

# FIFTH EVALUATION REPORT ON MONTENEGRO

Committee of Experts  
of the European Charter  
for Regional or Minority  
Languages



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COUNCIL OF EUROPE



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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. 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 of Experts' 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 periodical report shall be made public by the State in accordance with Article 15, paragraph 2.

The Committee of Experts' 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 of Experts gathers information from the respective authorities and from independent sources within the State, in order to obtain a fair and just overview of the real language situation. After a preliminary examination of a periodical report, the Committee of Experts submits, if necessary, a number of questions to each Party to obtain supplementary information from the authorities on matters it considers 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 of Experts to the State in question. 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. Once adopted by the Committee of Experts, this evaluation report is submitted to the authorities of the respective State Party for possible comments within a given deadline. A confidential dialogue may, at this stage, be asked by this State Party. The final evaluation report is made public, together with the comments, if any, which the authorities of the State Party may have made. This document is then transmitted to the Committee of Ministers for the adoption of its recommendations to the State Party, on the basis of the proposals for recommendations contained in the evaluation report.

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## Executive Summary

Ratified at the beginning of 2006, the European Charter for Regional or Minority Languages (ECRML) entered into force in the Republic of Montenegro as the successor to the State Union of Serbia and Montenegro on 6 June 2006. Albanian and Romani have been given special protection under Part III of the Charter. Bosnian and Croatian are under the general protection of Part II of the Charter while Serbian remains under the exclusive protection of the national Montenegrin law, according to the wishes of the speakers.

Although acceptance and tolerance amongst the minorities and the majority population has improved since the last monitoring cycle, the implementation of the provisions under the Charter with regard to the four minority languages covered is at a very different level. The overall situation of Albanian is satisfactory. Improvements could be made in the field of education, especially in order to promote values of mutual tolerance, integration and co-habitation among pupils following school curricula in Albanian and/or in Montenegrin. The practical use of Albanian in the judicial system and in the administration needs to be encouraged.

Several serious shortcomings and problems remain to be solved concerning the status and the protection of Romani. Romani has not been recognised as a language in official use by the Constitution of Montenegro, unlike Albanian, Bosnian, Croatian, and Serbian. Although Romani is recognised as a Part III minority language in the instrument of ratification of the Charter by Montenegro, it is totally absent from formal and regular education, due mainly to the non-existent teacher training and teaching materials in Romani. In this context, better co-operation is needed with the neighbouring countries with teacher training capacities as well as with the speakers of Romani in Montenegro.

National councils, set up on the basis of Articles 33-35 of the Montenegrin Law on Minority Rights and Freedoms, act for the speakers of Albanian, Bosnian, Croatian, Romani and Serbian. Although they have an important role to play in promoting the interests and raising awareness of their respective minority, not all of them are equally represented on various bodies dealing with education, language, media or state funding for national minority projects. In addition, there are Romani and Albanian speakers in the Roma National Council as there are representatives not only from the Roma minority but also from the Egyptian community who are Albanian speakers.

Bosnian and Croatian are the two closest languages to Montenegrin. However, the cultural identity as reflected by these two languages should be promoted in everyday use, especially in education and media.

The Montenegrin Parliament has amended the Law on Minority Rights and Freedoms with the aim of declaring official status for a minority language in areas where at least 5% of the population speaks it as a mother tongue. This amendment was seen as providing a stable and accountable basis for the implementation of the Charter and considered to be an important step forward in the field of minority language rights. However, the introduced threshold hampers the use of Romani in practice, in particular in contacts with judicial and administrative authorities, contrary to the requirements of the ratified provisions of Part III of the Charter with regard to this language. As a general rule set out by the Committee of Experts, minority languages should be introduced in equal and official use in municipalities where a sufficient number of minority language speakers live. Consequently, in Montenegro, Romani should be used, irrespective of the legal threshold, within the framework of relevant regional and local authorities as well as by local branches of the state authorities.

## Chapter 1 The situation of the regional or minority languages in Montenegro – Recent developments and trends

1. The European Charter for Regional or Minority Languages (hereafter referred to as “the Charter”) is a treaty of the Council of Europe putting obligations on its States Parties to protect and promote the country’s traditional minority languages in all fields of public life: education, judicial authorities, administrative authorities and public services, media, cultural activities and facilities, economic and social life, and trans frontier exchanges. The Charter was signed by Serbia and Montenegro on 22 March 2005. Pursuant to Article 18 of the Charter, the instrument of ratification of the State Union of Serbia and Montenegro was deposited with the Secretary General of the Council of Europe on 15 February 2006. After declaring its independence from the State Union on 3 June 2006, by letters to the Secretary General dated 6 and 12 June 2006 Montenegro declared its wish to be a successor state to [...] “all Conventions and Protocols of the Council of Europe that the State Union of Serbia and Montenegro ha[d] signed and ratified so far”. Thus, the Charter entered into force for Montenegro with effect from 6 June 2006<sup>1</sup>.

2. In its ratification instrument set out in the appendix I to this report, Montenegro accepted the protection of the Part II and Part III of the Charter to Albanian and Romani, whereas Croatian and Bosnian are protected under Part II only in line with the national legislation and the reservation made to the instrument of ratification dated 15 February 2006.

3. Article 15.1 of the Charter requires States Parties to submit three-yearly reports in a form prescribed by the Committee of Ministers.<sup>2</sup> The Montenegrin authorities presented their fifth periodical report to the Secretary General of the Council of Europe on 6 June 2019.

4. This fifth evaluation report is based on the information obtained by the Committee of Experts from the fifth periodical report of Montenegro, and through interviews held with representatives of the minority language speakers, minority languages media in Montenegro and with the Montenegrin authorities during the on-the-spot visit, which took place from 11 to 13 December 2019. The Committee of Experts would like to extend its thanks to the authorities of Montenegro for their valuable co-operation during the on-the-spot visit.

5. In the present evaluation report, the Committee of Experts will focus on the provisions and issues under both Part II and Part III of the Charter which were singled out in the fourth evaluation report as raising particular problems<sup>3</sup>. It will evaluate, in particular, how the Montenegrin authorities have reacted to the observations and recommendations made by the Committee of Experts and the recommendations made by the Committee of Ministers. The Committee of Experts will also examine new issues detected during the fifth monitoring cycle.

6. Chapter 1 of the present evaluation report briefly describes the general developments and trends regarding the regional or minority languages in Montenegro and the situation of these languages. It examines in particular the measures taken by the Montenegrin authorities to respond to the recommendations made by the Committee of Experts and the Committee of Ministers in the 4th monitoring cycle and also highlight new issues. Chapter 2 provides a detailed overview of the state of implementation of each undertaking in respect of the given language as well as the recommendations addressed by the Committee of Experts to the Montenegrin authorities. On the basis of its evaluation, the Committee of Experts proposes, in Chapter 3, recommendations to the Committee of Ministers to be addressed to the government of Montenegro, as provided in Article 16.4 of the Charter.

7. 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 in December 2019. It was adopted by the Committee of Experts on 1 July 2020. It was made public on 11 September 2020.

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<sup>1</sup> See Committee of Ministers’ decisions taken at the level of the Ministers’ Deputies at their 967<sup>th</sup> meeting - CM/Del/Dec(2006)967/2.3b

<sup>2</sup> Since 1 July 2019, new rules apply according to the Committee of Ministers Decisions adopted on 28 November 2018 on the strengthening the monitoring mechanism of the European Charter for Regional or Minority Languages, whereby states parties submit their periodical report every five years (instead of every three years) and information about the implementation of the recommendations identified by the Committee of Experts in its evaluation report as being for immediate action every two and a half years.

<sup>3</sup> See CM(2017)89 - Fourth report of the Committee of Experts in respect of Montenegro as examined by the Committee of Ministers at its 1295<sup>th</sup> meeting at the level of the Ministers’ Deputies under Agenda item 10 - Legal questions, on 27 September 2017.

## 1.1 General developments in policies, legislation and practice concerning the regional or minority languages in Montenegro

8. The Charter requires its states parties to recognise regional or minority languages as an expression of cultural wealth (Article 7.1.a) and stresses the need for resolute action to promote them (Article 7.1.c). As the Committee of Experts has pointed out on different occasions, Article 7.1.a aims at an explicit recognition and reference to the given language in the ratification instrument and/or national legislation<sup>4</sup> while resolute action comprises, *inter alia* the adoption of specific legislation on the promotion of that language and its implementation<sup>5</sup>.

### ***The legal and institutional framework for the implementation of the Charter***

9. In their fifth periodical report, the Montenegrin authorities highlight that the legal framework for the implementation of the Charter is provided by the Constitution of Montenegro (Official Gazette of the Republic of Montenegro no. 1/07.of 25.10.2007) and the Law on Minority Rights and Freedoms (Official Gazette of the Republic of Montenegro No. 031/06 of 12.05.2006.), which is a basis for the protection of regional and minority languages. Paragraph 3 of Article 13 of the Constitution declares that the Serbian, Bosnian, Albanian and Croatian languages<sup>6</sup> are in official use in Montenegro while Montenegrin is the official language of the country. Romani and Albanian are the two minority languages protected by Part II and Part III of the Charter, and also the two non-Slav languages which are very different from the Montenegrin, Bosnian, Croatian or Serbian.

10. Among the five languages in official use in Montenegro, Serbian is not covered by the Charter (see below “Status of Serbian”). The Romani language, albeit covered by both Part II and Part III of the Charter, is not mentioned in the Constitution of Montenegro in the same way as other regional or minority languages in use in Montenegro. According to the census of 2011, in Montenegro there are 265 895 Serbian speakers (42.88% of the population), 229 251 Montenegrin speakers (36.97%), 32 671 Albanian speakers (5.27%), 33 077 Bosnian speakers (5.33%), 5 169 Romani speakers (0.83%), and 2 791 Croatian speakers (0.45%).

11. In the previous monitoring cycle, the Committee of Experts and the Committee of Ministers of the Council of Europe encouraged the Montenegrin authorities to “**develop a structured policy ensuring the application of the Charter in all areas where there are sufficient numbers of speakers of regional or minority languages**”<sup>7</sup>. Following this recommendation, during the fifth monitoring cycle, the Parliament of Montenegro adopted several amendments to the Law on Minority Rights and Freedoms but no implementation strategy was presented by the authorities in the fifth periodical report, especially as regards Romani (see below 1.2 “The situation of the individual regional or minority languages in Montenegro – Romani”).

12. One of the amendments concerns Article 11 of the Law on Minority Rights and Freedoms relating to the “official use” of the minority languages in local self-government units. With the aim of better implementation of the Charter and taking into account that a precise indicator should be given as the benchmark for the use of minority language in official use, the amendment rules that “considerable part” is replaced by “at least 5%” of the population according to the results of the last two consecutive censuses. The official use of the language of “minority nations and other minority national communities”, for the purpose of paragraph 2 of that Article, particularly implies the following: use of the language in administrative and court proceedings and in conducting administrative and court proceedings, the issuing of public documents and keeping official records, on ballot papers and other electoral material as well as in the work of representative bodies. Within the territory of the local self-government units referred to in paragraph 2 of this Article, the names of authorities performing public powers, the name of the local self-government units, the names of settlements, squares and streets, institutions, businesses and other entities and the topographical signs shall also be written in the language and in the alphabet used by the relevant linguistic minority. By deleting the previous definition (“where the speakers of the minority languages are present in sufficient numbers”), it is now clarified where and when the minority language should be in official use. While welcoming the lowering of the threshold, the Committee of Experts considers that the situation of Romani remains to be clarified in co-operation with the speakers as the

<sup>4</sup> See e.g. 1<sup>st</sup> Report of the Committee of Experts on Croatia, ECRML(2001)2, para. 30; 1<sup>st</sup> Report of the Committee of Experts on Norway, ECRML(2001)6, para. 27-29; 4<sup>th</sup> Report of the Committee of Experts on Slovenia, ECRML(2014)5, para. 36; 3<sup>rd</sup> Report of the Committee of Experts on Serbia, ECRML(2016)1

<sup>5</sup> See e.g. 2<sup>nd</sup> Report of the Committee of Experts on Germany, ECRML(2006)1, para. 24; 2<sup>nd</sup> Report of the Committee of Experts on Sweden, ECRML(2006)4, para. 28

<sup>6</sup> The order of the languages mentioned in the paragraph 10 reflects the order used in the Constitution of Montenegro. In other parts of the report, the English alphabet order is in use in line with the Council of Europe rules.

<sup>7</sup> Recommendation CM/RecChL(2017)3 on the application of the European Charter for Regional or Minority Languages by Montenegro

number of Romani speakers is below 5% in every administrative area (see para. 60 below).

13. The amendment to Article 28 of the Law on Minority Rights and Freedoms stipulates that in local self-government units where “minority nations and other minority national communities” constitute either a majority or least 5% of the population, the local self-government shall be obliged 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 through the councils of the respective “minority nations and other minority national communities”. These acts stipulate the rights and obligations of citizens as well as regulate the manner and procedure for the participation of minority nations and other minority national communities in performing public affairs. Furthermore, the local self-government shall be obliged to appoint an authority to conduct public debates related to these and other legal acts.

14. These two amendments in practical terms mean that minority language speakers have a legal ground to use their language in local self-government units, in administrative and court proceedings, in a variety of public documents and records, in the name of their respective settlements and in the decision making of the given local self-government. According to the regional and minority language speakers and representatives of some local authorities, some local self-government units do not fully comply with the current legal requirements concerning the use of various languages because of the lack of sufficient funds. The authorities argue that regional and minority language speakers do not use their rights in contacts with administration and prefer to use the official language of the country. The speakers are not always aware of their rights or have good command of Montenegrin. In order to encourage all citizens to make full use of their rights, the authorities are currently providing relevant information via flyers and brochures, and are organising training sessions for municipalities’ staff accordingly. Tangible results are expected in the near future to be measured by relevant surveys and the forthcoming census in 2021.

15. The fifth periodical report highlights that in accordance with Article 7.3 of the Charter, the successive Montenegrin governments have focused their policies on facilitating the mutual acceptance and tolerance between all national and linguistic minorities of Montenegro. The state report mentions the Strategy of Minority Policy 2019-2024 and respective action plans for 2019 and 2020, without describing them in detail. The strategy is reported to be aimed at achieving full integration of minorities into Montenegrin society and a construction of an intercultural society in the country. According to a survey of the NGO Centar za ljudska prava (Centre for Human Rights) carried out in 2018, the level of tolerance in the society towards minorities has increased from 65% to 77% since the previous survey. It is also noted that Albanian is used on a regular basis in the parliament.

16. The Centre for Preservation and Development of the Culture of Minorities (Centar za očuvanje i razvoj kulture manjina Crne Gore - CEKUM) was established in 2009<sup>8</sup> by the government of Montenegro in order to foster mutual understanding, tolerance and cultural diversity in Montenegro by means of supporting and financing a large variety of cultural projects relating to national and linguistic minorities. The CEKUM had an annual budget of €360 000 for 2019. Applications for funds from the CEKUM may be submitted by the speakers of each of the five minority languages in use in Montenegro. Four out of five linguistic minorities have a member delegated to the CEKUM administrative board, with the exception of the Romani speakers. This does not diminish the potential of the CEKUM to support activities in favour of the Romani speakers. For example, the CEKUM has recently published, in collaboration with editors from Germany and Serbia, the first book in Romani, and aims to issue two books per year in this language in the future. With a view to diminishing the “ethnic distance” that can still be observed in Montenegro, the CEKUM promotes multiculturalism in mother tongues of all Montenegrin citizens. For example, it releases on a regular basis the “Kod” magazine in and about minority languages and culture present on the Montenegrin territory. This multilingual periodical aims to introduce pieces of literature with translations to all minority languages.

17. National minority councils are the representative bodies of each national minority and are composed of elected members. They are advisory bodies to the government on minority issues. In order to improve financial and narrative reporting, the Ministry of Human and Minority Rights has created a special reporting form for national minority councils. In addition to the report, national minority councils also submit an annual work programme, in accordance with the Law on Minority Rights and Freedoms, to the relevant working body of the Parliament of Montenegro. By this law, national minority councils are provided with funding to the amount of at least 0.05% of the current state budget, for the operation and realisation of the agreed programme content. The amount of funding is €600 000 per year, or €100 000 per national minority council per year. According to

<sup>8</sup> Official Gazette of Montenegro, No. 060/17 of September 2017

the information gathered during the last on-the-spot visit, there is a debate on the position of national minority councils. The legislation refers to them as legal entities. They are encouraged to exercise their rights to a greater extent by the ministries, whereas some of the national minority councils feel that their position in the governing bodies of media and other institutions should be taken into account even more.

18. Based upon previous experience and feedback coming from various minority organisations, the Ministry of Human and Minority Rights initiated an amendment of the legislation of the Fund for Protection and Exercise of Minority Rights of Montenegro (Fond za zaštitu i ostvarivanje manjinskih prava Crne Gore, Official Gazette of Montenegro, No. 014 / 18 of 4 October 2018).<sup>9</sup> This fund receives a minimum of 0.15% of the central budget annually, and opens up to two tenders per year to which it receives 300-350 applications per tender in average. According to the fifth periodical report, in 2017 for example, out of 321 applications received following one call for projects 242 were considered as fulfilling the competition criteria and 123 received funding (average €5 528.46 per project). In 2018, 97 projects were funded at the average level of €7 786.52 per successful application. It should be noted, however, that the fund decided to return €228 454.43 to the central budget (out of a total budget of €755 293.00) because of several applications not meeting fixed criteria.

19. A new Rulebook on Criteria for Evaluation and Allocation of Assets for Financing and Co-financing of Projects from the Fund has been introduced to offer a basis for a better and more transparent evaluation of the cultural projects. The composition of the fund's steering committee has been changed. Only six members are delegated by the national minority councils, and seven members by the parliament. Furthermore, the six national minority councils<sup>10</sup> have been excluded from applying directly to the fund to finance cultural projects. As a compensation for this measure, the annual budget of the national minority councils has been doubled. The representatives of the fund have explained to the Committee of Experts that these changes have resulted in an increase of multicultural project applications (in 2018, 35% of all applications; in 2019, 44%), and as a consequence of the amendments, their budget could be allocated more efficiently to finance new projects.

20. However, according to the NGOs met during the on-the-spot visit, in practice, the sustainability of projects is jeopardised under the current rules as they create a heavy administrative burden for many NGOs applying to the fund. More transparency in awarding grants was requested by the speakers of regional or minority languages. In 2018, the fund received 23 complaints on the procedure of assessment of the submitted projects, and in 2019, one year after the reform mentioned above, it registered 43 complaints on the same grounds. The Committee of Experts would consequently welcome changes in the implementation of the fund's rules in order to enhance the Montenegrin authorities' compliance with the Charter objectives and principles as stated in Article 7.

### **Status of Bosnian and Croatian under the Charter**

21. In accordance with the previous monitoring cycles<sup>11</sup>, the Committee of Experts continues to monitor the situation of Bosnian and Croatian as languages protected under Part II of the Charter (see Chapter 2 of this report) since the Constitution of Montenegro states that both languages are in official use in Montenegro. Bosnian and Croatian are, according to the speakers, very similar to each other but also, importantly, reflect cultural differences between the speakers.

22. The Ministries of Education of Bosnia and Herzegovina and of Montenegro have started co-operation on the development of the status and the use of the Bosnian language in Montenegro. Croatia continues to provide funds for cultural projects and offers textbooks for pupils and students. The Montenegrin authorities have participated with additional funds to ensure the organisation of these activities.

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<sup>9</sup> The fund was established by the Parliament of Montenegro with the purpose of protecting and promoting minority rights.

<sup>10</sup> The Muslim National Council is the sixth minority council in place in Montenegro, in addition to the five national minority councils based on ethnic and linguistic criteria: Albanian, Bosnian, Croatian, Roma and Serbian.

<sup>11</sup> See e.g. 4<sup>th</sup> Report of the Committee of Experts in respect of Montenegro CM(2017)89 as examined by the Ministers' Deputies at their 1295<sup>th</sup> meeting held on 27 September 2017, para. 9.

## **Status of Serbian**

23. The Serbian language is traditionally used within the territory of Montenegro. It is explicitly mentioned in the constitution, but not included in the instrument of ratification of the Charter by Montenegro. In fact, according to the census conducted in 2011, Serbian speakers are the most numerous in the country, their number exceeding the number of Montenegrin speakers. During the previous fourth monitoring cycle, the Committee of Experts had suggested that the Serbian language be protected by Part II of the Charter subject to a specific request by the speakers<sup>12</sup>. With a view to verifying the current position of the Serbian language during the present monitoring cycle, the Committee of Experts had proposed to the Serbian National Council to meet on the occasion of the on-the-spot visit. However, the meeting scheduled in December 2019 did not take place as the invited representatives of the Serbian speakers did not show up. The Committee of Experts concludes that Serbian speakers maintain their standpoint that the Charter should not apply to the Serbian language. Consequently, the application of the Charter Part II to Serbian is not assessed in the present report.

## **Use of the regional or minority languages in education**

24. Article 79 of the Constitution of Montenegro guarantees the right to education in one's own minority language in public schools as well as the right to learn the history and culture of national minorities present on the territory of Montenegro. According to the Law on General Education, 20% of the general school curriculum is considered open, i. e. it is up to each school to decide on the contents that reflect local issues in the subjects taught. During the on-the-spot visit, some speakers raised concerns about how the 20% of the curriculum is applied in practice and expressed their wish to be consulted on the issue. The Committee of Experts invites the Montenegrin central authorities to ensure that the local authorities, schools and teachers make use of the 20% allocation for teaching about subjects of their choice which affirm the value of the minority languages, history and culture.

25. The Committee of Experts was informed of some speakers' worries relating to textbooks in regional or minority languages. This concerns the lack of textbooks prepared in Montenegro for and in some languages such as Romani or Croatian, the absence of contents presenting national minorities and their culture or the occasional mistakes in the translation of Montenegrin textbooks into Albanian. The latter problem occurs despite regular work of reviewers and proof-readers in charge of ensuring textbooks' correctness. The Committee of Experts asks the Montenegrin authorities to pay due attention to the above-mentioned concerns, and to take appropriate measures to respond to the speakers' observations and demands such as close consultations with the national minority councils or relevant NGOs on the inclusion of enough contents reflecting the linguistic and cultural diversity of the Montenegrin society as a whole, without any prejudices to one or other culture or cultural heritage.

## ***Use of the regional or minority languages by judicial authorities***

26. Article 11 of the Montenegrin Law on Minority Rights and Freedoms specifies the conditions of use of regional or minority languages in court proceedings. Article 9 of the Charter lists the obligation towards Albanian and Romani languages in court proceedings. The Criminal Procedure Code ensures that all the participants of proceedings have the possibility to use their own language or the language that they understand, and that an interpretation of statements and translation of documents are provided by the state. The Committee of Experts has also learned from the speakers of Albanian that a written statement or evidence submitted in these languages would not be rejected because it was not drafted in Montenegrin, in accordance with Article 9.1.iii, biii, and Article 9.2.a-c. of the Charter. If a minority language is in official use in the court trying a case and participants of the case belong to that national minority, the court should deliver court writs and try the case in that minority language.

27. Despite the above-mentioned legal provisions, regional or minority languages cannot always be used before Montenegrin courts. For example, Romani speakers have informed the Committee of Experts that there were no qualified court interpreters of Romani. The representatives of the Ministry of Interior and the Ministry of Justice claimed, during the on-the-spot visit, that if a Romani speaker faces criminal procedures and requests the use of Romani, interpreters from Kosovo<sup>\*13</sup> or Albania would be hired to enable the use of Romani before the court. The ministerial representatives did not provide clear information on how this system works in practice, nor if the foreign citizen translators and interpreters are trained about the basics of the criminal

<sup>12</sup> Ibid., Montenegro CM(2017)89, para. 10.

<sup>13</sup> All reference to Kosovo, whether to the territory, institutions or population, in this text shall be understood in full compliance with United Nations Security Council Resolution 1244 and without prejudice to the status of Kosovo.

legislation of Montenegro. Therefore, the Committee of Experts concludes that corrective measures are needed in this respect.

### **Use of the regional or minority languages by administrative authorities**

28. Articles 11 and 28 of the Law on Minority Rights and Freedoms along with relevant provisions of the Charter oblige the Montenegrin authorities to make available conditions for the use of Part III languages respectively in the public life and administration. It was, however, reported to the Committee of Experts by the speakers that Montenegrin remains the most used language in local administration units, even if those entities receive requests in regional or minority languages (see para. 12 on the 5% threshold). The only exception can be noted with regard to Albanian, as described below under sub-chapter 1.2. Romani, the second Part III language, which seems to be absent from public administration or services. Public administration offices in Kotor and Tivat employ large numbers of Croatian minority language speakers. All citizens are entitled to have their family names registered in their own language script. The representatives of minority speakers informed the Committee of Experts that there are shortcomings in the use or adoption, in conjunction with the name in the official language, of place names in minority languages.

### **Use of the regional or minority languages in the media**

29. Article 7.1.d. and 7.3 of the Charter refers to facilitating the use of the regional or minority languages in public life and promoting tolerance and mutual understanding through mass media. A new Media Law is under preparation in Montenegro and is expected to include a new funding and granting scheme. This would mean a much-anticipated change in financing the minority media, from project-based funding to a system of sustainable funding, with the inclusion of a grant system according to the quality of projects and programmes. The new Media Law has not been adopted during the current monitoring cycle; the implementation of this law therefore has to be examined in the next monitoring cycle.

30. Regarding public radio and television (RTV Crne Gore - RTCG), the situation of regional or minority languages is considered rather satisfactory and is described in more detail below, under sub-chapter 1.2., language by language. Private broadcasters informed the Committee of Experts about the lack of sustainable funding for their programmes in minority languages. The representatives of all private media in minority languages ensured the Committee of Experts that they were operating their media in a cost-effective way, employing a limited number of staff, including those working on a voluntary basis.

### **Use of the regional or minority languages in cultural activities and facilities**

31. Numerous cultural activities by and for the regional or minority language speakers are supported by the Montenegrin authorities, including publishing, translations and theatre activities, notably by the CEKUM and the Fund for Protection and Exercise of Minority Rights (see para. 18-20 above). Nevertheless, the financial support for cultural activities in regional or minority languages should be secured on a sustainable basis, making long-term planning possible.

### **Use of the regional or minority languages in economic life**

32. Regional and minority language speakers informed the Committee of Experts that they tend to use their own language in economic life in their relations with other speakers of the same language. They underlined, however, some shortcomings in the tourism industry. For example, at some places to visit, there is insufficient signage in regional or minority languages.

### **Transfrontier exchanges**

33. Municipalities with notable Albanian, Bosnian and Croatian populations are situated along the border of their kin-states, hence their international relations are mainly aimed at those countries or border regions. The Committee of Experts was, for example, informed about initiatives in the Tivat and Kotor municipalities whereby joint cultural, historic and gastronomic festivals with counties in Dalmatia in Croatia have been established. Those festivals and events (Bokeljska mornarica, children`s books such as 'Mali pirat', Tomislav Mandolin Ensemble, Purgatorije Theatre) help the preservation of the Croatian dialect spoken in the Kotor and Tivat areas. Cross-border exchanges of Romani speakers are limited, while the speakers of other minority languages maintain regular contact with their respective co-partners.

## 1.2 The situation of the individual regional or minority languages in Montenegro

### Albanian

34. The Albanian minority in Montenegro is reported to be concentrated mainly in the municipalities of Ulcinj/Ulqin, Tuzi/Tuz, Plav/Plavë, Gusinje/Guci and Bar/Tivar. The information on the exact statistical figures is available in the fifth periodical report for the municipality of Bar, where Albanians make up 5.98% of the population (6.5% of the population speak Albanian), and the municipality of Rožaje/Rozhajë, where Albanians account for 5.04% of the population.

35. The Albanian language in Montenegro is in a favourable position. It can be studied at every level of education. At pre-school education level, Albanian is taught at public educational institutions on territories where its speakers live and where there is a need or demand for it. The fifth periodical report mentions schools in Ulcinj/Ulqin and Tuzi/Tuz, where educational groups with teaching in Albanian were organised. At pre-school level in Plav/Plavë and Gusinje/Guci, there are separate educational groups in Albanian and Montenegrin. According to the fifth periodical report, pre-school education was available at public and private educational institutions in the municipalities of Ulcinj/Ulqin, Bar/Tivar, Tuzi/Tuz, Plav/Plavë and Gusinje/Guci. According to the data provided in the fifth periodical report, the number of children attending these education establishments has grown by 59% (from 261 pupils in 2016/17 to 415 pupils in 2018/19) during the current monitoring cycle.

36. Primary school education in Albanian is carried out in 12 public schools in the municipalities of Tuzi/Tuz, Bar/Tivar, Plav/Plavë, Gusinje/Guci, Ulcinj/Ulqin and Rožaje/Rozhajë. Five public primary schools in the municipalities of Plav/Plavë, Gusinje/Guci and Ulcinj/Ulqin offer teaching in Albanian and Montenegrin. The number of pupils attending classes in Albanian at primary school level has slightly decreased in the academic year 2018/19 in comparison to the academic year 2016/17 (from 2 720 to 2 620 pupils, i.e. 3.67%).

37. In all of the educational institutions, including pre-school, that provide teaching both in Albanian and Montenegrin upon the request of the parents, about the half of the pupils are taught exclusively in Montenegrin. The teaching of the other half of the pupils takes place in Albanian (see Article 13 of the Law on Minority Rights and Freedoms); a compulsory subject called Montenegrin – Serbian, Bosnian or Croatian, occupies a small place in the curricula. There is practically no interaction between the two groups of pupils in these schools. While already commending the efforts of the Montenegrin authorities to guarantee education in Albanian in its previous reports, the Committee of Experts reiterates the fact that the main aim of all measures supporting minority and regional languages should be an enhancement of mutual tolerance, integration and co-habitation. As underlined by the Preamble of the Charter, the education in minority languages should also contribute to the values of interculturalism and multilingualism.

38. The teaching of history and culture reflected by the Albanian language is reported to be part of subjects on history, art and culture of minorities and “other content that supports mutual tolerance and coexistence”, which are offered within the mainstream curriculum at all levels of education. The textbooks in Albanian for primary and secondary education levels are provided by the Bureau for Textbooks and Teaching Resources. Teachers of Albanian have noticed mistakes in the translations of some historical names and scientific terms from Montenegrin to Albanian. The Committee of Experts has pointed out that these observations are to be channelled to the Ministry of Education.

39. As far as secondary education is concerned, one private and three public schools in the municipalities of Tuzi/Tuz, Ulcinj/Ulqin and Plav/Plavë provide teaching in Albanian. Vocational education is offered in Albanian or Montenegrin at three public secondary schools in the municipalities of Plav/Plavë, Ulcinj/Ulqin and Tuzi/Tuz. In vocational education, textbooks in Albanian come from neighbouring countries.

40. At higher education level, a study curriculum for teacher education in Albanian is available at the Faculty of Philosophy of the University of Montenegro. This framework offers 80% of teaching in Albanian and 20% in Montenegrin. As far as the basic and continuous training for teachers is concerned, the fifth periodical report mentions a Catalogue of training programmes on topics of inclusive education, human rights and interculturality. Teachers, through the so-called ‘Teacher-net’ have the opportunity to undergo training based on the training package for inclusive education. There is also an opportunity for the teachers to apply for additional training in Albania or Kosovo\*.

41. According to the fifth periodical report, adult education in Albanian is provided in the premises of a secondary school and a primary school in Ulcinj/Ulqin. Both schools received licenses from the Ministry of Education to run the adult education programme.

42. Generally, the use of Albanian before court is guaranteed by the legal framework in Montenegro. The Criminal Procedure Code ensures that all the participants in the proceedings have the possibility to use the language that they understand or that an interpretation of statements and translation of documents are provided by the state. If a minority language is in official use in court proceedings and the parties belong to that national minority, the court should deliver court writs and try the case in that minority language. The fifth periodical report states that 16 court interpreters and translators are available for the Albanian language in Montenegro. Nevertheless, the described rights of using Albanian before courts are rarely used. According to the fifth periodical report, only at the Basic Court in Plav/Plavë have seven cases proceeded in Albanian, while at the Administrative Court, the Basic Court in Rožaje/Rozhajë and the Basic Court in Ulcinj/Ulqin, no cases have been processed in Albanian. Four judges at the Basic Court in Ulcinj/Ulqin speak Albanian; the documents such as judgements are not issued in Albanian, although they can be translated upon request.

43. The use of Albanian in local administration is widespread in the areas where the language is traditionally present. As there are Albanian-speaking employees at the municipalities of Bar, Ulcinj/Ulqin and Tuzi/Tuz, and at the Ministry of Interior, oral applications can be received in Albanian and answers can be given in the same language. In the municipalities of Tuzi/Tuz, Ulcinj/Ulqin, Bar/Tivar, Rožaje/Rozhajë and Gusinje/Guci, Albanian is the language in official use. Consequently, the possibility to conduct official communication with municipal authorities and public services is legally guaranteed. In Tuzi/Tuz, all documents are translated into Albanian and all sessions are conducted in Albanian. The registry of births and marriages is completely bilingual and those who wish can request their family name to be registered with the Albanian spelling. The same positive trend was noted at the ID-card issuing office in Tuzi/Tuz. In Ulcinj/Ulqin, the local self-government publishes its decisions in Albanian. In Bar/Tivar and Rožaje/Rozhajë, the local self-government also provides services in Albanian.

44. A significant number of personal documents (1 481 passports and 1 173 identity cards) has been issued in Albanian in 2018. Tax forms, various application forms used by the Ministry of Interior are also available in Albanian. According to the authorities, the availability of forms in Albanian is widely known to the speakers. However, the Committee of Experts observed a lack of information publicly displayed in the local self-government unit in Tuzi. Consequently, the Committee of Experts points out that language rights should be more clearly explained and put on display in the administrative offices open to the public.

45. On the whole, there is a satisfactory presence of Albanian in the media. 'Lajmet, a daily news programme, and 'Mozaiku, a 45-minute weekly programme, are broadcast on the public service RTCG. The fifth periodical report lists various television and radio programmes of different genres and durations which are broadcast daily. The Municipality of Bar/Tivar organises daily radio shows in Albanian. The local public broadcaster in Bar has an agreement with the respective municipality on broadcasting a daily 45-minute show in Albanian. The local public broadcaster in Radio Television Rožaje/Rozhajë provides a daily programme on radio and television and a show two times a month. There also seems to be sufficient private radio and television broadcasting in Albanian (TV Teuta, TV Boin and Radio Elita). However according to the speakers, the public funding remains insufficient.

46. TV Boin, a Tuzi/Tuz based TV station, broadcasts exclusively in Albanian and 24% of the programmes edited are their own material. TV Teuta has 22 employees and 20% of the programmes are broadcast in Montenegrin, the rest being in Albanian. According to the editor, the only way of receiving public funds are through the Fund for Protection and Exercise of Minority Rights. According to representatives of the private broadcasters, the funds received are insufficient for running a TV station. In this scheme, all minority related applications such as translations and publishing books are evaluated together with larger scale annual applications from TV stations or radio channels, which should be evaluated separately under an appropriation designated to electronic media.

47. The development of the Albanian electronic media can be accomplished in two ways. A digital archive should be set up to preserve the material accumulated for the future generation as a history of the Albanians, and also to keep up with the demands of the 21<sup>st</sup> century, footage should be accessible on social media, besides television.

48. The situation of Albanian in cultural activities is commendable. The Centre for the Preservation and Development of Culture of Minorities of Montenegro translates into and publishes works from Albania or Kosovo\* in the Montenegrin language. The fifth periodical report contains information about several publications translated from Albanian into Montenegrin and examples of numerous cultural projects in this language. The cultural centres in Albanian-speaking areas are very active; however, groups of speakers with whom the Committee met in Montenegro pointed out that the visibility of the Albanian language, literature and theatre activities should be improved in non-Albanian speaking areas of the country.

49. The health care centres and hospitals in the Albanian-speaking areas employ Albanian-speaking medical staff. There are no problems in using Albanian in other services and economic activities in the areas concerned.

### **Bosnian**

50. The similarities between the Bosnian, Croatian and Montenegrin languages, in most areas, create no practical problems with the implementation of the undertakings of the Charter. According to the census of 2011, Bosnian is spoken by 33 077 or 5.33% of the population of Montenegro. It is in official use in the municipalities of Rožaje, Plav, Bijelo Polje, Tuzi and Gusinje.

51. Bosnian is present in education, but some representatives of the Bosnian National Council have communicated their concerns in this respect. According to them, 20% of the 'open content' curricula could be better used to promote Bosnian culture and history. The speakers have similarly informed the Committee of Experts that even in the municipality of Rožaje where 95% of the population is Bosnian, teachers do not show enough sensitivity to the Bosnian language specificities. The speakers have expressed the wish to be supported by the Ministry of Education to invite teaching staff from higher education establishments in Bosnia and Herzegovina.

52. Despite the fact that the Bosnian National Council has a member in the Public Media Board, there is still no Bosnian language media. The Committee of Experts has not received any information about electronic or print media in Bosnian, apart from the occasional reception of TV or radio channels from the neighbouring Bosnia and Herzegovina.

53. The editing of the Bosnian dictionary is financed by the Bosnian National Council. Currently, there is significant improvement in mutual acceptance and tolerance towards Bosnian speakers. This is reflected in history textbooks where some sensitive expressions have been deleted, and references have been made to the innocent Bosnian victims of the Yugoslav Wars (1991-2001). Nevertheless, there is a need for a better and sustainably funded promotion of Bosnian cultural identity, also reflected by the language, in both education and media.

### **Croatian**

54. The similarities between the Bosnian, Croatian and Montenegrin languages, in most areas, create no practical problems with the implementation of the undertakings of the Charter. In addition to being taught at primary and secondary schools, Croatian is also taught as an extracurricular subject. The costs are shared by Croatia and Montenegro while textbooks and teachers are provided by Croatia. The Montenegrin authorities also provide appropriate premises in two primary schools in Kotor and Tivat.

55. The presence of Croatian in private media is satisfactory, but the Montenegrin authorities are encouraged to increase their share in financing the public sector of electronic media. According to the information gathered during the present monitoring cycle, funding for Croatian print media ("Hrvatski glasnik", a monthly magazine) is project-based but it is still funded annually. The "Hrvatski glasnik" magazine is non-politically motivated, enhances tolerance between minorities and promotes peaceful cohabitation. Croatian is used by two private radio stations (Radio Dux and Radio Kotor) which receive state funding on a project basis only. Radio Dux receives public marketing promotions or commercials from the municipalities of Tivat and Kotor.

56. Kotor and Tivat, being neighbours in the Boka Kotorska region, tend to join forces in their work of promoting Croatian culture. Namely, some of the Croatian cultural heritage is an important part of the culture and traditions of Boka Kotorska. The two municipalities apply for joint programmes and tenders, thus

enhancing their chances for obtaining finances. Nevertheless, there is a need to strengthen the promotion of a separate Croatian cultural identity, reflected by the language.

## Romani

57. Romani is not recognised by the Constitution of Montenegro as a language in official use in the country but is protected under Part II and Part III of the Charter in accordance with the instrument of ratification (see Appendix 1 and above under “*The legal and institutional framework for the implementation of the Charter*”, in particular para. 10). According to the census of 2011, out of 6 251 Montenegrin citizens who speak Romani, 5 169 speak the Gurbetski dialect and other Roma people speak the Čergari-Arlijski dialect. The Egyptian minority, deemed part of the Roma minority present in Montenegro, speaks mainly Albanian; consequently, their situation is considered in this report in the parts relating to the Albanian language. The evaluation of the situation of Romani in Montenegro focuses in the present report on two inter-related segments: the teaching of Romani and the state of Romani as a language spoken in the 21<sup>st</sup> century.

58. The evaluation of the situation of Romani under the Charter in Montenegro is complex due to many reasons. The only advisory body on Roma or Romani language matters to the government is the Roma National Council. There is no umbrella organisation of Roma NGOs and, according to Romani speakers, some of the Roma NGOs are not really active. The 17 members of the Roma National Council all represent different NGOs. Roma people, some of whom speak Romani, are, in general, over-represented in the poorest echelons of the Montenegrin society. Therefore, according to the Parliamentary Committee for Human Rights and Freedoms of Montenegro, the governments maintain programmes that focus primarily on social inclusion (housing, employment, health care), anti-discrimination and raising awareness against some harmful practices, such as early or arranged marriages.

59. The ongoing government endeavours aimed at improving the overall living conditions and enhancing the social inclusion of Roma in the Montenegrin society are considered as a step forward. It should be mentioned that the governmental initiatives handle the Roma and Egyptian populations together due to their very similar social background. There are schemes in place such as the Protocol on the Treatment and Prevention of the Drop-out of Children from the Educational System, which began in the second semester of the 2017/2018 academic year. When it comes to education, the aim is the highest possible percentage of enrolment and preventing drop-out, but the language of education is mainly Montenegrin. Even if the positive effects of these schemes reduce the drop-out rate of Roma children from the educational system, they cannot be considered as contributing to the fulfilment of legal obligations from the Montenegrin authorities in respect of the provisions of the Charter related to the Romani language.

60. The Romani language is in a more difficult situation than any other minority language in Montenegro. Romani does not enjoy official status in any of the municipalities because the number of the speakers is below 5% in every administrative area, and there is no trace of using Romani in the public or private sector. As a Part III language under the Charter, Romani should be brought into equal and official use in those local self-government units where the speakers have their highest (relative or absolute) concentration, irrespective of the rule of the 5% threshold at local level (see para. 13 above). Taking into account its international legal commitments and, in particular, Article 10 of the Charter, the Montenegrin government should address the local self-government units concerned and encourage them, including by means of financial assistance, to introduce, through their statutes and in co-operation with the speakers, the equal and official use of Romani in the areas under their respective responsibilities<sup>14</sup>.

61. Despite the recommendation of the Committee of Experts and the Committee of Ministers in the previous monitoring cycle to “...**take all necessary measures to ensure the use of Romani in education, in particular by providing teacher training and teaching materials...**”<sup>15</sup>, Romani is still not taught at any level of formal education in Montenegro. According to representatives of Roma NGOs, parents wish to educate their children in Romani from nursery onwards. Romani is only taught in summer and winter schools or camps,

<sup>14</sup> See similar approaches by the Committee of Experts aiming at the implementation of Article 10 of the Charter, irrespective of national minority thresholds as to Part III regional or minority languages spoken in the states parties e.g. 2<sup>nd</sup> Report of the Committee of Experts on Bosnia and Herzegovina, ECRML (2016) 3, para. 173; 4<sup>th</sup> Report of the Committee of Experts on the Slovak Republic, ECRML (2016) 2 para. 33; 3<sup>rd</sup> Report of the Committee of Experts on Serbia, ECRML(2016)1, para. 14-15; 2<sup>nd</sup> Report of the Committee of Experts on Ukraine, ECRML (2014) 3, para. 17-19. Following the recommendations of the Committee of Experts to Germany (e.g. 5<sup>th</sup> Report of the Committee of Experts on Germany, ECRML (2014) 6, para. 197), there is currently an approach to apply the Charter and use the Lower Sorbian language, without reference to censuses, in some localities included on a fixed list of municipalities – see <https://bravors.brandenburg.de/gesetze/swg>

<sup>15</sup> Recommendation CM/RecChL(2017)3 on the application of the European Charter for Regional or Minority Languages by Montenegro.

informally, for one hour per day, for one week. The teaching material is informal, and it comes from Serbia or Croatia.

62. Although the publication of the Montenegrin-Romani and Romani-Montenegrin dictionary in 2015 increases the possibility to teach Romani, the standardisation process of the language has not progressed since the previous monitoring cycle. Thus, written texts are often translated into Romani abroad, usually in Serbia, Croatia, or Germany. The constitution as well as relevant pieces of legislation on minority rights and freedoms, anti-discrimination, free access to information, etc. have been translated into Romani. The recommendations from the conference held on 5 November 2019 in Podgorica on the occasion of the International Day of Romani were adopted in Montenegrin and have not been translated into Romani. The declaration signed, *inter alia* include increasing primary school attendance of Roma to 90%, and secondary school attendance to 50%, irrespective of the language of education. It also requires that all Roma are entered into birth registers. In addition, the official conclusions of the conference are, among others, to hire experts of Romani from the Western Balkans to draft the curriculum for studying Romani, create conditions to start a study programme for Romani at the University of Montenegro and improve regional co-operation in this field.

63. The lack of qualified teachers hampers the introduction of Romani into education. Teacher training could be accomplished by financing two or three scholarships at Zagreb University, provided that the Croatian diploma is recognised by the Montenegrin authorities and employers. The current difficulty with this proposal is that the Croatian diploma is not accepted as a teacher qualification in Montenegro because of an insufficient number of ECTS (European Credit Transfer and Accumulation System) credits. The most effective way of teacher training could be a teacher training study programme at the University of Montenegro. The Romani language has to be studied and researched, using the experiences from the universities in other states parties in the Western Balkans, where this work has progressed<sup>16</sup>. These proposals have been brought to the attention of the authorities of Montenegro in the previous cycles and remain valid for the current monitoring cycle.

64. Some Romani programmes are available on the radio ('The Voice of Roma/Romano Krlo', and the Roma Radio). Roma Radio is only transmitted in the region of the capital city and only offers music, no news bulletins. As for Romani, the Committee of Experts has noted with satisfaction the information on the improved presence of the language in the public electronic media since the previous monitoring cycle. The first Romani language portal called 'Romalitika' offers a wide range of news and reports on well-known Roma personalities.

65. The public TV (RTCG) provider broadcasts a show called 'Savore' twice a month for 30 minutes, in the less-spoken Arlijski dialect. According to its editor, the financing of 'Savore' is not sustainable. Translation and subtitling are done by two members of the staff. However, because of the above-mentioned shortcomings with the status of the Romani language, translating is sometimes difficult. The Romani language is not present on private television. In addition, there are no Romani-speaking journalists with a university degree in any of the Montenegrin media.

66. The situation of the print media in Romani can be considered improved with the introduction of 'Alav' as the first journal published once a year in the Romani language. There is an increase in the number of publications and audio-visual materials on Roma personalities, musicians and authors available in the Romani language.

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<sup>16</sup> See e.g. 3<sup>rd</sup> Report of the Committee of Experts on Serbia, ECRML (2016) 1; 5<sup>th</sup> report of the Committee of Experts on Croatia, ECRML (2015) 2, para. 71.

## Chapter 2 Compliance of Montenegro with its undertakings under the European Charter for Regional or Minority Languages and recommendations

### 2.1 Albanian

#### 2.1.1 Compliance of Montenegro with its undertakings under the European Charter for Regional or Minority Languages concerning the protection and promotion of Albanian

In order to facilitate readability, the provisions of the Charter appear here in a shortened and simplified form. The complete version of each provision can be consulted on the website of the Treaty Office: <http://www.coe.int/en/web/conventions/> (treaty No. 148). Symbols used to mark changes in the evaluation compared to the last monitoring cycle:  improvement  deterioration = no change

The Committee of Experts considers the undertaking*:						
Article	Undertakings of Montenegro concerning Albanian	fulfilled	partly fulfilled	formally fulfilled	not fulfilled	no conclusion
<b>Part II of the Charter</b>						
<b><i>(Undertakings which the state must apply to all regional or minority languages within its territory)</i></b>						
<b>Art. 7 – Objectives and principles</b>						
7.1.a	recognition of Albanian as an expression of cultural wealth	=				
7.1.b	ensure that existing or new administrative divisions do not constitute an obstacle to the promotion of Albanian	=				
7.1.c	resolute action to promote Albanian	<input checked="" type="checkbox"/>				
7.1.d	facilitation and/or encouragement of the use of Albanian, in speech and writing, in public life (education, judicial authorities, administrative authorities and public services, media, cultural activities and facilities, economic and social life, transfrontier exchanges) and private life	=				
7.1.e	<ul style="list-style-type: none"> <li>• maintenance and development of links, in the fields covered by this Charter, between groups in the State using Albanian</li> <li>• establishment of cultural relations with other linguistic groups</li> </ul>	=				
7.1.f	provision of forms and means for the teaching and study of Albanian at all appropriate stages	=				
7.1.g	provision of facilities enabling (also adult) non-speakers of Albanian to learn it	<input checked="" type="checkbox"/>				
7.1.h	promotion of study and research on Albanian at universities or equivalent institutions	<input checked="" type="checkbox"/>				
7.1.i	promotion of transnational exchanges, in the fields covered by this Charter, for the benefit of Albanian	=				
7.2	eliminate any unjustified distinction, exclusion, restriction or preference relating to the use of Albanian	<input checked="" type="checkbox"/>				
7.3	<ul style="list-style-type: none"> <li>• promote mutual understanding between all the linguistic groups of the country</li> <li>• promote the inclusion of respect, understanding and tolerance in relation to Albanian among the objectives of education and training</li> <li>• encourage the mass media to include respect, understanding and tolerance in relation to Albanian among their objectives</li> </ul>	<input checked="" type="checkbox"/>				
7.4	<ul style="list-style-type: none"> <li>• take into consideration the needs and wishes expressed by the group which uses Albanian</li> <li>• establish a body for the purpose of advising the authorities on all matters pertaining to Albanian</li> </ul>	=				

<b>Part III of the Charter</b> <b>(Additional undertakings chosen by the state for specific languages)</b>						
<b>Art. 8 – Education</b>						
8.1.a.iii	make available pre-school education in Albanian or a substantial part of pre-school education in Albanian at least to those pupils whose families so request and whose number is considered sufficient	=				
8.1.a.iv	favour and/or encourage the provision of pre-school education in Albanian or a substantial part of pre-school education in Albanian <sup>17</sup>					
8.1.b.ii	make available a substantial part of primary education in Albanian	=				
8.1.b.iv	make available primary education in Albanian, a substantial part of primary education in Albanian or teaching of Albanian as an integral part of the curriculum at least to those pupils whose families so request and whose number is considered sufficient <sup>18</sup>					
8.1.c.iii	provide, within secondary education, for the teaching of Albanian as an integral part of the curriculum	=				
8.1.c.iv	make available secondary education in Albanian, a substantial part of secondary education in Albanian or teaching of Albanian as an integral part of the curriculum at least to those pupils who so wish in a number considered sufficient <sup>19</sup>					
8.1.d.iv	make available technical and vocational education in Albanian, a substantial part of technical and vocational education in Albanian or teaching of Albanian as an integral part of the curriculum at least to those pupils who so wish in a number considered sufficient	=				
8.1.e.ii	provide facilities for the study of Albanian as an university and higher education subject	=				
8.1.f.iii	favour and/or encourage the offering of Albanian as a subject of adult and continuing education	<input checked="" type="checkbox"/>				
8.1.g	ensure the teaching of the history and the culture which is reflected by Albanian	=	=			
8.1.h	provide the basic and further training of the teachers teaching (in) Albanian	=				
<b>Art. 9 – Judicial authorities</b>						
9.1.a.ii	<del>guarantee the accused the right to use Albanian in criminal proceedings, if necessary by the use of interpreters and translations involving no extra expense for the persons concerned</del>	=				
9.1.a.iii	provide that requests and evidence, whether written or oral, shall not be considered inadmissible in criminal proceedings solely because they are formulated in Albanian, if necessary by the use of interpreters and translations involving no extra expense for the persons concerned	=				
9.1.a.iv	produce, on request, documents connected with criminal legal proceedings in Albanian, if necessary by the use of interpreters and translations involving no extra expense for the persons concerned	=				
9.1.b.ii	allow, whenever a litigant has to appear in person before a court, that he or she may use Albanian in civil proceedings without thereby incurring additional expense, if necessary by the use of interpreters and translations	=				
9.1.b.iii	allow documents and evidence to be produced in Albanian in civil proceedings, if necessary by the use of interpreters and translations	=				
9.1.c.ii	allow, whenever a litigant has to appear in person before a court, that he or she may use Albanian in proceedings concerning administrative matters without thereby incurring additional expense, if necessary by the use of interpreters and translations	=				
9.1.c.iii	allow documents and evidence to be produced in Albanian in proceedings concerning administrative matters, if necessary by the use of interpreters and translations	=				
9.1.d	with regard to the conduct of civil and/or administrative proceedings in Albanian and the related use of documents and evidence in Albanian, ensure that the use of interpreters and translations does not involve extra expense for the persons concerned	=				
9.2.a	not to deny the validity of legal documents solely because they are drafted in Albanian	=				
9.2.b	[not to deny the validity, as between the parties, of legal documents solely because they are drafted in Albanian, and provide that they can be invoked against third parties who are not users of Albanian] <sup>20</sup>					
9.2.c	[not to deny the validity, as between the parties, of legal documents drawn up within the country solely because they are drafted in Albanian] <sup>21</sup>					
9.3	make available in Albanian the most important national statutory texts and those relating particularly to users of Albanian	=				
<b>Art. 10 – Administrative authorities and public services</b>						

<sup>17</sup> Montenegro has ratified Articles 8.1.a.iii and 8.1.a.iv which constitute alternative options. Consequently, the Committee of Experts will not evaluate the implementation of Article 8.1.a.iv.

<sup>18</sup> Montenegro has ratified Articles 8.1.b.ii and 8.1.b.iv which constitute alternative options. Consequently, the Committee of Experts will not evaluate the implementation of Article 8.1.b.iv.

<sup>19</sup> Montenegro has ratified Articles 8.1.c.iii and 8.1.c.iv which constitute alternative options. Consequently, the Committee of Experts will not evaluate the implementation of Article 8.1.c.iv.

<sup>20</sup> Montenegro has ratified Articles 9.2.a, 9.2.b and 9.2.c, which constitute alternative options. Consequently, the Committee of Experts will not evaluate the implementation of Articles 9.2.b and 9.2.c.

<sup>21</sup> See above.



**No conclusion:** The Committee of Experts is not in a position to conclude on the fulfilment of the undertaking as no or insufficient information has been provided by the authorities.

### **Changes in the evaluation compared to the last monitoring cycle**

67. During the period under review, the Montenegrin authorities had promoted the Albanian language in many ways, including with financial support. This minority language can be learnt, studied and researched at universities, including by the non-speakers. The level of acceptance and tolerance has risen, according to speakers, both at local and central authority levels. A new municipality has even been formed (Tuzi/Tuz) where Albanian speakers account for more than 5% of the population, that is above the threshold; Albanian is therefore in official use there. The Committee of Experts thus considers Articles 7.1.c., 7.1.g, 7.1.h., 7.2 and 7.3. fulfilled.

68. The representatives of the speakers have confirmed that in the municipalities where Albanian is in official use, oral or written applications can be submitted to local branches of national authorities and self-governments units, but not in all the relevant municipalities of the country. However, this possibility is not used enough by the speakers in general, and more awareness raising is still needed on the part of the authorities; Article 10.1.iii is therefore considered formally fulfilled, and Articles 10.2.b and 10.3.a fulfilled.

69. The representatives of minority media houses have explained to the Committee of Experts during the on-the spot visit that financing of the media enables the production and distribution of audio-visual materials, but, due to the current system of financing only projects, it lacks sustainability; Article 11.1.d. is therefore considered partly fulfilled. In the current monitoring cycle, the Commission for Programme Contents in Albanian and other Minority Languages of the national public broadcaster, Radio-televizija Crne Gore (Radio Television of Montenegro), as well as the Fund for the Protection and Exercise of Minority Rights, included representatives of the Albanian National Council and of other associations of Albanian speakers; therefore, in the present monitoring round, Article 11.3 is fulfilled.

70. Translations of literature in Albanian to Montenegrin are financed by the CEKUM through individual applications and some plays written in Albanian have been brought to life on stage at festivals held in non-Albanian speaking parts of Montenegro; Article 12.2 is therefore considered fulfilled.

71. Albanian can be used in economic relations and social interaction without prejudice according to the speakers; Article 13.1.c is therefore considered fulfilled.

### **2.1.2 Recommendations by the Committee of Experts on how to improve the protection and promotion of Albanian in Montenegro**

The Committee of Experts encourages the authorities of Montenegro to comply with all undertakings under the European Charter for Regional or Minority Languages which are not considered “fulfilled” (see under 2.1.1 above), as well as to continue to comply with those that are fulfilled. In doing so, the authorities should take particular account of the recommendations set out below. The recommendations by the Committee of Ministers of the Council of Europe on the application of the Charter in Montenegro<sup>24</sup> remain valid in their own right. Recommendations made in the monitoring procedure of the Charter aim to support the authorities in the implementation process.

#### **I. Recommendations for immediate action**

The Committee of Experts has no recommendations for immediate action at present.

#### **II. Further recommendations**

- a. When organising pre-school, primary and secondary school teaching in Albanian or Montenegrin upon the request of the parents, ensure that the schools base their teaching on the values of mutual tolerance, integration and co-habitation, as well as interculturalism and multilingualism;

<sup>24</sup> CM/RecChL(2010)1 ([https://search.coe.int/cm/Pages/result\\_details.aspx?ObjectId=09000016805afa92](https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016805afa92)); CM/RecChL(2012)4 ([https://search.coe.int/cm/Pages/result\\_details.aspx?ObjectId=09000016805c9b34](https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016805c9b34)); CM/RecChL(2015)3 ([https://search.coe.int/cm/Pages/result\\_details.aspx?ObjectId=09000016805c3906](https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016805c3906)); CM/RecChL(2017)3

- b. Continue to raise awareness of the speakers about their minority language rights in judiciary, administrative and public services;
- c. Continue to provide financial assistance to audio-visual productions in Albanian.

## 2.2 Bosnian

### 2.2.1 Compliance of Montenegro with its undertakings under the European Charter for Regional or Minority Languages concerning the protection and promotion of Bosnian

In order to facilitate readability, the provisions of the Charter appear here in a shortened and simplified form. The complete version of each provision can be consulted on the website of the Treaty Office: <http://www.coe.int/en/web/conventions/> (treaty No. 148).

Symbols used to mark changes in the evaluation compared to the last monitoring cycle:  improvement  deterioration = no change

The Committee of Experts considers the undertaking*:						
Article	Undertakings of Montenegro concerning Bosnian	fulfilled	partly fulfilled	formally fulfilled	not fulfilled	no conclusion
<b>Part II of the Charter</b> <i>(Undertakings which the state must apply to all regional or minority languages within its territory)</i>						
<b>Art. 7 – Objectives and principles</b>						
7.1.a	recognition of Bosnian as an expression of cultural wealth	=				
7.1.b	ensure that existing or new administrative divisions do not constitute an obstacle to the promotion of Bosnian	=				
7.1.c	resolute action to promote Bosnian		=			
7.1.d	facilitation and/or encouragement of the use of Bosnian, in speech and writing, in public life (education, judicial authorities, administrative authorities and public services, media, cultural activities and facilities, economic and social life, transfrontier exchanges) and private life		=			
7.1.e	<ul style="list-style-type: none"> <li>• maintenance and development of links, in the fields covered by this Charter, between groups in the State using Bosnian</li> <li>• establishment of cultural relations with other linguistic groups</li> </ul>	=				
7.1.f	provision of forms and means for the teaching and study of Bosnian at all appropriate stages	=				
7.1.g	provision of facilities enabling (also adult) non-speakers of Bosnian to learn it	=				
7.1.h	promotion of study and research on Bosnian at universities or equivalent institutions	<input checked="" type="checkbox"/>				
7.1.i	promotion of transnational exchanges, in the fields covered by this Charter, for the benefit of Bosnian		<input checked="" type="checkbox"/>			
7.2	eliminate any unjustified distinction, exclusion, restriction or preference relating to the use of Bosnian	=				
7.3	<ul style="list-style-type: none"> <li>• promote mutual understanding between all the linguistic groups of the country</li> <li>• promote the inclusion of respect, understanding and tolerance in relation to Bosnian among the objectives of education and training</li> <li>• encourage the mass media to include respect, understanding and tolerance in relation to Bosnian among their objectives</li> </ul>		=			
7.4	<ul style="list-style-type: none"> <li>• take into consideration the needs and wishes expressed by the group which uses Bosnian</li> <li>• establish a body for the purpose of advising the authorities on all matters pertaining to Bosnian</li> </ul>		<input checked="" type="checkbox"/>			

\* The Committee of Experts of the European Charter for Regional or Minority Languages evaluates the compliance of States Parties with their undertakings under the Charter as follows:

**Fulfilled:** Policies, legislation and practice are in conformity with the Charter.

**Partly fulfilled:** Policies and legislation are wholly or partly in conformity with the Charter, but the undertaking is only partly implemented in practice.

**Formally fulfilled:** Policies and legislation are in conformity with the Charter, but there is no implementation in practice.

**Not fulfilled:** No action in policies, legislation and practice has been taken to implement the undertaking or the Committee of Experts has over several monitoring cycles not received any information on the implementation.

**No conclusion:** The Committee of Experts is not in a position to conclude on the fulfilment of the undertaking as no or insufficient information has been provided by the authorities.

#### Changes in the evaluation compared to the last monitoring cycle

72. During the period under review, some progress was noticed with regard to the promotion of study and research on Bosnian at universities, therefore Article 7.1.h is considered fulfilled. Efforts to increase cross-border exchanges for the benefit of the Bosnian language in Montenegro have been made. The Bosnian National Council has entered into a more regular relationship with other Bosnian National Councils in the

Western Balkans as well as with the Montenegrin authorities in order to enhance, in the future, the teaching of the Bosnian language and history in collaboration with Bosnia and Herzegovina. Article 7.1.i. is therefore partly fulfilled.

73. As the needs and wishes expressed by the Bosnian speakers are not met, for example, with regard to the open content in the school curricula or sustainable funding for their cultural projects, Article 7.4. is at present considered only partly fulfilled.

### **2.2.2 Recommendations by the Committee of Experts on how to improve the protection and promotion of Bosnian in Montenegro**

The Committee of Experts encourages the authorities of Montenegro to comply with all undertakings under the European Charter for Regional or Minority Languages which are not considered “fulfilled” (see under 2.1.1 above), as well as to continue to comply with those that are fulfilled. In doing so, the authorities should take particular account of the recommendations set out below. The recommendations by the Committee of Ministers of the Council of Europe on the application of the Charter in Montenegro<sup>25</sup> remain valid in their own right. Recommendations made in the monitoring procedure of the Charter aim to support the authorities in the implementation process.

#### **I. Recommendations for immediate action**

The Committee of Experts has no recommendations for immediate action at present.

#### **II. Further recommendations**

Ensure more sustainable funding to promote cultural identity as reflected by the Bosnian language in education and media.

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<sup>25</sup> CM/RecChL(2010)1 ([https://search.coe.int/cm/Pages/result\\_details.aspx?ObjectId=09000016805afa92](https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016805afa92)); CM/RecChL(2012)4 ([https://search.coe.int/cm/Pages/result\\_details.aspx?ObjectId=09000016805c9b34](https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016805c9b34)); CM/RecChL(2015)3 ([https://search.coe.int/cm/Pages/result\\_details.aspx?ObjectId=09000016805c3906](https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016805c3906)); CM/RecChL(2017)3

## 2.3 Croatian

### 2.3.1 Compliance of Montenegro with its undertakings under the European Charter for Regional or Minority Languages concerning the protection and promotion of Croatian

In order to facilitate readability, the provisions of the Charter appear here in a shortened and simplified form. The complete version of each provision can be consulted on the website of the Treaty Office: [http://www.coe.int/en/web/conventions/\(treaty No. 148\)](http://www.coe.int/en/web/conventions/(treaty%20No.%20148)).

Symbols used to mark changes in the evaluation compared to the last monitoring cycle:  improvement  deterioration = no change

The Committee of Experts considers the undertaking*:						
Article	Undertakings of Montenegro concerning Croatian	fulfilled	partly fulfilled	formally fulfilled	not fulfilled	no conclusion
<b>Part II of the Charter</b> <i>(Undertakings which the state must apply to all regional or minority languages within its territory)</i>						
<b>Art. 7 – Objectives and principles</b>						
7.1.a	recognition of Croatian as an expression of cultural wealth	=				
7.1.b	ensure that existing or new administrative divisions do not constitute an obstacle to the promotion of Croatian	=				
7.1.c	resolute action to promote Croatian		=			
7.1.d	facilitation and/or encouragement of the use of Croatian, in speech and writing, in public life (education, judicial authorities, administrative authorities and public services, media, cultural activities and facilities, economic and social life, transfrontier exchanges) and private life		=			
7.1.e	<ul style="list-style-type: none"> <li>• maintenance and development of links, in the fields covered by this Charter, between groups in the State using Croatian</li> <li>• establishment of cultural relations with other linguistic groups</li> </ul>	=				
7.1.f	provision of forms and means for the teaching and study of Croatian at all appropriate stages	=				
7.1.g	provision of facilities enabling (also adult) non-speakers of Croatian to learn it	=				
7.1.h	promotion of study and research on Croatian at universities or equivalent institutions		=			
7.1.i	promotion of transnational exchanges, in the fields covered by this Charter, for the benefit of Croatian		<input checked="" type="checkbox"/>			
7.2	eliminate any unjustified distinction, exclusion, restriction or preference relating to the use of Croatian	=				
7.3	<ul style="list-style-type: none"> <li>• promote mutual understanding between all the linguistic groups of the country</li> <li>• promote the inclusion of respect, understanding and tolerance in relation to Croatian among the objectives of education and training</li> <li>• encourage the mass media to include respect, understanding and tolerance in relation to Croatian among their objectives</li> </ul>		=			
7.4	<ul style="list-style-type: none"> <li>• take into consideration the needs and wishes expressed by the group which uses Croatian</li> <li>• establish a body for the purpose of advising the authorities on all matters pertaining to Croatian</li> </ul>	=				

\* The Committee of Experts of the European Charter for Regional or Minority Languages evaluates the compliance of States Parties with their undertakings under the Charter as follows:

**Fulfilled:** Policies, legislation and practice are in conformity with the Charter.

**Partly fulfilled:** Policies and legislation are wholly or partly in conformity with the Charter, but the undertaking is only partly implemented in practice.

**Formally fulfilled:** Policies and legislation are in conformity with the Charter, but there is no implementation in practice.

**Not fulfilled:** No action in policies, legislation and practice has been taken to implement the undertaking or the Committee of Experts has over several monitoring cycles not received any information on the implementation.

**No conclusion:** The Committee of Experts is not in a position to conclude on the fulfilment of the undertaking as no or insufficient information has been provided by the authorities.

#### Changes compared to the last monitoring cycle

74. During the period under review, the situation of Croatian has remained almost stable. The Committee of Experts welcomes the intensified collaboration between the Montenegrin municipalities in the Boka Kotorska region and the Croatian Dalmatia region in the field of cross-border cultural exchanges and education mostly

on the initiative and support of Croatia. The Committee of Experts encourages, however, the Montenegrin authorities to ensure that state funding for educational and cultural projects of the Croatian speakers is secured over time. Therefore, Article 7.1.i. is considered partly fulfilled.

### **2.3.2 Recommendations by the Committee of Experts on how to improve the protection and promotion of Croatian in Montenegro**

The Committee of Experts encourages the authorities of Montenegro to comply with all undertakings under the European Charter for Regional or Minority Languages which are not considered “fulfilled” (see under 2.1.1 above), as well as to continue to comply with those that are fulfilled. In doing so, the authorities should take particular account of the recommendations set out below. The recommendations by the Committee of Ministers of the Council of Europe on the application of the Charter in Montenegro<sup>26</sup> remain valid in their own right. Recommendations made in the monitoring procedure of the Charter aim to support the authorities in the implementation process.

#### **I. Recommendations for immediate action**

The Committee of Experts has no recommendations for immediate action at present.

#### **II. Further recommendations**

Ensure more sustainable funding to promote cultural identity as reflected by the Croatian language in education and media.

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<sup>26</sup> CM/RecChL(2010)1 ([https://search.coe.int/cm/Pages/result\\_details.aspx?ObjectId=09000016805afa92](https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016805afa92)); CM/RecChL(2012)4 ([https://search.coe.int/cm/Pages/result\\_details.aspx?ObjectId=09000016805c9b34](https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016805c9b34)); CM/RecChL(2015)3 ([https://search.coe.int/cm/Pages/result\\_details.aspx?ObjectId=09000016805c3906](https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016805c3906)); CM/RecChL(2017)3

## 2.4 Romani

### 2.4.1 Compliance of Montenegro with its undertakings under the European Charter for Regional or Minority Languages concerning the protection and promotion of Romani

In order to facilitate readability, the provisions of the Charter appear here in a shortened and simplified form. The complete version of each provision can be consulted on the website of the Treaty Office: <http://www.coe.int/en/web/conventions/> (treaty No. 148). Symbols used to mark changes in the evaluation compared to the last monitoring cycle:  improvement  deterioration = no change

The Committee of Experts considers the undertaking*:						
Article	Undertakings of Montenegro concerning Romani	fulfilled	partly fulfilled	formally fulfilled	not fulfilled	no conclusion
<b>Part II of the Charter</b> <i>(Undertakings which the state must apply to all regional or minority languages within its territory)</i>						
<b>Art. 7 – Objectives and principles</b>						
7.1.a	recognition of Romani as an expression of cultural wealth	=				
7.1.b	ensure that existing or new administrative divisions do not constitute an obstacle to the promotion of Romani	=				
7.1.c	resolute action to promote Romani				<input checked="" type="checkbox"/>	
7.1.d	facilitation and/or encouragement of the use of Romani, in speech and writing, in public life (education, judicial authorities, administrative authorities and public services, media, cultural activities and facilities, economic and social life, transfrontier exchanges) and private life				<input checked="" type="checkbox"/>	
7.1.e	<ul style="list-style-type: none"> <li>• maintenance and development of links, in the fields covered by this Charter, between groups in the State using Romani</li> <li>• establishment of cultural relations with other linguistic groups</li> </ul>				<input checked="" type="checkbox"/>	
7.1.f	provision of forms and means for the teaching and study of Romani at all appropriate stages				=	
7.1.g	provision of facilities enabling (also adult) non-speakers of Romani to learn it				=	
7.1.h	promotion of study and research on Romani at universities or equivalent institutions				=	
7.1.i	promotion of transnational exchanges, in the fields covered by this Charter, for the benefit of Romani				=	
7.2	eliminate any unjustified distinction, exclusion, restriction or preference relating to the use of Romani		=			
7.3	<ul style="list-style-type: none"> <li>• promote mutual understanding between all the linguistic groups of the country</li> <li>• promote the inclusion of respect, understanding and tolerance in relation to Romani among the objectives of education and training</li> <li>• encourage the mass media to include respect, understanding and tolerance in relation to Romani among their objectives</li> </ul>		=			
7.4	<ul style="list-style-type: none"> <li>• take into consideration the needs and wishes expressed by the group which uses Romani</li> <li>• establish a body for the purpose of advising the authorities on all matters pertaining to Romani</li> </ul>		<input checked="" type="checkbox"/>			
<b>Part III of the Charter</b> <i>(Additional undertakings chosen by the state for specific languages)</i>						
<b>Art. 8 – Education</b>						
8.1.a.iii	make available pre-school education in Romani or a substantial part of pre-school education in Romani at least to those pupils whose families so request and whose number is considered sufficient				=	
8.1.a.iv	favour and/or encourage the provision of pre-school education in Albanian or a substantial part of pre-school education in Albanian <sup>27</sup>					
8.1.b.ii	make available a substantial part of primary education in Romani				=	
8.1.b.iv	make available primary education in Albanian, a substantial part of primary education in Albanian or teaching of Albanian as an integral part of the curriculum at least to those pupils whose families so request and whose number is considered sufficient <sup>28</sup>					
<b>The Committee of Experts considers the undertaking*:</b>						
8.1.c.iii	provide, within secondary education, for the teaching of Romani as an integral part of the curriculum				=	

<sup>27</sup> Montenegro has ratified Articles 8.1.a.iii and 8.1.a.iv which constitute alternative options. Consequently, the Committee of Experts will not evaluate the implementation of Article 8.1.a.iv.

<sup>28</sup> Montenegro has ratified Articles 8.1.b.ii and 8.1.b.iv which constitute alternative options. Consequently, the Committee of Experts will not evaluate the implementation of Article 8.1.b.iv.

<b>The Committee of Experts considers the undertaking*:</b>						
<b>Article</b>	<b>Undertakings of Montenegro concerning Romani</b>	<b>fulfilled</b>	<b>partly fulfilled</b>	<b>formally fulfilled</b>	<b>not fulfilled</b>	<b>no conclusion</b>
8.1.civ	make available secondary education in Albanian, a substantial part of secondary education in Albanian or teaching of Albanian as an integral part of the curriculum at least to those pupils who so wish in a number considered sufficient <sup>29</sup>					
8.1.div	make available technical and vocational education in Romani, a substantial part of technical and vocational education in Romani or teaching of Romani as an integral part of the curriculum at least to those pupils who so wish in a number considered sufficient				=	
8.1.eii	provide facilities for the study of Romani as an university and higher education subject				=	
8.1.fiii	favour and/or encourage the offering of Romani as a subject of adult and continuing education				=	
8.1.g	ensure the teaching of the history and the culture which is reflected by Romani				=	
8.1.h	provide the basic and further training of the teachers teaching (in) Romani				=	
<b>Art. 9 – Judicial authorities</b>						
9.1.aii	guarantee the accused the right to use Romani in criminal proceedings, if necessary by the use of interpreters and translations involving no extra expense for the persons concerned				=	
9.1.aiii	provide that requests and evidence, whether written or oral, shall not be considered inadmissible in criminal proceedings solely because they are formulated in Romani, if necessary by the use of interpreters and translations involving no extra expense for the persons concerned				=	
9.1.aiv	produce, on request, documents connected with criminal legal proceedings in Romani, if necessary by the use of interpreters and translations involving no extra expense for the persons concerned				=	
9.1.bii	allow, whenever a litigant has to appear in person before a court, that he or she may use Romani in civil proceedings without thereby incurring additional expense, if necessary by the use of interpreters and translations					<input checked="" type="checkbox"/>
9.1.biii	allow documents and evidence to be produced in Romani in civil proceedings, if necessary by the use of interpreters and translations				=	
9.1.cii	allow, whenever a litigant has to appear in person before a court, that he or she may use Romani in proceedings concerning administrative matters without thereby incurring additional expense, if necessary by the use of interpreters and translations					<input checked="" type="checkbox"/>
9.1.ciii	allow documents and evidence to be produced in Romani in proceedings concerning administrative matters, if necessary by the use of interpreters and translations				=	
9.1.d	with regard to the conduct of civil and/or administrative proceedings in Romani and the related use of documents and evidence in Romani, ensure that the use of interpreters and translations does not involve extra expense for the persons concerned				=	
9.2.a	not to deny the validity of legal documents solely because they are drafted in Romani	=				
9.2.b	[not to deny the validity, as between the parties, of legal documents solely because they are drafted in Romani, and provide that they can be invoked against third parties who are not users of Romani] <sup>30</sup>					
9.2.c	[not to deny the validity, as between the parties, of legal documents drawn up within the country solely because they are drafted in Romani] <sup>31</sup>					
9.3	make available in Romani the most important national statutory texts and those relating particularly to users of Romani	=				
<b>Art. 10 – Administrative authorities and public services</b>						
10.1.aiii	ensure that users of Romani may submit oral or written applications to local branches of the national authorities and receive a reply in Romani				=	
10.1.aiv	[ensure that users of Romani may submit oral or written applications in Romani to local branches of the national authorities] <sup>32</sup>					

<sup>29</sup> Montenegro has ratified Articles 8.1.ciii and 8.1.civ which constitute alternative options. Consequently, the Committee of Experts will not evaluate the implementation of Article 8.1.civ.

<sup>30</sup> Montenegro has ratified Articles 9.2.a, 9.2.b and 9.2.c, which constitute alternative options. Consequently, the Committee of Experts will not evaluate the implementation of Articles 9.2.b and 9.2.c.

<sup>31</sup> See above.

<sup>32</sup> Montenegro has ratified Articles 10.1.aiii, 10.1.aiv and 10.1.av, which constitute alternative options. Consequently, the Committee of Experts will not evaluate the implementation of Articles 10.1.aiv and 10.1.av.

<b>The Committee of Experts considers the undertaking*:</b>						
<b>Article</b>	<b>Undertakings of Montenegro concerning Romani</b>	<b>fulfilled</b>	<b>partly fulfilled</b>	<b>formally fulfilled</b>	<b>not fulfilled</b>	<b>no conclusion</b>
10.1.av	[ensure that users of Romani may validly submit a document in Romani to local branches of the national authorities] <sup>33</sup>					
10.1.c	allow the national authorities to draft documents in Romani				=	
10.2.b	possibility for users of Romani to submit oral or written applications in Romani to the regional or local authority				=	
10.2.d	publication by local authorities of their official documents also in Romani				=	
10.2.g	use or adoption, if necessary in conjunction with the name in the official language, of place names in Romani					=
10.3.a	ensure that Romani is used in the provision of public services				=	
10.4.a	translation or interpretation				=	
10.4.c	compliance with requests from public service employees having a knowledge of Romani to be appointed in the territory in which that language is used				=	
10.5	allow the use or adoption of family names in Romani	=				
<b>Art. 11 – Media</b>						
11.1.a.iii	make provision so that public broadcasters offer radio and television programmes in Romani		=			
11.1.b.ii	encourage and/or facilitate the broadcasting of private radio programmes in Romani on a regular basis		=			
11.1.c.ii	encourage and/or facilitate the broadcasting of private television programmes in Romani on a regular basis				=	
11.1.d	encourage and/or facilitate the production and distribution of audio and audio-visual works in Romani		=			
11.1.ei	encourage and/or facilitate the creation and/or maintenance of at least one weekly or daily newspaper in Romani				=	
11.1.fii	apply existing measures for financial assistance also to audio-visual productions in Romani		<input checked="" type="checkbox"/>			
11.2	<ul style="list-style-type: none"> <li>• guarantee freedom of direct reception of radio and television broadcasts from neighbouring countries in Romani</li> <li>• do not oppose the retransmission of radio and television broadcasts from neighbouring countries in Romani</li> <li>• ensure the freedom of expression and free circulation of information in the written press in Romani</li> </ul>	=				
11.3	ensure that the interests of the users of Romani are represented or taken into account within bodies guaranteeing the freedom and pluralism of the media		<input checked="" type="checkbox"/>			
<b>Art. 12 – Cultural activities and facilities</b>						
12.1.a	encourage production, reproduction and dissemination of cultural works in Romani	=				
12.1.b	foster access in other languages to works produced in Romani by aiding and developing translation, dubbing, post-synchronisation and subtitling		=			
12.1.c	foster access in Romani to works produced in other languages by aiding and developing translation, dubbing, post-synchronisation and subtitling		<input checked="" type="checkbox"/>			
12.1.f	encourage direct participation by representatives of the users of Romani in providing facilities and planning cultural activities	=				

<sup>33</sup> See above.

The Committee of Experts considers the undertaking*:						
Article	Undertakings of Montenegro concerning Romani	fulfilled	partly fulfilled	formally fulfilled	not fulfilled	no conclusion
12.2	In territories other than those in which Romani is traditionally used, allow, encourage and/or provide cultural activities and facilities using Romani					=
<b>Art. 13 – Economic and social life</b>						
13.1.c	oppose practices designed to discourage the use of Romani in connection with economic or social activities	<input checked="" type="checkbox"/>				

\* The Committee of Experts of the European Charter for Regional or Minority Languages evaluates the compliance of States Parties with their undertakings under the Charter as follows:

**Fulfilled:** Policies, legislation and practice are in conformity with the Charter.

**Partly fulfilled:** Policies and legislation are wholly or partly in conformity with the Charter, but the undertaking is only partly implemented in practice.

**Formally fulfilled:** Policies and legislation are in conformity with the Charter, but there is no implementation in practice.

**Not fulfilled:** No action in policies, legislation and practice has been taken to implement the undertaking or the Committee of Experts has over several monitoring cycles not received any information on the implementation.

**No conclusion:** The Committee of Experts is not in a position to conclude on the fulfilment of the undertaking as no or insufficient information has been provided by the authorities.

### Changes in the evaluation compared to the last monitoring cycle

75. The Committee of Experts is concerned that no progress has been made in most of the fields covered by the Charter, especially in the field of education. No resolute action has been taken to introduce Romani as a subject in schools and no teacher training has been provided. Therefore, the Committee of Experts considers Articles 7.1.c.-e. not fulfilled.

76. The Committee of Experts would welcome more efforts on the part of the Montenegrin authorities and the Roma National Council towards improving, in collaboration with the speakers, the status and the situation of the Romani language. Article 7.4. is considered therefore partly fulfilled.

77. With regard to the use of Romani in the judiciary, the Committee of Experts received information about legal provisions in place, but has no information on the practice of this. Being, in addition, aware that Romani is not in official use in any administrative area of Montenegro, the Committee of Experts is not in a position to conclude on the implementation of Articles 9.1.bii and cii concerning, respectively, the use of Romani in civil proceedings and in proceedings related to administrative matters.

78. In the field of media and in particular with regard to audio-visual productions, some progress has been noticed with the launch of the show "Savore" on public television. Despite the fact that the programme is produced in a less-used Romani dialect, subtitled in Montenegrin and not funded on a sustainable basis, Article 11.1.f.ii is now considered partly fulfilled. It has been observed, on the other hand, that there is no Roma representative on the Board of the CEKUM, who, among others, may, on a project basis, finance minority media. Considering that the use of Romani is not encouraged or facilitated in private television and newspapers (Article 11.1.cii, ei), the interests of the users are not sufficiently represented within bodies guaranteeing the freedom and pluralism of the media. Article 11.3 is therefore partly fulfilled.

79. The number of literary publications translated into Romani has increased since the last monitoring cycle therefore Article 12.1.c is considered partly fulfilled.

80. As the Committee of Experts has been informed that the level of tolerance has been increasing and that there have been no practices noted to discourage the use of Romani in economic or social activities, Article 13.1.c is considered fulfilled.

## 2.4.2 Recommendations by the Committee of Experts on how to improve the protection and promotion of Romani in Montenegro

The Committee of Experts encourages the authorities of Montenegro to comply with all undertakings under the European Charter for Regional or Minority Languages which are not considered “fulfilled” (see under 2.1.1 above), as well as to continue to comply with those that are fulfilled. In doing so, the authorities should take particular account of the recommendations set out below. The recommendations by the Committee of Ministers of the Council of Europe on the application of the Charter in Montenegro<sup>34</sup> remain valid in their own right. Recommendations made in the monitoring procedure of the Charter aim to support the authorities in the implementation process.

### I. Recommendations for immediate action

- a. Intensify and broaden contacts with the Romani speakers in order to introduce their language into formal education in a way which implements Part II and Part III of the Charter in practice.
- b. Develop a coherent strategy for the basic and further training for the teaching in/of Romani in accordance with the undertakings ratified and take all necessary measures to put the strategy into practice.
- c. Make adequate teaching material available in Romani.
- d. Introduce Romani in equal and official use in those local self-government units where the Romani speakers have their highest (relative or absolute) concentration.

### II. Further recommendations

- e. Encourage the practical use of Romani in criminal and civil proceedings as well as in proceedings concerning administrative matters, in accordance with the undertakings ratified.
- f. Provide training for Romani-speaking journalists in order to strengthen the editorial capacities of public and private media.

<sup>34</sup> CM/RecChL(2010)1 ([https://search.coe.int/cm/Pages/result\\_details.aspx?ObjectId=09000016805afa92](https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016805afa92)); CM/RecChL(2012)4 ([https://search.coe.int/cm/Pages/result\\_details.aspx?ObjectId=09000016805c9b34](https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016805c9b34)); CM/RecChL(2015)3 ([https://search.coe.int/cm/Pages/result\\_details.aspx?ObjectId=09000016805c3906](https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016805c3906)); CM/RecChL(2017)3

### **Chapter 3 [Proposals for] Recommendations of the Committee of Ministers of the Council of Europe**

The Committee of Experts, while acknowledging the efforts the Montenegrin authorities have undertaken to protect the regional and minority languages spoken in their country, has in its evaluation chosen to concentrate on some of the most important deficiencies in the implementation of the Charter. The recommendations forwarded by the Committee of Experts to the Committee of Ministers should not, however, be interpreted as diminishing the relevance of the other, more detailed observations contained in the report, which remain valid in their own right. The recommendations proposed by the Committee of Experts are drafted accordingly.

The Committee of Experts of the European Charter for Regional or Minority Languages, in accordance with Article 16 (4) of the Charter, proposes, on the basis of the information contained in this report, that the Committee of Ministers makes the following recommendations to Montenegro:

The Committee of Ministers,

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

Having regard to the instrument of ratification deposited 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 fifth periodical report, supplementary information provided by the Montenegrin authorities, information submitted by bodies and associations legally established in Montenegro and the information obtained by the Committee of Experts during its on-the-spot visit;

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

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

1. develop a coherent strategy for the protection and promotion of Romani;
2. introduce Romani in education and provide teacher training and teaching material in Romani;
3. take all the necessary measures to ensure the use of Romani in practice by judicial and administrative authorities in the areas where the Romani speakers are present in sufficient numbers;
4. make sure that the mechanism for providing sustainable state funding to minority language projects is adequate.

The Committee of Ministers invites the authorities of Montenegro to submit their sixth periodical report by 6 June 2022<sup>35</sup>.

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<sup>35</sup> See Committee of Ministers Decisions [CM/Del/Dec\(2018\)1330/10.4e - CM-Public](#), and Outlines for the periodical reports on the implementation of the European Charter for Regional or Minority Languages to be presented by the states parties, [CM\(2019\)69 final](#).

## Appendix I: Instrument of Ratification



### 1. 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 Romani 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: 06/06/2006 -**

Articles concerned: 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: 06/06/2006 -**

Articles concerned: 2

## **Appendix II: Comments from the Montenegrin authorities**

At the outset, we would like to thank you for sending us the fifth report of the European Charter for Regional or Minority Languages, and given recommendations relating to Montenegro on 1 July 2020.

Bellow we submit our comments, that are corrections related to the quotations in the evaluation report of the Committee of Experts of the European Charter for Regional or Minority Languages on Montenegro, to be precise, comments under ordinal numbers 19, 20 and 56.

**Recommendation 19 on page 8** – As a reminder, The Management Board of the Fund for the Protection and Exercise of Minority Rights, is composed of: three representatives of the Parliament, one representative of the Ministry of Human and Minority Rights, one representative of institutions of higher education in Montenegro, one representative per each council of minority nation or other minority national community, one independent expert dealing with human rights and minority rights, as well as one representative of the organ of state administration competent for media. Members of the Management Board of the Fund are appointed and dismissed by the Parliament.

**Recommendation 20 on page 8** - In 2019, the fund received 47 complaints on the procedure of assessment of the submitted projects, and in not 43 as stated in the report.

**Recommendation 56 on page 13** – Furthermore, the NGO sector from the municipalities of Kotor and Tivat, these individual institutions in the field of culture, apply for joint programs and competitions and thus increase their chances of obtaining funding.

In conclusion, we thank you once again for the excellent cooperation and the submitted Report, which we have carefully analyzed and the implementation of these recommendations will be monitored through regular meetings of the Commissions for monitoring the implementation of the The Strategy for Minority Policy 2018-2023, as well as monitoring the implementation of the recommendations of the Committee of Ministers of the Council of Europe regarding the Framework Convention on the Rights of National Minorities and the European Charter for Regional or Minority Languages.

The Committee of Experts of the European Charter for Regional or Minority Languages is an independent body that evaluates the compliance of the States Parties with their undertakings and, where appropriate, encourages them to gradually reach a higher level of commitment.

The European Charter for Regional or Minority Languages, adopted by the Committee of Ministers of the Council of Europe on 25 June 1992 and entered into force on 1 March 1998, is the European convention for the protection and promotion of regional and minority languages. It is designed to enable speakers to use them both in private and public life and obliges the States Parties to actively promote the use of these languages in education, courts, administration, media, culture, economic and social life, and cross-border co-operation.

Regional or minority languages are part of Europe's cultural heritage and their protection and promotion contribute to the building of a Europe based on democracy and cultural diversity.

*The text of the Charter is available in over 50 languages.*

**[www.coe.int/minlang](http://www.coe.int/minlang)**

**[www.coe.int](http://www.coe.int)**

The Council of Europe is the continent's leading human rights organisation. It comprises 47 member states, including all members of the European Union. All Council of Europe member states have signed up to the European Convention on Human Rights, a treaty designed to protect human rights, democracy and the rule of law. The European Court of Human Rights oversees the implementation of the Convention in the member states.