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**EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES**

**APPLICATION OF THE CHARTER IN MONTENEGRO**

**2nd monitoring cycle**

- A. Report of the Committee of Experts on the Charter**
- B. Recommendation of the Committee of Ministers of the Council of Europe on the application of the Charter by Montenegro**

The European Charter for Regional or Minority Languages provides for a control mechanism to evaluate how the Charter is applied in a State Party with a view to, where necessary, making recommendations for improving its legislation, policy and practices. The central element of this procedure is the Committee of Experts, set up under Article 17 of the Charter. Its principal purpose is to report to the Committee of Ministers on its evaluation of compliance by a Party with its undertakings, to examine the real situation of regional or minority languages in the State and, where appropriate, to encourage the Party to gradually reach a higher level of commitment.

To facilitate this task, the Committee of Ministers adopted, in accordance with Article 15, paragraph 1, an outline for periodical reports that a Party is required to submit to the Secretary General. The report should be made public by the State. This outline requires the State to give an account of the concrete application of the Charter, the general policy for the languages protected under Part II and, in more precise terms, all measures that have been taken in application of the provisions chosen for each language protected under Part III of the Charter. The Committee's first task is therefore to examine the information contained in the periodical report for all the relevant regional or minority languages on the territory of the State concerned.

The Committee's role is to evaluate the existing legal acts, regulations and real practice applied in each State for its regional or minority languages. It has established its working methods accordingly. The Committee gathers information from the respective authorities and from independent sources within the State, with a view to obtaining a fair and just overview of the real language situation. After a preliminary examination of a periodical report, the Committee submits, if necessary, a number of questions to each Party concerned on matters it considers unclear or insufficiently developed in the report itself. This written procedure is usually followed up by an "on-the-spot visit" by a delegation of the Committee to the respective State. During this visit the delegation meets bodies and associations whose work is closely related to the use of the relevant languages, and consults the authorities on matters that have been brought to its attention. This information-gathering process is designed to enable the Committee of Experts to evaluate more effectively the application of the Charter in the State concerned.

Having concluded this process, the Committee of Experts adopts its own report. This report is submitted to the Committee of Ministers, together with suggestions for recommendations that the latter may decide to address to the State Party.

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## **A. Report of the Committee of Experts on the application of the Charter in Montenegro**

adopted by the Committee of Experts on 22 September 2011  
and presented to the Committee of Ministers of the Council of Europe  
in accordance with Article 16 of the Charter

### **Chapter 1 Background information**

#### **1.1 The Charter's ratification by Montenegro**

1. The European Charter for Regional or Minority Languages (hereinafter "the Charter") was signed by Serbia and Montenegro on 22 March 2005. The Assembly of Serbia and Montenegro adopted the Law on the Ratification of the Charter on 21 December 2005. After the ratification by the President of Serbia and Montenegro, pursuant to Article 18 of the Charter, the instrument of ratification of Serbia and Montenegro was deposited with the Secretary General of the Council of Europe on 15 February 2006.

2. After declaring its independence from the State Union on 3 June 2006, Montenegro sent a letter to the Secretary General in which it made a declaration of succession to treaties, meaning that it declared that it would "respect and implement all Conventions and Protocols of the Council of Europe that the State Union of Serbia and Montenegro has signed and ratified so far". Then, at their 967th meeting, the Deputies took note of this declaration and agreed to consider Montenegro as a signatory or a party to the conventions and protocols signed or ratified by Serbia and Montenegro (which included the Charter). The instrument of ratification was updated by a letter from the Ministry of Foreign Affairs of Montenegro on 13 October 2006. The Charter entered into force for Montenegro on 6 June 2006. In Montenegro, international law takes supremacy over domestic law, in case the former differs from the latter.

3. The instrument of ratification is set out in Appendix I to this report. Therein, the Montenegrin authorities declared that the Charter applied to the Albanian and Romani languages.

4. Article 15.1 of the Charter requires States Parties to submit three-yearly reports in a form prescribed by the Committee of Ministers<sup>1</sup>. The Montenegrin authorities presented their second periodical report to the Secretary General of the Council of Europe on 4 April 2011.

5. It seems that the second periodical report public of Montenegro was not made public. According to representatives of the regional or minority language-speakers, the local authorities and the speakers have not been involved in or informed about the preparation of the second periodical report.

#### **1.2. The work of the Committee of Experts**

6. This second evaluation report is based on the information obtained by the Committee of Experts from the second periodical report of Montenegro and through interviews held with representatives of regional or minority languages in Montenegro and the Montenegrin authorities during the on-the-spot visit, which took place on 13-15 June 2011.

7. The Committee of Experts received a number of comments from bodies and associations legally established in Montenegro, submitted pursuant to Article 16, paragraph 2 of the Charter. This information has been helpful in the evaluation of the application of the Charter and the Committee of Experts would like to thank them for their active input and participation in the monitoring process.

8. In the present second evaluation report, the Committee of Experts will focus on the provisions and issues which were singled out in the first evaluation report as raising particular problems. It will evaluate in particular how the Montenegrin authorities have reacted to the issues detected by the Committee of Experts and where relevant, to the recommendations made by the Committee of Ministers. The report will firstly recall the key elements of each issue. It will then refer to the paragraphs in the first report which set out the Committee of Experts' reasoning<sup>2</sup>, before evaluating how the Montenegrin authorities have reacted. The Committee of Experts will also look at the new issues which arose during the second monitoring round.

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<sup>1</sup> MIN-LANG(2009)8 Outline for three-yearly periodical reports as adopted by the Committee of Ministers of the Council of Europe.

<sup>2</sup> The boxes which featured in the first evaluation report appear as underlined sentences in the present second report.

9. The present report contains detailed observations that the Montenegrin authorities are encouraged to take into account when developing their policy on regional or minority languages. On the basis of these detailed observations, the Committee of Experts has also established a list of general proposals for the preparation of a second set of recommendations to be addressed to Montenegro by the Committee of Ministers, as provided in Article 16, paragraph 4 of the Charter (see Chapter 4.2 of this report).

10. This report is based on the political and legal situation prevailing at the time of the Committee of Experts' on-the-spot visit to Montenegro, save as otherwise expressly mentioned in the text of the report.

11. This report was adopted by the Committee of Experts on 22 September 2011.

### **1.3. Presentation of the regional or minority language situation in Montenegro**

12. In their initial periodical report, the Montenegrin authorities did not provide any comprehensive information on the overall linguistic situation in Montenegro. Therefore, the Committee of Experts asked the Montenegrin authorities to provide, in the next periodical report, additional information, including general statistical data.

13. In the second periodical report (page 3), the Montenegrin authorities stated that a new census was to be conducted in April 2011. However, the result of this new census was not available during the second monitoring cycle. The Montenegrin authorities referred to data of the Statistical Office of Montenegro (MONSTAT) to provide information on the overall linguistic situation in Montenegro.

#### *Albanian*

14. According to the initial periodical report, in the 2003 census, 32 603 persons declared Albanian to be their mother tongue. Most speakers were in the municipalities of Ulcinj/Ulqin (15 083 speakers = 72.14% of the total population of Ulcinj/Ulqin municipality), Podgorica (9 647 = 5.5%)<sup>3</sup>, Bar (3 505 = 7.61%) Plav/Plavë (2 693 = 19.7%) and Rožaje/Rozhajë (927 = 4.44%). According to the data of the Statistical Office of Montenegro (MONSTAT) presented in the second periodical report, the 32 603 Albanian speakers represent 5.26% of the total population of Montenegro, which is of 620 145 persons.

#### *Romani*

15. According to the initial periodical report, in the 2003 census, 2 062 persons declared Romani to be their mother tongue and the majority of speakers are in Podgorica (1 592).

16. According to the second periodical report (page 3), the Statistical Office of Montenegro in co-operation with the National Roma Council and the Coalition Roma Circle conducted a survey in October 2008 for the creation of a database on Roma population in Montenegro. This survey covers all persons who voluntarily declare themselves and their relatives and include Roma, including the ones living outside Montenegro. According to this survey, out of a total of 11 001 Roma persons, 9 943 persons live in Montenegro, of whom 65% speak Romani.

#### *Particular issues concerning Serbian, Bosnian and Croatian*

17. The 1992 Constitution was replaced by the Constitution of Montenegro on 22 October 2007. Therein, Article 13 reads the following:

“The official language in Montenegro shall be Montenegrin. Cyrillic and Latin alphabet shall be equal. Serbian, Bosnian, Albanian and Croatian shall also be in official use.”

18. In their first periodical report (page 3), which was submitted before the adoption of the new Constitution, the authorities stated that during the ratification process, the Bosnian and Croatian languages were omitted from the list of Part III languages. The authorities further stated in their first periodical report that they do not deny the existence of these languages in Montenegro and that they could be added at a later stage, referring to Article 3.2 of the Charter.

19. In the first evaluation report (see paragraphs 13 to 22), the Committee of Experts pointed out that

<sup>3</sup>The Committee of Experts understands that the majority of the Albanian-speakers in Podgorica live in Tuzi/Tuz, which is a city municipality of Podgorica. However, the Committee of Experts does not have any statistics at its disposal on the breakdown of the numbers of Albanian-speakers within the municipalities of Podgorica.

Article 3.2 concerns (less widely used) official languages of the state in question, not languages that are in “official use”, which are not identical in terms or in status. The Committee of Experts also stated that on the other hand, according to Article 2.1 of the Charter, all regional or minority languages spoken within the territory of the State Party that comply with the definition contained in Article 1.a of the Charter are automatically granted protection under Part II of the Charter.

20. The Committee of Experts decided, in its first evaluation report, not to deal with Croatian, Serbian and Bosnian as it was lacking precise information on the traditional presence of these languages in Montenegro, including from the representatives of the speakers, who did not express any clear wish for their languages to be protected under the Charter.

21. During the on-the-spot visit of the second monitoring cycle, the representatives of the Bosnian and the Croatian speakers expressed their wish to have their language monitored under the Charter.

22. The question therefore arose whether Bosnian and Croatian meet the definition of regional or minority languages as defined by Article 1.a of the Charter. This article defines regional or minority languages as languages that are “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 is different from the official language(s) of that state.”

23. According to the various information collected by the Committee of Experts, the Bosniak population in Montenegro is indigenous. As there is now a Montenegrin standard, the difference between this standard and the linguistic varieties used by the Bosniak population has become more obvious and the speakers want their regional variety of Bosnian to be protected.

24. The same indigenous status and the difference between the Montenegrin standard and the regional variety applies for the Croatian population of Montenegro. Therefore, the speakers of Croatian also expressed their wish to have their language protected.

25. The Committee of Experts has therefore decided to monitor the application of part II of the Charter with regard to the Bosnian and Croatian languages in this second monitoring report and requests the Montenegrin authorities to report in their next periodical report how they want to proceed with these languages.

26. Regarding the Serbian language, the situation has not been clarified by the speakers and the authorities. According to the 2003 census (and also to the 2011 census) Serbian is the most widely used language in Montenegro. Consequently, its status is still disputed. Therefore, the Committee of Experts has decided not to further deal with Serbian in this report and asks the authorities to clarify the status of Serbian under the Charter in the next periodical report.

#### **1.4. General issues arising from the evaluation of the report**

27. The Committee of Experts wishes to express its gratitude to the Montenegrin authorities and to the bodies and associations representing the speakers for their excellent co-operation, especially with regard to the open dialogue which took place during the on-the-spot visit. The Committee of Experts notes that the second periodical report contains little information on the application of the Charter. It also notes that the authorities provide in practice more protection to regional and minority languages than what is reflected in the second periodical report.

##### *Territorial application of the Charter*

28. At the deposition of its instrument of ratification on 15 February 2006, Serbia and Montenegro made the following declaration: “As to Article 1.b of the Charter, Serbia and Montenegro declares that the term ‘territory in which the regional or minority languages is used’ will refer to areas in which regional and minority languages are in official use in line with the national legislation.”

29. According to Article 11 of the Minority Act, the language of the minority shall be in official use in those local self-government units in which persons belonging to national minorities make up the “majority or a considerable part of the population, pursuant to the results of the last census”. The Act further specifies that the official use applies in particular to the use of a language within judicial, administrative and public bodies, including signage and topographical names.

30. In the first evaluation report (paragraphs 26-30), the Committee of Experts encouraged the

Montenegrin authorities to clarify to which territories the Charter applies with regard to the Albanian language, and it asked them to clarify what constituted a “considerable part” of the population, as it had the impression that there was no clear definition of it.

31. In their second periodical report (page 9), the Montenegrin authorities state that the Albanian language is in official use in Podgorica-Tuzi/Tuz and in the Municipalities of Plav/Plavë and Ulcinj/Ulqin. However, the concept of “considerable part of the population” remains unclear to the Committee of Experts, as during the on-the-spot visit, representatives of the local and central authorities, as well as the representatives of the speakers, provided contradictory information on the definition of this term. For some of them, 3% constitutes a “considerable part of the population” and for others, the numbers of 5% and 10% were provided. Therefore, it asks the Montenegrin authorities to clarify what constitutes legally a “considerable part” of the population.

32. Also, the municipality may decide on its own initiative that a regional or minority language shall be in official use. The Committee of Experts understands that the statutes and rules of procedure of the relevant local self-governments need to be brought in line with the Minority Act before the language can be in official use in practice. The statutes regulate in more detail the extent to which a regional or minority language is to be used within the given municipality.

33. As regards the Romani language, the Committee of Experts highlighted two issues in its first evaluation report (paragraphs 31-32). The first issue was related to the fact that Romani was not in official use in any municipality in Montenegro, since either the percentage of members belonging to the Roma minority was not high enough, and/or no municipality had decided to grant Romani this status. The second issue was that Article 13 of the Constitution of Montenegro does not mention Romani as a language that can be in official use even though the declaration contained in the instrument of ratification for the application of Part III to Romani points out that the territory refers to areas where the regional or minority languages are in official use in line with national legislation. Therefore, the Committee of Experts encouraged the Montenegrin authorities to identify the territories where Romani is covered by Part III of the Charter.

34. In the second periodical report, the Montenegrin authorities state that the Romani language was recognized by the government of Montenegro as a “distinct minority language” “by the ratification of the European Charter for Regional or Minority Languages”. The situation still remains unclear to the Committee of Experts. These two facts have serious implications on the scope of application of Part III of the Charter with regard to Romani.

#### *Legal developments*

35. The Committee of Experts was informed by the authorities of the adoption of a Law on Prohibition of Discrimination in July 2010. The law serves as a framework to combat discrimination on any personal characteristic with particular emphasis on discrimination in proceedings before authorities, public services as well as in the field of education and vocational training. This law would give a specific framework for the protection of the Albanian, Bosnian, Croatian and Serbian languages. It is still unclear for the Committee of Experts to what extent this law will also cover the use of the Romani language in Montenegro. The Committee of Experts welcomes this development and encourages the Montenegrin authorities to report on this new law in the next periodical report.

36. The second periodical report (see page 4) mentions the establishment by the government of Montenegro of the Fund for Minorities (Official Gazette of Montenegro, n°13/08). This Fund was established on 12 February 2008 by the Parliament of Montenegro to fund projects of minorities. The Board of Directors of the Fund consists of 15 members (7 members of the Parliament of Montenegro, mainly from minority groups, 6 representatives of the national minority councils – 1 from each council, 1 representative of the Ministry for Minority and Human Rights and 1 representative of the Parliamentary Committee for Human Rights). The Fund allocates money to national councils based on the share of a minority in the total population. However, this has caused an unbalanced distribution of the money, so in the future the Fund will allocate the money based on the quality of the projects.

37. The second periodical report (see page 4) also mentions the Centre for Preservation and Development of Minority Cultures which was established by the Government of Montenegro (Official Gazette of Montenegro, No. 38/1, 27/07 from May 17, 2009) with the aim to promote, encourage, protect and improve cultures of minorities in Montenegro. In addition to the mentioned aims, its long-term goal is to become a meeting place for and a link among all minority cultures in Montenegro. The Centre has funded a number of projects referring to Albanian and Roma culture (translation and publishing of books, presentation of cultures, etc).

## **Chapter 2 Conclusions of the Committee of Experts on how the Montenegrin authorities reacted to the recommendations of the Committee of Ministers**

### **Recommendation no. 1:**

*"clarify the territories where the Albanian and Romani languages are in official use and where the Part III of the Charter on Minority or Regional Languages applies;"*

38. In the second periodical report the Montenegrin authorities declared that the Albanian language is in official use in Podgorica-Tuzi/Tuz and in the Municipalities of Plav/Plavë and Ulcinj/Ulqin. However, the territorial status of Romani still remains unclear.

### **Recommendation no. 2:**

*"take the necessary steps to promote the codification and development of written Romani language, in co-operation with the speakers;"*

39. Initial steps have been taken, i.e. support of projects of NGOs and co-operation with neighbouring countries, but codification has not been achieved so far.

### **Recommendation no. 3:**

*"introduce teaching of Romani language at preschool, primary and secondary levels;"*

40. In the second periodical report the Montenegrin authorities declared that due to the lack of trained teachers and standardised written Romani the use of the language in education is currently impossible.

### **Recommendation no. 4:**

*"strengthen teacher training in the Albanian language, especially for lower and upper secondary level education (third cycle of elementary school and secondary school);"*

41. According to information by the authorities received during the on the spot visit the problem of teacher training for school teachers for lower and upper secondary level education (third cycle of elementary school and secondary school) has been solved by a co-operation contract with Albanian universities (Shkodra and Tirana).

## Chapter 3 The Committee of Experts' evaluation of the application of the Charter

### 3.1. Evaluation in respect of Part II of the Charter

#### *Preliminary issues*

42. During the on-the-spot visit of the second monitoring cycle, representatives of the Bosnian and Croatian speakers expressed their wish for their languages to be protected under the Charter. According to Article 2.1 of the Charter, all regional or minority languages spoken within the territory of the State Party and which comply with the definition of a regional or minority language under Article 1.a are protected under Part II of the Charter. The Committee of Experts has not received comprehensive information on these languages. However, as Bosnian and Croatian comply with both criteria (see paragraphs 24-26 above), the Committee of Experts has decided to monitor Bosnian and Croatian languages under Part II in this second evaluation report, based on the information received.

#### **Article 7 – Objectives and principles**

##### **Paragraph 1**

***In respect of regional or minority languages, within the territories in which such languages are used and according to the situation of each language, the Parties shall base their policies, legislation and practice on the following objectives and principles:***

- a) the recognition of the regional or minority languages as an expression of cultural wealth;***

43. In its first evaluation report, the Committee of Experts noted that regional or minority languages are recognised in Montenegro as an expression of cultural wealth in the Constitution of Montenegro and in various legal acts, most notably in the Law on Minority Rights and Freedoms ("Minority Act") (see paragraphs 34-37 of the first evaluation report).

- b) the respect of the geographical area of each regional or minority language in order to ensure that existing or new administrative divisions do not constitute an obstacle to the promotion of the regional or minority language in question;***

44. The Committee of Experts refers to paragraphs 38-39 of its first evaluation report.

45. In its previous evaluation report, the Committee of Experts asked the Montenegrin authorities to report on any administrative changes following the adoption of a new Law on Territorial Organisation that would constitute an obstacle to the promotion of regional or minority languages in Montenegro.

46. During the on-the-spot visit of the second monitoring cycle, the Committee of Experts was informed that the new Law on Territorial Organisation did not have any negative effect on the promotion of regional or minority languages in Montenegro.

- c) the need for resolute action to promote regional or minority languages in order to safeguard them;***

47. The Committee of Experts refers to paragraphs 40 to 43 of its first evaluation report.

48. In its previous report, the Committee of Experts noted that according to Article 36 of the Minority Act, the Assembly of the Republic shall establish a fund for the activities of minorities, with a view to preserving, *inter alia* their linguistic identity. Additionally, Article 7 of the Minority Act obliges the Government of the Republic of Montenegro to adopt "the Strategy of the Minority Policy". The Committee of Experts noted that the initial periodical report did not deliver any information on the adoption of such a strategy or policy document, nor on the establishment of a fund.

49. In their second periodical report, the Montenegrin authorities informed the Committee of Experts of the adoption in February 2008 by the Montenegrin Parliament of a decision establishing the Fund for Minorities (Official Gazette of Montenegro, n° 13/08). The Fund for Minorities is managed by a board of directors of 15 persons (7 parliamentarians as well as 1 representative of the Parliamentary Committee for Human Rights, 6 representatives of the national councils (1 per national council), and 1 representative of the Ministry for Human and Minority Rights). 0.015% of the Montenegrin annual budget goes to the Fund, which

represented in 2010-2011 875 000 Euros.

50. During the on-the-spot visit, the Committee of Experts met representatives of the Fund. It was informed that the procedure to allocate the funds had been revised. At first, a national minority would receive financial support according to the percentage of its population in relation to the population as a whole. As an example, in 2010-2011, its budget of about 875 000 Euros was divided as follows :

- 560 000 Euros for the Serbian minority;
- 131 000 Euros for the Bosniak minority;
- 85 000 Euros for the Albanian minority;
- 70 000 Euros for the Muslim minority
- 14 500 Euros for the Croatian minority;
- 7 500 Euros for the Roma minority.

51. As this first allocation system created an unbalanced situation between the needs of the minorities and the financial support they were entitled to receive, the rule of funds allocation was recently revised. Now the funds are allocated depending on the needs of the minorities and the quality of the projects. The Committee of Experts commends the revision of these rules and asks the Montenegrin authorities to report on them and their implementation in the next periodical report.

52. During the on-the-spot visit, the Committee of Experts was informed by the authorities of the "Strategy for Minority Policy" adopted in 2007 and published in 2008. This extensive Strategy, in compliance with Article 7 of the Law on Minority Rights and Freedoms, represents a planning document in which the Government defines the specific measures and activities to be taken over a period of ten years by the authorities. The scope of activities concerned includes carrying out a comprehensive statistical – analytical study on minorities and on the prohibition of discrimination, the use of languages and script, education, media, culture, political participation and representation of minorities in public bodies, and development and economic policy. For each topic, the Strategy provides concrete actions and a time frame. The Committee of Experts commends the Montenegrin authorities for this Strategy and encourages them to report in the next periodical report on its implementation.

**d) the facilitation and/or encouragement of the use of regional or minority languages, in speech and writing, in public and private life;**

53. The Committee of Experts refers to paragraphs 44-48 of its first evaluation report.

54. In its previous evaluation report, the Committee of Experts encouraged the Montenegrin authorities to promote the use of Romani in public life, as it had received evidence that Romani had a limited presence in public life in Montenegro due to the fact that it was not in official use and used very little as a written language.

55. During the on-the-spot visit of the second monitoring cycle, the Committee of Experts was informed by the authorities of various projects to strengthen Roma education and give more rights to the Roma population in Montenegro. The Committee of Experts also met a representative of the Romani-speakers employed by the Ministry of Human and Minority Rights and who provided information about the situation of Romani in Montenegro. However, Romani is not mentioned in Article 13 of the Constitution as a language that shall be in official use and it is not in official use in practice in any municipality in Montenegro.

**Therefore, the Committee of Experts strongly encourages the Montenegrin authorities to promote the use of Romani in public life and to report on this issue in the next periodical report.**

56. According to the second periodical report (see pages 29-30), Article 7 of the Statute of the municipality of Plav/Plavë (Official Gazette of the Republic of Montenegro, Municipal Regulations n°17/07) states that the Bosnian and Albanian languages and scripts are in official use.

57. During the on-the-spot visit, representatives of the Bosnian speakers informed the Committee of Experts that there is little use of the Bosnian language in national media. The two periodicals published by the Bosniak minority (Bosanske novine and Almanah) are published at irregular intervals due to insufficient funding.

58. With regard to the Croatian language, the Committee of Experts was informed by representatives of the speakers that the Croatian language is under-represented in the media. The Committee of Experts encourages the Montenegrin authorities to find appropriate solutions to this in close co-operation with the

speakers.

- e) ***the maintenance and development of links, in the fields covered by this Charter, between groups using a regional or minority language and other groups in the State employing a language used in identical or similar form, as well as the establishment of cultural relations with other groups in the State using different languages;***

59. The Committee of Experts had no information during the first evaluation cycle with regard to this undertaking and asked the Montenegrin authorities to provide such information in the next periodical report.

60. The second periodical report does not provide any information with regard to this issue. Therefore, the Committee of Experts strongly encourages the Montenegrin authorities to report on this undertaking in the next periodical report.

- f) ***the provision of appropriate forms and means for the teaching and study of regional or minority languages at all appropriate stages;***

61. The Committee of Experts will deal in greater detail with the situation of the Albanian and Romani languages in education in the relevant sections of Part III below.

62. As regards Croatian, representatives of the speakers informed the Committee of Experts during the on-the-spot visit that only 5 teachers make use of Article 22 on the Law on General Education that provides for the possibility to freely design 20% of the curriculum, including teaching regional or minority languages or about the history, culture, music, etc. related to the regional or minority language (see paragraph 75 of the first evaluation report). The Committee of Experts asks the Montenegrin authorities to encourage more teachers to use this possibility.

63. As regards Bosnian, it is not clear to the Committee of Experts to what extent teaching of the language or about the history, culture, music, etc. related to the regional or minority language is provided in Montenegro. Therefore, the Committee of Experts asks the Montenegrin authorities to report on this issue in the next periodical report.

- g) ***the provision of facilities enabling non-speakers of a regional or minority language living in the area where it is used to learn it if they so desire;***

64. The Committee of Experts refers to paragraphs 51-52 of its first evaluation report.

65. In the previous monitoring cycle, the Committee of Experts was informed of the legal possibilities for non-speakers of a regional or minority language living in the area where it is used to learn it if they desire so through Articles 13 and 15 of the Minority Act and Article 11 of the Law on General Education. However, the Committee of Experts did not receive any information on whether these legal guarantees were implemented in practice.

66. The second periodical report does not provide any information or data with regard to the facilities enabling non-speakers of a regional or minority language living in the area where it is used to learn it if they so desire. However, representatives of the Albanian speakers informed the Committee of Experts that the offer was provided for the Albanian language.

67. Therefore, the Committee of Experts asks the Montenegrin authorities to report in the next periodical report on the facilities enabling non-speakers of Romani, Bosnian and Croatian living in areas where these languages are used to learn them if they desire so.

- h) ***the promotion of study and research on regional or minority languages at universities or equivalent institutions;***

68. The Committee of Experts refers to paragraphs 53-54 of its first evaluation report.

69. According to the information received, Albanian can be studied at the University of Montenegro.

70. In the previous evaluation report, the Committee of Experts encouraged the Montenegrin authorities to support research initiatives aimed at developing codified and written forms of Romani in agreement and close co-operation with the Romani-speakers and in collaboration with neighbouring countries. During the on-the-spot visit of the second monitoring cycle, the Committee of Experts was informed by the authorities that

the project of codification of Romani will be carried out in close co-operation with neighbouring countries. The Committee of Experts encourages the Montenegrin authorities to report on this issue in the next periodical report.

71. The Strategy for Minority Policy includes provisions regarding access to higher education for all, to be carried out over a time frame of four years. Among the measures envisaged are plans to provide scholarships for human resources at undergraduate, postgraduate and PhD levels, to institutionalize the co-operation between public higher education institutions from neighbouring countries and the University of Montenegro (Univerzitet Crne Gore - UCG), and to allocate funds from the UCG budget to scientific-research projects related to the history, culture, language and tradition of minorities. However, it is not clear for the Committee of Experts to what extent Bosnian and Croatian can be studied at university in Montenegro.

72. During the on-the-spot visit, the Committee of Experts was informed that the law on the use of regional or minority languages which is in preparation could deal with the promotion of study and research on regional or minority languages at universities or equivalent institutions.

73. Therefore, the Committee of Experts encourages the Montenegrin authorities to report on this new law and on the possibilities to study Bosnian, Croatian and Romani in the next periodical report.

***j) the promotion of appropriate types of transnational exchanges, in the fields covered by this Charter, for regional or minority languages used in identical or similar form in two or more states.***

74. The Committee of Experts refers to paragraphs 55-57 of its first evaluation report.

75. In its first evaluation report, the Committee of Experts noted that the legal framework for transnational exchanges was contained in Article 79, paragraph 12 of the Constitution and Article 16 of the Minority Act. However, it did not receive any information about any types of transnational exchanges in practice related to the Albanian and Romani languages.

76. During the on-the-spot visit of the second monitoring cycle, the Committee of Experts was informed both by the local authorities and representatives of the speakers that transnational exchanges through NGOs are supported by IPA<sup>4</sup> projects, especially with Albania and Croatia. The Committee of Experts was also informed by representatives of the speakers that the Montenegrin authorities provide financial support to some of the projects on a case by case basis. However, some representatives of the Albanian speakers complained about administrative obstacles that prevented NGOs from continuing a transnational book fair project with Albania.

77. The Committee of Experts encourages the Montenegrin authorities to clarify this issue in the next periodical report and to provide concrete examples of transnational co-operation with regard to Albanian and Romani as well as Bosnian and Croatian.

## **Paragraph 2**

***The Parties undertake to eliminate, if they have not yet done so, any unjustified distinction, exclusion, restriction or preference relating to the use of a regional or minority language and intended to discourage or endanger the maintenance or development of it. The adoption of special measures in favour of regional or minority languages aimed at promoting equality between the users of these languages and the rest of the population or which take due account of their specific conditions is not considered to be an act of discrimination against the users of more widely-used languages.***

78. Article 39 of the Minority Act forbids any direct or indirect discrimination, *inter alia* on the basis of language.

79. Additionally, the second periodical report states that on 27 July 2010, the Parliament adopted a law on the prohibition of discrimination that prohibits discrimination based on any personal characteristic. Additionally, a mechanism of prevention and protection from discrimination was created: the Defender of Human Rights and Freedoms (Ombudsman). This entity annually informs the Parliament of the cases of discrimination. The Committee of Experts welcomes this development and asks the Montenegrin authorities to provide information on the practical implementation of the Law.

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<sup>4</sup> Instrument of Pre-Accession Assistance

### **Paragraph 3**

***The Parties undertake to promote, by appropriate measures, mutual understanding between all the linguistic groups of the country and in particular the inclusion of respect, understanding and tolerance in relation to regional or minority languages among the objectives of education and training provided within their countries and encouragement of the mass media to pursue the same objective.***

80. The Committee of Experts refers to paragraphs 60-64 of its first evaluation report.

81. In its first evaluation report, the Committee of Experts encouraged the Montenegrin authorities to promote mutual understanding and tolerance between all the linguistic groups of the country, especially in relation to regional or minority languages, by appropriate measures, in particular in education and media, as it was not informed about any action taken by the Montenegrin authorities to promote mutual understanding between the different linguistic groups in Montenegro.

82. The second periodical report did not provide any information on this issue.

83. During the on-the-spot visit of the second monitoring cycle, representatives of the Albanian, Bosnian and Croatian speakers complained about the insufficient presence of Albanian, Bosnian and Croatian authors in the Montenegrin general curriculum.

***The Committee of Experts strongly encourages the Montenegrin authorities to promote mutual understanding and tolerance between all the linguistic groups of the country, especially in relation to regional or minority languages, by appropriate measures, in particular in education.***

### **Paragraph 4**

***In determining their policy with regard to regional or minority languages, the Parties shall take into consideration the needs and wishes expressed by the groups which use such languages. They are encouraged to establish bodies, if necessary, for the purpose of advising the authorities on all matters pertaining to regional or minority languages.***

84. The Committee of Experts refers to paragraphs 65-68 of its first evaluation report with regard to the legal basis and functioning of National Councils.

85. In their second periodical report (see page 5), the Montenegrin authorities informed the Committee of Experts of the creation of the Croatian Council in December 2007; of the Bosniak, Roma and Muslim Councils in March 2008; of the Albanian Council in April 2008 and of the Serbian Council in September 2008.

86. The Committee of Experts welcomes this development and asks for information on the work of these councils in the next periodical report.

### **Paragraph 5**

***The Parties undertake to apply, mutatis mutandis, the principles listed in paragraphs 1 to 4 above to non-territorial languages. However, as far as these languages are concerned, the nature and scope of the measures to be taken to give effect to this Charter shall be determined in a flexible manner, bearing in mind the needs and wishes, and respecting the traditions and characteristics, of the groups which use the languages concerned.***

87. According to the ratification instrument of Montenegro, there are no non-territorial languages.

## **3.2. Evaluation in respect of Part III of the Charter**

88. The Committee of Experts will focus on the provisions of Part III which were singled out in the first report as raising particular problems. It will therefore not comment in the present report on provisions where no major issues were raised in the first evaluation report and for which the Committee of Experts did not receive any new information requiring it to reassess their implementation. These provisions are as follows:

## *Albanian*

Article 9 paragraph 2 a, b, c

Article 11 paragraph 1 a iii

Article 11 paragraph 1 c ii

Article 11 paragraph 1 e i

Article 12 paragraph 1 a

## *Romani*

Article 9, paragraph 2 a, b, c

Article 12, paragraph 1 a

### *3.2.1. Albanian*

## **Article 8 – Education**

89. Concerning the presentation of the general legislative framework and education system, the Committee of Experts refers to the presentation in the first evaluation report (paragraphs 71- 76).

### **Paragraph 1**

***With regard to education, the Parties undertake, within the territory in which such languages are used, according to the situation of each of these languages, and without prejudice to the teaching of the official language(s) of the State:***

### **Pre-school Education**

- a) i** *to make available pre-school education in the relevant regional or minority languages; or*
- ii** *to make available a substantial part of pre-school education in the relevant regional or minority languages; or*
- iii** ***to apply one of the measures provided for under i and ii above at least to those pupils whose families so request and whose number is considered sufficient; or***
- iv** ***if the public authorities have no direct competence in the field of pre-school education, to favour and/or encourage the application of the measures referred to under i to iii above;***

90. The two sub-paragraphs chosen by Montenegro (iii and iv) are alternative options of which only one should have been chosen (see also the first evaluation report with regard to the implementation of the Charter in Denmark ECRML (2004) 2, paragraph 58). In the case of Albanian in Montenegro, the Committee of Experts has therefore decided to deal with pre-school education in relation to sub-paragraph a.iii.

91. In the previous evaluation report, due to the lack of specific information, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

92. In the second periodical report, the Montenegrin authorities informed the Committee of Experts that eight pre-school education groups in Ulcinj/Ulqin and one group in Tuzi/Tuz are organised entirely in Albanian.

93. During the on-the-spot visit, representatives of the speakers also informed the Committee of Experts that there are pre-school education groups in Rožaje/Rozhajë, Plav/Plavë and Gusinje organised entirely in Albanian. Additionally, representatives of the speakers confirmed that there is a systematic offer of pre-school education in Albanian when there is a demand.

94. Therefore, the Committee of Experts considers this undertaking fulfilled.

## **Primary Education**

- b)
  - i *to make available primary education in the relevant regional or minority languages; or*
  - ii ***to make available a substantial part of primary education in the relevant regional or minority languages; or***
  - iii *to provide, within primary education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum; or*
  - iv ***to apply one of the measures provided for under i to iii above at least for those pupils whose families so request and whose number is considered sufficient.***

95. As mentioned in paragraph 90 above, the two sub-paragraphs chosen by Montenegro (ii and iv) are alternative options of which only one should have been chosen. In the case of Albanian in Montenegro, the Committee of Experts has therefore decided to deal with primary school education in relation to sub-paragraph b.ii.

96. In the previous evaluation report (see paragraphs 80-85), the Committee of Experts considered that the undertaking was fulfilled but it encouraged the Montenegrin authorities to address the issue of the quality of translations of textbooks in Albanian, in co-operation with the schools and the Albanian-speakers. It also encouraged the authorities to consider revising the language criteria for appointing headmasters in Albanian-medium schools.

97. During the on-the-spot visit, the representatives of the authorities informed the Committee of Experts that there are 11 primary schools<sup>5</sup> where children are taught (at least in part) in Albanian. Furthermore, a representative of the Ministry of Education informed the Committee of Experts that according to the regulation, a class teaching in a regional or minority language can be 50 % smaller than the regular class size (which at present is 26 pupils on average), i.e. the official minimum threshold for a regional or minority language class is 13 pupils. However, upon a special approval of the Ministry, classes have been set up for a much smaller number, e.g. 5 and fewer. The Committee of Experts commends the flexibility of the Montenegrin authorities in this field.

98. Concerning the translation of textbooks from Montenegrin to Albanian, during the on-the-spot visit, a school headmaster acknowledged that progress had been made regarding the quality of the translation of textbooks. However, there is still a problem with toponyms in textbooks. According to information received from representatives of the Ministry of Education, the problem has only been solved for the textbooks for grades 1 to 3. In all other Albanian textbooks, toponyms are still in Montenegrin only. The Committee of Experts has been informed that the authorities plan to solve this problem during the next update of the textbooks.

99. Additionally, the representatives of the speakers did not mention any problems related to the appointment of headmasters in Albanian-medium schools and it was indicated both by the representative of the speakers and by the authorities that this issue had been taken into consideration.

100. Therefore, the Committee of Experts considers the undertaking fulfilled.

## **Secondary Education**

- c)
  - i *to make available secondary education in the relevant regional or minority languages; or*
  - ii *to make available a substantial part of secondary education in the relevant regional or minority languages; or*
  - iii ***to provide, within secondary education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum; or***

<sup>5</sup> "Marko Nukulović/Mark Nukulović" school in Stoj/Shtoj, "Maršal Tito/Marshal Tito" and "Boško Strugar/Boshko Strugar" schools in Ulcinj/Ulqin, "Bedri Elezaga/Bedri Elezaga" school in Vladimir, "Đerđ Kastriot Skenderbeg/Gjergj Kastrioti Skënderbeu" school in Ostros, "Mahmut Lekić/Mahmut Lekiq" school in Tuzi/Tuz, "Bratstvo – jedinstvo/Vllaznim – Bashkimi" school in Arza/Arzë, "29. november/29 Nëntori" school in Dinosa/Dinoshë, "Đerđ Kastriot Skenderbeg/Gjergj Kastrioti Skënderbeu" school in Zatrijebač/Triepsh, "Daciće/Dacaj" school in Rožaje/Rozhajë and "Džafer Nikočević/Xhafer Nikoçeviq" school in Gusinje/Guci.

- iv** ***to apply one of the measures provided for under i to iii above at least to those pupils who, or where appropriate whose families, so wish in a number considered sufficient.***

101. As mentioned in paragraph 90 above, the two sub-paragraphs chosen by Montenegro (iii and iv) are alternative options of which only one should have been chosen. In the case of Albanian in Montenegro, the Committee of Experts has therefore decided to deal with secondary school education in relation to sub-paragraph c.iii.

102. In the previous monitoring cycle (see paragraphs 86-89), the Committee of Experts considered the undertaking fulfilled. It asked the Montenegrin authorities to provide more detailed information on Albanian-medium secondary education in their next periodical report.

103. According to the second periodical report (see pages 14-15), four secondary schools provide education in Albanian: Public Secondary School "25. maj/25 maj" in Tuzi/Tuz, the Mixed Public Secondary School "Bećo Bašić/Beqo Bashiq" in Plav/Plavë, Mixed Public Secondary School "Bratstvo i jedinstvo/Vllaznim – Bashkimi" in Ulcinj/Ulqin and Private Secondary School "Drita" in Ulcinj/Ulqin .

104. Therefore, the Committee of Experts considers this undertaking fulfilled.

#### **Technical and vocational education**

- d)**
- i* *to make available technical and vocational education in the relevant regional or minority languages; or*
  - ii.* *to make available a substantial part of technical and vocational education in the relevant regional or minority languages; or*
  - iii* *to provide, within technical and vocational education, for the teaching of the relevant regional or minority languages as integral part of the curriculum; or*
  - iv** ***to apply one of the measures provided for under i to iii above at least to those pupils who, or where appropriate whose families, so wish in a number considered sufficient;***

105. In the previous evaluation report (see paragraph 90), the Committee of Experts did not have sufficient data at its disposal to draw a conclusion on this undertaking.

106. In their second periodical report (see page 15), the Montenegrin authorities state that technical and vocational education in Albanian is provided in the Mixed Public Secondary School "Bećo Bašić/Beqo Bashiq" in Plav/Plavë and in the Mixed Public Secondary School "Bratstvo i jedinstvo/Vllaznim – Bashkimi" in Ulcinj/Ulqin . Additionally, during the on-the-spot visit, representatives of the educational institutions confirmed that in these schools there is a systematic offer of technical and vocational education in Albanian.

107. The Committee of Experts was also informed during the on-the-spot visit by a school headmaster that there is a lack of textbooks in Albanian for vocational subjects.

108. The Committee of Experts considers this undertaking fulfilled. However, the Committee of Experts asks the authorities to report, in the next periodical report, on the provision of textbooks in Albanian for vocational subjects.

#### **University and Higher Education**

- e)** ...
- ii** ***to provide facilities for the study of these languages as university and higher education subjects;***

109. In the previous monitoring cycle (see paragraph 91-92), the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking due to the lack of specific information.

110. In the second periodical report (see page 15), the Montenegrin authorities state that a Study

Programme for Teacher's Education in Albanian has existed since 2004 at the University of Montenegro (UCG). Since its creation, 35 students have graduated from this four-year programme.

111. Therefore, the Committee of Experts considers this undertaking fulfilled.

### **Adult and continuing education**

f) ...

**iii if the public authorities have no direct competence in the field of adult education, to favour and/or encourage the offering of such languages as subjects of adult and continuing education;**

112. In the previous evaluation report (see paragraphs 93-95), the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking due to the lack of specific information.

113. In the second periodical report (see page 16), the Montenegrin authorities state that adult education in Albanian is provided in the Mixed Public Secondary School "Bratstvo i jedinstvo/Vllaznim – Bashkimi" in Ulcinj/Ulqin and that "Boško Strugar/Boshko Strugar" Elementary School in Ulcinj/Ulqin is in the process of obtaining licenses to provide adult education in Albanian.

114. During the on-the-spot visit, representatives of the speakers confirmed that adult education in Albanian in Ulcinj/Ulqin is provided on demand. However, the Committee of Experts was informed that only few persons have been interested and participated in these classes.

115. The Committee of Experts considers this undertaking fulfilled. It encourages the Montenegrin authorities to raise the awareness of the possibilities for adult education in Albanian.

### **Teaching of history and culture**

**g) to make arrangements to ensure the teaching of the history and the culture which is reflected by the regional or minority language;**

116. In the first evaluation report (see paragraphs 96-99), the Committee of Experts considered this undertaking fulfilled as the right to include the history and culture of the persons belonging to national minorities in the curricula is guaranteed both by the Constitution (Article 79 paragraph 4) and by the Minority Act (Articles 8 and 15). However, as some representatives of the Albanian-speakers complained that the culture and history of the Albanians was not taught to a satisfactory level, the Committee of Experts asked the authorities to provide more concrete information on the actual teaching of the Albanian history and culture.

117. During the on-the-spot visit of the second monitoring cycle, the Committee of Experts was informed of the Albanian-speakers' dissatisfaction with the Montenegrin curriculum and the inadequate references to Albanian authors.

118. The Committee of Experts considers this undertaking formally fulfilled and it encourages the Montenegrin authorities to enhance the teaching of the Albanian history and the culture in the general Montenegrin curriculum.

### **Basic and further training of teachers**

**h) to provide the basic and further training of the teachers required to implement those of paragraphs a to g accepted by the Party;**

119. In the first evaluation report, the Committee of Experts considered the undertaking fulfilled with regard to teacher training at primary level but it did not draw a conclusion with regard to the secondary level and asked the Montenegrin authorities to provide information on this in their next periodical report.

120. In the second periodical report, the Montenegrin authorities state (pages 15 and 17) that since 2004 the University of Montenegro provides a four-year programme for Teacher's Education in the Albanian Language. Additionally, further training of teachers is provided by the Agency for Education and, for vocational education, at the Centre for Vocational Education.

121. The problem with teacher training for the third cycle of primary school and for secondary schools has been solved by a co-operation contract with the Universities of Shkodra and Tirana.

122. Therefore, the Committee of Experts considers this undertaking fulfilled.

## **Article 9 – Judicial authorities**

### **Paragraph 1**

***The Parties undertake, in respect of those judicial districts in which the number of residents using the regional or minority languages justifies the measures specified below, according to the situation of each of these languages and on condition that the use of the facilities afforded by the present paragraph is not considered by the judge to hamper the proper administration of justice:***

**a) *in criminal proceedings:***

...

**ii *to guarantee the accused the right to use his/her regional or minority language; and/or***

**iii *to provide that requests and evidence, whether written or oral, shall not be considered inadmissible solely because they are formulated in a regional or minority language; and/or***

**iv *to produce, on request, documents connected with legal proceedings in the relevant regional or minority language,***

***if necessary by the use of interpreters and translations involving no extra expense for the person concerned;***

**b) *in civil proceedings:***

...

**ii *to allow, whenever a litigant has to appear in person before a court, that he or she may use his or her regional or minority language without thereby incurring additional expense; and/or***

**iii *to allow documents and evidence to be produced in the regional or minority languages,***

***if necessary by the use of interpreters and translations;***

**c) *in proceedings before courts concerning administrative matters:***

...

**ii *to allow, whenever a litigant has to appear in person before a court, that he or she may use his or her regional or minority language without thereby incurring additional expense; and/or***

**iii *to allow documents and evidence to be produced in the regional or minority languages,***

***if necessary by the use of interpreters and translations;***

123. In the previous evaluation report, the Committee of Experts considered these undertakings formally fulfilled as the right for the accused to use the Albanian language in criminal proceedings and the right for the parties to a civil case to use the Albanian language are ensured through Articles 7, 8, 9 and 199 of the Law on Criminal Procedure No 71/ 03, Articles 7, 99 and 102 of the Law on Civil Procedure and Article 15 of the

Law on Administrative Procedure (No. 60/ 03).

124. In the previous evaluation report, the Committee of Experts asked the Montenegrin authorities to provide more information about the use of Albanian in courts in practice in their next periodical report as it seemed that in practice the Albanian-speakers only very rarely made use of their right to use Albanian in court proceedings.

125. In the second periodical report (page 24), the Montenegrin authorities state that half of the court proceedings at the Basic Court in Ulcinj/Ulqin were in Albanian in 2009 and 2010. This information was confirmed by representatives of the speakers. According to the information provided by the speakers, it is possible to use the language at the Administrative Court in Podgorica.

126. Therefore, the Committee of Experts considers this undertaking fulfilled. However, the Committee of Experts asks the authorities for more detailed information on this issue in the next periodical report.

**d) to take steps to ensure that the application of sub-paragraphs i and iii of paragraphs b and c above and any necessary use of interpreters and translations does not involve extra expense for the persons concerned.**

127. In its first evaluation report, the Committee of Experts considered this undertaking fulfilled with regard to civil proceedings, as the Law on Civil Procedure guarantees that interpretation costs are borne by the court, but it was lacking information to draw a conclusion with regard to administrative court proceedings.

128. In the second periodical report (see page 24), the Montenegrin authorities stated that the provisions of the Law on Civil Procedure apply before the Administrative Court regarding the right to use the language. Court interpreters are also available.

129. Therefore, the Committee of Experts considers this undertaking formally fulfilled for both civil and administrative proceedings as it has not received any specific data and concrete examples. The Committee of Experts asks the Montenegrin authorities to provide detailed information in the next periodical report.

### **Paragraph 3**

**The Parties undertake to make available in the regional or minority languages the most important national statutory texts and those relating particularly to users of these languages, unless they are otherwise provided.**

130. In its first evaluation report, the Committee of Experts considered this undertaking not fulfilled as it was informed that only one law (on media) had been translated into Albanian.

131. In their second periodical report, the Montenegrin authorities do not comment on this issue. However, during the on-the-spot visit of the second monitoring cycle, the Committee of Experts was informed both by the authorities and by representatives of the speakers that among others the Constitution, the Strategy for Minority Policy and the laws on antidiscrimination and on education have been translated into Albanian. The Committee of Experts was also informed by representatives of the Ministry of Human and Minority Rights that more national statutory texts would be translated into Albanian in the future.

132. Therefore, the Committee of Experts considers this undertaking fulfilled and it encourages the Montenegrin authorities to report in the next periodical report on additional national statutory texts that will be translated into Albanian in between the two monitoring cycles.

## **Article 10 – Administrative authorities and public services**

### **Paragraph 1**

**Within the administrative districts of the State in which the number of residents who are users of regional or minority languages justifies the measures specified below and according to the situation of each language, the Parties undertake, as far as this is reasonably possible:**

**a) ...**

**iii to ensure that users of regional or minority languages may submit oral or written applications and receive a reply in these languages; or**

**iv to ensure that users of regional or minority languages may submit oral or written applications in these languages; or**

**v to ensure that users of regional or minority languages may validly submit a document in these languages.**

...

**c) to allow the administrative authorities to draft documents in a regional or minority language.**

133. Obligations iv) and v) of Paragraph 1,a. are included in sub-paragraph (a) option iii) and the Charter provides that sub-paragraph (a) option iii) may be chosen as an alternative to the other options of Article 10.1. a. but not in addition to them. Undertakings iv) and v) are therefore redundant to the undertakings of Montenegro (see also the first evaluation report with regard to the implementation of the Charter in Croatia ECRML (2001) 2, paragraph 75).

134. In its first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of these undertakings due to the lack of information at its disposal on the legislation governing the use of Albanian in local state administration bodies.

135. The second periodical report does not provide any information with regard to the possibility to submit oral or written applications and receive a reply in Albanian, nor regarding the use of Albanian by local state administration bodies when drafting documents.

136. During the on-the-spot visit, the Committee of Experts was informed that the rules of equal use of languages were not respected at national administrative level.

137. Therefore, the Committee of Experts considers this undertaking not fulfilled and it asks the Montenegrin authorities to provide concrete information on the implementation of these undertakings, in the next periodical report.

## **Paragraph 2**

**In respect of the local or regional authorities on whose territory the number of residents who are users of regional or minority languages is such as to justify the measures specified below, the Parties undertake to allow and/or encourage**

**a) the possibility for users of regional or minority languages to submit oral or written applications in these languages;**

138. In the first evaluation report, the Committee of Experts considered this undertaking fulfilled with regard to Ulcinj/Ulqin, Tuzi/Tuz and Plav/Plavë and asked the Montenegrin authorities to provide information concerning the use of Albanian within local administration in Rožaje/Rozhajë and Bar.

139. In the second periodical report (pages 26 -31), the Montenegrin authorities state that Albanian can be used both to submit oral or written applications and to receive replies from the administration in Ulcinj/Ulqin, Plav/Plavë and the City Municipality of Tuzi/Tuz where Albanians make up a majority or significant portion of the population (see page 26). This was confirmed by representatives of the local authorities. However, the Committee of Experts is not aware of any practical cases.

140. Therefore, the Committee of Experts considers this undertaking only formally fulfilled and asks for information on the implementation of this undertaking in the next periodical report.

**g) the use or adoption, if necessary in conjunction with the name in the official language(s), of traditional and correct forms of place-names in regional or minority languages.**

141. The Committee of Experts refers to paragraphs 129-130 of its first evaluation report for the legal framework as regards traditional and correct forms of place-names in Albanian.

142. According to the second periodical report (see pages 27 and 30), toponyms in Albanian are used

within the municipalities of Tuzi/Tuz and Ulcinj/Ulqin. With regard to Plav/Plavë, the Statute of the Municipality of Plav/Plavë of 26 April 2007 is in the process of implementation.

143. The Committee of Experts considers this undertaking fulfilled.

### **Public services**

#### **Paragraph 3**

***With regard to public services provided by the administrative authorities or other persons acting on their behalf, the Parties undertake, within the territory in which regional or minority languages are used, in accordance with the situation of each language and as far as this is reasonably possible:"***

- a) ***to ensure that the regional or minority languages are used in the provision of the service.***

144. This undertaking concerns the use of regional or minority languages in relations with bodies providing public services, which could include, for example, postal services, telecommunication services, electricity, public transport, hospitals etc. (see also the second evaluation report with regard to the implementation of the Charter in respect of Germany, ECRML (2006)1, paragraph 210).

145. In the first evaluation cycle, the Committee of Experts was unable to conclude on this undertaking due to the lack of precise information.

146. The second periodical report does not provide any precise information regarding the use of Albanian in public services. Therefore, the Committee of Experts considers this undertaking not fulfilled and asks the Montenegrin authorities to provide concrete information in the next periodical report.

#### **Paragraph 4**

***With a view to putting into effect those provisions of paragraphs 1, 2 and 3 accepted by them, the Parties undertake to take one or more of the following measures:***

- a) ***translation and interpretation as may be required;***

147. In the previous evaluation report, the Committee of Experts considered that the undertaking was fulfilled in the municipalities of Ulcinj/Ulqin, Tuzi/Tuz and Plav/Plavë. As this was confirmed by representatives of the speakers and the authorities during the on-the-spot visit and as these three municipalities are the ones where Part III of the Charter applies and where Albanian is in official use, the Committee of Experts considers this undertaking fulfilled.

- c) ***compliance as far as possible with requests from public service employees having a knowledge of a regional or minority language to be appointed in the territory in which that language is used.***

148. In its first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking due to the lack of information. The second periodical report does not provide any specific information related to this undertaking.

149. However, during the on-the-spot visit of the second monitoring cycle, the Committee of Experts was informed that even though there is no structured policy for recruiting Albanian-speaking staff because a considerable part of the population speaks Albanian in the areas where it is in official use, and as the recruitment reflects the population, as a consequence the recruitment of Albanian-speakers in public services does not constitute a problem.

150. The Committee of Experts therefore considers this undertaking fulfilled at present.

#### **Paragraph 5**

***The Parties undertake to allow the use or adoption of family names in the regional or minority languages, at the request of those concerned.***

151. In its first evaluation report, the Committee of Experts considered the undertaking fulfilled at the time.

The Committee nevertheless encouraged the Montenegrin authorities to resolve the existing difficulties and misunderstanding arising from Albanian names being spelt in different ways on different types of certificates and to allow the registration of all certificates issued by national or local bodies (such as birth certificates, etc.) in Albanian if requested.

152. The second periodical report does not provide any information related to the above issues. During the on-the-spot visit, the representatives of the speakers informed the Committee of Experts that there is no problem as regards this issue.

153. Therefore, the Committee of Experts considers the undertaking fulfilled.

## **Article 11 – Media**

### **Paragraph 1**

***The Parties undertake, for the users of the regional and minority languages within the territories in which those languages are spoken, according to the situation of each language, to the extent that the public authorities, directly or indirectly, are competent, have power or play a role in this field, and respecting the principle of the independence and autonomy of the media:***

**b) ...**

***ii to encourage and/or facilitate the broadcasting of radio programmes in the regional or minority languages on a regular basis;***

154. In its previous evaluation report, the Committee of Experts did not have sufficient information on the extent to which private radio stations such as Radio Elite and Radio Teuta are encouraged and/ or facilitated by the Montenegrin authorities to conclude on this undertaking.

155. In the second periodical report (see page 33), the authorities state that the portion of revenues from lottery funds is provided in the amount and manner to be determined by a separate law governing lottery business. However, during the on-the-spot visit of the second monitoring cycle, the Committee of Experts received contradictory information. On the one hand, the representative of Radio Elite stated that the radio does not receive any support from the State and on the other hand, the representative of the Ministry of Culture assured the Committee of Experts that all broadcasters received support from the State to cover the debts on the frequency fees.

156. Because of contradictory information, the Committee of Experts is not in a position to conclude. It asks the Montenegrin authorities to clarify the issue of support for commercial broadcasters in the next periodical report.

**c) ...**

***ii to encourage and/or facilitate the broadcasting of television programmes in the regional or minority languages on a regular basis;***

157. In its previous monitoring report, the Committee of Experts considered this undertaking fulfilled as commercial television stations that broadcast in Albanian could be co-financed through a yearly competition. Concerned by the consequences of the switch to digitalisation in Montenegro in 2012, which it could be difficult for the minority media to finance, the Committee of Experts encouraged the Montenegrin authorities to provide information on measures taken to assist minority media during the process of digitalisation.

158. The second periodical report presents the Law on Electronic media, adopted by the Montenegrin Parliament on 30 July 2010 (see page 32-33). It states that specific funds will be allocated to “members of minorities and other minority ethnic groups”. This information was confirmed during the on-the-spot visit by a representative of the Ministry of Culture.

159. Therefore, the Committee of Experts considers this undertaking formally fulfilled and asks the Montenegrin authorities to provide precise information related to this issue in the next periodical report.

**d) to encourage and/or facilitate the production and distribution of audio and audiovisual works in the regional or minority languages;**

160. In its first evaluation report, the Committee of Experts was unable to conclude on this undertaking due to the lack of precise information.

161. The second periodical report (page 33) provides very general information on the Broadcasting Agency's funding activities concerning audio and audiovisual works but contains no specific information whether works in Albanian have benefited from it. Additionally, the Committee of Experts was informed during the on-the-spot visit of the activities of the Fund for Minorities and the Centre for Preservation and Development of Culture of Minorities which have the possibility to support the production and distribution of audio and audiovisual works. However, the Committee of Experts lacks precise information on the projects supported financially by these entities specifically devoted to the production and distribution of audio and audiovisual works in Albanian.

162. Therefore, the Committee of Experts considers that this undertaking is formally fulfilled and asks the authorities to provide precise information in the next periodical report.

f) ...

**ii to apply existing measures for financial assistance also to audio-visual productions in the regional or minority languages;**

163. In its previous evaluation report, the Committee of Experts was not in a position to conclude on this undertaking due to the lack of precise information.

164. The second periodical report (page 33) provides very general information on the Broadcasting Agency's funding activities concerning audiovisual productions but contains no specific information whether works in Albanian have benefited from it. The Fund for Minorities and the Centre for Preservation and Development of Culture of Minorities also have the possibility to support financially audio-visual productions. However, the Committee of Experts lacks precise information on the projects supported financially by these entities specifically devoted to audio-visual productions in Albanian.

165. Therefore, the Committee of Experts considers that this undertaking is formally fulfilled and asks the authorities to provide precise information in the next periodical report

## **Paragraph 2**

***The Parties undertake to guarantee freedom of direct reception of radio and television broadcasts from neighbouring countries in a language used in identical or similar form to a regional or minority language, and not to oppose the retransmission of radio and television broadcasts from neighbouring countries in such a language. They further undertake to ensure that no restrictions will be placed on the freedom of expression and free circulation of information in the written press in a language used in identical or similar form to a regional or minority language. The exercise of the above-mentioned freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health and morals, for the protection of the reputation or rights of others, for preventing disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.***

166. In its previous report, the Committee of Experts did not receive any information from the authorities or any other sources with regard to this undertaking. Therefore, it was unable to conclude on this undertaking.

167. The second periodical report does not provide any information related to this undertaking. However, during the on-the-spot visit, representatives of the speakers informed the Committee of Experts that they receive TV and radio from neighbouring countries in border areas and through internet.

168. Therefore, the Committee of Experts considers this undertaking fulfilled.

## **Paragraph 3**

***The Parties undertake to ensure that the interests of the users of regional or minority languages are represented or taken into account within such bodies as may be established in accordance with the law with responsibility for guaranteeing the freedom and pluralism of the media.***

169. In the first evaluation report, the Committee of Experts was unable to conclude on this undertaking as it had no information on the composition of the consultative committee of the Montenegro Radio and Television Council (see paragraph 268 of the first evaluation report).

170. Neither the second periodical report nor the on-the-spot visit provided the necessary information for the Committee of Experts to be able to conclude on this undertaking. Therefore, the Committee of Experts again asks the authorities to provide information on this issue.

## **Article 12 – Cultural activities and facilities**

### **Paragraph 1**

***With regard to cultural activities and facilities – especially libraries, video libraries, cultural centres, museums, archives, academies, theatres and cinemas, as well as literary work and film production, vernacular forms of cultural expression, festivals and the culture industries, including inter alia the use of new technologies – the Parties undertake, within the territory in which such languages are used and to the extent that the public authorities are competent, have power or play a role in this field:***

- b) to foster the different means of access in other languages to works produced in regional or minority languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;***

171. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking due to the lack of specific information.

172. In the second periodical report (see page 35), the Montenegrin authorities state that the Ministry of Culture continuously co-finances the translation of Albanian literature into Montenegrin. Additionally, the Committee of Experts was informed that the Centre for Preservation and Development of Culture of Minorities also finances such projects (e.g. Albanian poetry of Vasilj Ceprici into Montenegrin; a collection of Albanian poetry into Montenegrin; etc.).

173. Therefore, the Committee of Experts considers this undertaking fulfilled.

- c) to foster access in regional or minority languages to works produced in other languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;***

174. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking due to the lack of specific information.

175. In the second periodical report (see page 35), the Montenegrin authorities state that the Ministry of Culture continuously co-finances the translation of Montenegrin literature into Albanian. Additionally, the Committee of Experts was informed that the Centre for Preservation and Development of Culture of Minorities also finances such projects (e.g. The novel *Dolazak* by Andrej Nikolaidis was translated from Montenegrin into Albanian; a collection of Montenegrin poetry into Albanian; etc)

176. Therefore, the Committee of Experts considers this undertaking fulfilled.

- f) to encourage direct participation by representatives of the users of a given regional or minority language in providing facilities and planning cultural activities;***

177. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking due to the lack of specific information.

178. During the on-the-spot visit of the second monitoring cycle, the Committee of Experts was informed that the Centre for Preservation and Development of Culture of Minorities closely co-operates with the Minority Councils on the adoption of the strategy for each year as well as on the choice of particular projects that are going to be launched.

179. Therefore, the Committee of Experts considers this undertaking fulfilled.

## **Paragraph 2**

***In respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage and/or provide appropriate cultural activities and facilities in accordance with the preceding paragraph.***

180. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking due to the lack of specific information.

181. The second periodical report (see paragraph 36) states that the Law on Culture obliges the Montenegrin authorities to provide and create conditions for the balanced development of culture in the entire territory of Montenegro. Additionally, during the on-the-spot visit, the Committee of Experts was informed by representatives of the Funds for Minorities and the Centre for Preservation and Development of Culture of Minorities of various projects related to Albanian culture and language, including sometimes abroad.

182. Therefore, the Committee of Experts considers this undertaking fulfilled. It nevertheless asks the Montenegrin authorities to provide concrete examples of activities related to Albanian culture and language in territories other than those in which Albanian is traditionally used.

## **Article 13 – Economic and social life**

### **Paragraph 1**

***With regard to economic and social activities, the parties undertake, within the whole country:***

...

- c) to oppose practices designed to discourage the use of regional or minority languages in connection with economic and social activities;***

183. In the second periodical report (see page 6), the Montenegrin authorities informed the Committee of Experts of the adoption on 27 July 2010 of a general Law on Prohibition of Discrimination. According to the state report, the law constitutes a framework providing the guidelines to fight discrimination and the mechanisms to follow its implementation with the establishment of a Defender of Human Rights and Freedoms. In view of these recent important developments the Committee of Experts reserves its opinion on this undertaking until the act and the Defender have functioned over a period of time. It encourages the authorities to provide information on this in the next periodical report.

### **3.2.2. Romani**

#### ***Preliminary remarks***

184. Although the second periodical report states that no measures for Romani have been implemented, due to the lack of standardisation, the Committee of Experts was informed during the on-the-spot visit about a lot of ongoing activities which have been confirmed by both authorities and representatives of the speakers. However, the Montenegrin authorities have not yet clarified on which territories of Montenegro Romani is covered by Part III of the Charter.

<b><i>The Committee of Experts strongly encourages the Montenegrin authorities to identify the territories where Romani is covered by Part III of the Charter.</i></b>
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## **Article 8 – Education**

### ***Preliminary remarks***

185. The above mentioned argument of lack of standardisation of Romani first of all affects the implementation of the undertakings in the field of education with respect to Romani. Most of the activities in education are related to the refugees in the Konik camps. However, there are also a few grass roots initiatives of Montenegrin NGOs.

### **Paragraph 1**

***With regard to education, the Parties undertake, within the territory in which such languages are used, according to the situation of each of these languages, and without prejudice to the teaching of the official language(s) of the State:***

### ***Pre-school Education***

- a)
  - i *to make available pre-school education in the relevant regional or minority languages; or*
  - ii *to make available a substantial part of pre-school education in the relevant regional or minority languages; or*
  - iii ***to apply one of the measures provided for under i and ii and above at least to those pupils whose families so request and whose number is considered sufficient; or***
  - iv ***if the public authorities have no direct competence in the field of pre-school education, to favour and/or encourage the application of the measures referred to under i to iii above;***

186. The two sub-paragraphs chosen by Montenegro (iii and iv) are alternative options of which only one should have been chosen (see also the first evaluation report with regard to the implementation of the Charter in Denmark ECRML (2004) 2, paragraph 58). In the case of Romani in Montenegro, the Committee of Experts has therefore decided to deal with pre-school education in relation to sub-paragraph a.iii.

187. In its first evaluation report, the Committee of Experts considered this undertaking not fulfilled as it was informed that only 14% of Roma children attend pre-schools and it did not receive any indication during the on-the-spot visit that Romani was taught in any form at pre-school level.

188. In the second periodical report (see page 18), the Montenegrin authorities provide information about a pre-school in the settlement of Vrela Ribnička attended only by the Roma children of the Konik Camp. Representatives of the speakers criticized this branch of the school due to the fact that it segregates Roma pupils. The second periodical report also refers to the project "Integration of Roma, Ashkali and Egyptians in City Schools" which proposes a preparation for elementary school and pre-school institutions, but there is no mention of any implementation of this undertaking.

189. Therefore, the Committee of Experts considers this undertaking not fulfilled and encourages the Montenegrin authorities to provide pre-school education in Romani.

### ***Primary Education***

- b)
  - i *to make available primary education in the relevant regional or minority languages; or*
  - ii ***to make available a substantial part of primary education in the relevant regional or minority languages; or***
  - iii *to provide, within primary education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum; or*
  - iv ***to apply one of the measures provided for under i to iii above at least for those pupils whose families so request and whose number is considered sufficient.***

190. The two sub-paragraphs chosen by Montenegro (ii and iv) are alternative options of which only one should have been chosen. In the case of Romani in Montenegro, the Committee of Experts has therefore decided to deal with primary school education in relation to sub-paragraph b.ii.

191. The Committee of Experts refers to paragraphs 197-203 of its first evaluation report as regards general information.

192. In their second periodical report, the Montenegrin authorities refer to various projects and programmes related to the integration of the Roma population through education, including education in

Božidar Vuković Elementary School, situated in the outskirts of Podgorica, which is attended by a high number of Roma pupils. However, the authorities also state that the Romani language is not taught in educational institutions due to the fact that the language is still not standardized and there are no qualified teachers who could teach in Romani.

193. During the on-the spot visit, the representatives of the Romani-speakers stressed their wish, as a first step, to introduce Romani as an optional subject in the curriculum.

194. As a first step towards the use of Romani in primary education, Roma assistants and mediators have been introduced as a result of grass roots activities. However, the Committee of Experts was informed by representatives of the Romani-speakers that a modification of the law would be necessary to provide a legal basis to the introduction of Roma assistants. The same applies for the projects of the Roma Education Fund which involves 5 Roma assistants in Podgorica.

195. Despite these promising auxiliary measures, the Committee of Experts considers the undertaking not fulfilled and encourages the Montenegrin authorities to take measures to implement Romani teaching in primary schools.

### **Secondary Education**

- c) *i to make available secondary education in the relevant regional or minority languages; or*
- ii to make available a substantial part of secondary education in the relevant regional or minority languages; or*
- iii to provide, within secondary education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum; or***
- iv to apply one of the measures provided for under i to iii above at least to those pupils who, or where appropriate whose families, so wish in a number considered sufficient.***

196. As mentioned in paragraph 190 above, the two sub-paragraphs chosen by Montenegro (iii and iv) are alternative options of which only one should have been chosen. In the case of Romani in Montenegro, the Committee of Experts has therefore decided to deal with secondary school education in relation to sub-paragraph c.iii.

197. In its previous evaluation report, the Committee of Experts considered this undertaking not fulfilled as it had not received any information with regard to the offer of Romani at secondary school level.

198. In their second periodical report, the Montenegrin authorities state that secondary education is not provided in Romani in Montenegro because the Romani language is not standardised and there are no qualified teachers that could teach in Romani.

199. The Committee of Experts considers this undertaking not fulfilled. It encourages the Montenegrin authorities to overcome the obstacles of standardisation by codifying Romani in close co-operation with the speakers and, as an initial step, to develop training modules for future teachers of Romani as an optional subject in secondary education.

### **Technical and vocational education**

- d) *i to make available technical and vocational education in the relevant regional or minority languages; or*
- ii to make available a substantial part of technical and vocational education in the relevant regional or minority languages; or*
- iii to provide, within technical and vocational education, for the teaching of the relevant regional or minority languages as integral part of the curriculum; or*
- iv to apply one of the measures provided for under i to iii above at least to those pupils who, or where appropriate whose families, so wish in a number***

***considered sufficient;***

200. In its first evaluation report, the Committee of Experts concluded that this undertaking was not fulfilled as the initial periodical report did not provide any information with regard to the application of this undertaking and the Committee of Experts did not receive any indication that Romani was offered as a subject or a teaching language within technical and vocational education during its on-the-spot visit.

201. In their second periodical report, the Montenegrin authorities state that Romani is not taught in technical and vocational education, as it has not been standardized and there is a lack of human resources to perform teaching in Romani.

202. Therefore, the Committee of Experts considers this undertaking not fulfilled. It encourages the Montenegrin authorities to take measures in line with the ones suggested for secondary education.

***University and Higher Education***

e) ...

***ii to provide facilities for the study of these languages as university and higher education subjects;***

203. In its first evaluation report, the Committee of Experts considered this undertaking not fulfilled as the initial periodical report did not contain any information with regard to the application of this undertaking and the Committee of Experts understood from the information received during the on-the-spot visit that there was no possibility to study Romani as a subject in higher education. The Committee of Experts encouraged the Montenegrin authorities to take special measures to make it possible to study the Romani language at higher education level.

204. The second periodical report also states that there is no possibility to study Romani at university or higher education institutions in Montenegro.

205. Therefore, the Committee of Experts considers this undertaking not fulfilled. It encourages the Montenegrin authorities to provide facilities for the study of Romani at the University of Montenegro (UCG).

***Adult and continuing education***

f) ...

***iii if the public authorities have no direct competence in the field of adult education, to favour and/or encourage the offering of such languages as subjects of adult and continuing education;***

206. In its first evaluation report (see paragraphs 211-213), the Committee of Experts could not conclude on the fulfilment of this undertaking as it did not receive any information through the initial periodical report or during its on-the-spot visit. Additionally, the Committee of Experts was informed by a representative of the Bureau for Education Services that there had been no demand for adult education Romani language courses.

207. The second periodical report (see page 22) refers to a programme of functional literacy, a programme for primary schools for adults and the project "Integration of Roma, Ashkali and Egyptians in City Schools". However, the Committee of Experts did not receive any information on the provision of Romani as a subject within adult and further education.

208. Therefore, the Committee of Experts considers this undertaking not fulfilled and encourages the Montenegrin authorities to integrate Romani into further education at least with respect to Romani literacy courses which representatives of the speakers have requested.

***Teaching of history and culture***

***g) to make arrangements to ensure the teaching of the history and the culture which is reflected by the regional or minority language;***

209. In its previous evaluation report (see paragraphs 214-216), the Committee of Experts concluded that this undertaking was not fulfilled as it was informed by representatives of the speakers that although articles 8

and 15 of the Minority Law provide the possibility to study under some conditions history, tradition, language and culture of minorities, the history and the culture of the Roma and the Romani language in Montenegro were not taught in school.

210. In the second periodical report (see page 22), the Montenegrin authorities refer to the general framework (Law on Minority Rights) and to the project “Integration of Roma, Ashkali and Egyptians in City Schools”. Within this project, a commission working on the development of a curriculum on Roma history and culture has been established. This curriculum would be used by teachers who would like to teach history and culture in the framework of Article 22 of the Law on General Education that allows teachers to freely design 20% of the curriculum (see paragraph 75 of the first evaluation report).

211. The Committee of Experts considers, however, that this undertaking is not fulfilled at present and asks the Montenegrin authorities to report in the next periodical report about the results of the work of the commission.

#### **Basic and further training of teachers**

- h) to provide the basic and further training of the teachers required to implement those of paragraphs a to g accepted by the Party;***

212. In its previous evaluation report, the Committee of Experts considered this undertaking not fulfilled as it was informed that there was no basic or further teacher training for Romani. The Committee of Experts was nevertheless informed that under the 2005 National Action Plan adopted in the framework of the “Decade of Roma Inclusion 2005-2015”, existing staff were to be trained so that they would be able to teach Romani language and culture.

213. In their second periodical report, the Montenegrin authorities refer to various teacher training programmes on Roma history and culture, such as “The integration of Roma children in primary school – support to inclusion” and “Kindergarten as a Family Centre for Roma – support to inclusion” provided by the Department for Continuing and Professional Development of the Institute for Education, and the training courses provided in the framework of the project “Integration of Roma, Ashkali and Egyptians in City Schools”. However, these training courses do not enable teachers to teach in Romani or to teach the language as a subject.

214. Therefore, the Committee of Experts considers the undertaking not fulfilled at present. It encourages the Montenegrin authorities to take the necessary measures to provide teacher training for Romani.

***In view of the undertakings chosen by Montenegro under Article 8, the Committee of Experts strongly encourages the Montenegrin authorities to take all necessary measures, in close co-operation with the speakers, to improve the situation of Romani at all levels of education.***

#### **Article 9 – Judicial authorities**

##### **Paragraph 1**

***The Parties undertake, in respect of those judicial districts in which the number of residents using the regional or minority languages justifies the measures specified below, according to the situation of each of these languages and on condition that the use of the facilities afforded by the present paragraph is not considered by the judge to hamper the proper administration of justice:***

- a) in criminal proceedings:***
- ...***
- ii to guarantee the accused the right to use his/her regional or minority language; and/or***
- iii to provide that requests and evidence, whether written or oral, shall not be considered inadmissible solely because they are formulated in a regional or minority language; and/or***
- iv to produce, on request, documents connected with legal proceedings in the***

*relevant regional or minority language,*

*if necessary by the use of interpreters and translations involving no extra expense for the person concerned;*

**b) in civil proceedings:**

...

**ii to allow, whenever a litigant has to appear in person before a court, that he or she may use his or her regional or minority language without thereby incurring additional expense; and/or**

**iii to allow documents and evidence to be produced in the regional or minority languages,**

**if necessary by the use of interpreters and translations;**

**c) in proceedings before courts concerning administrative matters:**

...

**ii to allow, whenever a litigant has to appear in person before a court, that he or she may use his or her regional or minority language without thereby incurring additional expense; and/or**

**iii to allow documents and evidence to be produced in the regional or minority languages,**

**if necessary by the use of interpreters and translations;**

215. The Committee of Experts refers to paragraphs 219- 221 of its first evaluation report concerning the general presentation of the legal framework related to the use of regional or minority languages in administrative, civil and criminal proceedings.

216. In its previous evaluation report, the Committee of Experts was unable to conclude on the fulfilment of this undertaking. According to the general legislation, the use of regional or minority languages in areas where the language of the national minority is in official use is guaranteed. Additionally, during the first on-the-spot visit representatives of the speakers expressed their general satisfaction with regard to the possibility of using Romani in court proceedings. However, the Committee of Experts found it unclear to what extent Romani could be used in court proceedings as it is not in official use in Montenegro.

217. The second periodical report states that the Roma can use their own language in court proceedings. However, during the on-the-spot visit of the second monitoring cycle, representatives of the speakers informed the Committee of Experts that the possibility to use Romani in court proceedings was organised on an *ad hoc* basis, using unregistered interpreters. The Committee of Experts was also informed that there are many cases in which Romani is used in court proceedings.

218. The Committee of Experts understands that there is a statutory right to use Romani before courts. However, it seems to be difficult for Romani speakers to be registered as interpreters. The Committee of Experts asks the authorities to clarify the situation and the practical possibilities for using Romani in court. Furthermore the Committee of Experts strongly encourages the authorities to take measures to ensure the provision of Romani interpreters in court.

**d) to take steps to ensure that the application of sub-paragraphs i and iii of paragraphs b and c above and any necessary use of interpreters and translations does not involve extra expense for the persons concerned.**

219. In the first evaluation report, the Committee of Experts considered the undertaking fulfilled with regard to civil proceedings but it was unable to draw a conclusion with regard to administrative court proceedings due to the lack of information.

220. In their second periodical report, the Montenegrin authorities state that the provisions of the Law on

Civil Procedure apply in administrative proceedings regarding the right to use a regional or minority language. The Montenegrin authorities also state that interpretation costs are borne by the court. However, the Committee of Experts has not received any information in regard to translation of documents in civil proceedings and in proceedings before courts concerning administrative matters. It therefore encourages the authorities to provide such information in the next periodical report.

### **Paragraph 3**

***The Parties undertake to make available in the regional or minority languages the most important national statutory texts and those relating particularly to users of these languages, unless they are otherwise provided.***

221. In its first evaluation report, the Committee of Experts considered this undertaking not fulfilled as it was not informed of any law that had been translated into Romani.

222. During the on-the-spot visit of the second monitoring cycle, the Committee of Experts was informed both by representatives of the speakers and by representatives of the authorities that the Constitution, the Action Plan for Roma Decade and relevant laws such as the Law on Minority Rights, the Law on Broadcasting, the Law on the Media, the Law on Antidiscrimination and the Law on Ombudsman have been translated into Romani.

223. Therefore, the Committee of Experts considers this undertaking fulfilled.

## **Article 10 – Administrative authorities and public services**

### **Paragraph 1**

***Within the administrative districts of the State in which the number of residents who are users of regional or minority languages justifies the measures specified below and according to the situation of each language, the Parties undertake, as far as this is reasonably possible:***

a) ...

***iii. to ensure that users of regional or minority languages may submit oral or written applications and receive a reply in these languages; or***

***iv. to ensure that users of regional or minority languages may submit oral or written applications in these languages; or***

***v. to ensure that users of regional or minority languages may validly submit a document in these languages.***

...

c) ***to allow the administrative authorities to draft documents in a regional or minority language.***

224. Obligations iv) and v) of Paragraph 1,a. are included in sub-paragraph (a) option iii) and the Charter provides that sub-paragraph (a) option iii) may be chosen as an alternative to the other options of Article 10.1. a. but not in addition to them. The undertakings iv) and v) are therefore redundant to the undertakings of Montenegro (see also the first evaluation report with regard to the implementation of the Charter in Croatia, ECRML (2001) 2, paragraph 75).

225. In its first evaluation report, the Committee of Experts was not in a position to conclude on this undertaking as it did not have sufficient information on the legislation governing the use of Romani in local state administrative bodies.

226. The second periodical report does not provide any information on the use of Romani in local state administrative bodies. Additionally, representatives of the speakers informed the Committee of Experts that as Romani is not in official use in Montenegro, it cannot be used in local state administration either.

227. Therefore, the Committee of Experts considers this undertaking not fulfilled. It encourages the authorities to take measures to ensure that Romani speakers may submit oral or written applications and

receive a reply in Romani.

## **Paragraph 2**

***In respect of the local or regional authorities on whose territory the number of residents who are users of regional or minority languages is such as to justify the measures specified below, the Parties undertake to allow and/or encourage:***

...

- b) the possibility for users of regional or minority languages to submit oral or written applications in these languages;***

228. In its first periodical report, the Committee of Experts considered this undertaking not fulfilled at the time, as it was informed of a plan to employ a member of the Roma minority within the local administration to deal with requests from Romani-speakers but nothing had been done.

229. The second periodical report does not provide any information related to this issue. Additionally, representatives of the speakers informed the Committee of Experts that there were no possibilities for Romani-speakers to submit oral or written applications in Romani at the level of the local authorities.

230. The Committee of Experts considers the undertaking not fulfilled.

- d) the publication by local authorities of their official documents also in the relevant regional or minority language;***

231. The Committee of Experts was not made aware, either during the first or the second monitoring cycles, of the publication of any documents in Romani by the local authorities. It therefore considers the undertaking not fulfilled.

- g) the use or adoption, if necessary in conjunction with the name in the official language(s), of traditional and correct forms of place-names in regional or minority languages.***

232. In its first evaluation report, the Committee of Experts considered this undertaking not fulfilled as there were no place-name signs put up in Romani in Montenegro. The Committee of Experts is not aware of any change concerning this situation. Therefore, it considers this undertaking not fulfilled.

## **Public services**

### **Paragraph 3**

***With regard to public services provided by the administrative authorities or other persons acting on their behalf, the Parties undertake, within the territory in which regional or minority languages are used, in accordance with the situation of each language and as far as this is reasonably possible:***

- a) to ensure that the regional or minority languages are used in the provision of the service.***

233. In its previous evaluation report, the Committee of Experts was unable to conclude on the fulfilment of this undertaking as it had not received any information with regard to the use of the Romani language within public services.

234. The second state report does not provide any information related to the use of Romani in public services. Additionally, the representatives of the speakers informed the Committee of Experts that the Romani language is not used in public service administrations. Therefore, the Committee of Experts considers this undertaking not fulfilled and encourages the authorities to provide more specific information in this respect in the next periodical report.

### **Paragraph 4**

***With a view to putting into effect those provisions of paragraphs 1, 2 and 3 accepted by them, the Parties undertake to take one or more of the following measures:***

**a) translation and interpretation as may be required;**

235. The Committee of Experts did not receive any information with regard to this undertaking either in the first or second periodical reports. Therefore, it considers this undertaking not fulfilled and asks the Montenegrin authorities to provide information in this respect in their next report.

**c) compliance as far as possible with requests from public service employees having a knowledge of a regional or minority language to be appointed in the territory in which that language is used.**

236. In its previous evaluation report, the Committee of Experts was not in a position to conclude on this undertaking and asked the Montenegrin authorities to provide information on whether requests from Romani-speaking public service employees to be appointed to a Romani-speaking area were complied with.

237. The second periodical report does not provide any information with regard to this undertaking. Representatives of the Romani-speakers indicated to the Committee of Experts that there are no Romani-speakers employed within public service administration at present. Therefore, the Committee of Experts considers this undertaking not fulfilled.

**Paragraph 5**

**The Parties undertake to allow the use or adoption of family names in the regional or minority languages, at the request of those concerned.**

238. In its previous evaluation report, the Committee of Experts was not in a position to conclude on this undertaking as it lacked information on the practical implementation of the general legal framework on Romani (see paragraphs 245-246 of the first evaluation report).

239. The second periodical report does not provide any information as regards the practical implementation of the general legal framework on the use or adoption of family names in Romani. Therefore, the Committee of Experts still cannot conclude on the fulfilment of this undertaking and urges the Montenegrin authorities to report on this issue in the next periodical report.

**Article 11 – Media**

**Paragraph 1**

**The Parties undertake, for the users of the regional and minority languages within the territories in which those languages are spoken, according to the situation of each language, to the extent that the public authorities, directly or indirectly, are competent, have power or play a role in this field, and respecting the principle of the independence and autonomy of the media:**

**a) to the extent that radio and television carry out a public service mission:**

...

**iii to make adequate provision so that broadcasters offer programmes in the regional or minority languages;**

240. The Committee of Experts refers to paragraphs 249-250 of its first evaluation report as regards the presentation of the legal background for the use of regional or minority languages in Montenegro.

241. In the first monitoring cycle, the Committee of Experts had been informed of a monthly 30-minute television programme in Romani, as well as a few minutes of news items broadcast in Romani at week-ends as part of the central news programme. As regards radio, the Committee of Experts was informed of a 30-minute bilingual public radio programme broadcast twice a week over a period of four years, and of a weekly programme in Romani broadcast on five local public radio stations. Therefore, it considered this undertaking partly fulfilled.

242. The second periodical report does not provide any information related to broadcasting in Romani. Neither did the representative of the speakers inform the Committee of Experts of any public radio broadcasting in Romani in Montenegro. The lack of trained journalists who can work in Romani was

underlined as a major obstacle to enhancing broadcasting in Romani.

243. The representative of the speakers informed the Committee of Experts of a monthly 30-minute television programme in Romani. Additionally, the Committee of Experts was informed by representatives of the Ministry of Culture of the plan to promote Roma media and journalism in the framework of the Decade for Roma. As an example, they presented the organisation of a competition on the inclusion of Roma in Montenegro that awarded two journalists from the Roma community. Furthermore, the Ministry of Culture informed the Committee of Experts of the preparation of a spot, in Romani, on the Decade of Roma. The Committee of Experts commends the Montenegrin authorities for these projects and asks the authorities to report on this issue in the next periodical report.

244. However, based on this information, the Committee of Experts considers that this undertaking is not fulfilled at present. It encourages the Montenegrin authorities to pursue their efforts with a view to improving further the offer of Romani in both television and radio media.

**b) ...**

**ii to encourage and/or facilitate the broadcasting of radio programmes in the regional or minority languages on a regular basis;**

245. In its previous evaluation report, the Committee of Experts considered the undertaking not fulfilled as it seemed that there were no programmes broadcast in Romani on private radio in Montenegro.

246. The second periodical report does not provide any information related to private radio programmes in Romani. However, during the on-the-spot visit, representatives of the speakers informed the Committee of Experts of the project of a "Roma Radio", which was still in an experimental stage. The representatives of the speakers expressed their hope that this project would have the licence to continue to broadcast after the end of the experimental 6-month period in July 2011. Representatives of the speakers were not aware of any other radio broadcasting in Romani. Representatives of the authorities informed the Committee of Experts that they financially support this Roma radio.

247. However, the Committee of Experts considers this undertaking not fulfilled at present. It asks the Montenegrin authorities to report on the "Roma radio" in the next periodical report.

**c) ...**

**ii to encourage and/or facilitate the broadcasting of television programmes in the regional or minority languages on a regular basis;**

248. The Committee of Experts has not been made aware of the existence of any television programmes in Romani on private television channels in the first and second monitoring cycles. It therefore considers the undertaking not fulfilled.

**d) to encourage and/or facilitate the production and distribution of audio and audiovisual works in the regional or minority languages;**

249. In its first evaluation report, the Committee of Experts was unable to conclude on this undertaking as it had not received any information on how the Montenegrin authorities encouraged and/ or facilitated the production and distribution of audio and audiovisual works in the Romani language.

250. The second periodical report does not provide any precise information on how the Montenegrin authorities encourage and/ or facilitate the production and distribution of audio and audiovisual works in the Romani language. Therefore, the Committee of Experts considers this undertaking not fulfilled and it asks the Montenegrin authorities to report on this issue in the next periodical report.

**e) i to encourage and/or facilitate the creation and/or maintenance of at least one newspaper in the regional or minority languages;**

251. The initial periodical report did not provide any information with regard to the application of this undertaking or indeed with regard to any newspaper in Romani, nor had the Committee of Experts been made aware of the encouragement or facilitation of such by the authorities during the first evaluation cycle. Therefore, the Committee of Experts concluded that the undertaking was not fulfilled.

252. The second periodical report does not provide any information with regard to any newspaper in Romani. However, during the on-the-spot visit, the Committee of Experts was informed by representatives of the speakers of a project to publish twice a year a magazine in Romani starting in October 2011. A representative of the Centre for Preservation and Development of Culture of Minorities informed the Committee of Experts of the financial support of the Centre for this initiative.

253. The Committee of Experts considers this undertaking not fulfilled at present and asks the Montenegrin authorities to report on this issue in the next periodical report.

f) ...

**ii to apply existing measures for financial assistance also to audio-visual productions in the regional or minority languages;**

254. The initial periodical report did not contain any information with regard to the application of this undertaking, nor was the Committee of Experts able to receive such information during the on-the-spot visit. Therefore, in its previous evaluation report, the Committee of Experts was unable to conclude on the fulfilment of this undertaking.

255. The second periodical report does not provide any specific information with regard to existing measures for financial assistance to audio-visual productions in Romani. Therefore, the Committee of Experts considers this undertaking not fulfilled at present.

### **Paragraph 2**

***The Parties undertake to guarantee freedom of direct reception of radio and television broadcasts from neighbouring countries in a language used in identical or similar form to a regional or minority language, and not to oppose the retransmission of radio and television broadcasts from neighbouring countries in such a language. They further undertake to ensure that no restrictions will be placed on the freedom of expression and free circulation of information in the written press in a language used in identical or similar form to a regional or minority language. The exercise of the above-mentioned freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health and morals, for the protection of the reputation or rights of others, for preventing disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.***

256. In its previous report, the Committee of Experts did not receive any information from the authorities or any other sources with regard to this undertaking. Therefore, it was unable to conclude on this undertaking.

257. The second periodical report does not provide any information related to this undertaking. However, during the on-the-spot visit, a representative of the Romani-speakers informed the Committee of Experts that they receive and listen to broadcasts from other countries through internet.

258. The Committee of Experts has not been made aware of any obstacles against the reception of Romani broadcasts from other countries and considers this undertaking fulfilled.

### **Paragraph 3**

***The Parties undertake to ensure that the interests of the users of regional or minority languages are represented or taken into account within such bodies as may be established in accordance with the law with responsibility for guaranteeing the freedom and pluralism of the media.***

259. In the first evaluation report, the Committee of Experts was unable to conclude on this undertaking as it had no information on the composition of the consultative committee of the Montenegro Radio and Television Council (see paragraph 268 of the first evaluation report).

260. Neither the second periodical report nor the on-the-spot visit provided the necessary information for the Committee of Experts to be able to conclude on this undertaking. Therefore, the Committee of Experts again asks for information on this issue.

***In view of the undertakings chosen under Article 11, the Committee of Experts strongly encourages the Montenegrin authorities to take the necessary measures to improve the situation of Romani in the media in close co-operation with the speakers.***

## **Article 12 – Cultural activities and facilities**

### **Paragraph 1**

***With regard to cultural activities and facilities – especially libraries, video libraries, cultural centres, museums, archives, academies, theatres and cinemas, as well as literary work and film production, vernacular forms of cultural expression, festivals and the culture industries, including inter alia the use of new technologies – the Parties undertake, within the territory in which such languages are used and to the extent that the public authorities are competent, have power or play a role in this field:***

- b) to foster the different means of access in other languages to works produced in regional or minority languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;***

261. In the first evaluation report, the Committee of Experts was not in a position to conclude due to the lack of specific information.

262. In the second periodical report (see page 36), the Montenegrin authorities state that the Ministry of Culture co-finances translation of the “creative work” in Romani initiated by the Democratic Roma Centre.

263. However, the state report does not provide any concrete examples and the Committee of Experts was not able to confirm this information during the on-the-spot visit. Therefore, it asks the Montenegrin authorities to provide information on concrete projects financed through this scheme in the next periodical report

- c) to foster access in regional or minority languages to works produced in other languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;***

264. In the first evaluation report, the Committee of Experts was not in a position to conclude due to the lack of specific information.

265. The Committee of Experts urges the authorities to provide information on any translation schemes and of concrete projects which have received support from the authorities.

- f) to encourage direct participation by representatives of the users of a given regional or minority language in providing facilities and planning cultural activities;***

266. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking due to the lack of specific information.

267. During the on-the-spot visit of the second monitoring cycle, the Committee of Experts was informed that the Centre for Preservation and Development of Culture of Minorities co-operates with the Minority Councils on the adoption of the strategy for each year as well as the choice of particular projects that are going to be launched.

268. Therefore, the Committee of Experts considers this undertaking fulfilled.

### **Paragraph 2**

***In respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage and/or provide appropriate cultural activities and facilities in accordance with the preceding paragraph.***

269. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking due to the lack of specific information.

270. The second periodical report (see paragraph 36) states that the Law on Culture obliges the Montenegrin authorities to provide and create conditions for balanced development of culture in the entire territory of Montenegro. Additionally, during the on-the-spot visit, the Committee of Experts was informed by representatives of the Fund for Minorities and the Centre for Preservation and Development of Culture of Minorities of various projects related to Romani culture and language, including abroad.

271. Therefore, the Committee of Experts considers this undertaking fulfilled. It nevertheless asks the Montenegrin authorities to provide concrete examples of activities related to Romani culture and language in territories other than those in which Romani is traditionally used.

## **Article 13 – Economic and social life**

### **Paragraph 1**

***With regard to economic and social activities, the parties undertake, within the whole country:***

...

- c) to oppose practices designed to discourage the use of regional or minority languages in connection with economic and social activities;***

272. In the second periodical report (see page 6), the Montenegrin authorities informed the Committee of Experts of the adoption on 27 July 2010 of a general Law on Prohibition of Discrimination. According to the state report, the law constitutes a framework providing the guidelines to fight discrimination and the mechanisms to follow its implementation with the establishment of a Defender of Human Rights and Freedoms. In view of these recent important developments the Committee of Experts reserves its opinion on this undertaking until the act and the Defender have functioned over a period of time. It encourages the authorities to provide information on this in the next periodical report.

## Chapter 4 Findings of the Committee of Experts in the second monitoring round

A. The Committee of Experts would like to express its gratitude to the Montenegrin authorities for their active input and participation during the second monitoring cycle. Compared with the first evaluation report, there has been a lot of improvement in both the legal set up and the situation of minority languages in Montenegro. Although this is not reflected by the state report, the information received during the on-the-spot visit demonstrates quite a positive picture.

B. One of the basic questions in the previous report referred to the territorial application of Part III languages. With respect to Albanian, the Committee of Experts was informed that Part III of the Charter applies to the municipalities of Ulcinj/Ulqin, Tuzi/Tuz and Plav/Plavë. However, the territorial application of Part III of the Charter is still not defined with regard to Romani.

C. The traditional presence of Croatian and Bosnian is undisputed by the Montenegrin authorities. Based on this information, the Committee of Experts decided to cover these languages under Part II of the Charter; this is also in line with the wishes of the speakers expressed during the on-the-spot visit. Although Serbian is the most widely used language in Montenegro, its status under the Charter is still unclear.

D. Albanian remains in general well protected and supported. Education in Albanian is offered on all levels in all areas where Part III of the Charter applies; the problem of teacher training for school teachers for the third cycle of primary schools has been solved by a co-operation contract with Albanian universities.

E. Media coverage in Albanian is considered to be sufficient. Nevertheless, during the on-the-spot visit, the Committee of Experts received contradictory information regarding the support provided by the Montenegrin authorities to commercial broadcasters.

F. There are some promising developments with regard to Romani. However, there is an obvious need for strengthened efforts by the authorities to improve the situation, especially with respect to Romani education, despite the lack of a language standard.

G. Concerning media, Romani is present in the public media and a private radio station is currently in its experimental phase.

The Montenegrin government was invited to comment on the content of this report in accordance with Article 16.3 of the Charter. The comments received are attached in Appendix II.

On the basis of this report and its findings the Committee of Experts submitted its proposals to the Committee of Ministers for recommendations to be addressed to Montenegro. At the same time it emphasised the need for the Montenegrin authorities to take in to account, in addition to these general recommendations, the more detailed observations contained in the body of the report.

At its 1149<sup>th</sup> meeting on 12 September 2012, the Committee of Ministers adopted its Recommendation addressed to Montenegro, which is set out in Part B of this document.

## Appendix I Instrument of ratification



Montenegro :

**Declaration contained in the instrument of ratification deposited by the state union of Serbia and Montenegro, on 15 February 2006 - Or. Engl. - and updated by a letter from the Ministry of Foreign Affairs of Montenegro, dated 13 October 2006, registered at the Secretariat General on 19 October 2006 - Or. Engl.**

In accordance with Article 2, paragraph 2, of the Charter, Montenegro has accepted that the following provisions be applied in the Republic of Montenegro, for the Albanian and Romany languages :

Article 8, paragraph 1 a (iii), a (iv), b (ii), b (iv), c (iii), c (iv), d (iv), e (ii), f (iii), g, h;

Article 9, paragraph 1 a (ii), a (iii), a (iv), b (ii), b (iii), c (ii), c (iii), d, paragraph 2 a, b, c, paragraph 3;

Article 10, paragraph 1 a (iii), a (iv), a (v), c, paragraph 2 b, d, g, paragraph 3 a, paragraph 4 a, c, paragraph 5;

Article 11, paragraph 1 a (iii), b (ii), c (ii), d, e (i), f (ii), paragraph 2, paragraph 3;

Article 12, paragraph 1 a, b, c, f, paragraph 2;

Article 13, paragraph 1 c.

**[Note by the Secretariat:** The Committee of Ministers of the Council of Europe decided on its 967th meeting that the Republic of Montenegro is to be considered a Party to this treaty with effect from 6 June 2006.]

**Period covered: 6/6/2006 -**

The preceding statement concerns Article(s) : 1

**Reservation contained in the instrument of ratification deposited by the state union of Serbia and Montenegro, on 15 February 2006 - Or. Engl.**

As to Article 1.b of the Charter, Serbia and Montenegro declares that the term "territory in which the regional or minority languages is used" will refer to areas in which regional and minority languages are in official use in line with the national legislation.

**[Note by the Secretariat:** The Committee of Ministers of the Council of Europe decided on its 967th meeting that the Republic of Montenegro is to be considered a Party to this treaty with effect from 6 June 2006.]

**Period covered: 6/6/2006 -**

The preceding statement concerns Article(s) : 2

## **Appendix II Comments by the Montenegrin authorities**

### **Recommendation no. 1:**

*"clarify the territories where the Albanian and Romani languages are in official use and where the Part III of the Charter on Minority or Regional Languages applies;"*

38. In the second periodical report the Montenegrin authorities declared that the Albanian language is in official use in Podgorica-Tuzi/Tuz and in the Municipalities of Plav/Plavë and Ulcinj/Ulqin. There is no municipality in Montenegro that has Roma language in official use. Namely, Roma people aren't the compact majority or significant number of population in the municipalities.

### **Recommendation no. 2:**

*"take the necessary steps to promote the codification and development of written Romani language, in co-operation with the speakers;"*

39. Initial steps have been taken, i.e. support of projects of NGOs and co-operation with neighbouring countries, but codification has not been achieved so far. Roma language is not yet standardised. The efforts have been made to standardise Roma language in co-operation with Roma Council in Montenegro, Government Department for Roma issues and NGOs dealing with Roma issues, and therefore achieve necessary conditions for the application of Roma language in all spheres of social life.

### **Recommendation no. 3:**

*"introduce teaching of Romani language at preschool, primary and secondary levels;"*

40. In the second periodical report the Montenegrin authorities declared that due to the lack of trained teachers and standardised written Romani the use of the language in education is currently impossible. After the completion of the standardisation we will work on the improvement of personnel for Roma language and thus create necessary conditions for introduction of teaching in Roma language in the municipalities where it is necessary. The whole work will be monitored by the Ministry of Human and Minority Rights, in co-operation with Roma Council and NGOs.

### **Recommendation no. 4:**

*"strengthen teacher training in the Albanian language, especially for lower and upper secondary level education (third cycle of elementary school and secondary school);"*

41. According to information by the authorities received during the field visit the problem of teacher training for school teachers for lower and upper secondary level education (third cycle of elementary school and secondary school) has been solved by a co-operation contract with Albanian universities (Shkodra and Tirana). The University of Montenegro has opened Teachers studies in Albanian language in Podgorica by the Decision of the Government of Montenegro. The first generations of teachers of these studies have already been employed as teachers in territory where Albanian make the majority or significant number of population

## **B. Recommendation of the Committee of Ministers of the Council of Europe on the application of the Charter by Montenegro**

### **Recommendation CM/RecChL(2012)4 of the Committee of Ministers on the application of the European Charter for Regional or Minority Languages by Montenegro**

*(Adopted by the Committee of Ministers on 12 September 2012  
at the 1149th meeting of the Ministers' Deputies)*

The Committee of Ministers,

In accordance with Article 16 of the European Charter for Regional or Minority Languages;

Having regard to the declaration made by Montenegro on 15 February 2006 and updated on 13 October 2006;

Having taken note of the evaluation made by the Committee of Experts on the Charter with respect to the application of the Charter by Montenegro;

Bearing in mind that this evaluation is based on information submitted by Montenegro in its second periodical report, supplementary information given by the Montenegrin authorities, information submitted by bodies and associations legally established in Montenegro and, finally, on the information obtained by the Committee of Experts during its on-the-spot visit;

Having taken note of the comments made by the Montenegrin authorities on the contents of the Committee of Experts' report;

Recommends that the Montenegrin authorities take account of all the observations of the Committee of Experts and, as a matter of priority:

1. clarify the situation regarding the level of protection of Bosnian and Croatian as well as the status of Serbian in terms of the Charter;
2. clarify the territorial application of Part III of the Charter with regard to Romani;
3. intensify the efforts to codify Romani in close co-operation with the speakers;
4. take all necessary measures to ensure the use of Romani in education, including by providing teacher training and teaching materials.