

**ECRI CONCLUSIONS
ON THE IMPLEMENTATION OF THE RECOMMENDATIONS
IN RESPECT OF MONTENEGRO
SUBJECT TO INTERIM FOLLOW-UP**

Adopted on 7 April 2020 ¹

Published on 2 June 2020

¹ Any developments which occurred after 25 September 2019, date on which the response of the Montenegrin authorities to ECRI's request for information on measures taken to implement the recommendations chosen for interim follow-up was received, are not taken into account in this analysis.

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FOREWORD

As part of its fifth round of monitoring work, ECRI has renewed its process of interim follow-up with respect to two specific recommendations made in each of its country reports.

In line with the Information Document on ECRI's fifth monitoring cycle brought to the attention of the Ministers' Deputies on 14 November 2012¹, not later than two years following the publication of each report, ECRI addresses a communication to the Government concerned asking what has been done in respect of the specific recommendations for which priority follow-up was requested.

At the same time, ECRI gathers relevant information itself. On the basis of this information and the response from the Government, ECRI draws up its conclusions on the way in which its recommendations have been followed up.

It should be noted that these conclusions concern only the specific interim recommendations and do not aim at providing a comprehensive analysis of all developments in the fight against racism and intolerance in the State concerned.

¹ CM/Del/Dec(2012)1154/4.2.

1. *In its report on Montenegro (fifth monitoring cycle) published on 19 September 2017, ECRI recommended that the authorities put in place a system for collecting disaggregated data in order to provide a coherent, integrated view of the cases, by recording the specific bias motivation of racist and homo/transphobic hate crime (hate speech and violence) reported to the police as well as the follow-up given by the justice system, and that this data is made available to the public.*

ECRI notes that Article 42a of the Criminal Code (aggravating circumstances) is already recorded separately in the database for courts - the Judicial Information System (PRIS). ECRI has been informed that PRIS is expected to be modernised through a new Strategy of Information Technologies (ICT Strategy for the Judiciary) 2016-2020. Furthermore, while there is a by-law requiring all state bodies to record cases of discrimination, reports indicate that neither its framework is sufficiently clear nor the data collection in place is uniform.¹ In this connection, ECRI takes positive note of the establishment of a new working group, with the support of the Ombudsman's Office and the Ministry of Human and Minority Rights, for developing a Rulebook to streamline data records among institutions. Reportedly, the immediate task of this working group is to work on the alignment of data records with the Police Directorate.

Despite these encouraging steps, ECRI considers that there is still no system in place with a view to collecting disaggregated data and providing a coherent as well as integrated view of the cases of racist and homo/transphobic hate speech and hate-motivated violence. It therefore concludes that this recommendation has not been implemented.

2. *In its report on Montenegro (fifth monitoring cycle) published on 19 September 2017, ECRI recommended that the authorities institutionalise and increase the number of Roma Mediators/Assistants at the pre-school and primary school level to ensure children's attendance and decrease the risk of dropping out.*

ECRI notes that the Montenegrin authorities have taken several steps regarding this recommendation. ECRI has been informed that the Centre for Vocational Education developed a professional qualification, namely "Associate in the social inclusion for Roma and Egyptians in the field of education", which is now included in the National Qualifications Framework, resulting in the institutionalisation of this occupation and offering recognition to have access to labour market. In this context, ECRI is pleased to note that the authorities launched a so-called motivation programme in order to familiarise potential trainees with the content of this qualification. 30 participants have attended to this programme so far. According to the Action plan for the implementation of the Strategy for the Social Inclusion of Roma and Egyptians in Montenegro (2016 – 2020), the budget of the Ministry of Education has been earmarked to finance 20 mediators/assistants in the social inclusion of Roma in the field of education and as of September 2019, 18 persons were employed.

In view of these considerations, ECRI concludes that its recommendation has been fully implemented.

¹ EU Commission (2019), Montenegro 2019 Report, SWD(2019) 217 final, 29 May 2019.

