procedure in order to avoid the paying of translation costs, which also insures the right to free access to court and fair trial.

On the basis of analysis of the quoted provisions of the CPC and LCP and their links with the provisions of Article 9 of the European Charter on Regional or Minority Languages, and with reference to the Article 3 of the Law on Ratification, it may be concluded that provisions of our procedural law are in compliance with the Article 9 of the Charter.

In the procedure before Administrative Court regarding the rights to use own language, the provisions of the Law on Civil Procedure are applied accordingly. The Law on Administrative Procedure (“Official Gazette of MNE“, No. 60/2003) in the Article 55 defines that on the matters of procedure in the Administrative dispute, that are not defined by that law, the provisions of the Law on Civil Procedure shall be applied.

In all the courts in which the Charter is applied for Albanian and Romani language, there is a Service for free legal aid, where free legal aid is provided by the attorneys at the expense of the Budget, and where for the most part the users are members of Roma population, having in mind their poor financial condition, that ensures the free access of this population to the court and the right to fair trial in the procedures in which they take part.

If in the procedure before the court, the parties, witnesses or other persons taking part in the procedure use regional or minority languages, the court shall previously inform them with the possibility to use their mother language and to have translations of their statements, documents or other written evidence by the interpreter at the expense of the Budget. Furthermore, the parties in the procedure may submit all the evidence that they made in their own language with the corresponding translation of authorised interpreters, which in the process have the same probative force as the local documents.

The Ministry of Justice of Montenegro has appointed in total 39 persons as interpreters – translators for Albanian language, which is according to the opinion of courts in places where Albanians account for significant part of the population is sufficient for full application of Article 9 of the Charter.

In addition to all the created assumptions, and adherence to the Charter, it rarely happens that a party requests to use its mother language; hence there were no such cases before the Administrative Court and the Basic Court in Plav.

In the Basic Court in Ulcinj in one of the court rooms the equipment for audio and visual recording and simultaneous interpretation has been installed, and with that the technical conditions have been created for consistent application of obligations of the Court that result from the Article 9 of the European Charter on Regional or Minority Languages.

In the Secretariat of the Judicial Council – in the Department for information and communication technologies and multimedia, there is one employee of Albanian nationality, and that contributes to the quality of application of Article 9 of the Charter.

Having in mind the fact that the judicial authorities in Montenegro are familiar with the provisions of the Charter on Regional or Minority Languages, particularly with the provisions of the Article 9 of the Charter that are related to the use of regional or minority languages in the court procedure, it may be concluded that the European Charter on Regional or Minority Languages is properly implemented before the judicial bodies of Montenegro, with the constant strengthening of the quality of its application. In all the courts where the Charter is applied for Albanian and Romani language, there is a Service for free legal aid where the free legal aid is provided by the attorneys at the expense of the Budget, and where for the most part the users are members of Roma population, and having in mind their poor financial condition, that ensures the free access of this population to the court and the right to fair trial in the procedures in which they take part.

3. Article10 – Administrative authorities and public services

Montenegro has undertaken the obligation to implement following paragraphs:

a) Chosen paragraphs or items are specified in bold:

paragraph 1:
item a, i):
“ a,ii):
“ **a,iii):**

item **a,iv):**
“ **a,v)**

item b:
item c:

paragraph **2:**
item a:
“ **b:**
“ c:
“ **d:**
“ e:
“ f:
“ **g:**

paragraph 3:
item **a:**
“ b:
“ c:

paragraph 4:
item **a:**
“ b:
“ **c:**

paragraph **5:**

Measures undertaken in order to implement each selected paragraph or item

It has been prescribed that, in local self - government units, where members of minorities are the majority or considerable part of population according to the latest census, that minority's language shall be in official usage as well. Official usage of the language of minorities specifically implies: usage of the language in administrative and court proceeding and in governing the administrative and court proceeding, with public documents issuance and keeping official records, at the ballot and other election material, and in the work of representative bodies. The law, also, sets forth that, in defined territories of local self -

government units, names of settlements, squares and streets, institutions, office and other companies and toponyms shall be also written in the language and script of the minorities (Article 11).

According to the international standards, local governance does imply one type of participation of the minorities into the public life.

Law on Local Self - Government (Official Gazette of Montenegro 42/03, 28/04, 75/05 and 13/06 and Official Gazette of Montenegro 88/09, 3/10, 73/10 and 38/12, 10/14) provides that, in performing its activities, the local self - government bodies shall provide for the equal protection of the rights and law - based legal interests of the local population and legal entities, and that the municipality shall provide the conditions for protection and enhancement of minority rights, in accordance with the Constitution, international legal acts and separate laws (Article 10), whereas the Law on Capital City shall establish the town municipalities Golubovci and Tuzi, for more efficient performance of the activities under the competence of the Capital. Majority of population in town municipality Tuzi is Albanians. In municipalities with Albanians as the majority or considerable part of the population, local self - government units, by their decisions, make more specific the defined minority rights related to the names of settlements, streets and municipalities being written in Albanian. Besides this, in areas with majority Albanian population, they are entitled to use their national symbols.

Contrary to other minority nations and minority national communities which are incorporated into contemporary courses of Montenegrin society, Roma and Egyptians are the most endangered and most on the margins of the society in Montenegro. With a view to affirming and enhancing the rights of this community, local self - government units (the Capital - Podgorica, Berane, Bijelo Polje, Nikšić, Tivat) adopter their action plans containing a number of systemic measures and activities to be implemented, in order to integrate Roma and Egyptians in the areas of legal, political, economic - social, cultural and informative life, holders, deadlines and necessary funds, as well as the set of instruments for monitoring and evaluation of the impact of undertaken measures. Implementation of the action plans aims at contributing the improvement of the quality of life conditions for Roma and Egyptians, and at encouraging their integration into the local community. Municipalities undertake substantial activities in the area of integration and improvement of the life quality of Roma and Egyptians

through addressing the residential needs of this community, organizing educational and motivational workshops for RE parents on significance and benefits of the education, employing RE into the local administration bodies or in public institutions established by the municipality, improving their financial position, mainly through one – off aid programs. The Ministry of Interior, jointly with the Union of Municipalities of Montenegro awards the best practices in certain thematic areas, and the Municipality of Berane has so far been awarded for the practice *“Improving the Roma and Egyptian integration in Municipality of Berane”*, for 2013.

4. Article11 – Media

a) selected paragraphs and items (marked in bold)

Paragraph	1:
Item	a, i):
“	a, ii):
“	a, iii):
Item	b, i):
“	b, ii):
Item	c, i):
“	c, ii):
Item	d,
Item	e, i):
“	e, ii):
Item	f, i):
“	f, ii):
Item	g:
Paragraph	2:
Paragraph	3:

Measures undertaken in order to implement each selected paragraph or item

From Article 11 of the Charter on Regional or Minority Languages related to the media, Montenegro has accepted and applied paragraph 1 items: a (iii), b (ii), c (ii), d, e (i), f (ii), paragraph 2 and paragraph 3.

The right to information in one's native language, besides the right to education, preservation and development of the culture and the right to official usage of the language and script shall constitute one of the basic minority rights which are guaranteed under the Constitution of Montenegro. The Constitution, also, guarantees the freedom of press and other types of informing, as well as the right to establish newspapers and other means of public informing with the entry at the competent body. The Constitution of Montenegro provides that the members of national and ethnic groups have the right to freely use their language and script, the right to education and the right to information in their native language.

Media legislation contains special provisions related to informing the members of minority and ethnic groups in their native languages. The Article 8 of the Law on Public Broadcasting Services of Montenegro ("Official Gazette of Montenegro" 79/08) states that "Radio – Television of Montenegro may, for the needs of certain public broadcasting services, establish regional radio and television studios, having a special obligation of production and broadcasting regional programs into minority nations' languages and other minority national communities in that area." The obligation of production and broadcasting different program contents (informative, cultural, artistic, educational, scientific, sports, children and others) has been established, without any type of discrimination or social differentiation, in order to satisfy the interests of the public on national and local level. Production and broadcasting of the programs are "intended for all society segments, especially taking into consideration children and the youth, members of minorities and other minority national communities, the disabled, socially endangered, and other specific groups." (Article 9 item 4 of the Law on Public Broadcasting Services of Montenegro ("Official Gazette of Montenegro" 79/08))

Complying with the editors' independence of the Radio and Television of Montenegro has also been established, with RTCG deciding independently on the content of its programs, terms and manner for

broadcasting, obeying professional standards and program rules adopted by the RTCG Council, whereas they are obliged to inform the public truly, comprehensively, impartially and timely on the events and circumstances which are of public interest, to contribute to the respect for and promotion of basic human rights and fundamental freedoms, democratic values and institutions, idea pluralism, enhancing the culture and public dialogue and respecting ethical standards, privacy and dignity of the citizens.

Article 3 of the Law on Media (Official Gazette of Montenegro 51/02, 62/02) sets forth that the state shall provide for a part of the funds for exercising the citizens' rights to being informed without discrimination, guaranteed under the Constitution and legislation. The Republic shall direct the funds for broadcasting in Albanian and in languages of other national and ethnic groups, in order to exercise the said rights under the Constitution. A group of laws on media regulates the area of informing in accordance with the Constitution, and the standards contained within international documents on human rights and freedoms (UN, OSCE, Council of Europe, EU). The law on electronic media defines the rights, liabilities and responsibilities of legal and natural persons performing the activities of production and provision of audio – visual media services (hereinafter AVM services), services of electronic publications via electronic communication networks; competences, status and financial sources of the Agency for electronic media; preventing forbidden media concentrations, encouraging media pluralism and other issues significant for the provision of AVM services, in accordance with international conventions and standards (Article 1).

Pursuant to the Article 2 of this Law, aligning the relations in the area of audio – visual media services is based upon the following principles: Freedom, professionalism and independence; prohibition of any type of censorship; balanced development of public and commercial providers of AVM services; free and equal approach to all AVM services; development of competition and pluralism; implementation of international standards; objectivity, prohibition of discrimination and transparency. Agency for electronic media is an independent regulatory body for the area of AVM services, which performs public authorities in accordance with this Law and act in the interest of the public. The Agency is an independent legal entity and it is functionally independent of any state body and of all legal and natural persons who operate in production and broadcasting radio and television programs or

providing other AVM services. The founder of the Agency is the state, whereas the rights of the founder, on behalf of the state, are exercised by the Agency Council, in accordance with the law.

Within the area of informing the minority nations through printed media in Montenegro, the majority is published in Albanian, with the representation of Serbian, Croatian, Romani, and Bosnian. Printed media are mainly financed by the resources of the Fund for Minorities, except for the weekly magazine „KohaJavore“ (financed within Newspaper publishing company “Pobjeda”) and the „Alav“ magazine (financed by the Center for preservation and development of minorities’ culture). The weekly magazine “KohaJavore” addressed wide range of topics related to culture, education and science with Albanian people, as well as their co – existence with other peoples in Montenegro. It published the interviews and texts of famous Albanian, Montenegrin and international authors.

Pursuant to the legal obligations, Television of Montenegro and Radio of Montenegro broadcast the programs devoted to the affirmation of minority rights in Montenegro. Public service of Montenegrin radio and television broadcasts the following:

TV MONTENEGRO

LAJMET-(News):

Genre: information program, own production

Broadcasting dynamics: at 15h 10min on business days.

The show comprises daily events in the country and abroad with special accent on areas in Montenegro inhabited by Albanians.

Mozaiku: (11 x 45')

Genre: documentary and entertainment program, own production

Broadcasting dynamics: at 14h 45min on Saturday. The show mainly comprises slow reports prepared by journalists and editorial office associates in the field, mainly from areas in Montenegro inhabited by Albanians. It also comprises various shows on education, culture, art, tourism, agriculture, politics, ecology etc.

The show *Mostovi (The Bridges)*

The show which lasts 25-30 minutes dedicated to culture, tradition, customs, the position and the role of minorities in Montenegro.

Radio shows about life, culture, customs, tradition and other topics about other minority communities are created within the regular shows of Radio Montenegro.

Local public broadcasting service Radio Bar (editorial office in Albanian) broadcasts the shows in Albanian within information and entertainment program which is broadcasted five times a week, lasting 45 minutes.

Local broadcasting service - Radio Ulcinj broadcasts the program in two languages: 70% in Albanian and 30% in Montenegrin.

Radio Rožaje, Radio Kotor, Radio Tivat, Radio Nikšić and Radio Bar broadcast the shows on local topics as well as minority nations topics.

Also, at the end of year 2009, Dux-radio started to broadcast. It was founded with the interest to preserve the identity and promote the history and cultural heritage, as well as to protect the rights of Croats as minority and indigenous nation in Montenegro. It was founded by NGO "Dux Croatorum".

Since 2009, the program also broadcasts the Serbian radio "Kul", which is financed by the Fund for Minorities.

Since 08 April 2011, "Roma radio" also started broadcasting programs, financed from the funds aimed at the implementation of the Strategy for Improvement of the Position of RAE Population in Montenegro 2008-2012 and Fund for protection and exercising of minority rights.

RADIO MONTENEGRO

LAJMET (News):

Genre: information program. Broadcasting dynamics: daily. Time of broadcast: daily at 08:05

Duration: 3' (on average).

Ditari (Dnevnik): Genre: information program

Broadcasting dynamics: daily. Time of broadcasting: business days on 17:30h

Duration: 30 minutes. The show comprises information and reports about daily, domestic and foreign headlines, firstly the headlines of importance for Albanians in Montenegro.

Ne fund tejaves (at the end of the week):

Genre: information program lasting 30 minutes. Broadcasting dynamics: weekly at TAJAN

Time of broadcast: Saturday at 17:30h. Information and music show dedicated to tradition, culture, education, agriculture, tourism as well as other topics of importance for Albanians in Montenegro. Since 13 July 2011, editorial office in Albanian prepares the daily News on RTCG web page.

Show about Roma population:

Genre: information program. Broadcast dynamics: every 15 days

Time of broadcast: Monday at 19:30h. Duration: 30'. Talk and music show about the current life topics, education and integration of Roma population in Montenegrin social trends. The show is mainly in Romani and the content is illustrated with Roma music. Majority of show are daily topics, residential issues, employment issues, education, culture, communication as well as information about work of NGOs which deal with integration of Roma population into social trends.

It is extremely important to emphasize that satellite program of TV Montenegro, having in mind it is mainly dedicated to Montenegrin diaspora, with majority of diaspora being minority nations, adjusts its content to this given fact, so the majority of the program is dedicated to the minorities.

5. Article12 – Culture activities and institutions

a) Selected paragraphs or items (marked in bold)

paragraph	1;
item	a:
“	b:
“	c:
“	d:

“ e:
“ f:
“ g:
“ h:

Paragraph 2:

Paragraph 3:

Measures undertaken in order to implement each selected paragraph or item

The Ministry of Culture

Measures undertaken in order to implement each selected paragraph or item in accordance with defined models of the support and encouragement of the development of culture and priorities prescribed by the National Program for the Development of Culture, in the area of cultural activities and benefits provided by the European Charter, in the previous period the Ministry of Culture enable:

- Perennial and continuous support to the multi – media festival Ulcinj summer stage, organized by the Center for Culture Ulcinj, providing the promotion and presentation of Albanian art and creation;
- *support for six projects in the area of literature and literature translation* (Hajro Ulqinaku, translation of the novel *Sin (the Son)* written by Andrej Nikolaidis in Albanian; three translations into Albanian by Ulcinj translator Ćazim Muj: the poetry of Montenegrin poets Miraš Martinović *Posljednji Eshilovdan (The last day of Eshil)* and poetry of Mladen Lompar *Mit o izgubljenim stvarima (The Myth on Lost Stuff)* and the anthology *Crnogorsko ženskopismo (Montenegrin female letter)*; Hadži Šabani, translation of selected poems *Amerikamoja (My America)*; Marko Lucgjonaj, publishing a collection of poetry *Bukamisl" (The Sound of the Thoughts)*; Nikolla Berishaj, translation from Albanian into Montenegrin of the novel *Vučjedoba (Woolf's times)*, Ridvan Dibra);

- In the area of the theatre, preparation and acting of the theater show *Servantes and Dulcinea* in Albanian has been supported, by Munib Abazović, in the production of the Center for Culture Ulcinj.
- in the area of amateur creation and creative industries, 3 projects have been supported, two projects of the folklore assembly KUD KohaDinoša – Tuzifor the projects related *to participation in international festivals and affirmation of Albanian national instruments with the youth*, and one project KUD BesaZatrijebač – Podgorica*for participation in the folklore festival in Zagreb.*

During the period, the Ministry of Culture has continuously co-financed the education of a young Montenegrin film director IdrizĐokajin the Academy of Arts in Tirana.

Representatives of minority languages take part in the expert commission electing and evaluating the projects for co – financing in the area of cultural – artistic creation.

The stated period did not see the candidate projects in Romani, nor the programs or projects which would enable cultural activities of Roma population.

Also, within the area of cultural heritage, the Ministry of Culture implemented the following activities:

- with a view to popularizing and presenting a distinguished share of cultural heritage fostered by the members of minority communities in Montenegro, an exhibition of Islamic calligraphy "Estetikapera" – "The Esthetics of the Pen" and a presentation of the book "Umjetnostislamskekalifragije" – "The Art of Islamic Calligraphy" was organized in June 2012;
- the same year, the Ministry of Culture financially supported the organization of an exhibition "BlagoCrne Gore - ZavjetiizGospeodŠkrpjela i Boke" – "The Treasure of Montenegro – Pledges of Gospa odŠkrpjela and Boka". Besides this, in cooperation with Diocese of Kotor, an exhibition named "ZagovoriSvetomTripunu / Blagokotorskebiskupije" – "Talks to St. Tryphon/ Treasure of Diocese of Kotor" – was organized.
- during 2013, the Ministry of Culture financially supported a project of purchasing museum objects in the territory of Rožaje Municipality, in order to complete the museum material for the "Ganićakula" Museum (The Tower of Ganić) in Rožaje.

During this period, the Ministry of Culture financed the following projects which were translated into the languages of minority nations (Albanian and Romani):

- 2011 – Law on Media and Law on Public Broadcasting Services of Montenegro (Into Romani);
- 2012-Law on Free Access to Information (Into Romani);
- 2013- Magazine for media culture and research "Media policy" co – financed by the Ministry of Culture in publication no. 9 consolidated the Law on Free Access to Information in Albanian and Romani

The Center for Preservation and Development of Minority Cultures

In the previous period, the Center organized numerous activities.

During **2011**, it implemented the following:

- On the Day of Roma People the Center promoted its edition, a collection of short stories written by Roma author from Podgorica Ruždija RusSejdović, named „EREMIT“. The book was published in Romani and Montenegrin. This is a first book in Montenegro published in standardized Romani language.
- Cross – border cooperation was initiated with promotion of the Center’s editorial debut „Od gnijezda da zvijezda“– “From the stars to the nest” (rhymes in Montenegrin) in Shkodra. The promotion was held in the premises of the LuidGurakući University Library, whereas ZuvdijaHodžić, Ćazim Muja and ProfessorHasanLekaj gave the speeches about the book. The book contains the works of Albanian, Croatian, Romani and Bosnian authors from Montenegro, written in their native languages and translated into Montenegrin.
- In June, the Center presented the book „Pet albanskihknjiževnika u CrnojGori” – “Five Albanian authors in Montenegro”, in cooperation with Art Club from Ulcinj, within a literature manifestation „Calimera 2011, art festival“. The authors whose works are translated in this book are AslanBiša, Ibrahim Berjaši, Fran Camaj, HadžiŠabaniand Anton Gočaj.
- In November, the manifestation „Evonas“–“Here we are” in Montenegrin National Theater. It was open by the Prime Minister Igor Lukšić. At this opening, the authors from minority nations

born in Montenegro were presented, who currently live and work abroad: BasriČaprići, RuždijaSejdović, FaizSoftić, Maja Perfiljeva, as well as musicians Ida and Ana Muratagić, MešaKerović, ĐulijePelinku, Fatima Bazuku, Adrian Perović, Andrea Orleando, DarkoKolanda, Andrea Petrović, SafetDrljan, wind instrument quartet and a septet in violin family from Kotor.

- Editorialconsists of members of Roma, Egyptians and Ashkaelia.Since November 2011 Roma Community in Montenegro has had its first magazine in Romani „Alav” - „Riječ” - “A word”, written in a standardized Romani, for Roma, Egyptians and Ashkaelia of Montenegro.

- The Center issued a CD with original Albanian poems in Montenegro. The original music creation was, in a genuine way, presented by: ShabanGjeka, Original orchestra Amanda & Vera Ujkaj, Mark Prenkočaj, ShemsoHasanagaj, EnverBehluli, OrchestraBurimi.

- It promoted another debut magazine for culture, literature and science KOD. “Kod” is a first magazine in Montenegro which publishes the works of its associates in Montenegrin and in minority nations’ languages in our country. Editorial is comprised of members of minority nations, and the first edition saw the texts as well as rich translation material (by HuseinBašić, MehmedKraja, ZuvdijaHodžić, SaitŠabotić, AlbanaKashoxha, RuždijaRusSejdović, DinaMurić, P. Vinka (Vinčenc) Malaj, NikolaNikšeČučić, MarijaBožinović-Mihaliček, VesnaDelić, BasriČapriqi, RuzdiUshaku, HaxhiShabani, MarceloCourtiade, Ag APOLLONI,GracijelaČulić, DraškoDošljak, JovanaNikolić).

The Center has implemented the activities as a partner within the Program of Cross – Border Cooperation Albania – Montenegro, IPA Cross Border Program 2007 – 2013

- In November 2011 the promotions of the following were held: First bilingual publications „Selection of contemporary Albanian and Montenegrin poetry and drama”. Second bilingual publication „Selection of contemporary Albanian and Montenegrinprose“.The books were published within the project “Two languages one book“implemented by an NGO „Prostori“ from Podgoricaand the University „LuidGurakući“ from Schoder, together with the Center for Preservation and Development of Minority Cultures and the Center for Culture „CamajPipa“ from Albania, as a part of the EU

project, EC delegation in Montenegro and Albania, through the Program of Cross – Border Cooperation Albania – Montenegro 2007 – 2013.

Within this program, an evening of Ismail Kadare was held in Podgorica.

In 2012, it implemented the following activities:

- Center for Preservation and Development of Minority Cultures marked 8 April –International Romani Day, and published a book „Svjetlost u ponoć” – “Light in midnight” written by Ruždija-RusSejdović.
- Published a second edition of the first Romani magazine in Montenegro „Alav – Riječ” (A word), a newspapers of Roma and Egyptians in Montenegro.
- Center for Preservation and Development of Minority Cultures had its stall at the 7th International Book Fair in Podgorica “Knjiga 100%” (A book 100%), from 7 May – 14 May 2012. After a call to National Councils, authors, publishing companies among minorities in Montenegro, this stall saw the editions of all members of minorities. Almanah, MaticaMuslimanska, Croatian Civil Association, Art Club, Association of Ulcinj, as well as many authors and poets, had their presentation in the fair. Also, Center’s editions were also presented at this stall. The Center drafted propaganda material in the form of posters in Albanian, Romani and Montenegrin.
- Evening of Original Albanian Music in Plav.
- Publishing a book byBasriČaprići “Savršenstvokiše” (The Perfection of the Rain), translated by the Center from Albanian into Romani.
- New edition of the „Kod“ Magazine for literature, science and Culture, publishing the works of its associates in Montenegrin and in languages of the minority nations in our country. This edition was devoted to a famous Albanian poet EsadMekuli.

In 2013, it implemented the following activities:

- “Ulcinjsskikapetan” (The Captain of Ulcinj) concert of

Burimigroup in Podgorica, which represented authentic Albanian music of seaside area.

- „KOD” magazine for literature, science and culture, number III.
- „Alav” – Roma and Egyptians’ magazine.
- A stall at the Book Fair, publishers and authors of minority nations in Montenegro
- Collective exhibition of academic painters of the North Montenegro “Bojesjevera u ogedalumora” (*The Colors of the North in the Mirror of the Sea*), organized in Tivat.
- „KOD” magazine number IV.
- Center for Preservation and Development of Minority Cultures published a book “Na putu putnici” (*Voyagers on the road*), stories written by the authors of the minority nations of Montenegro. The book comprises 23 representative authors. It contains authors such as Viktor Vida “Trajnoposlanje” (*Permanent mission*), Ćamil Sijarić “Demko”, Nusret Idrizović “Glad bijelihočiju” (*Hunger of white eyes*), Sead Trhulj “Rezmjenaljudi” (*Exchange of people*), Rexhep Qosja “Trashja”, Zaim Azemović “Orlovina Bosforu” (*Eagles on Bosphorus*), Redžep Kijametović “Pristanak” (*Acceptance*), Husein Bašić “Kutija” (*A box*), Ismet Rebronja “Kako je Avdišadobio ime Ingiliz” (*How did Avdiša get a name Ingiliz*), Ilja Sijarić “Kopanja, sahan, tocilo i livada”, Zuvdija Hodžić “Povratak” (*Return*), Asllan Bisha “Nusja”, Hasnija Muratagić – Tuna “Sat” (*Hour*), Safet Sijarić “Sarajevskidažd”, Mehmet Kraja “Mbreti”, Refik Ličina “Bojahljeba” (*The color of the bread*), Faiz Softić “Orao” (*Eagle*), Muzafer Čaušić “Tako je plakala Isidora” (*That’s how Isidora cried*), Ruždija Ruso Sejdović “O Lord Bajronthaj e kajve”, Anton Gojcaj “Dera e zemrës”, Senad M. Karađuzović “Trilingsmrti” (*Thrilling of the death*), Saladin Burdžović “Efendija Bedro i njegovemučke” i Kemal Musić “Drugaobala” (*Another coastline*).

The Fund for Protection and Exercising of Minority Rights

The Law on Amendments to the Law on Minority Rights and Freedoms (Official Gazette of Montenegro 02/11 of 12 January 2011 and Official Gazette of Montenegro 08/11 of 04 February 2011) has been amended and Article 36 of the Law on Minority Rights and Freedoms. The amendments relate to the change of the name of The Fund for

Minorities to The Fund for Protection and Exercising of Minority Rights, as well as to adding the annex to Article 36 in the form of Article 36 a, which regulates the manner of distribution of the funds within the Fund, defines general criteria for distribution of funds within the Fund for financing the projects, as well as criteria regulating the right to participate in public bid for distribution of the funds to the projects significant for preservation and protection of particularities related to the minorities. The funds are distributed into:

- Funds for operation of the Fund and
- Funds for financial support to the projects s

Funds for financial support to the projects are distributed through the public bid, based on the following criteria:

- Contribution of the project to the preservation and development of a national, ethnic, cultural, language and religious identity
- Compatibility of the project with the Government's strategic documents
- Transparency and possibility of project's implementation control
- Credibility of the project applicant

The right to participate into the public call for distribution of the funds is given to NGOs and other legal and natural persons, whose activities are directed to preservation and development of minorities' particularities in the field of national, ethnic, cultural, language and religious identity. In its session held on 27 September 2011, Board of Directors of the Fund adopted a Decision on announcing the Call for distribution of the funds for financing and co – financing of the projects significant for preservation and protection of the identity and culture of minority nations and other minority and ethnic communities. In total, 267 projects applied for the call, with total claims amounting to EUR 1,416,769.00.

50 projects have been eliminated from the election process on the financial support of the Fund, due to non – compliance with the formal and legal conditions provided in the Call. Out of 218 projects which met formal and legal requirements, 131 was included into the financial support of the Fund, whereas 85 projects missed the financial support because they did not have enough points. Despite satisfactory number of points, two projects also missed the financial support, because of the limited amount of the funds for distribution, thus the BoD adopted a Decision to recommend those projects for financial support in the next

phase of the distribution of funds. Pursuant to the Article 36a of the Law on Minority Rights and Freedoms (Official Gazette of Montenegro 31/06,51/06,38/07, Official Gazette of Montenegro 02/11,08/1), to the Article 6 indent 3 of the Memorandum of Association of the Funds for Minorities (Official Gazette of Montenegro 13/08), to the Article 18 indent 3 of the Articles of Association of the Fund for Minorities and the Rulebook on Criteria for Evaluation and Distribution of the Funds for Financing and Co – financing the projects from the funds of the Fund, Board of Directors of the Fund for Minorities, in its session held on 29 October and 31 October 2011, adopted a Decision on distribution of the funds of the Fund for Protection and Exercising of the Minority Rights for the year 2011. The Fund's Board of Directors distributed a part of the funds of the Fund for Minorities based on the public call in total amount of EUR 800, 000. 00.

A new Rulebook on the Criteria for Evaluation and Distribution of the funds for financing and co – financing the projects was adopted in the second session of the BoD, held on 29 June 2012. At the session, BoD also adopted a decision to distribute the total budgetary funds of the Fund for 2012 amounting to EUR 910, 000.00 into the funds for operation - 17,5% , i.e.EUR 159, 250 and into the funds for financing and co – financing the projects - 82,5%, i.e. EUR 750, 750.00. At the same session, BoD adopted a decision to allocate EUR 500, 000. 00 for the first distribution of the funds, and to allocate 250, 750.00 for the second distribution. There were in total 212 projects with application requests for distribution of the funds, in total amount of EUR 2,128,505.00. Due to the non – compliance with formal and legal conditions provided in the Call, the evaluation process eliminated 66 projects, with total claims from the Fund amounting to EUR 588, 101.00.

Out of 146 projects which met the formal and legal requirements of the Call, with total claims for distribution of the funds amounting to EUR 1, 540,404.00, the Fund financially supported 85 projects with the total financial claims of EUR 882,312.15, which were however distributed EUR 500.000, 00 in total. The remaining 61 project, with the request amounting to EUR 658,091.85, did not get the financial support of the Fund due to the lack of points.

In the 7th session of the BoD in 2012, of 16 October 2012, a decision was adopted, due to the amendments to the budget caused by the decrease of the budgetary funds allocated to the Fund, to provide for the second distribution the amount of EUR 239,000.00, instead of

previously allocated EUR 250,750.00. In the same session, a decision was adopted to announce the Call for second distribution of the funds for financing and co-financing the projects by the Fund.

In total 193 projects applied for the second Call for distribution of the funds, with total claims amounting to EUR 1,615,566.50. Due to the non-compliance with formal and legal conditions given in the Call, the evaluation process eliminated 92 projects, with total request for allocation of the funds amounting to EUR 816,810.50. Out of 91 projects which met formal and legal requirements provided in the Call, with total claims amounting to EUR 779,756.00, the financial support included 49 projects with total claims of EUR 444,496.00. The Fund did not provide the financial support for the remaining 42 projects, because of unsatisfactory quality, defined by insufficient number of points at the lists for evaluation of the projects' quality.

In 2013, the Fund for Protection and Exercising of the Minority rights has published the Call for distribution of the funds to the projects / programs twice.

In the first distribution phase, 209 projects applied with the requests for financial support in total of EUR 1,678,033.00. Due to the non-compliance with the formal and legal conditions, 41 projects have been eliminated. Out of 168 projects which met the requirements set by the Call, with total claims of EUR 1,357,498.00, the financial support included 88 projects.

On 17 July 2013, Board of Directors adopted a decision on distribution of the funds for 2013, in total amount of EUR 500,000.00. The first distribution included 88 projects.

In the second distribution phase, 202 projects applied for financial support in total amount of EUR 1,450,793.00. 73 projects were eliminated due to the non-compliance with formal and legal requirements. Out of 129 projects which met the requirements of the Call, with total financial claims amounting to EUR 965,453.00, financial support included 53 projects, with total financial request in the amount of EUR 481,562.90.

On 23 December 2013, the Board of Directors adopted a Decision on second distribution of the funds, in total amount of EUR 227,500.00. The second distribution of the financial support included 53 projects. Activities financed by the Fund are provided in the attachment.

6. Article 13 – Economic and social life

a) Selected paragraphs and items (marked in bold)

Paragraph 1:
item a:
“ b:
“ c:
“ d:

Paragraph 2:
item a:
“ b:
“ c:
“ d:
“ e:

Measures undertaken in order to implement each selected paragraph or item

A harmonized regional development represents one of the economic imperatives of Montenegro. This is extremely significant from the perspective of protection and enhancement of minority rights, having in mind the fact that a large number of minority nations and other minority national communities are concentrated in less developed northern areas. The strategy for minority policy recognizes economic development of the areas with considerable share of minority population as an area which should be addressed more.

7. Article 14 – Cross border exchange

a) Selected paragraph (marked in bold)

paragraph a:
“ b:

Measures undertaken in order to implement each selected paragraph or item

Through Instrument for Pre-Accession Assistance (IPA) Montenegro takes part in five bilateral programs, with Albania, Bosnia and Herzegovina, Croatia, Kosovo and Serbia.

The aim of a cross – border program Albania – Montenegro is a promotion of cooperation among people, communities and institutions from frontier region, aiming at sustainable development, stability and prosperity, in the interests of both parties. Within the first call for submitting the project proposals and measures related to enhancement of social cohesion through the projects *people to people*, the project named Two languages – one book has been implemented. Montenegrin partner is NGO Prostory, whereas Albanian partner is the University “LuigjGurakuqi”. The project aims at introducing new and long – term communications between the two cultures through personal contacts, improvement of cultural, social and economic situations in frontier regions, and provision of the conditions for development of high – quality civil multi – ethnic communities. The project lasted for 12 months, and it was completed in November 2011. It was implemented in the territories of the municipalities of Podgorica, Ulcinj, Berane and Plav from Montenegrin part and in the territory of Schoder and Koplik from Albanian part. Part of activities was related to the preparation and printing of bilingual publications, including two works by Albanian and Montenegrin authors, presentation of Albanian and Montenegrin authors, presentation of the publication in Podgorica and Schoder, and a presentation and distribution of publications throughout other cities in cross – border area.

Within a second call for submission of project proposals and measures related to economic development, a project called MARUBI was implemented: a model of cooperation for tourism promotion between Schoder and Ulcinj. Montenegrin counterpart is the Municipality of Ulcinj, whereas Albanian counterpart is the Municipality of Schoder. The project aims at promoting cross – border cooperation with a view to increasing the value of common cultural heritage (especially heritage from MARUBI photographers) and environmental potentials (natural beauty) in the area of Schoder – Ulcinj, aiming at promoting economic development of both sides of the border. The project lasts for 24 months, and shall be completed on 30 April 2014.

Within a second call for submission of project proposal and measure related to enhancement of social cohesion through the projects people to people, a project Common roots and cultural cooperation was implemented. Montenegrin counterpart is the Academy of Music in Cetinje, whereas an Albanian counterpart is NGO Association Culture – Media - Art. The project aims at increasing the awareness on common cultural background, enhancement of cross-border cooperation between cultural institutions, and creating conditions for sustainable development of a cultural partnership between the counterparts and relevant communities. The project lasted for 12 months and was completed in April 2013.