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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
OF THE COUNCIL OF EUROPE
(VENICE COMMISSION)

MONTENEGRO

JOINT OPINION
OF THE VENICE COMMISSION AND THE DIRECTORATE GENERAL
OF DEMOCRACY AND HUMAN DIGNITY (DGII)
OF THE COUNCIL OF EUROPE

ON
THE DRAFT AMENDMENTS TO THE LAW ON MINORITY
RIGHTS AND FREEDOMS

Adopted by the Venice Commission
at its 148th Plenary Session
(Venice, 9-10 October 2026)

On the basis of comments by

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I. Introduction

1. By letter of 14 May 2026, Mr Fatmir Gjeka, Minister of Human and Minority Rights of Montenegro requested an Opinion from the Venice Commission of the Council of Europe on the draft Law on amendments to the Law on minority rights and freedoms ([CDL-REF\(2026\)023](#), hereinafter “the draft Law”).

2. The Commission decided to prepare the present Opinion jointly with the Directorate General of Democracy and Human Dignity of the Council of Europe (“DGII”).

3. Ms Adele Matheson Mestad, Mr Andreas Paulus, Ms Céline Romainville acted as rapporteurs for this Opinion on behalf of the Venice Commission. Mr Rainer Hofmann acted as rapporteur on behalf of DGII.

4. On 6 and 7 July 2026 Mr Paulus, Ms Romainville and Mr Hofmann, accompanied by Ms Martina Silvestri from the Secretariat, held a series of meetings in Podgorica, Montenegro, with the Minister of Human and Minority Rights, as well as with representatives of the Ministry of Culture and Media, the Parliamentary Majority and Opposition, the Minority Councils, the Ombudsman, the Centre for Preservation and Development of Minority Cultures, the Fund for Protection and Development of Minority Rights, the academia, civil society organisations as well as the Delegation of the European Union to Montenegro. The Commission and DGII are grateful to the authorities of Montenegro for the excellent organisation of this country visit. During the visit, the Minister of Human and Minority Rights extended the scope of the request and asked the rapporteurs to share any proposal that they would consider relevant for improving the legislation on minority issues more generally.

5. This Opinion was prepared in reliance on the English translation of the draft Law and the consolidated version of the Law on minority rights and freedoms (hereinafter “the Law”). The translation may not accurately reflect the original version on all points. The authorities of Montenegro provided their written comments to the draft Opinion on 5 October 2026.

6. This Opinion was drafted on the basis of comments by the rapporteurs and the results of the above meetings. It was discussed at the Sub-Commission on Fundamental Rights and on the Protection of National Minorities on 8 October 2026. Following an exchange of views with Mr Fatmir Gjeka, Minister of Human and Minority Rights of Montenegro, it was adopted by the Venice Commission at its 148th Plenary Session (Venice, 09-10 October 2026).

II. Background

7. The Venice Commission has already dealt with the protection of minorities in Montenegro in the past. The last Opinion on the matter ([CDL-AD\(2015\)033](#), hereinafter “the previous Opinion”)¹ concerned amendments to the Law on minority rights and freedoms. Subsequently, the *Memorandum of the Secretariat*² on the Compliance of the revised draft Law on Minority Rights and Freedoms, as submitted by the Ministry of Human and Minority Rights on 4 May 2016 (CDL-REF(2016)039), with the Opinion of the Venice Commission on the draft Law on Amendments to the Law on Minority Rights and Freedoms (CDL-AD(2015)033), taken note of by the Venice Commission at its 107th Plenary session, concluded that most key recommendations formulated by the Venice Commission in its previous Opinion had been addressed but that some unaddressed recommendations remained. These issues will be taken into consideration where relevant in the analysis below.

¹ Venice Commission, Opinion on the Draft Law on Amendments to the Law on Minority Rights and Freedoms of Montenegro, [CDL-AD\(2015\)033](#).

² Secretariat Memorandum of 13 June 2016, [CDL-AD\(2016\)022](#).

8. Alongside being a party to the ICCPR and having endorsed the UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, Montenegro has ratified both the Framework Convention for the Protection of National Minorities (ETS No. 157, hereinafter, “the FCNM”), and the European Charter for Regional or Minority Languages (ETS No. 148).

9. The Advisory Committee on the Framework Convention for the Protection of National Minorities (ACFC), in its 4th Opinion on Montenegro adopted in 2024,³ noticed that Montenegro’s identity is rooted in its diversity and interculturalism – given the absence of a single dominant ethnic group – and the authorities continue to implement policies supporting minority cultures, identities, and participation. However, challenges reportedly persist, and efforts are needed to assess the impact of recent years and develop comprehensive strategies, including collaboration with civil society and minority representatives, to restore trust. The ACFC reported serious concerns with regard to the right to free self-identification due to an atmosphere of pressure created by campaigns to self-identify in a particular way during the 2023 census, and the consequent impact on exacerbating interethnic tensions.⁴

10. According to the ACFC opinion, the legal framework for minority rights remains strong, particularly in supporting Albanian-language education and funding minority cultures, such as through the Fund for the Protection and Exercise of Minority Rights (hereinafter, the “Fund”). However, this Fund is reportedly often misused for political purposes, undermining its effectiveness.⁵

11. The ACFC opinion also described the situation of Roma and Egyptian communities as particularly alarming, requiring urgent action to address issues like housing, documentation, and healthcare access. These groups reportedly face the highest levels of ethnic intolerance, with Roma women disproportionately affected by discrimination in healthcare and a lack of documentation. Local authorities often lack the capacity or willingness to address these problems, highlighting the need for greater awareness and empowerment initiatives, especially for Roma and Egyptian women. According to the 4th opinion, education also remains a critical issue: Roma history, culture, and Romani language are largely absent from school curricula,⁶ and access to education for Roma and Egyptian children—particularly preschool and secondary levels—is limited. While primary school attendance has improved, early marriages and segregation persist, requiring sustained efforts to ensure equal opportunities. According to the 2023 census, only 1,17% of the population declared to be affiliated with the Roma and/or Egyptian communities.⁷

12. The ECRI Report on Montenegro, adopted in 2025,⁸ contains a number of recommendations addressing specifically the Roma and Egyptian communities in relations to the key challenges highlighted in the ACFC Opinion, such as access to education, healthcare and housing.

13. The 2025 EU Progress Report on Montenegro,⁹ while recognising that “the legal and institutional framework for the protection of persons belonging to minorities is largely in place”

³ ACFC, [Fourth Opinion on Montenegro](#), 2024, pp. 4 and 5.

⁴ ACFC, [Fourth Opinion on Montenegro](#), 2024, paras. 27, 30-33.

⁵ Idem, paras. 7, 15, 54-62. ACFC, [Third Opinion on Montenegro](#), 2019, Article 5, paras. 64-75.

⁶ On Romani language, see also the [Sixth evaluation report on Montenegro](#), 2023, of the Committee of Experts of the European Charter for Regional or Minority Languages, pp. 14-15, and the [Evaluation by the Committee of Experts of the Implementation of the Recommendations for Immediate Action contained in the Committee of Experts' sixth evaluation report on Montenegro](#), 2025, pp. 4-6.

⁷ Census 2023, results related to ethnical affiliation: https://www.monstat.org/uploads/files/popis%202021/saopstenja/SAOPSTENJE_Popis%20stanovnistva%202023%20II_ENG.pdf

⁸ ECRI, [Sixth monitoring cycle](#), 2025.

⁹ [EU Progress Report on Montenegro](#), 2025, pp. 49-50.

echoes similar concerns as regards the disadvantaged situation of the Roma and Egyptian communities, as well as the need for a strategy to foster a shared civic identity. In particular, it stressed that a coherent and wide-ranging strategy to foster a shared civic identity will have to be developed following a review of the appointment procedure for the Project Evaluation Commission of the Fund and an evaluation of the effects of current policy measures to foster integration into society.

III. Scope and content

14. The initial request concerns a set of amendments modifying 19 articles of the Law and adding two new draft articles. The amendments concern the use of minority languages in local public media, the domain of education in minority languages, the enhanced participation of minorities in governance, and more generally in all domains at the local self-government level, amending some provisions related to the Fund in terms of administrative deadlines or eligibility requirements, plus some transitional provisions.

15. Following the broader request by the Minister of Human and Minority Rights during the meeting in Podgorica (see the Introduction above), the Opinion will look at some key issues identified by the ACFC and by the previous Venice Commission Opinion (see Background), in order to make some general observations for further improvement of the Law. Therefore, the scope of this Opinion is enlarged and will primarily address the legislative process and some general considerations, followed by an article-by-article analysis of the draft amendments.

16. The draft Law, as presented by the Minister of Human and Minority Rights in the “statement of reasons”, “intervenes in the field of institutional support to exercising minority rights and freedoms, promotion of exercising minority rights on the local level, improving cooperation of minority nations and other minority national communities with government and non-government associations, organizations and institutions and academic communities in the country and abroad, compliance with the principle of proportionate representation, preservation of culture and economic status and welfare of citizens in the communities with a significant number of inhabitants who are members of minority nations and other minority national communities, amount of funds to finance councils of minority nations and other minority national communities, and improving distribution of funds by the Fund for Protection and Exercise of Minority Rights.”¹⁰

17. While the “statement of reasons” mentions that the recommendations of the Commission “were taken into account” in the process of drafting the text, the Venice Commission and DGII note that the amendments proposed in the draft Law predominantly deal with matters that are not related with those assessed in the previous Opinion. Yet, whenever relevant, notably with respect to the risk of politicisation of the Fund and of interference of the executive with the allocation of subsidies by the Fund, the Opinion will refer to the previous findings.

18. The Venice Commission underscores that the fact that the present opinion does not examine certain provisions or aspects of the current Law and of the amendments should not be interpreted as expressing any view, whether positive or negative, on those provisions or issues.

¹⁰ [CDL-REF\(2026\)023](#), p. 7.

IV. Analysis

A. Legislative process

19. The draft Law has been prepared upon the initiative of the Ministry of Minority Rights and Freedoms and is still to be submitted to Parliament for discussion. The legislative process included a couple of full-day meetings involving several stakeholders for discussing the amendments (the working group included representatives of the Ministry of Culture and Media, the six national minority councils, the Centre for preservation and development of minority cultures, the Fund for the protection and exercise of minority rights, some non-governmental organisations and two experts) and a phase of public consultation, allocating time for written contributions. Some interlocutors considered the process very inclusive, while others, in particular the minority councils, expressed the wish to be involved at an earlier stage. The Venice Commission and DGII are thankful for providing the results of the written consultation, including the written comments and the respective responses of the government.¹¹

20. In its Updated Rule of Law Checklist, the Venice Commission underlined that the quality of legislation depends largely on the quality of the legislative process, which must be efficient, transparent, accountable, inclusive and democratic.¹² In particular, legislative procedures should allow an inclusive debate and a meaningful participation of all the relevant stakeholders, involving all segments of society and especially those particularly affected by the proposed amendments.¹³ The Venice Commission and DGII welcome the work carried out by the working group in an inclusive manner as well as the public consultation phase. As the process moves forward, the Commission and DGII express the hope that the parliamentary procedure will be followed through a consultative and inclusive process, in full compliance with the principles of good law-making. The Commission emphasises the importance of thorough analysis, impact assessment, and consultations with national stakeholders for the continuation of the legislative process.

B. General considerations on the Law

1. The principle of free self-identification

21. From the outset, the Venice Commission and DGII observe that Article 2 of the Law defines “minority nations and other minority national communities” and Article 10 of the Law stipulates that “Members of minority nations and other minority communities shall have the right to national determination in a free and independent manner” but do not explain how an individual can become a member of one (or more) specific minority group or how to change group.

22. The principle of free self-identification is a cornerstone of minority rights under Article 3 FCNM, which states that “Every person belonging to a national minority shall have the right freely to choose to be treated or not to be treated as such and no disadvantage shall result from this choice or from the exercise of the rights which are connected to that choice.” The European Court of Human Rights has underscored that the “right to free self-identification is not a right specific to the Framework Convention. It is the “cornerstone” of international law on the protection of minorities in general. This applies especially to the negative aspect of the right: no bilateral or multilateral treaty or other instrument requires anyone to submit against

¹¹ Published by the Ministry of Human and Minority Rights on 11 March 2026 at the following link: [Izveštaj sa javne rasprave o Nacrtu Zakona o izmjenama i dopunama Zakona o manjinskim pravima i slobodama F \(1\)](#).

¹² Venice Commission, [CDL-AD\(2025\)002](#), Updated Rule of Law Checklist, Benchmark II.A.6, para. 34.

¹³ Venice Commission, [CDL-AD\(2025\)043](#), Hungary – Opinion on the compatibility with international human rights standards of the fifteenth amendment to the Fundamental Law of Hungary, para. 16.

his or her wishes to a special regime in terms of protection of minorities.”¹⁴ The Venice Commission has also referred to this principle in several previous Opinions.¹⁵

23. The right to identify in a free and independent manner in the Law is drafted in narrower terms than in the FCNM. In particular, Article 3(1) FCNM goes further by expressly protecting the individual choice to be treated, or not to be treated, as belonging to a national minority and by providing that no disadvantage may result from that choice or from exercising the related rights. The ACFC has clarified that free self-identification includes a situational dimension: individuals must remain free to decide whether and when to invoke their minority affiliation and the rights connected with it, rather than being required to identify in the same way in every context.¹⁶ The Law also does not address several other elements which can be considered inherent in free self-identification such as the possibility of multiple affiliation, including identification with more than one minority or simultaneously with a minority and the majority;¹⁷ the possibility of expressing affiliation differently in different data-collection exercises;¹⁸ and protection against pressure by others to identify, or not to identify, in a particular way.¹⁹ These safeguards are particularly relevant in Montenegro given the concerns recalled in the Background Section concerning the pressure surrounding the 2023 census, notwithstanding the fact that multiple affiliations were permitted.

24. The guarantees relating to free self-identification also entail safeguards concerning the conduct of the authorities. On the one hand, the authorities should refrain from imposing, presuming or otherwise determining an individual's ethnic affiliation, from requiring consistency of affiliation across different contexts, and from attaching any disadvantage to the choice to identify or not to identify with a minority. In particular, affiliation should not be inferred automatically from characteristics such as language, name or religion. On the other hand, the authorities should take positive measures to ensure that free self-identification can be exercised effectively in practice. This includes informing persons belonging to national minorities of their right to self-identify freely, ensuring that declarations of affiliation are voluntary, allowing multiple affiliations where relevant, protecting the confidentiality and accurate recording of such information and creating conditions in which individuals can make their choice without fear of disadvantage or external pressure. In contexts such as censuses or other data-collection exercises, this also requires appropriate procedural safeguards and the involvement of minority representatives.²⁰

25. In its latest Opinion on Montenegro, the ACFC reiterated that all persons and groups concerned should be made aware of the possibility and enabled to avail themselves of the right to self-identify freely in order to access their rights. There should be no obstacles in practice to the choice of affiliating with a minority, or several, or to the majority; rather, the choice should be made free of any fear of resulting disadvantages or of loss in social prestige. Equally, the individual decision to identify or not to identify with a particular minority must be respected by others who affiliate themselves with the same group and who equally must not

¹⁴ European Court of Human Rights, *Tasev v North Macedonia*, judgement of 16 May 2019, application no. 9825/13, para. 33. See also, *Molla Sali v. Greece* [GC], no. [20452/14](#), § 157, 19 December 2018.

¹⁵ See e.g., Venice Commission, North Macedonia - Opinion on the draft law on adequate and fair representation, [CDL-AD\(2025\)046](#), para. 49; [CDL-AD\(2012\)011](#), Opinion on the Act on the Rights of Nationalities of Hungary, para. 40; and, [CDL-AD\(2009\)032](#), Joint opinion on the Electoral Code of "the former Yugoslav Republic of Macedonia" as revised on 29 October 2008 by the Venice Commission and the OSCE Office for Democratic Institutions and Human Rights, para. 39.

¹⁶ ACFC, [4th opinion on Montenegro](#), 2024, para. 30. ACFC, [Thematic Commentary No. 4](#) (2016), paras. 9, 11 and 12.

¹⁷ ACFC, [Thematic Commentary No. 4](#) (2016), para. 13.

¹⁸ ACFC, [Thematic Commentary No. 4](#) (2016), para. 16.

¹⁹ ACFC, [Thematic Commentary No. 4](#) (2016), para. 12.

²⁰ ACFC, [Thematic Commentary No. 4](#) (2016), paras. 14-17. ACFC, [4th opinion on Montenegro](#), 2024, paras. 30-33.

exert pressure one way or the other (see in the Background section, the reported pressure created by campaigns to self-identify in a particular way).²¹

26. During the meetings in Podgorica, the interlocutors informed the rapporteurs that an individual has the possibility to declare to be a member of a certain minority group but the modalities for this declaration were not clarified. Reference was made to the census which took place in 2023 on the basis of the Law on Census of Population, Households, and Dwellings adopted in December 2022, which lists “ethnicity” among the list of personal data to be collected. The census included optional questions on ethnic affiliation, language and religion. Declaring multiple affiliations was also possible.²² However, the Law does not clarify whether the declaration made in the occasion of the census serves to identify minority groups’ members. Reportedly, the recognition of membership of a person to a certain minority (relevant for example for electing members of the minority councils, see Article 3(8) of the Law) belongs to the relevant minority councils. As inferred by some interlocutors during the visit, a person can decide to change his or her affiliation to a certain minority, although the modalities for such change do not seem to be clear, especially in between two censuses.

27. In this respect, the ACFC’s recommendation is noteworthy to promptly publish disaggregated data gathered from the census and to involve representatives of national minorities in the analysis and publication of the collected data, as well as to work with them to identify and address the issues around the census, including in relation to free self-identification and the billboard campaigns.²³

28. The Venice Commission and DGII consider it would be appropriate to incorporate in the Law an explicit reference to the principle of free self-identification as drafted in Article 3 of the FCNM accompanied by the relevant guarantees, including the possibility, under specified conditions, to affiliate with more than one minority group and to change affiliation.

2. The participation of Roma and Egyptians

29. Another general remark regards the repetitive reference in the Law to minorities that “constitute a majority or at least 5% of the population [in the relevant local self-government unit]”. Such threshold is set as a condition for the obligation of the local self-government to respect the principle of proportionate representation, within the plan and programmes for effective participation of the local population in performing public affairs or by delivering a special plan and programme, through the councils of the respective minority nations and other minority national communities, to provide conditions for the participation of minority nations and other minority national communities in the adoption of a development programme of municipality, spatial and urban planning, budgets and general acts stipulating rights and obligations of citizens as well as to regulate the manner and procedure for the participation of minority nations and other minority national communities in performing public affairs. The same threshold applies to appoint an authority to conduct public debates related to these and other legal acts (draft Article 28), and for the obligation to coordinate with Members of Parliaments of a certain minority for legislative or regulatory proposal that interfere with interests of that minority on issues pertaining to preservation of economic status and welfare of citizens in the respective local self-government units (Article 29(2)). The Venice Commission and DGII note that once the threshold of “at least 5%” is established, the reference to the “majority” becomes redundant. In addition, they observe that, despite this low threshold, the communities that are reported to be most in need, notably the Roma and

²¹ ACFC, [4th opinion on Montenegro](#), 2024, para. 30. ACFC Thematic Commentary No. 4, paras. 12 and 14.

²² ACFC, [4th opinion on Montenegro](#), 2024, para. 27.

²³ ACFC, [4th opinion on Montenegro](#), 2024, para. 33.

Egyptians,²⁴ would be excluded from the decision-making process in all aspects of public life, while they face major challenges identified in the fields of education, housing, documentation, and healthcare access (see on the needs of those communities the section on Background above)²⁵.

30. The Venice Commission and DGII recall that in its Thematic Commentary on Participation, the ACFC stated that: “As a rule, measures facilitating the representation of persons belonging to national minorities in elected bodies should be supported. Exemptions from threshold requirements, reserved seats or veto rights have often proved useful to enhance their participation in elected bodies. However, the mere introduction of such arrangements does not automatically provide persons belonging to national minorities with a genuine and substantial influence on decision-making. (...) [A]lternative ways of enabling persons belonging to national minorities to take part in the decision-making should be identified. (...) Measures aimed at reaching a rigid, mathematical equality in the representation of various groups should, however, be avoided. (...) Consultation mechanisms are an additional way to enable persons belonging to national minorities to take part in decision-making processes. However, just as representation in elected bodies alone may be insufficient to ensure substantial influence on the decision-making, mere consultation does not constitute a sufficient mechanism for ensuring effective participation of persons belonging to national minorities. Bearing in mind the need to take into account national circumstances, States should be encouraged to design a system that provides for both representation of and consultation with national minorities.”²⁶

31. When traditional measures for the inclusion of minority groups are not effective, as it appears to be the case with the Roma and Egyptian minorities in Montenegro (see Background above), the identification of alternative measures going beyond the 5% threshold could be an appropriate solution. Facilitating the participation of Roma and Egyptians in the decision-making processes and the public life in general,²⁷ as well as including their representatives in the public structures and institutions, is likely to foster their integration and better targeting of their needs. Positive measures,²⁸ as those described in the Thematic Commentaries (e.g. exemptions from threshold requirements, consultation mechanisms, etc.), may play a decisive role in this sense.

3. Composition and transparency of the Fund Evaluation Commission

32. The Venice Commission and DGII note that the draft Law does not modify either the composition of the Evaluation Commission of the Fund,²⁹ which selects the projects for funding, or the selection procedure of such projects to be funded. Article 36j(1) provides that the Evaluation Commission members are appointed by Parliament. Article 36k(2), indent 4, excludes members, employees and volunteers of minority councils from the appointment as members of the Evaluation Commission, while Article 36i(5) excludes minority councils and

²⁴ As mentioned in the Background section (para. 11), only 1,17% of the population declared to be affiliated with the Roma and/or Egyptian communities, according to the 2023 census, and they do not meet the 5% threshold in any municipality.

²⁵ ACFC, [4th opinion on Montenegro](#), 2024, p. 4.

²⁶ ACFC, [Thematic Commentary No. 2](#) (2008), Participation, pages 7 and 8. See also, para. 19, according to which formal participation is not sufficient: persons belonging to national minorities should be able to exercise a substantial influence on decisions taken and, as far as possible, share ownership of those decisions; and paras. 109-112, stressing that consultation should not be limited to minorities living in areas of traditional or substantial concentration and should not reflect only the concerns of the numerically largest minorities.

²⁷ The threshold is also used for the use of the language in local public media, in administrative and court proceedings and in conducting administrative and court proceedings, at issuance of public documents and keeping official records, on ballot papers and other electoral material as well as in the work of representative bodies (draft Articles 11(2)).

²⁸ Venice Commission, Updated Rule of Law Checklist, [CDL-AD\(2025\)002](#), Benchmark II.E.4, paras. 94-96.

²⁹ Articles 36j to 36m of the Law.

their presidents from submitting projects for the allocation of funds. Article 36i(2) foresees that minority councils provide an opinion on the distribution of funds prior to the decision of the Management Board of the Fund. Article 36m provides for the selection procedure by the Fund Evaluation Commission, without requiring the latter to provide reasons for the acceptance, rejection and rating of the project proposals. No monitoring of the project implementation is foreseen, save for an “internal control and audit of both running and completed projects regarding purposeful and lawful use of the funds, in accordance with the law governing the area of finance” (Article 36r).

33. The composition of the Evaluation Commission and the transparency of the selection procedure have been identified as key issues by the ACFC, as already indicated in the Background section above. The ACFC found that there is “a need for greater transparency and less politicisation vis-à-vis the Fund for the Protection of National Minorities, and for projects financed by this organ to be properly evaluated. The range of financial and cultural support for persons belonging to national minorities is impressive, although the effective, transparent and politically neutral distribution of this support needs to be ensured.”³⁰ During the latest monitoring cycle, the ACFC found that the Fund has continued to be controversial and “further efforts are therefore needed to ensure its transparency, to depoliticise its work, and to introduce evaluation of projects financed.”³¹ The ACFC recognised “the need to separate national minority councils and the Fund, given the risks of conflict of interest the previous system posed. That said, this has plainly not lessened the instrumentalisation of the work of the Fund in service of particular party-political interests.”³² The ACFC also urged “the authorities to review the appointment procedure for the Commission for Evaluation of the Fund for the Protection and Exercise of Minority Rights to ensure it is representative of all national minorities, as well as of the diversity within minority communities, and take steps to address the instrumentalisation of the Fund in the service of particular party-political interests.”³³ The ACFC stressed the importance that persons belonging to national minorities and their representatives have faith in the process of disbursement of funds, and that no one group is seen to be in control of the Fund”.³⁴

34. During the visit in Podgorica, these concerns were echoed in particular by the minority councils for being excluded both from the participation in the Evaluation Commission and the possibility to apply for projects to be funded by it. They expressed their perception that the distribution of funds to projects was unfair (most funds benefitting one minority primarily) and was lacking both justification for the ranking of projects and allocation of funds, as well as monitoring of the implementation of the projects.

35. The Commission and DGII consider that putting in place a transparent system for the allocation of project funding, including a requirement for the Evaluation Commission to provide reasons for the acceptance, the rejection as well as the rating of the project proposals,³⁵ would contribute to rebuilding trust in the fund-disbursement process among persons belonging to national minorities and their representatives.

C. The draft amendments

Articles 1 and 2 of the draft Law

³⁰ ACFC, [4th opinion on Montenegro](#), 2024, para. 7.

³¹ ACFC, [4th opinion on Montenegro](#), 2024, para. 15.

³² ACFC, [4th opinion on Montenegro](#), 2024, para. 57.

³³ ACFC, [4th opinion on Montenegro](#), 2024, para. 62.

³⁴ ACFC, [4th opinion on Montenegro](#), 2024, para. 58.

³⁵ See also the Updated Rule of Law Checklist, [CDL-AD\(2025\)002](#), para. 70: “In principle, the obligation to give reasons also applies to administrative decisions.”

36. Article 1 of the draft Law modifies Article 11(3) of the Law which provides for the legal regime governing official use of minority languages in municipalities with at least 5% minority populations. By adding "in local public media", the amendment extends the use of minority languages currently foreseen only for administrative and court proceedings, issuance of public documents and keeping official records, on ballot papers and other electoral material as well as for the work of representative bodies. In addition, Article 2 of the draft Law increases the minimum frequency of broadcasting cultural programmes from once to twice monthly (Article 12(4) of the Law) and expands the responsibility to media founded by local self-government units (Article 12(3) of the Law).

37. The Venice Commission and DGII recall that in its third Thematic Commentary, the ACFC stated that "[t]he media play an important role with regard to the linguistic rights of national minorities. The right to receive and impart information and ideas in a minority language, as stipulated in Article 9 of the Framework Convention, depends on effective opportunities for access to the media. Furthermore, the possibility to receive and impart information in a language one can fully understand and communicate in, is a precondition for equal and effective participation in public, economic, social, and cultural life. Moreover, in order for the language to develop in all domains and serve the speaker as an all-encompassing means of communication, it needs to be present in the public sphere, including in public media. The presence of minority languages in public media further strengthens social cohesion, as it reflects an overall inclusive policy towards minorities, based on recognition and the encouragement of self-recognition."³⁶

38. The Venice Commission and DGII note that the extension of the use of minority languages was unanimously appreciated by all interlocutors. During the visit in Podgorica, no information could be gathered on whether any budget allocation had been made to allow for the local public media to adapt to the new provision and the regular official use of minority languages. However, in their written submissions on 5 October 2026, the Montenegrin authorities clarified that the amendments had been agreed with the Union of Municipalities, and the budgets of the relevant self-government units are expected to cover such costs.³⁷ New municipalities' budgets for the following fiscal years are expected to be voted before the end of the current year and to include the financial resources needed for implementing the amendments. The Commission and DGII recall that the ACFC stated that "[a]s broadcasting in minority languages often requires supplementary efforts for translation and the development of adequate terminology, budget allocations for such programmes must be adjusted."³⁸ Based on the above, the Venice Commission and DGII welcome the extension of the use of minority languages in local media and the increased frequency of cultural programmes.

39. Moreover, the Venice Commission and DGII recall the previous consideration³⁹ that, according to the 2023 census, the Roma and Egyptian communities do not meet this threshold in any municipality, thereby limiting its effectiveness for those groups most in need of protection. This is particularly important on the basis of the ACFC's Thematic Commentary No. 3, according to which: "[s]pecial attention should be paid to the needs of numerically smaller minorities or particularly vulnerable groups such as Roma communities that usually have very limited access to media in their own languages and suffer from a lack of qualified

³⁶ ACFC, [Thematic Commentary No. 3](#) (2012), Language rights, para. 40. See also Article 11 of the European Charter for Regional or Minority Languages.

³⁷ Article 49 of the Law on Audiovisual Media, "Official Gazette of Montenegro", No. 054/24 of 11 June 2024.

³⁸ ACFC, [Thematic Commentary No. 3](#) (2012), Language rights, para. 42. See also Article 5(3) of the European Media Freedom Act ([Regulation \(EU\) 2024/1083](#) – a common framework for media services in the internal market), which provides that "funding procedures shall guarantee that public service media providers have adequate, sustainable and predictable financial resources corresponding to the fulfilment of and the capacity to develop within their public service remit".

³⁹ See above, Section B.2. on the participation of Roma and Egyptians.

journalists trained to work in a minority language.”⁴⁰ The ACFC thus recommended in its Commentary that “[a]uthorities should provide increased funding to organisations or media outlets representing these minorities in order to bring their identity, language, history and culture to the attention of the majority.”⁴¹ Finally, during the meetings, it was clarified that the “appropriate number of hours” for broadcasting, mentioned in Article 12(3) of the Law, is established by the Law on Audio-Visual Media Services (AVMS Law). Such reference could be made explicit in the Law.

Article 3 of the draft Law

40. Article 3 of the draft Law removes the requirement in Article 13(6) that access to minority language education for pupils and students that do not belong to a minority be limited to those “with which they live together”. Recommendation CM/Rec(2022)1 of the Committee of Ministers of the Council of Europe to member States on the importance of plurilingual and intercultural education for democratic culture recognises the fundamental role of plurilingual and intercultural education, “for personal and professional development, equity, societal integration, the exercise of human rights and participation in democratic culture.”⁴² In its Thematic Commentaries⁴³ the ACFC argued that it is best practice to guarantee the right to learn a minority language by including minority languages in the public school system and in the mandatory part of the curriculum, including languages of numerically smaller minorities.⁴⁴ The Venice Commission and DGII consider this a positive amendment, inasmuch as it broadens access to minority languages’ education to all students, irrespective of their belonging to a certain minority or to the fact of living with a minority community, and it aligns with inclusive practice.

Article 4 of the draft Law

41. Article 4 of the draft Law amending Article 18(2) provides that the director of a school with instruction in minority languages may be elected also by local self-government units (instead of municipalities). The Venice Commission and DGII recall that according to the ACFC “State Parties should promote the recruitment, promotion and retention in the administration and public services of persons belonging to national minorities, both at national and local levels.”⁴⁵ The Commission and DGII therefore welcome this amendment.

42. The Venice Commission and DGII also note that according to the provision the director shall be elected “in accordance with the law” without specifying which law would apply. In light of the principle of legal certainty,⁴⁶ the Venice Commission and DGII recommend making this reference explicit.

Article 5 of the draft Law

43. Article 5 of the draft Law introduces in Article 22(2) of the Law the principle of proportionate representation for minorities’ participation in governance: “Minority nations and other minority national communities and their members shall have the right to expression of their interests,

⁴⁰ ACFC, [Thematic Commentary No. 3](#) (2012), Language rights, para. 42.

⁴¹ ACFC, [Thematic Commentary No. 3](#) (2012), Language rights, para. 42.

⁴² Recommendation [CM/Rec\(2022\)1](#) of the Committee of Ministers to member States on the Importance of plurilingual and intercultural education for democratic culture, Appendix, p. 11.

⁴³ ACFC, [Thematic Commentary No. 1](#) (2024), Education, para. 105.

⁴⁴ ACFC, [Thematic Commentary No. 1](#) (2024), Education, para. 102. See also, [First Opinion on Lithuania](#); [Fourth Opinion on Sweden](#); [Fifth Opinion on Slovenia](#), [Fifth Opinion in Finland](#). See also Article 8 of the [European Charter for Regional or Minority Languages](#).

⁴⁵ ACFC, [Thematic Commentary No. 2](#) (2008), Participation, para. 41. See also Article 10 of the [European Charter for Regional or Minority Languages](#).

⁴⁶ Venice Commission, *op. cit.*, [CDL-AD\(2025\)002](#), Chapter B.

effective participation in governance and in public control of governance, *according to the principle of proportionate representation.*” In paragraph (3), it foresees the possibility for minorities to cooperate not only with governmental and non-governmental organisations, but also with *governmental and non-governmental establishments, associations and academic communities*. The principle of proportionate representation corresponds with the wording of Article 79(1) of the Constitution which refers to the concept of “authentic” (indent 9) and “proportionate” (indent 10) representation.⁴⁷ The Venice Commission and DGII consider that the terminology used corresponds with the one of the Constitution but note that the phrasing “in line with the law”, does not specify what law is referring to. Hence, they invite the authorities to make this reference explicit as required by the principle of legal certainty.⁴⁸

Articles 6, 7 and 8 of the draft Law

44. Articles 6, 7 and 8 of the draft Law, amending Articles 25, 26, and 28 of the Law, expand the right of minorities to proportionate representation⁴⁹ and participation at the local self-government level. The importance to enhance minority rights and participation at local level was underlined by the ACFC in numerous occasions, e.g. in respect of elections,⁵⁰ inclusion in the administration and public services,⁵¹ and more generally ACFC stated that “[t]he establishment of specialised governmental structures dealing with national minorities within national, regional or local authorities can help improve minority participation in public affairs.”⁵² The Commission and DGII therefore welcome these amendments but observe lack of clarity on practical mechanisms for identification and determination of minority affiliation (as already underlined in the general considerations above), and reiterate the observation that the most vulnerable minorities (not meeting the 5% threshold) remain excluded in some cases (Article 28). The reference to other legislations in Article 25(1), “in line with the law”, and in Article 26(1), “in accordance with the law”, should also be clarified.

Article 9 of the draft Law

45. Article 9 of the draft Law amends Article 29 of the Law by adding, on the one hand, “culture” to the minority-related domains to be preserved and, on the other hand, by extending coordination procedures (that allow Members of Parliament elected in accordance with the principle of affirmative action to be involved in proposed acts or regulations that she or he consider to substantially interfere with interests of those minority nations and other minority national communities) to matters relating to preservation of the economic status and welfare in local self-government units where minorities constitute at least 5%. As to the inclusion of culture as a protected domain, the Commission and DGII recall that Article 5 of the Framework Convention establishes the obligation of states parties to promote the conditions for the preservation and development of national minority cultures and identities are best served if the scope of application is interpreted widely. The ACFC noted that the aim of Article 5 of the FCNM “is to ensure that persons belonging to national minorities do not assimilate but are enabled to maintain and develop their distinct identities and to actively enjoy minority rights.”⁵³ The amendment is therefore welcomed. Regarding the second amendment, the authorities of

⁴⁷ Article 79(1) of the Constitution: “9) the right to authentic representation in the Parliament of the Republic of Montenegro and in the assemblies of the local self-government units in which they represent a significant share in the population, according to the principle of affirmative action; 10) the right to proportionate representation in public services, state authorities and local self-government bodies”

⁴⁸ Venice Commission, *op. cit.*, [CDL-AD\(2025\)002](#), paras. 48-49.

⁴⁹ In Article 25 of the Law, the translation reads « proportional representation » but the original text uses the same term as in Article 79(1) indent 10 of the Constitution (proportionate), and draft Articles 22(2) and 28 of the Law.

⁵⁰ ACFC, [Thematic Commentary No. 2](#) (2008), Participation, para. 101.

⁵¹ ACFC, [Thematic Commentary No. 2](#) (2008), Participation, para. 41.

⁵² ACFC, [Thematic Commentary No. 2](#) (2008), Participation, para. 103.

⁵³ ACFC, [Thematic Commentary No. 4](#) (2016), “The Framework Convention: a key tool to managing diversity through minority rights The Scope of Application of the Framework Convention for the Protection of National Minorities”, para. 67. See also Article 12 of the European Charter for Regional or Minority Languages.

Montenegro, in their written submission of 5 October 2026, provided further explanation concerning the scope and definition of "economic status and welfare". Notably, they indicated that "the purpose of the provision is to enable, within the consultative and participatory role of Members of Parliament elected in accordance with the principle of affirmative action, the consideration of matters which may have a direct impact on the economic and social position of the population in local self-government units in which minority peoples and other minority national communities constitute either a majority or at least 5% of the population. The term "economic status and well-being of citizens"⁵⁴ should be understood in a broader sense, as encompassing matters relating to living conditions and the realization of citizens' economic and social interests, including, inter alia, employment and self-employment opportunities, access to economic opportunities, social protection, access to essential public services, education and healthcare, local infrastructure, housing conditions, as well as other matters relevant to quality of life and the equal participation of citizens in the economic and social life of the local community."⁵⁵ The Commission and DGII are thankful for the clarification which could be appended to the explanatory note of the draft Law.

Article 10 of the draft Law

46. Article 10 of the draft Law amends Article 33 of the Law by replacing the references to "city municipalities" with the Capital of Podgorica and the Historic Capital of Cetinje. This seems to be a simple linguistic issue of administrative nature. The Commission and DGII however note that Article 33, which establishes the composition and function of the minority councils, lacks measures for ensuring gender balance in minority councils' composition, as it had already been noticed in the Committee of Ministers of the Council of Europe's Resolution CM/ResCMN(2015)2 on the implementation of the Framework Convention for the Protection of National Minorities by Montenegro in 2015.⁵⁶ In its last opinion on Montenegro, the ACFC stated that "gender balance regarding the membership of these councils has not been addressed. The situation remains troubling with very few women involved in the work of these six bodies."⁵⁷ Consequently, the Venice Commission and DGII recommend taking appropriate action to ensure gender balance within the minority councils. In the written submission of 5 October 2026, the Montenegrin authorities declared their intention to put forward a proposal to implement this recommendation.

47. In addition, the Committee of Ministers in 2015 stressed that "[t]he Minority Councils [were] perceived by large segments of Montenegrin society as vehicles for political patronage". Likewise, the Venice Commission, in its previous Opinion, identified a risk of politicisation of

⁵⁴ It is understood that the term "well-being" in the written submission of the Montenegrin authorities corresponds to "welfare" in the draft amendments.

⁵⁵ They also added: "At the same time, the term "well-being" does not constitute a legally indeterminate authorization to intervene in all areas of public policy. Rather, it refers to those matters and measures at the local level which may have a direct or significant impact on citizens' living and socio-economic conditions. Its purpose is to ensure that, in the formulation and implementation of local policies, due account is taken of the specific circumstances and needs of the population, including those of minority peoples and other minority national communities.

The 5% population threshold serves exclusively to establish the existence of a sufficiently significant minority presence to justify the application of this participatory mechanism at the local level. It does not constitute a condition for the enjoyment of economic or social rights, nor does it provide a basis for differential treatment of citizens with regard to the enjoyment of such rights.

The term "preservation" should be understood as protection against the deterioration of economic and social living conditions and, where necessary, the adoption of measures aimed at improving those conditions. Accordingly, the purpose of the provision is not to preserve a particular existing economic situation under all circumstances, but rather to protect and improve the conditions necessary to ensure a dignified life, equal opportunities and the effective participation of citizens in the economic and social life of the local community."

⁵⁶ Resolution [CM/ResCMN\(2015\)2](#) on the implementation of the Framework Convention for the Protection of National Minorities by Montenegro, para.1, a), "There is no mechanism to guarantee a gender balance in their composition".

⁵⁷ ACFC, [4th opinion on Montenegro](#), 2024, para. 18 and, see also para. 7 and, with respect to the Egyptians, page 44.

the councils due to the “the involvement of these *ex officio* members, who are politicians by their function and members of political parties”.⁵⁸ The feedback received by different interlocutors during the visit in Podgorica, as well as subsequent written submissions, reported that, more than ten years later, minority councils are (and are perceived as) heavily influenced by political interests. The Venice Commission and DGII consider that minority councils are not state bodies and should have a primary stake in the interests of the community they represent, rather than merely following political interests. Thus, they recommend considering addressing the issue of politicisation of the minority council and further enhancing the representativeness in the councils of the plurality of views within a minority. In the written submission of 5 October 2026, the Montenegrin authorities make reference to the legal provisions describing the composition of the minority councils, the presence of *ex officio* members, the method of election of the members elected by the electoral assembly. The authorities underline that the fact that *ex officio* members do not participate in the electoral assembly “guarantees the depoliticization of the Council”. The Venice Commission and DGII consider that this cannot be considered a sufficient guarantee, given that, as mentioned above, minority councils are reported to be (and are perceived as) heavily influenced by political interests.

Article 11 of the draft Law

48. Article 11 of the draft Law amends the deadline in Article 33a(2) of the Law for submission of minority councils' reports. While this amendment falls under the discretion of the state, the Venice Commission and DGII remark that the requirement for the Ministry to provide an opinion lacks a specified timeframe, which may affect legal certainty.⁵⁹

Articles 13 and 17 of the draft Law

49. Articles 13 and 17 of the draft Law amend Articles 36 dž(3) and 36k(1) of the Law by adjusting educational requirements for the Fund director and Project Evaluation Commission members. The amendments appear to be of a minor nature, reducing to the equivalent of Bachelor the threshold for candidates, without requiring anymore a year of specialisation that is in fact replaced by one further year of experience in the case of the Director and the combination of experience in drafting, implementation *and* evaluation of projects for the Project Evaluation Commission's members. During the visit in Podgorica, some interlocutors expressed a preference for the previous requirement, higher in terms of formal education. However, the Commission and DGII note that the higher specialised experience requested, may well compensate (or even increase) the suitability of the candidate. Moreover, these modifications may have the advantage of increasing the number of potential candidates with relevant qualifications which should not be underestimated in a country with a limited population with quite a few minorities with a small number of members. In any case, this matter falls under the discretion of the state authorities.

Articles 15 and 16 of the draft Law

50. Articles 15 and 16 of the draft Law modify respectively Article 36h(1) (providing a deadline for announcing the public competition for the allocation of funds) and Article 36i(5) (restricting council presidents' eligibility for submitting projects) and (6)(relating to the number of projects that can be submitted) of the Law. Draft Article 36i(6) of the Law provides that “At the public competition for the allocation of funds referred to in paragraph 1 item 2 of this Article, may not participate non-governmental organizations, legal and natural persons whose *two projects, i.e. one project in the amount of at most 5% of the total funds allocated for financing projects to support the activities referred to in Article 36 paragraph 1 of the present Law were financed during the calendar year by the decision of the Fund*”. The Venice Commission and DGII

⁵⁸ Venice Commission, *op. cit.*, [CDL-AD\(2015\)033](#), para. 22.

⁵⁹ Venice Commission, *op. cit.*, [CDL-AD\(2025\)002](#), paras. 49-50.

consider that the wording is not entirely clear and needs to be rephrased. The other two amendments, which fall in substance under the discretion of the state, can be considered positive inasmuch as draft Article 36h(1) increases the transparency of the procedure for submitting projects in line with the requirement of foreseeability of the law⁶⁰ and draft Article 36i(5) limits potential conflicts of interest and coherently completes the existing provision which already excludes the minority councils from applying for projects.⁶¹ Minority councils administer their own funds already, and their presidents play a crucial role in the management of those funds and the related activities.

51. The Venice Commission and DGII also note that Article 36i(9) of the Law provides that the manner of evaluation of projects, as well as the layout and the content of the forms and required documentation for submitting a project shall be prescribed by the Ministry. This provision is in contrast with the recommendation of the Venice Commission in its previous Opinion,⁶² to eliminate any undue interference of the executive in the process of allocation of subsidies by the Fund. The Commission had underlined that the power to “prescribe” the manner to evaluate projects and to decide on the form and content of the application forms and any other documentation required from applicants is problematic as it enables the executive to have an influence on the access to subsidies and should therefore be construed strictly. It was observed that the Management Board of the Fund (whose composition includes representatives of both the Ministry and the Parliament), jointly with the Project Evaluation Commission (with its highly qualified members), are better positioned to handle that function. The Venice Commission and DGII therefore reiterate the previous recommendation to eliminate any undue interference of the executive in the process of allocation of subsidies by the Fund, which would also respond to the demand of all stakeholders to simplify, modernise and clarify the cumbersome and over-bureaucratic procedure. In the written submission of 5 October 2026, the Montenegrin authorities make reference to Article 36j of the Law which describes the composition of the Project Evaluation Commission and the method of election of its members as well as to Article 36k(1) establishing the requirements to be elected as member of this Commission. However, no reference is made to Article 36j(9) and the concerns raised by the Venice Commission and DGII.

Article 18 of the draft Law

52. Article 18(2) of the draft Law amends Article 36lj(1) of the Law by introducing indent 3, that provides for the dismissal for misconduct of a member of the Project Evaluation Commission. As stated in the Updated Rule of Law Checklist, the principle of legal certainty requires the law to “be formulated with sufficient precision and clarity to enable legal subjects to regulate their conduct in conformity with it”.⁶³ In particular, proportionality of penalties and sanctions must be recognised and respected.⁶⁴ The Venice Commission and DGII observe that, although the authorities during the meetings in Podgorica referred to a general code of ethics, the term “misconduct” remains vague and undefined, and a clearer definition or reference to a specific code of conduct should be introduced in order to avoid arbitrary removals. In the written submission of 5 October 2026, the Montenegrin authorities proposed to align this provision to Article 95(1) point 1 of the Law on Civil Servants and State Employees, which identifies as one of the serious breaches of official duty, “failure to perform official duties, or the negligent, untimely or careless performance thereof”, considering also that employees of the Fund are subject to the Law on Civil Servants and State Employees. The Venice Commission and DGII consider that this could be an appropriate solution.

Article 20 of the draft Law

⁶⁰ Venice Commission, *op. cit.*, [CDL-AD\(2025\)002](#), paras. 49-50.

⁶¹ Venice Commission, *op. cit.*, [CDL-AD\(2025\)002](#), Benchmark B.2, Stability and coherence of the Law.

⁶² Venice Commission, *op. cit.*, [CDL-AD\(2015\)033](#), para. 53.

⁶³ Venice Commission, *op. cit.*, [CDL-AD\(2025\)002](#), paras. 49.

⁶⁴ Venice Commission, *op. cit.*, [CDL-AD\(2025\)002](#), Benchmark B.4.v.

53. Article 20 of the draft Law introduces transitional provisions allowing the current Fund director and project Evaluation Commission members to “continue working by the end” of their term of office. These provisions should be revised as it is not clear whether they should keep working *until* the end of their terms, in which case it should be ensured that there is no gap until the new provisions are in force; or *after* the end of their terms, in which case it should be specified. provided that they do not unduly delay the effective entry into force of the new rules regarding the Fund’s director and the members of the Project Evaluation Commission.

V. Conclusion

54. By letter of 14 May 2026, Mr Fatmir Gjeka, Minister of Human and Minority Rights of Montenegro requested an Opinion from the Venice Commission on the draft amendments to the Law on minority rights and freedoms, which the Commission has prepared jointly with the DGII of the Council of Europe.

55. The initial request concerns a clear set of amendments modifying 19 articles of the Law and adding two new draft articles. The amendments concern the use of minority languages in local public media, the domain of education in minority languages, the enhanced participation of minorities in governance, and more generally in all domains at the local self-government level, amending some provisions related to the Fund for the Protection and Exercise of Minority Rights in terms of administrative deadlines or eligibility requirements, plus some transitional provisions.

56. During the visit, the Minister of Human and Minority Rights extended the scope of the request and asked the rapporteurs to share any proposal that they would consider relevant for improving the legislation on minority issues more generally. Following the broader request by the Minister, the Opinion takes into consideration some key issues identified by the ACFC and by the previous Venice Commission Opinion, in order to make some general considerations for further improvement of the Law. Therefore, the scope of this Opinion is enlarged, and it primarily addresses the legislative process and some general considerations, followed by an article-by-article analysis of the draft amendments. The fact that the present opinion does not examine certain provisions or aspects of the current Law and of the amendments should not be interpreted as expressing any view, whether positive or negative, on those provisions or issues.

57. As to the legislative process, the Venice Commission and DGII welcome the work carried out by the working group in an inclusive manner as well as the public consultation phase. As the process moves forward, the Commission and DGII express the hope that the parliamentary procedure will be followed through a consultative and inclusive process, in full compliance with the principles of good law-making. The Commission emphasises the importance of thorough analysis, impact assessment, and consultations with national stakeholders for the continuation of the legislative process

58. The Venice Commission and DGII consider that overall, the draft Law is a positive initiative, expanding the scope of minority rights and participation, especially at local level. However, having considered the Act as a whole and in light of the findings of the ACFC and the previous Venice Commission Opinion, the Commission and DGII find that its impact could be enhanced in light of the following general considerations.

59. First of all, it would be appropriate to incorporate in the Law an explicit reference to the principle of free self-identification as drafted in Article 3 of the FCNM accompanied by the relevant guarantees, including the possibility, under specified conditions, to affiliate with more than one minority group and to change affiliation.

60. Moreover, when traditional measures for the inclusion of minority groups are not effective, as it appears to be the case with the Roma and Egyptian minorities in Montenegro, the identification of alternative measures going beyond the 5% threshold could be an appropriate solution. Facilitating the participation of Roma and Egyptians in the decision-making processes and the public life in general, as well as including their representatives in the public structures and institutions, is likely to foster their integration and better targeting of their needs. Positive measures may play a decisive role in this sense.

61. As it has been acknowledged that there is a widespread perception that the distribution of funds to projects for minorities is unfair, putting in place a transparent system for the allocation of projects requiring the Evaluation Commission to provide reasons for the acceptance, rejection and rating of the project proposals, would contribute to rebuilding trust in the fund-disbursement process among persons belonging to national minorities and their representatives.

62. In addition, the Venice Commission and DGII wish to make the following recommendations concerning the draft amendments to the Law:

- (1) introducing positive measures for ensuring gender balance in minority councils' composition;
- (2) considering addressing the issue of politicisation of the minority councils and further enhancing the representativeness in the council of the plurality of views within a minority;
- (3) eliminating any undue interference of the executive in the process of allocation of subsidies by the Fund, in order to reinforce its independence and simplify, modernise and clarify this cumbersome and over-bureaucratic procedure; and
- (4) proceeding with the proposed alignment of the provision on the dismissal for misconduct of a member of the Project Evaluation Commission with Article 95(1) point 1 of the Law on Civil Servants and State Employees, which identifies as one of the serious breaches of official duty, "failure to perform official duties, or the negligent, untimely or careless performance thereof".

63. The Venice Commission and DGII remain at the disposal of the Montenegro authorities for further assistance in this matter.