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**Montenegro**  
**The Ministry of Human and Minority Rights**

**THE THIRD REPORT OF MONTENEGRO**

***ON THE IMPLEMENTATION OF THE FRAMEWORK CONVENTION  
FOR THE PROTECTION OF NATIONAL MINORITIES***

**submitted pursuant to Article 25 paragraph 2 of the Council of Europe  
Framework Convention for the Protection of National Minorities**

*Podgorica, June 2017*

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## **I INTRODUCTORY NOTES**

Montenegro is constitutionally defined as a civil, democratic, ecological and state of social justice, based on the rule of law. The bearer of sovereignty is a citizen with Montenegrin citizenship. The Montenegrin Constitution provides the legal basis for the promotion, strengthening and improvement of the protection of fundamental human rights and freedoms and confirms Montenegro's obligation to respect international standards in that context.

Apart from fundamental human rights and freedoms, in order to protect the overall national identity, the Constitution and the laws of Montenegro provide for minorities also a set of additional rights. The Constitution in the Part Two, in Articles 79 and 80, to members of minority nations and other minority national communities guarantees the rights and freedoms that they can use individually and in community with others and prohibits the assimilation of members of minority nations and other minority national communities. The State is obliged to protect members of minority nations and other minority national communities from all forms of violent assimilation.

The Part Two of the Constitution contains 65 Articles guaranteeing human rights and freedoms, civic and political, economic, social and cultural as well as minority rights.

In addition to the national legislation guaranteeing respect for fundamental human rights and freedoms, as well as minority rights, under Article 9 of the Constitution has Montenegro has established that international treaties and generally accepted rules of international law make an integral part of the domestic legal order and that they have primacy over domestic legislation and apply directly when relations are regulated differently from domestic legislation.

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

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

The strategic framework for minority policy is a ten-year Strategy for Minority Policy adopted on 3 July 2008. In line with international comparative legal international standards, this Strategy sets out the measures for implementing the Law on Minority Rights and Freedoms and enhancing the conditions of living of minorities in whole, which, the state authorities are obliged to gradually implement in the period of implementation of the document.

After the implementation of the Action Plan for the "Decade for Social Inclusion 2005-2015" and the Strategy for Improving the Position of Roma and Egyptians in Montenegro 2008-2012, 2012-2016, have been achieved significant and visible results in the most important areas in which the

Strategy is being implemented. In March 2016, the Government of Montenegro adopted the "Strategy for the Social Inclusion of Roma and Egyptians in Montenegro 2016-2020", which is based on the provisions of international documents on human rights and the rights of national minorities ratified by Montenegro. The Strategy is fully aligned with the „European Framework for National Roma Integration Strategies“.

The strategy covers all areas considered to be important for solving the problems of the Roma and Egyptian population, namely: legal status, social status and family protection (within which four sub-categories are defined: the fight against domestic violence and violence against women; prevention and suppression of begging; the fight against trafficking in human beings and the prevention of conclusion of children illegal marriages), and the area of culture, identity and information.

In Montenegro, a number of very important institutions and bodies are dealing with the protection of the rights and improvement of the position of minorities, such as the Ministry of Human and Minority Rights, permanent working body of the Parliament of Montenegro- Committee for Human Rights and Freedoms, further as an autonomous and independent institution is acting the Protector of Human Rights and Freedom, than the councils of minority nations, the Fund for the Protection and Realization of Minority Rights, the Center for the Preservation and Development of the Culture of Minorities, as well as a series of very high quality and active non-governmental associations and organizations dealing with the issue of protecting minority rights and improvement of the position of minority communities in Montenegrin society.

In the previous period, the Ministry of Human and Minority Rights was involved in a regional project (Montenegro, Serbia, Croatia, Bosnia and Herzegovina, FYR Macedonia, Albania and Kosovo) of the Council of Europe, which was funded by the European Union, "Promotion of Human Rights and Minorities Protection in Southeast Europe" aimed at improving access to minority rights at various levels of government, in line with SE standards in this area, and in particular in accordance with the Framework Convention for the Protection of National Minorities and the European Charter on Regional or Minority Languages. The project encompassed a system of grants (donations in the form of non-repayable financial assistance), which are given in support of selected municipalities and cities to develop project ideas in order to overcome the obstacles that lie in the path of realization of minority rights in their local communities. Within this project, was organized a study visit aiming at improving the quality of reporting and implementation of the recommendations arising from the Framework Convention on Protection of National Minorities and the European Charter on Regional or Minority Languages.

The Ministry of Human and Minority Rights in cooperation with the Advisory Committee of the Framework Convention for the Protection of National Minorities of the Council of Europe, on 7 February 2017 in Podgorica, organized a follow-up seminar - Second cycle - continuation of the Seminar on the implementation of the Framework Convention for the Protection of National Minorities in Montenegro . The Seminar had two sessions. In the first session the topic was: Suppressing intolerance, racism, xenophobia, especially against Roma, including the political arena, while the second session had two topics within the thematic discussion. The first topic was: Education and the linguistic rights of national minorities, and the topic of the second session dealt with the functioning of the councils of minority nations and other minority national communities. The seminar was attended by representatives of the competent ministries, the Center for Preservation and Development of Minority Culture, the Fund for the Protection and Realization of Minority Rights, the national councils of minority nations and other minority national communities, the Protector of Human Rights and Freedoms, the Union of Municipalities of

Montenegro, representatives of local self-government, courts, prosecution, the Human Resources Management Authority, the Public Service and non-governmental organizations.

The third report was made in coordination of the Ministry of Human and Minority Rights, with participation of the Ministry of Justice, the Ministry of Internal Affairs, the Ministry of Foreign Affairs, the Ministry of Education, the Ministry of Culture, the Ministry of Labor and Social Welfare, the Ministry of Sport, the Center for Development and Preservation of Minority Culture in Montenegro, the Fund for Protection and Exercise of Minority Rights, the Human Resources Management Authority, the University of Montenegro, the Montenegrin Public Service, the Union of Municipalities of Montenegro, the Statistical Office, the councils of the minority nations and other minority national communities in Montenegro and others.

## II GENERAL INFORMATION

The latest Census of population, households and apartments was carried out in the period from 1 to 15 April 2011. According to the results of this Census in Montenegro there are 620,029 inhabitants, out of which 50.61% or 313,793 are women, and 49.39% or 306,236 men. The largest number of inhabitants is in Podgorica (185,937), representing 30% of the total population of Montenegro, followed by Niksic and Bijelo Polje. In these three municipalities is concentrated about 50% of the total population. The municipalities with the smallest number of inhabitants are Savnik (2,070), Plužine (3,246) and Žabljak (3,569).

There are 392,020 inhabitants in urban settlements, representing 63% of the total population, while in other settlements there are 228,009 inhabitants. The average age of the Montenegrin population is 37. Women in average are 38, and men 36. The adult population accounts for 76.5% of the total population.

In accordance with the Methodology for preparation, organization and implementation of the census, the enumerators were obliged to notify all persons to be registered of the right to express their nationality, religion and mother tongue freely and by their own conviction, as well as of the right not to answer the questions provided if they do not want it. If a person did not want to make a declaration on the above questions, the answer which was entered was "Doesn't want to declare". When asked about national or ethnic belonging, 4.87% of citizens gave this answer, 3.99% on the mother tongue, and 2.61% on the citizenship. Based on the content of the other offered questions, registered persons provided answers on the housing situation, educational profile, status of employment and other questions of importance for their status and social life in Montenegro.

Under the category "Other", were classified national or ethnic belongings, mother tongues and religions that have less than 100 inhabitants at the level of Montenegro.

Area of Montenegro is 13,812 km<sup>2</sup>. The length of the sea coast is 293.5 km and the length of the land border 614 km. The capital and administrative and economic center of Montenegro is Podgorica, and the old royal capital - historical and cultural center is Cetinje. Montenegro has 21 municipalities and 1,256 settlements.

*Population by national affiliation<sup>1</sup>*

No.	National affiliation	2003		2011	
		Number of members	Percentage share	Number of members	Percentage share
1.	Montenegrins	267,669	43.16%	278,865	44.98%
2.	Serbs	198,414	31.99%	178,110	28.73%
3.	Yugoslavs	1,860	0.30%	1,154	0.19%
4.	Albanians	31,163	5.03%	30,439	4.91%
5.	Bosniaks	48,184	7.77%	53,605	8.65%
6.	Bosnians	/	/	427	0.07%
7.	Bosniaks/Muslims	/	/	181	0.03%
8.	Montenegrins/Muslims	/	/	175	0.03%
9.	Montenegrins/Serbs	/	/	1,833	0.30%
10.	Goranies	/	/	197	0.03%
11.	Muslims/Bosniaks	/	/	183	0.03%
12.	Muslims/Montenegrins	/	/	257	0.04%
13.	Serbs/Montenegrins	/	/	2,103	0.34%
14.	Turks	/	/	104	0.02%
15.	Egyptians	225	0.04%	2,054	0.33%
16.	Italians	127	0.02%	135	0.02%
17.	Macedonians	819	0.13%	900	0.15%
18.	Hungarians	362	0.06%	337	0.05%
19.	Muslims	24,625	3.97%	20,537	3.34%
20.	Germans	118	0.02%	131	0.02%
21.	Roma	2,601	0.42%	6,251	1.01%
22.	Russians	240	0.04%	946	0.15%
23.	Slovenians	415	0.07%	354	0.06%
24.	Croats	6,811	1.10%	6,021	0.97%
25.	Others	2,180	0.35%	3,358	0.54%
26.	Undeclared	26,906	4.34%	30,170	4.87%
27.	Regional affiliation	1,258	0.20%	1,202	0.19%
28.	Unknown	6,168	0.99%	/	/
<b>TOTAL</b>		<b>620,145</b>	<b>100%</b>	<b>620,029</b>	<b>100%</b>

*Population by religion<sup>2</sup>*<sup>1</sup>Source: MONSTAT<sup>2</sup>Source: MONSTAT



<b>No.</b>	<b>Religion</b>	<b>Number</b>	<b>Percentage share</b>
1.	Orthodox	446,858	72.07
2.	Catholics	21,299	3.44
3.	Islamists	118,477	19.08
4.	Adventists	894	0.14
5.	Agnostics	451	0.07
6.	Atheists	7,667	1.24
7.	Buddhists	118	0.02
8.	Christians	1,460	0.24
9.	Jehovah's Witnesses	145	0.02
10.	Protestants	143	0.02
11.	Other religions	6,337	1.02
12.	Doesn't want to declare	16,180	2.61
	<b>TOTAL</b>	<b>620,029</b>	<b>100%</b>

*Population by mother tongue<sup>3</sup>*

<b>No.</b>	<b>Mother tongue</b>	<b>Number</b>	<b>Percentual share</b>
1.	Serbian	265,895	42.88%
2.	Montenegrin	229,251	36.97%
3.	Albanian	32,671	5.27%
4.	Bosnian	33,077	5.33%
5.	Bosniak	3,662	0.59%
6.	Hungarian	225	0.04%
7.	Macedonian	529	0.09%
8.	German	129	0.02%
9.	Romani	5,169	0.83%
10.	Slovenian	107	0.02%
11.	Croatian	2,791	0.45%
12.	Montenegrin/Serbian	369	0.06%
13.	English	185	0.03%
14.	Croatian/Sian	224	0.04%
15.	Mother	3,318	0.54%
16.	Rumanian	101	0.02%
17.	Russian	1,026	0.17%
18.	Serbo-Croatian	12,559	2.03%
19.	Serbo-Montenegrin	618	0.10%
20.	Regional languages	458	0.07%
21.	Other languages	2,917	0.47%
22.	Doesn't want to declare and unknown	24,748	3.99%
	<b>TOTAL</b>	<b>620.029</b>	<b>100%</b>

<sup>3</sup> Source: MONSTAT

According to the United Nations Development Program (UNDP), Montenegro is treated as a country with middle-level of development and occupies 54th place in the Human Development Index (HDI ranking) <sup>4</sup> for 2011. The basic economic indicators for the period 2004-2012 are contained in the table<sup>5</sup>.

	2004	2005	2006	2007	2008	2009	2010	2011	2012
GDP (mil €)	1,700	1,815	2,149	2,680	3,086	2,981	3,104	3,273	3,405
GDP real growth in %	4.4	4.2	8.6	10.7	6.9	-5.7	2.5	2.5	2.0

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<sup>4</sup>Source: UNDP/International Human Development Indicators, 2011

<sup>5</sup> Source: the Ministry of Finance

### III IMPROVING THE POSITION OF ROMA AND EGYPTIANS

The strategy is based on the provisions of international human rights documents and rights of national minorities ratified by Montenegro. It is important to note that the Strategy is fully aligned with the „European Framework for National Roma Inclusion Strategies“ and is based on the principles of equity and equality of opportunities, non-discrimination, desegregation and the principle of affirmative action as an additional mechanism for ensuring the factual equality of minority with the majority.

The key objective of the Strategy is to achieve full social inclusion of Roma and Egyptians by improving their socio-economic position in Montenegro.

The strategy covers all areas considered to be important for solving the problems of the Roma and Egyptian population, namely: legal status, social status and family protection (within which four sub-categories are defined: the fight against domestic violence and violence against women; prevention and control of begging, the fight against human trafficking and preventing the conclusion of children illegal marriages), and the area of culture, identity and information.

In order to monitor implemented activities, the Government formed the Commission and appointed the National Coordinator to monitor the implementation of the "Strategy for Social Inclusion of Roma and Egyptians in Montenegro 2016-2020". The work of the Commission is coordinated by the Ministry of Human and Minority Rights, and consists of representatives of institutions recognized by the Strategy and Action Plan as carriers of specific activities, as well as representatives of the Roma Council in Montenegro and Roma and Egyptian NGOs.

Funding for the implementation of the Strategy is ensured by:

- the Budget of Montenegro,
- the Budget of local communities,
- donations,
- foreign financial support.

The Government provides the budget for each year of implementation of the Strategy from its own sources and/or from the relevant international community funds. The total amount of funds allocated from the State Budget for funding the Strategy depends on the funds planned for these purposes by the annual Budget Laws for the carriers of activities envisaged by the Strategy.

#### 1. Database and civil registration

Legal status is a prerequisite for the realization of all other rights and as such is necessary for the integration of Roma and Egyptians in all aspects of social life. Roma and Egyptians as displaced persons, refugees and asylum seekers face the problem of legal status and the lack of personal documents. According to the Census of 2011 there were 1,649 citizens without citizenship.

With Amendments to the Law on Foreigners the deadline for submitting the request for regulating the status of these persons, have been extended three times and finally expired on 31 December 2014. Several informative campaigns were organized and several public calls were published in print and electronic media for a longer period of time.

A Memorandum of Cooperation between the Ministry of Internal Affairs, the Ministry of Labor and Social Welfare and the United Nations High Commissioner for Refugees (UNHCR) was

signed in Podgorica on 6 March 2014. It contains a set of measures and activities to be undertaken in order to finally resolve the legal status of displaced (DP) and Internally Displaced Persons (IDP) in Montenegro.

For the purpose of monitoring the realization of the measures and activities under Article 1 of the Memorandum, an Operational Team has been formed in which the signing parties have delegated their representatives.

The basic feature of the organization of work of the Operational Team is further implementation of the Strategy for the Continuous Resolution of the Issue of Displaced and Internally Displaced Persons with a special focus on the Konik Camp, in the light of the fact that a number of displaced persons from the former Yugoslav republics and internally displaced persons from Kosovo have not yet obtained all the necessary documents for regulating legal status in Montenegro.

The Operations Team is working intensively to assist and support displaced and internally displaced persons in Montenegro in obtaining all the necessary missing documentation for obtaining legal status of foreigner, whether permanent or temporary, in Montenegro. The Operations Team initiated and coordinated major field activities as well as exchange and updating of information on displaced and internally displaced persons on the relation the Ministry of Internal Affairs of Montenegro - the Ministry of Internal Affairs of Kosovo - UNHCR - Administration for Refugees - NGO "Legal Center".

The Law on Amendments to the *Law on Extra-Judicial Procedure*, adopted by the Parliament of Montenegro in 2015, regulates the procedure of determining the time and place of birth of persons who are not registered in the civil registry of births and children born outside health institutions, whose time and place of birth cannot be proved in the manner prescribed by the regulations regulating the keeping of the civil registries, and which was not possible to establish in the administrative procedure.

## 2. Education

The education system is aimed at developing democratic values and creating an environment without social exclusion or other forms of discriminatory treatment. General *Law on Education*<sup>6</sup> (Article 9a) prescribes the prohibition of discrimination in the area of education. In addition to this, in accordance with the provisions of the *Law on Prohibition of Discrimination*<sup>7</sup> in the field of education and vocational training is considered to be making difficult or denying the enrolment into educational institution and institution of high education and the choice of educational program at all levels of education, expelling from these institutions, making difficult or denying the possibility to attend classes and participate in other educational activities, classification of children, pupils, participants in education and students, abusing or otherwise making unjustified differentiation or unequally treating them, on any ground referred to in Article 2, paragraph 2 of this Law (race, color of skin, national affiliation, social or ethnic origin, affiliation to the minority nation or minority national community, language, religion or belief, political or other opinion, gender, gender identity, sexual orientation, health conditions, disability, age, material status, marital or family status, membership in a group or assumed membership in a group, political party or other organization as well as other personal characteristics). The same Law in Article 9 also defines segregation as every act, activity or failure to perform an activity, whereby forced or

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<sup>6</sup>(Official Gazette of the Republic of Montenegro, no. 64/2, Official Gazette of Montenegro, no. 49/07, 45/10, 40/11, 45/11, 39/13, 44/13)

<sup>7</sup> The Law on Prohibition of Discrimination (Official Gazette of Montenegro, no. 46/10, 18/2014)

systemic separation or differentiation of persons is carried out on any of the abovementioned grounds.

Programs for inclusion of Roma and Egyptian population are continually being implemented at all levels of education. Evolved progress has been made and also are clearly recognized the challenges of full social inclusion of Roma and Egyptian population.

The Ministry of Human and Minority Rights has continued to provide funds for scholarships for secondary school pupils and university students of Roma and Egyptian population. This is being carried out continuously every year. For these purposes, for school year 2016/17, the Ministry provided funds in the amount of EUR 80,000. This amount was provided also in the previous years. The activity is realized in cooperation with the Roma Educational Fund (REF) and the Institute for Education. All secondary school pupils of the Roma and Egyptian population are paid a monthly scholarship in the amount of EUR 60.00, while all university students of Roma and Egyptian population are paid a monthly scholarship of EUR 150.00.

In order to preserve the Romani language and culture, and since in many cases members of Roma and Egyptian population are not familiar with their mother tongue, the Ministry of Human and Minority Rights continued in 2014 with activities to realize this right, primarily through summer and winter Camps intended for pupils of the final grades of primary school of the Roma and Egyptian population and who have achieved the best results within the educational process.

The Romani language, by ratification of the European Charter on Regional or Minority Languages, was recognized by the Government of Montenegro as a special minority language. Namely, Romani as a minority language is not represented as a mother tongue in educational institutions due to the fact that there is currently no qualified teaching staff who could teach in the Romani language.

### **2.1. Preschool education**

In the work with children from Roma and Egyptian population the focus is on their integration, improvement of school and social achievement. Preschool education programs and half-day care are regularly implemented.

Preparatory kindergartens for the children from Roma and Egyptian population are currently running independently before each school year. The first preparatory kindergarten of this kind was organized in school year 2013/14, and attended by 87 preschoolers who were eligible to enroll in primary school, and were not included in any of the systemic forms or programs of education, whereas before school year 2014/15 preparatory kindergartens were provided for 119 children of Roma And Egyptian population. The goal of preparatory kindergartens is to encourage language skills and communication skills, to increase the level of socialization among children, all for the purpose of preparing for regular education. In cooperation with nine preschool institutions in nine Montenegrin cities (Bar, Tivat, Herceg Novi, Kotor, Cetinje, Niksic, Podgorica, Berane and Bijelo Polje), in June 2016, the preparatory kindergarten was organized for 111 Roma and Egyptian children, which until now have not been covered by any form of formal education and have acquired the legal right to enroll in the first grade in school year 2016/17.

The Institute for Education held training for 23 educators and financially supported nine Roma and Egyptian mediators.

In the school year 2016/17, in the preschool institutions were enrolled 104 children from Roma and Egyptian population, accounting for 0.55% of the total number of enrolled children in preschool institutions in Montenegro.

During April 2016, the Ministry of Education, the Institute for Education and the Ministry of Human and Minority Rights conducted a campaign for enrollment in the first grade of primary school. The team that led the campaign was visiting settlements inhabited by Roma and Egyptians in Podgorica, Niksic, Berane and Herceg Novi. With parents was discussed about the importance of education for their children, were distributed fliers containing a detailed explanation for enrollment in the first grade. Fliers are printed in Montenegrin, Albanian and Romani languages. Also, continuously are carried out campaigns to raise awareness of Roma and Egyptian population about the importance of education and motivational campaigns aimed at pupils of the final grades of primary school, in order to continue education.

## **2.2. Primary education**

The number of Roma and Egyptian children in primary education in Montenegro is continuously increasing. Compared to school year 2001/2002, the number of pupils from Roma and Egyptian population attending school in school year 2011/2012 is almost tripled, from 536 to 1,582 pupils. In the school year 2012/13, 1,553 pupils from Roma and Egyptian population were enrolled in primary school, in 2014/15 were enrolled 1,538 pupils, in 2015/2016 were enrolled 1,438 pupils, in 2016/2017 were enrolled 1,625 Roma and Egyptian pupils, which in percentage for school year 2016/17 makes 2.37% of the total number of enrolled children in primary schools in Montenegro. The Institute for Education in the framework of its regular activities, monitors the work and achievements of these pupils during the school year.

Within the "Case management" program, were formed the teams for monitoring children at risk of drop-out in Podgorica, Niksic and Berane. The teams are involved in monitoring and prevention of abandonment of education, meet monthly and bring together relevant stakeholders with the aim of identifying problems and preventing abandonment of school of children at risk. In Niksic such a team was formed in February 2016 and included two primary schools, Primary School "Mileva Lajovic Lalatović" and the Primary School "Olga Golović".

Branch unit of primary school PI PS "Bozidar Vukovic Podgoričanin", near Konik refugee camp, has finally closed with the school year 2015/2016. In school year 2016/17, all children from the mentioned branch unit were integrated into seven city schools (Primary School "Bozidar Vukovic Podgoričanin," Primary School "21 May", Primary School "Marko Miljanov", Primary School "Savo Peajanović" Primary School "Vuk Kardžić", Primary School "Vladimir Nazor" and Primary School "Oktoh") and are provided with transportation.

As part of its ongoing activities, the Ministry of Human and Minority Rights commits the funds for the provision of free textbooks for students of Roma and Egyptian populations of I, II and III grades of primary schools on the basis of the Agreement on financing/co-financing of programs/projects signed between the Ministry of Human and Minority Rights and the Institute for Education. For school year 2016/17, the Ministry of Human and Minority Rights allocated EUR 36,358.40 for this purpose. The Ministry of Education provides textbooks for all Roma and Egyptian pupils who are attending other primary school grades and are in the state of social need.

In order to motivate the continuation of education and the faster integration of members of Roma and Egyptian population into all phases of social life in Montenegrin society, the Ministry of

Human and Minority Rights continuously finances and organizes seven-day summer/winter holidays for 25 best pupils from Roma and Egyptian population attending VI, VIII and IX grade of primary school. In addition to a series of recreational activities where children have opportunity to enjoy, children have attended informal classes of Romani language on a daily basis so to preserve the mother tongue and culture of their population.

### **2.3. Secondary education**

With regard to the activities of various stakeholders, in recent years there has been an increase in the number of Roma and Egyptian pupils in secondary education. So in school year 2008/2009, 30 pupils attended secondary schools in Montenegro, in school year 2009/2010, 35 pupils, in school year 2010/2011, 57 pupils, in school year 2011/2012, 72 pupils, in school year 2012/13, 75 pupils, in school year 2013/14, 81 pupils, in school year 2014/15, 69 pupils, in school year 2015/16, 99 pupils, and in school year 2016/17 were enrolled 125 pupils from Roma and Egyptian population, which in percent, for school 2016/17 accounts for 0.45% of the total number of enrolled children in secondary schools in Montenegro. All secondary school pupils from Roma and Egyptian population, who have applied, have been awarded scholarships by the Ministry of Human and Minority Rights. This practice continued also in this school year.

The number of pupils, who are attending for the first time the first grade of secondary school in the current 2016/17, is 47. This is a significant increase in the number of newly enrolled pupils from Roma and Egyptian population in secondary schools compared to the previous school year. It is noteworthy that the number of newly enrolled students is increasing every school year. To this contributes the better work in secondary schools, which are finished by an increasing number of Roma and Egyptian pupils, and that these pupils through the scholarship program are further strengthened in the area of motivation and support for continued schooling through secondary school.

The campaign implemented by the Reform Education Fund (REF), that has been ongoing since 2015, has influenced the increase of the number of pupils enrolled in continuing education. Fieldwork through presentation of opportunities for continuing education support, timely information, support for enrollment procedures, as well as influence on decision makers to apply affirmative action measures, have a result that is reflected in the inclusion of an increasing number of children in the educational process. This activity included a set of actions aimed at: informing the Roma and Egyptian community, parents and pupils, about scholarships and mentoring programs; ensuring the transparency of the secondary education curricula and reaching the highest possible number of candidates.

### **2.4. University education**

When it comes to university students from Roma and Egyptian population, according to the data contained in the text below, there can be seen an increase in the number of students, so in the academic year 2012/13, nine students from Roma and Egyptian population were enrolled, in 2013/14, 15 students were enrolled, in 2014/15, 17 students were enrolled, in 2015/16, 15 students were enrolled, in 2016/17, 20 students from Roma and Egyptian population were enrolled. From 2016/2017, in order to implement the principle of affirmative action, for persons with disabilities and members of the Roma and Egyptian minority community, for each study program is provided a quota of 1%.

By faculties the number of students in 2016/17 who receive scholarships looks like this: the Faculty of Philosophy - five students, the Faculty of Law - three students, the Faculty of Political Science - two students, the Faculty of Applied Physiotherapy - Igalo - two students, the University of Donja Gorica - two students, the Faculty of Tourism - one student, and the Faculty of Sport and Physical Education - one student.

All students of Roma and Egyptian nationality enrolled in academic year 2016/17 are exempt from tuition fees. Also, in agreement with the administration of student homes in Podgorica, Niksic and Kotor, the free accommodation and nutrition was provided for five students studying outside the cities where they live. Accommodation and nutrition were provided for three students in Podgorica, one student in Niksic and one student in Kotor. There are additional four students members of Roma and Egyptian populations, but they did not enter the scholarship program because they did not meet the criteria set out in the competition for participation in the program. Specifically, these four students renewed the same year of studies for the third time.

### 3. Employment

The Employment Agency of Montenegrin does not keep records of the unemployed by ethnical affiliation, nevertheless, in order to facilitate the "Decade of Roma Inclusion" project, a change has been made in the application, enabling thus the search of records on this basis, whereby the declaration of an unemployed on his/her ethnicity is not mandatory, but is exclusively voluntary. On 31 December 2016 in the records of the Employment Agency of Montenegro there were 1,731 persons who declared themselves as members of the Roma and Egyptian population, of which 766 are women (44.25%).

In the total registered unemployed population, this population participated, on the above date, with 3.53%.

The number of persons in the Employment Agency, who declared themselves as members of the Roma and Egyptian population, shown by sex			
Year	Men	Women	Total
2012.	585	427 or 42.19%	1,012
2013.	647	471 or 42.12%	1,118
2014.	759	567 or 42.76%	1,326
2015.	872	670 or 43.45%	1,542
2016.	965	766 or 44.25%	1,731

In the structure of members of the Roma and Egyptian population, the biggest share belong to persons with no occupation and professional qualifications with 95.23% (44.29% women), followed by persons with completed III level of professional qualifications, with 2.59% (28.88 % women), than persons with completed IV level of professional qualifications, with 1.27% (59.09% women), persons with II level of professional qualifications, with 0.86% (60% women) and one man with completed VI level of professional qualifications (0.05%).

Observed by municipalities, the highest number of registered persons, members of Roma and Egyptians, is registered with the Regional Unit Podgorica, for municipalities Podgorica, Danilovgrad, Kolasin and Cetinje and city municipalities Golubovci and Tuzi - 50.36% (44.20% participation of women), then in the records of the Regional Unit Nikšić, for municipalities Niksic, Savnik and Pluzine - 14.26% (42.10% participation of women), the Regional Unit Herceg Novi, for the municipalities Herceg Novi, Kotor and Tivat - 13.28% (50.43% participation of women),



the Regional Unit Berane, for municipalities Berane, Andrijevića, Plav, Rožaje, Gusinje and Petnjica - 10.16% (40.90% participation of women), the Regional Unit Bar, the municipalities Bar, Budva and Ulcinj - 6.75% (41.88% participation of women), the Regional Unit Bijelo Polje, for municipalities Bijelo Polje and Mojkovac - 4.39% (42.10% participation of women) and Regional Unit Pljevlja, for municipalities Pljevlja and Zabljak - 0.80% (50% participation of women).

During the period from 2012 to 2016, the Employment Agency, independently or as a partner in projects, has implemented a number of activities related to efforts to increase employability and employment of Roma and Egyptian population. Some are of a continuing character, and some relate to the realization of partner-targeted projects.

Annually, on average, between 50 and 100 unemployed persons from Roma and Egyptian population are covered by active employment policy programs, primarily education and training programs, public works, state and local and seasonal jobs.

### **Overview of implemented active employment policy programs during 2012:**

During 2012, there were 88 persons involved in active employment policy programs, declared as Roma and Egyptians, in 2013, 39 persons (17.94% of women), in 2014, 46 persons (17 women or 36.95%), in 2015, 40 persons (13 women or 32.50%).

In the period from 1 January 2016 – 31 December 2016, in active employment policy programs were included 22 members of the Roma and Egyptian population. Out of the total number of involved, eight were women (36.36%).

During 2012, 53 persons from Roma and Egyptian population were engaged in seasonal jobs (20 women). The largest number of persons engaged in seasonal jobs are registered in the records of the Bureau of Labor Podgorica and Herceg Novi (Podgorica - 20 persons, of which one woman, Herceg Novi - 20 persons, of which 13 women), than the Bureau of Labor Nikšić - five persons (two women), the Bureau of Labor Bar - four persons (two women), Bureau of Labor Bijelo Polje - two women and Bureau of Labor Berane - two men.

### **Overview of implemented active employment policy programs during 2013:**

- In the state public work "Let it be clean" were involved five men;
- In the local public work in cooperation with DOO "Čistoća" from Podgorica, 14 men were included;
- In the program for education and training for the occupation "women's hairdresser", which was implemented in Podgorica, were included two women from Roma and Egyptian population;
- In the vocational training program for persons acquired university education, was included one man belonging to Roma and Egyptian population;
- On seasonal jobs were engaged 17 persons (five women);

### **Overview of implemented active employment policy programs during 2014:**

- In 11 local public works in Podgorica, Bijelo Polje, Nikšić, Tivat and Herceg Novi, were included 20 persons (three women).

- In the state public work "Let it be clean", were included six persons (one woman) in the municipalities of Bar, Cetinje and Tivat.
- In the program of education and training for the occupation "women's hairdresser" in Podgorica, were included 19 persons (12 women).
- In the program of education and training for the occupation "maid", realized in Tivat, was included one woman.

#### **Overview of implemented active employment policy programs during 2015:**

- In 10 local public works in Podgorica, Niksic, Tivat, Bijelo polje and Herceg Novi, were included 24 persons (four women).
- In the state public work "Let it be clean", were included five persons (one woman) in the municipalities of Bar, Cetinje, Herceg Novi and Tivat.
- In the program of education and training for the occupation "women's hairdresser" in Podgorica, were included nine persons (six women).
- In the program of education and training for the occupation "maid", realized in Tivat, one woman was included.
- The program of acquisition of key English language skills - the initial level, realized in Tivat, involved one woman.

#### **Overview of implemented active employment policy programs during 2012:**

- In seven local public works in Berane, Bijelo Polje, Mojkovac, Niksic, Cetinje, Danilovgrad and Herceg Novi were included eight persons from RE population (four women).
- In the public public work "Let it be clean", were included 10 persons from the Bureaus of Labor Niksic, Podgorica, Herceg Novi and Tivat.
- In the program of education and training for the occupation "women's hairdresser" in Podgorica, four women were included.

**Adult education and training** is one of the active employment policy measures that is ongoing and encompasses education and training programs for first occupation, re-qualification, qualification, innovation in the same occupation and level of education, acquisition of key skills. Education and training can be made for the needs of the employer and the labor market.

The objectives of the program are to reduce unemployment, increase the employability of persons seeking employment, through the improvement of the quality of the offer, meeting current needs, requirements and working conditions, and mitigation of the disparity between supply and demand on the labor market. Occupations for which members of the Roma and Egyptian population are being trained are of the lower level of expertise, simple auxiliary occupations such as assistant mechanic, assistant hair stylist, assistant sewer, assistant cook, assistant servant, assistant ceramists, tire repair, etc.

**Seasonal employment** is a measure of active employment policy that contributes to alleviating the consequences of open unemployment. The general feature of seasonal jobs is their specificity, due to the seasonal nature of the work of the strategic branches of the economy due to the uneven needs during the year, due to the length of working hours and the conditions in which they are carried out. The Employment Agency strives to absorb as many seasonal workers as possible and to provide employers with the most favorable conditions for their employment: better earnings,

working time, accommodation and nutrition, paid transport costs and more. Seasonal work is also an opportunity for a large number of Roma to work, even if for a short time. Thus, on seasonal jobs during 2015, were employed 22 persons from the Roma and Egyptian population, out of which 7 women, and during 2016, were employed 62 persons, of which 27 women.

**Motivation of employers for employment of members of Roma and Egyptian population –** The Employment Agency of Montenegro pays special attention to cooperation with employers, when it comes to employment of persons with Roma and Egyptian nationality. In this regard, for those persons who successfully complete some of the education and training programs, the Employment Agency, to the extent possible, on the principles of affirmative action, mediates in finding employment, seasonal jobs and inclusion in public works programs. One of the ways to encourage employers to in a greater extent employ members of the Roma and Egyptian population, is the *Regulation on subsidies for employment of certain categories of unemployed persons*, adopted by the Government of Montenegro on 28 December 2015. The Regulation establishes subsidies for legal persons and entrepreneurs who engage certain categories of unemployed persons, which are on the register of the Employment Agency of Montenegro. Subsidies can be used by an employer who, in addition to other categories, employs an "unemployed Roma and Egyptian person". For such persons the employer does not pay the contribution for compulsory social insurance on earnings (contribution to pension-disability insurance, health insurance contribution and contribution for unemployment insurance) and the contribution to the Labor Fund, as well as taxes on personal income. The Regulation will apply until 31 December 2017.

#### 4. Social and health protection

The normative framework for exercising the right to health care is defined, inter alia, by the Law on Health Care and the Law on Health Insurance. The health system does not keep records based on ethnical, national or other affiliation of health protection users.

By examining the "daily records" of the work of selected doctors, centers and support units it is evident that members of the Roma and Egyptian population (who have the status of internally displaced persons or refugees or asylum seekers and special protection) receive the same services received by other health care users. Reform of the health system introduced a selected doctor through which an ensured person have primary health care and which enables them to continue to receive health care at the secondary and tertiary level.

The Law on Health Insurance has provided that socially vulnerable categories, unemployed, children in primary school and, if they are continuing education, while completing secondary and university education, women during the pregnancy and one year after childbirth, persons older than 65 and those who are suffering from various diseases, do not participate in the cost of treatment (they have free health care). The Regulation on the Method of obtaining the Health Care for Foreigners has made the members of the Roma and Egyptian population equal in the rights to health care with other insured persons (those referred to in the Law Health Insurance). Now there is no normative obstacle for members of Roma and Egyptian population which do not possess documents (ID card, passport or other ID document, birth certificate, unique ID number) to exercise the right to health care, both in scope and content of services, at the same level as a regular insuree. During the period from the establishment of Camp I and Camp II<sup>8</sup> in Podgorica, an ambulatory for adults and a children's ambulatory have been working, in which 2 hours per day

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<sup>8</sup>Camp Konik II is closed in 2016

are working doctors for adults and children (earlier the ambulatory worked 2 hours in the morning and 2 hours in the afternoon). In the non-working hours of the mentioned ambulatories, members of the Roma and Egyptian population can provide health care at the ambulatories of Podgorica Health Center (at all locations, and the most important location is Konik Health Facility). Women from Roma and Egyptian population can receive reproductive and sexual health services at selected gynecologists in health care centers, and can give birth in each maternity hospital in Montenegro. Vaccination of children belonging to Roma and Egyptian populations who do not have their selected pediatrician and who do not attend school are being implemented in place in settlements where collective accommodation for this population is provided. The Public Health Institute organizes occasional vaccination campaigns for Roma and Egyptian children at Konik, resulting in high percentage of coverage.

With regard to the implementation of health care in order to increase the degree of use of health care, it is envisaged the introduction and strengthening of the role of the "Associate in the Social Inclusion of Roma and Egyptians in Health Care".

In the implementation of the aforementioned measure, have been standardized the occupation e "Associate in the social inclusion of Roma and Egyptians in health care" and, in cooperation with the international organization "Help - Hilfe zur Selbsthilfe e.V.", through their educational institution, was carried out their training for taking the exams. The action plan foresees their work engagement in a health institution, i.e. Health Center in Podgorica, starting from January 2017, and in this sense, two Associates have been employed after the job advertisement. To this procedure preceded the amendment of the Act on the Systematization of the Podgorica Health Center, as well as the provision of appropriate approvals from the Ministry of Health, the Ministry of Finance and the Health Insurance Fund regarding the funds for their regular work.

Immunization coverage for all children in Montenegro is monitored through the implementation of the program of compulsory immunization through selected pediatricians, including the field vaccination of Roma and Egyptian children in the settlements. According to the summary results of immunization activities in the Roma and Egyptian population, epidemiologically most important vaccines are: MMR and polio vaccine.

During 2016 were realized 30 workshops for members of Roma and Egyptian population on given topics on the prevention of in health and health education, and for women from Roma and Egyptian population were held workshops on "Prevention of early marriages" and on "The importance of personal hygiene for health ". Apart from these workshops were printed leaflets to assist in the implementation of health-educational activities.

In cooperation with the NGO sector were organized and implemented preventive medical examinations for pregnant women.

Within the National Program for early detection of malignant illnesses in women, a Plan for the implementation of screening of cervical cancer was made in 2013 and breast cancer screening was announced. In June 2013, the Strategy for the Preservation and Enhancement of Reproductive and Sexual Health of Montenegro 2013-2020 (with the 2014-2015 Action Plan) was adopted in order to improve the reproductive health of women. The Strategy was prepared by a multi-sectorial working group involving a woman representative of the Roma population, incorporating vulnerable groups of women and their problems. Within its regular activities, the Institute of Public Health has implemented regular educational programs on STDs as well as availability of voluntary, confidential counseling and testing on HIV.

The Ministry of Human and Minority Rights in order to raise awareness of the importance of prevention and preservation of health, continuously organizes a preventive gynecological and ultrasound examinations for women from the Konik camp from Podgorica in the Health Center "Dimitrije - Dika Marenic" in Danilovgrad. The Ministry organizes this activity in cooperation with the Danilovgrad Health Center and the Red Cross for several years. Different examinations aim to make women from marginalized groups more aware of their health. Ultrasound examinations were made for the thyroid gland, breasts, lung and mammography was made for women over 40. The next action will include abdominal ultrasound. In 2014, were included 50 Roma and Egyptian women, 57 in 2015, and 70 in 2016.

Also, the Ministry of Health has renewed a letter to all healthcare institutions in order to introduce the personnel with IP/Ds health care rights, which, in accordance with the Regulation, they are using as citizens of Montenegro. At the same time, instructions are given to directors on ways to inform these persons about the importance of prevention and the role of counseling center, i.e. the use of counseling services to preserve and improve health. Vaccinations of children settled in camps: 1,306 children were vaccinated through obligatory regular immunization with DTP, and through extraordinary campaign were vaccinated 70 children.

Were held 20 workshops on topics: The rights and obligations of patients, HIV / AIDS, scabies, hygiene waste materials, protection of reproductive health, substance abuse, collective accommodation-health risks, prevention of diabetes, domestic violence, breast cancer, promotion of health, oral health etc. Every topic has been processed twice. In cooperation with the Center for radiologic diagnosis of the Clinical Center of Montenegro, during October and November, was organized mammography for 45 women, members of the Roma population from Camp Konik.

Montenegro has established a good legal and strategic framework to combat violence against women and domestic violence. The statistics on cases of violence against women and domestic violence in Montenegro is not based on ethnicity so there are no data relating exclusively to Roma and Egyptian population.

Creating standards for occupation "Associate in the Social Inclusion of Roma and Egyptians in the Area of Social Protection" is currently under way. A Working Group for development of standards is formed and they are expected to be completed in September 2017.

The two most vulnerable categories of Roma and Egyptian populations are children and women. Among the Roma and Egyptian children begging in Montenegro, most of them are up to five years old. These children are exposed to various forms of abuse, neglect and violence, as well as at high risk of becoming victims of trafficking in human beings, child prostitution and pornography. As a consequence of begging appears the exclusion of these children from regular education and they grow up without a proper family environment and peer group. The Strategy for Social Inclusion of Roma and Egyptians 2016-2020 envisions a series of measures to address this problem.

In the period from 1 January to 31 December 2016, the total number of actions „Beggar“ performed at the level of SP CB and OB is 78;

In the same period, 226 persons were controlled, of whom 63 children were found begging;  
 To the Misdemeanor Court, 35 requests for initiating misdemeanor proceedings were filed.  
 Of the total number of children caught in begging (63):

- Against seven legal representatives of juvenile children, were filed seven requests for initiating misdemeanor proceedings with the Misdemeanor Court;
- Against four parents were filed four requests for initiation of misdemeanor proceedings with the Misdemeanor Court,
- 45 children were sent to the Center for Social Work,
- In 6 cases, parents of underage children were warned,
- One case of begging of a minor was reported to Basic State Prosecution in Podgorica.

There were no criminal charges filed on this basis.

In some cities of Montenegro there are multidisciplinary teams composed of representatives of the organizational units of the Police Directorate, representatives of social work centers, non-governmental organizations and representatives of the Roma population.

During January 2017, there were no children caught in begging, while data for February are still unavailable.

Roma and Egyptian women are at a high percentage exposed to domestic violence. According to a research carried out by the NGO "*Center for Roma Initiatives*" (CRINK) in 2014,<sup>9</sup> women within their ethnic communities are exposed to violence by their father, brother, husband, parents in law, etc. The patriarchal tradition as well as alcohol, drugs, poverty, and low education are the most common reasons. Also, forced marriages are one of the most serious problems women face in their early juvenile years. The Strategy for Protection from Domestic Violence and Violence against Women 2016-2020 sets goals and measures to address this issue. According to CRINK and the Police Directorate reports, in the Annual Report on the Implementation of the Strategy against Violence, there were 16 cases of forced marriages in 2016.

The Ministry of Human and Minority Rights, in line with the Action Plan for Chapter 23 and in cooperation with the Office for Combating Trafficking in Human Beings, Police Directorate, Roma Council members, Roma Initiative Center and other NGOs in 2015 and 2016 organized one-day campaigns in Roma settlements and education of parents, children, Roma and Egyptian activists, civil servants on the protection from domestic violence and juvenile forced marriages among the Roma population. These one-day educations were realized in Herceg Novi, Budva, Cetinje, Tivat, Kotor, Berane, Bijelo polje, Nikšić and Podgorica.

In addition to the aforementioned, the Ministry of Human and Minority Rights in 2016 financed the printing of 1,000 thematic information brochures on all aspects of trafficking, focusing on contracted marriages, ways of self-identification of trafficked persons, and existing mechanisms of assistance and protection for victims of trafficking in human beings/children. The contents of the mentioned brochures were made in cooperation with the Office for Combating Trafficking in Human Beings. The brochures are printed in Montenegrin, Albanian and Roma languages and are distributed to citizens of Roma and Egyptian population during the above-mentioned campaigns.

In order to prevent juvenile and/or forced marriages in Roma and Egyptian population, the program "*Combating trafficking in children, early and contractual marriages and forcible begging*" was accredited by the Institute for Education. A total of 23 primary and secondary school teachers passed the training program.

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<sup>9</sup> Violence against women and girls in Roma and Egyptian settlements in Montenegro: <http://crink.me/wp-includes/PDF/CRI%20Brosura%20Nasilje%20u%20pordici.pdf>

The Government Office for Combating Trafficking in Human Beings has realized the second phase of the project that started last year, aimed at strengthening multidisciplinary cooperation between representatives of institutions for identification and proactive identification of victims of trafficking in human beings. This project, which includes training on "*Strengthening the Multi-Sectorial Approach to Combating Trafficking in Children, Children Begging of Forced Children Marriages*", was implemented thanks to the support of UNICEF's representation in Montenegro and in cooperation with the Department of Social and Child Protection. Training lecturers were representatives of the Office for the Fight against Trafficking that were licensed by the Department of Social and Child Protection and UNICEF for the transfer of knowledge about the problems of child trafficking, child begging and forced marriages. Within this project, were held six two-day training sessions on "*Strengthening the Multi-Sectorial Approach to Combating Trafficking in Children, Children Begging and Forced Children Marriages*", attended by a total of 94 representatives of institutions (24 representatives of the centers for social work, 22 representatives of the Police Directorate, 12 representatives of the Prosecutor's Office, 14 representatives of the courts, 11 representatives of local self-government, 1 representative of Daily Center and 1 representative of the Resource Center, 3 representatives of civil society organizations, 4 representatives of the Red Cross, two representatives of the Children's Home "Youth " from Bijela). Of the total number of participants, 23 attended an additional three-day training that was conceived as a specialist training course for solving specific cases of trafficking in human beings through the presentation of case studies from domestic and international practice.

Since early and contractual marriages as well as organized begging are considered to be the criminal act "*Trafficking in Human Beings*", the Government Office for Combating Trafficking in Human Beings in cooperation with the Human Resources Management Authority - the institution primarily responsible for education of civil servants and employees, has implemented the following programs:

- **“Strengthening awareness about the phenomenon of human trafficking at the local level“**, intended for councilors from local parliaments and representatives of local self-government. Within this program, three one-day trainings to be held annually are planned. During the course of 2016, all three planned trainings were attended by 41 councilors. Training was held in Podgorica (June 4th), Bar (June 1st) and in Bijelo polje (June 7th). Trainers were representatives of the government's Office for Combating Trafficking in Human Beings, who are trainers of the Human Resources Management Authority for this issue.
- **“The role of health workers in combating human trafficking”**, intended for health workers from the entire territory of Montenegro. Within this program, three one-day trainings to be held annually are planned. During the course of 2016, all three planned trainings were attended by 62 health workers. Training sessions were held in Bar (October 19th), Bijelo Polje (September 30th) and Podgorica (November 4th). Trainers were representatives of the government's Office for Combating Trafficking in Human Beings, who are trainers of the Human Resources Management Authority for this issue.
- **„The role of the center for social work and inspection services in the fight against trafficking in human beings”** - Within the aforementioned program, it is planned to realize three two-day training sessions annually for representatives of inspection services and employees in centers for social work in the entire territory of Montenegro. During the reporting period, all three planned trainings were attended by a total of 37 state employees. The training sessions were held in Bijelo polje (October 6 and 7), Bar, October 11 and 12 and Podgorica on October 20 and 21. Trainers were representatives of the government's

Office for Combating Trafficking in Human Beings, who are trainers of the Human Resources Management Authority for this issue.

- **„Strengthening early identification and referral of potential trafficking in human beings in Montenegro with a special emphasis on multi-agency co-operation”** - Within the aforementioned program, are planned two one-day trainings for labor and occupational safety inspectors, tourism and communal inspectors, education workers, employees of the Employment Agency, the Reception Center for Foreigners and the Asylum Center. During the course of 2016, two planned trainings were attended by a total of 49 representatives of the mentioned institutions. The training sessions were held in Podgorica on March 15 and September 23. Trainers were representatives of the government's Office for Combating Trafficking in Human Beings, who are trainers of the Human Resources Management Authority for this issue.

In cooperation with the Police Academy - the institution primarily responsible for the education and professional development of police personnel, were implemented the following activities:

- A total of 32 academics of the Police Academy have adopted the content from the subject Criminology – on the topic: Human Trafficking (6 Hours-Primary Police Education). Additional 12 classes were realized in cooperation with the Office for Combating Trafficking in Human Beings and consisted of practical examples and case studies.
- Officers of the General Jurisdictional Sector, Criminal Police and Border Police have attended the seminar on "Human Trafficking", which was organized on 21-22 March 2016 at the Police Academy in Danilovgrad. The aim of this seminar was to educate the Police Directorate officers on methods of early identification of potential victims of trafficking in human beings and the specificities of taking testimonies from potential victims of trafficking in human beings. The seminar was attended by 17 participants (9 officers of the Criminal Police Sector, 4 officers of the Border Police Sector, 3 officers of the General Jurisdiction Police Sector and 1 trainee from the Police Academy).

During the first half of , in co-operation of the Government Office for Combating Trafficking in Human Beings, the Ministry of Internal Affairs/the Border Police Sector and the OSCE Mission to Montenegro, in accordance with the training program of the European Agency for the Management of Operational Cooperation at the External Borders of the Member States EU-FRONTEX, were held eight training sessions on "*Fight against Trafficking in Human Beings*", attended by 91 border police officers. The training was carried out by advisors of the Office for Combating Trafficking in Human Beings, who received training and obtained FRONTEX certificates for national trainers for border police training on combating trafficking in human beings.

During 2016, 137 representatives of institutions responsible for implementing the Agreement on Co-operation in Combating Trafficking in Human Beings at the Local Level (26 of which were police officers, 16 representatives of the judiciary, 21 social workers, 37 representatives of education system, 30 health workers and 4 prosecutors) took part at round tables organized to improve the knowledge of local representatives of the institutions - signatories of the Agreement on Co-operation. Roundtables were organized in cooperation with the Office for Combating Trafficking in Human Beings and the OSCE Mission to Montenegro.

The Office for Combating Trafficking in Human Beings continues the "*Stop Human Trafficking*" campaign, which implies broadcasting of TV spot "*Stop trafficking in human beings*", which also promotes the Government SOS Anti-Trafficking Line (11 66 66). In order to mark the 30 July - the



World Day of Combating Human Trafficking and the 18 October - the European Day of Combating Trafficking in Human Beings, campaigns were launched to raise the awareness of young people about the phenomenon of trafficking in human beings, in co-operation between the state organs and non-governmental organizations. Also, was printed and published the Health Bulletin for Human Trafficking.

The Ministry of Human and Minority Rights joined the campaign of women Roma organizations against early and forced marriages in Roma and Egyptian population. In that sense, interviews with 8 women from four Montenegrin municipalities who told their own experiences of early and forced marriages were conducted. On the basis of the interviews, was produced a ten-minute film showing confessions of women from this population. The film was broadcast on the Public Service RTCG in the program "Open", which was made within the campaign of 16 days of activism against violence against women, with the involvement of all relevant representatives of state institutions and the civil sector. Also, the book "Agreed Marriages - Confessions of Roma and Egyptian women from Montenegro" was printed, which contains all eight interviews. These materials were distributed to primary schools in Montenegro in order to prevent girls from leaving the school and to educate them about this problem.

Within the campaign "16 Days of Activism against Violence against Women", a documentary film "Avoiding My Destiny" was filmed, telling about juvenile marriages in Roma population. The film was promoted in Niksic, Berane and Podgorica, with the participation of representatives of the Police Directorate, prosecutions, courts, centers for social work, NGOs.

The Ministry of Human and Minority Rights in cooperation with the NGO Center for Roma Initiatives organized in December 2013 a two-day seminar for representatives of the Police Directorate, prosecutions, courts, centers for social work, and representatives of non-governmental organizations dealing with Roma and Egyptian women's issues in the Montenegrin society on "Legal Mechanisms in the Fight against Forced and Contracted Child Marriages", with a special accent on the RE population.

NGO Center for Roma Initiatives in cooperation with women NGO RAE Network "First" with the support of the Ministry of Human and Minority Rights, 2 February 2014, the International Day of the Abolition of Slavery, organized a round table on which were presented the results of the publication "Contracted marriage stronger than law". This publication was supported by the Ministry of Human and Minority Rights.

In organization of the Office for Combating Trafficking in Human Beings and the Institute for Social and Child Protection, in partnership with UNICEF, during the period of 1-3 July 2015 was held the initial training for law enforcement officials on the topic of "Combating Trafficking in Children, Child Begging and Forced Marriages". The training was attended by 10 officials of the Centers for Social Work, three Officials of the Center for Children and Youth "Ljubovic", two officers of the Office for Combating Trafficking in Human Beings, one representative of the Ministry of Human and Minority Rights, one representative of the Supreme State Prosecution, one representative of the Supreme Court, one representative of the Secretariat for Social Welfare.

The second phase of the project was conducted in September 2015, after which Montenegro got the first eighth officers who have acquired titles of certified trainers in the field of combating trafficking in children, child begging and enforced child marriages (three officials of the Center for Social Work, two officers of the Office for Combating Trafficking in Human Beings, one

representative of the Ministry of Human and Minority Rights, one representative of the Center for children and youth "Ljubovic", one representative of the Prosecution).

Given that the largest part of the Roma population is stationed on the territory of the Capital City Podgorica, the activities of the Secretariat for Social Welfare, which include the Roma population, are very live:

- One assistance - in cash or in kind (food items, clothing, footwear, garments, personal hygiene goods);
- Free daily meal;
- Gift packs for newborns;
- Financial assistance for the purchase of textbooks and school supplies at the beginning of the school year;
- Free vacation and recreation;

## 5. Housing

Social Housing Program 2014-2016 (session of the Government of Montenegro, held on 19 June 2014) and Local Social Housing Programs - At the Montenegrin Government's Session of 19 June 2014, the Social Housing Program was adopted, which sets out the goals of social housing development in accordance with regional, overall economic and social development, as well as development of social housing and other elements of importance for social housing. In accordance with the social housing program, local self-government units are implementing local social housing programs. The local program should contain information about persons and families for which will be addressed the issue of social housing, the scope and conditions for granting funds to companies, natural persons and housing cooperatives and ways of returning funds as well as closer benchmarks and criteria for determining the amount of rent for the use of housing.

The Ministry of Sustainable Development and Tourism, according to its competencies and in cooperation with the Ministry of Labor and Social Welfare, developed and proposed to the Government of Montenegro a Decision on closer criteria for exercising the right to social housing for displaced persons, published in the Official Gazette of Montenegro No. 70/2015 of 16.12.2015. The legal basis for this Decision is provided in Article 8 paragraph 2 of the Law on Social Housing (Official Gazette of Montenegro, No. 35/13), which stipulates that the criteria for exercising the right to social housing for persons within the group of persons specified in accordance with the social housing program, is laid down by the act of the Government of Montenegro.

Following the Sarajevo process, the donor conference held in 2012 resulted in the release of significant funds and appropriate housing settlement models were agreed such as the Regional Housing Program that was agreed within the Sarajevo Process. The main objective of the Regional Program is the gradual closure of the Konik refugee camp in Podgorica, the largest refugee camp in Montenegro, as well as other similar camps in the country. It is planned that measures will be implemented through international donations, credits and government contributions in terms of land allocation for housing construction and construction of primary infrastructure (water, sewage, electricity). In that sense, the Konik II camp was closed in 2016.

When it comes to Roma population, the large part of the problem is in the area of housing. The very problems of the Roma population in the area of housing are very pronounced in several key

aspects. Based on the survey, about 77% of Roma and Egyptians live in segregated settlements, predominantly in three municipalities, namely Podgorica, Niksic and Berane.

In this connection, the construction of social housing in Podgorica, Niksic and Berane, which is covered by the Ministry of Labor and Social Welfare, includes the construction of housing units within the Regional Housing Program and the IPA Project.

Within the Regional Housing Program "Pilot Project - Niksic" (MNE 1), is envisaged the construction of 62 housing units, of EUR 2,780,000.00 €, grant funds EUR 1,980,000.00, contribution of the state or local unit EUR 600,000.00. Through this project 13 Roma families permanently solved the housing issue. The project is completed within the planned deadline without additional works and any delays.

In July 2013, two more subprojects, "Construction of 120 Housing Units at Konik Camp" (MNE 2), were nominated, worth EUR 6,906,750.00, of which grant amounted to EUR 6,226,622.00. Construction of 12 buildings with 10 residential units is ongoing. Selection of future users is required. The project is fully realized with planned dynamics.

On the sub-project "Construction of 120 Housing Units at Konik Camp" - MNE 2, due to the good design practice, there was a saving of EUR 1,950,977.11 - so the Donors Assembly approved the extension of the construction project at Koniku-MNE 5 "Building 51 Housing Units in Konik" - continuation of the IPA Project. Implementation of the public procurement procedure for the best contractor for the execution of works and supervision of the performed works is in progress. It is expected that in March 2017 works on the objects will begin.

Sub-project MNE 4: "Construction of 94 Residential Units in the Municipality of Berane" aims to provide durable and sustainable housing solutions for refugees and internally displaced persons. The project value amounts to EUR 3.990.649, of which donations amount to EUR 3.575.779 and with this project will be closed two collective centers, Rudeš 1 and Rudeš 2. Agreement with the „Eurozox“ Consortium on performance of works and Consortium "Ing Invest" on supervision of construction works on 94 residential units in Berane was signed on 20 December 2016. Also, the Grant Agreement with the Council of Europe Development Bank was signed. The main construction project with the audit was completed and a building permit was issued by the Municipality of Berane. The planned deadline for the construction of 94 housing units is 18 months.

When it comes to training of future tenants, the Ministry of Labor and Social Welfare has provided continuous work with this population through sustainability projects. Training was carried out in September 2016, after the families were moved in. Notifications of tenants are conducted by the NGO "Legal Center" and the Central Register of Residents, and in the course is the preparation of 14 brochures on various topics.

The drafting of the Act on the maintenance of social apartments has begun and is within the competence of local self-government.

The most significant projects that will contribute to adaptation to new housing conditions are:

- The Project of the Bureau of Population, Refugees, and Migration of the US State Department, whose \$ 195,000 value is implemented with NGO "Legal Center". The period of implementation of the project is from September 2016 to September 2018, while

activities are providing safe and dignified accommodation, providing legal aid and increasing revenue.

- The Project "Better Employment Opportunities for Potential Users of RHP in Berane" – the Bureau of Population, Refugees, and Migration of the US State Department. The project value is \$ 150,000 and its implementation is forseen in the period from 1 October 2015 to 1 October 2016. Activities: institutional support and economic empowerment for about 60 RHP users.

Along with the construction of housing facilities, local governments have been urged to create a new Social Apartments Maintenance Act.

The Government of Montenegro, in September 2011, adopted the National Housing Strategy 2011-2020, with the Action Plan for the period 2011-2015. After the end of the implementation period of this Action Plan, in December 2014, the Government of Montenegro adopted the Action Plan for the National Housing Strategy for the period 2015-2020.

The main objective of the National Housing Strategy is to define the course of further development of the housing sector through an analysis of the existing situation, establishing a vision within the housing sector, defining the mission and formulating housing policies. Priority areas for defining measures and actions are: creating preconditions for improving the housing market; improvement and maintenance of the existing housing fund; regulating the issues of informal settlements; improving the living conditions of special social groups; improving infrastructure and reducing energy consumption in housing; formulating a strategic framework for the transparent allocation of public resources, as well as for mobilizing other resources, etc.

Priority Strategic goals of the National Housing Strategy and Action Plans are: increasing the availability of housing space to households that cannot solve their housing needs on the market; supporting the development of the rental sector, both public and private, with the creation of conditions for full legal certainty in this sector; and improving the management and maintenance system of the existing housing fund.

Increasing the availability and accessibility of adequate apartments will be achieved through the construction of so-called social apartments for purchase or lease, renovation of apartments, quality improvement and legalization of informal settlements, then subsidizing housing costs and other indirect measures.

In connection with the aforementioned, in order to establish the legal framework for social housing in 2013 was adopted the Law on Social Housing and it came into force in July 2013 (Official Gazette of Montenegro, number 35/13).

The Law on Social Housing established that the social housing of the appropriate standard is provided to individuals or households who cannot solve the housing issue out of social, economic and other reasons.

In accordance with the Law on Social Housing it is defined that the right to social housing can be realized by natural persons who do not possess an apartment or other residential object, or persons whose residential object is not of the appropriate standard and who from their realized incomes cannot provide for suitable residential object. In addition, priority target groups have been identified, so priority in achieving the right to social housing is particularly given to: single parents or guardians, persons with disabilities, persons over 67, young persons who were children

without parental care, families with children with disabilities, Roma and Egyptians, displaced persons, internally displaced persons from Kosovo residing in Montenegro, foreigners with permanent or temporary residence who had recognized status of a displaced person or internally displaced person and victims of domestic violence.

The issue of informal settlements and informal construction in general was dealt with by the Law on the Regularization of Informal Objects, which was adopted in July 2016. The Law came into force on 31 August 2016, and should apply from 1 March 2017. However, the Montenegrin Government has accepted the request of the Ministry of Sustainable Development and Tourism on the postponement of the application of the Law on the Regularization of Informal Objects until 31 July 2017 and sent it for the Parliamentary procedure.

The Law stipulates the procedure, ie the conditions and the manner of regularization of informal objects, defines informal objects that can enter legalization process, settlement of property - legal relations, jurisdiction, categorization of objects, as well as the manner of repayment of illegal builders' obligations, penal provisions and other issues of importance for legalization. Also, it should be borne in mind that the existing informal objects have not undergone a process of checking the application of standards, both during design and during the execution of works, especially from the aspect of seismic risk, so the Law also provides for the verification of static and seismic stability of informal objects. In addition, the law introduced the notion of informal object for basic housing. The said institute has been formulated for the purpose of prescribing the obligation to provide alternative accommodation to owners of the informal object and members of their family households, which do not own other housing objects in the territory of Montenegro and fulfill the obligations assumed by the Vienna Declaration. Mandatory provision of alternative accommodation in case of removal of the object for basic housing. Also, given the current economic situation and the intention to make it easier for informal builders to pay compensation for communal equipment of construction land and fees for building regional water supply system in the territory of Montenegrin coastal municipalities, it is envisaged that the fee for informal objects for basic housing will be paid in 240 equal monthly installments, and for other informal objects the fee is charged in at least 120 monthly installments.

The Law introduced the obligation to pay the legalization fee, from which the basic housing objects were exempted. The Law does not foresee special treatment for vulnerable groups, but defines the same procedure for all illegal builders.

**Municipality of Bijelo Polje** - The NGO "E-Roma" was included in the development of the Local Action Plan (LPA) for Roma Integration 2012-2017. Also, a representative of Roma NGOs is involved in the LPA implementation team. A report on the situation of Roma and Egyptian residing in the area of the Municipality of Bijelo Polje was produced for the needs of the Team to monitor the implementation of the Local Action Plan for Roma Integration. This activity was carried out in cooperation with NGO "E-Roma" and NGO "Bjelopoljski Demokratski Centar". Development of a Social Housing Study is underway. The study is realized through the project "Social Situation of Roma", funded by the Municipality of Bijelo Polje from the funds allocated by the Commission for the allocation of funds to NGOs for 2015.

**Municipality of Bar** - A team was formed and appointed to work on the Local Social Housing Plan. At the moment, the Commission is set up to carry out an analysis and recording of existing housing fund owned by the Municipality of Bar. The team will endeavor to bring the Local Plan by the end of the fourth quarter of 2017.

**Municipality of Cetinje** – The Analysis of the situation and the needs of the Roma and Egyptian community (measures and activities related to improving the living conditions of Roma and Egyptians in the LAP) is the main activity of the Secretariat for Sustainable Development and Infrastructure.

**Municipality of Danilovgrad** – In Danilovgrad looking at the 2011 Census, live 28 Roma and two Egyptians, representing 0.15 i.e. 0.01 percent of the population. The local government has not yet adopted the "Local Social Housing Program". The legalization of Roma settlements was not executed because they do not exist in the territory of the Danilovgrad Municipality. The legalization of the buildings in which Roma and Egyptians live is completed, in the same manner as in the cases with the rest of the population, namely, the Roma and Egyptians, in the Municipality of Danilovgrad have obtained housing objects made of solid material.

**Municipality of Herceg Novi** – On 18 August 2015, the Memorandum of Understanding was concluded between the Municipality of Herceg Novi and the NGO "Help - Hilfe zur Selbsthilfe e. V." for the construction of 6 prefabricated houses for vulnerable Roma families. The Municipality was obliged to provide the location and infrastructure equipment in accordance with the Memorandum. The Municipality has issued approval for the installation of these montage facilities and the realization of this activity is ongoing. Reasons why it have not been completed yet lie in the lack of funds, because the contractor exhausted funds. The Municipality seeks a mechanism to provide additional funds in the procedures envisaged by the Law. Within the project "Improvement of Roma Integration at the Local Level", implemented jointly by NGOs "CEDEM", NGO "Young Roma" and Municipality of Herceg Novi, and financially supported by the Open Society Foundation from Budapest, a Local Study on Housing of the Roma and Egyptian Population in the Municipality of Herceg Novi was made. Local study includes valid and confidential data from the field where existing housing problems are identified.

**Municipality of Niksic** – In the territory of the Municipality of Niksic, 24 residential units were provided. The Local Social Housing Program for 2016 was delivered, and the Social Housing Program for 2017 is in the process of delivery. In the forthcoming period, the construction of more housing units is planned, but it is still much more necessary to work on improving the conditions of their housing, which will be part of the future Local Action Plan.

**Capital City of Podgorica** – Members of the Roma and Egyptian population in the Capital City are exempt from paying for water and communal services. The Capital City of Podgorica has handed over the land for construction of housing units that were built or are going to be built under the Regional Housing Program and the IPA Project. There are currently 5 buildings on this plot.

In order to improve the living conditions of the RE population, Podgorica has invested significant resources:

- In order to remediate housing objects that were destroyed-damaged due to natural disasters at the beginning of 2012, funds from the Budget of the Capital City of Podgorica amounted to € 7,803.34 for the purchase of building materials for 7 families. The purchase of building materials was done through the Podgorica Housing Agency.
- In order to solve the housing situation of Roma citizens, 4 residential units were allocated in the "DUP-Service Tank Area" UP 14. The size of the housing units is about 47 m<sup>2</sup>.
- In order to improve the living conditions of Roma and Egyptians, the Assembly of the Capital City - Podgorica, at its session held on 16 February 2012, adopted the Decision on participation of the Capital City - Podgorica in the construction of a collective housing

facility with accompanying facilities, for the purpose of solving housing issues of internally displaced persons and residents of the Konik camp. This Decision grants the participation of the Capital City - Podgorica in the construction of a collective housing facility with accompanying facilities, which holder is the Government of Montenegro - Ministry of Labor and Social Welfare. The Capital City has handed over construction land of about 13.87 hectares in the area of the Detailed Urban Plan "Konik - Vrela Ribnicka II" in Podgorica, as well as the fee for communal equipment of the construction land to the boundaries of the urban plot. Also, the Assembly of the Capital City - Podgorica adopted the General and Detailed Urban Plan "Konik - Vrela Ribnicka II" in Podgorica, which created the preconditions for the realization of the IPA Project "Identification of durable solutions for internally displaced persons and Konik Camp residents" - Phase I, whose implementation should have started at the beginning of 2013, worth EUR 3,000,000.00. This project is designed to build 90 residential units in the area of A zone in Koniku, build a multipurpose center as well as it provided funds for education and employment of this population. The Ministry of Labor and Social Welfare is the holder of the project.

- The Capital City – Podgorica, after the fire that happened on 24 July 2012 in the area of Konik Kamp I, took a number of activities to ensure the continuation of the normal life of the inhabitants of the camp. The Services of the Capital City has designated the location to raise the settlement of tents. The Capital City cleared the fired terrain with its utility service and tamponed the base for raising tents. Also, the City Council provided food in the amount of EUR 21,948.79, public lighting at the mentioned location as well as drinking and technical water. The total amount for services of the Capital City is EUR 33,408.15. This cost does not include labor costs for individual Services. Also, they do not include the price for the JP Vodovod and sewerage service, as well as the services of JP Čistoća, which were daily in the field.

**Municipality of Kotor** – The new Local Action Plan (LAP) has not been completed. It is about finding a subject for a making the plan. Interviews were held with representatives of NGOs and other subjects. The creation of the LAP for the Municipality of Kotor is planned for the beginning of 2017. The Local Social Housing Program for the Municipality of Kotor was not adopted. An analysis was conducted - a report was made on the situation and needs of the Roma and Egyptian population, and thus in the area of housing in all localities in the Municipality of Kotor with an emphasis on the Lovanja settlement.

**Municipality of Tivat** – The housing problem is being solved for 4 Roma and Egyptian families from the settlement „7 July“ in cooperation with the NGO "Help - Hilfe zur selbsthilfe e. V." The Social Housing Program 2015-2016 has been completed, while in 2017 it is being prepared. Families in informal settlements 7 July and Lovanja have been identified.

## 6. Culture and information

Information of minority nations in Montenegro is realized through programs of national public service, programs of local public services and program contents of printed media.

From 2012-2016, the Ministry of Culture co-financed ten projects related to Roma in printed and electronic media, under the obligations from the Roma Decade 2005-2015 and the Strategy for Social Inclusion of Roma and Egyptian 2016-2020.

Also, the Ministry of Culture, in cooperation with the Ministry of Human and Minority Rights, each year announces a competition for the best research article published in the media on the topic

"Social Integration of Roma in Montenegro", and in relation to that in the occasion of the 8 April, the day of Roma, traditionally organizes the award ceremony. Printed and electronic media registered in Montenegro have the right to participate in the competition. The purpose of the competition is to strengthen public awareness on the integration of the Roma population into the Montenegrin society and to encourage research reporting in all media about the inclusion of this and other minority national communities in Montenegro. In addition, media reporting contributes to the recognition of the tradition, culture and conditions in which the Roma population lives, what of course impacts their integration into all flows of the Montenegrin society and strengthens tolerance and understanding between different cultures, religions and entities.

In addition, the Ministry of Culture, under the commitments of the Strategy, co-finances the development of audio-visual content presenting the key problems of integration of the Roma population and the progress made so far in this area.

The Ministry of Human and Minority Rights has organized a summer camp for Romani language for 25 secondary school pupils and university students at the "Solidarity House" in Sutomore, from 14 to 21 July 2014, with the teaching of the Romani language, with lecturers from Macedonia.

For the first time in Montenegro, on 5 November 2014, and since then every year, organized by the Ministry of Human and Minority Rights, is marked the World Day of Romani Language – 5 November. On this occasion, was presented a "pilot project", which, in addition to the Roma primer whose printing was financed by the Ministry of Human Rights and Minority Rights and the Roma Council in Montenegro, was realized in the form of informal education for members of Roma and Egyptian population, as well as for all persons interested in learning the Romani language and culture.

The first Montenegrin-Romani/Romani-Montenegrin dictionary was published on 2 September 2015 in the edition of the Institute for Textbooks and Teaching Aids Podgorica. Financial resources for the development of the Dictionary have been provided in the budget of the Ministry of Human and Minority Rights. The Dictionary is small one-volume descriptive and normative dictionary and contains about 12,000 words. It is printed in a circulation of 500 copies.

Also, in accordance with the obligations arising from previous Action Plans concerning the media presentation of the "Strategy for Social Inclusion of Roma and Egyptians in Montenegro 2016-2020", the Ministry of Culture – Directorate for Media, has realized audio-visual materials (TV spots, radio jingles) to promote the goals of this project, which is of utmost importance for raising public awareness on the position of Roma and Egyptian population in the Montenegrin society.

The show in Romani language "Savore" is aired on RTCG since 2015, twice a month, aimed at preserving the culture of Roma and Egyptians. Thus, during 2016, 24 such shows were broadcast, bilingually with the translation into the Romani-Montenegrin language.

Radio Tivat in cooperation with NGO "Democratic Roma Center" from Podgorica broadcasts a show in Montenegrin and Romani language "Track of the Soul". From 2012 to 2016, the show is been aired once a month. From 2017, the show is aired twice a week. The show lasts 35-40 minutes.

Radio Herceg Novi has aired the "Karlo Romengo" show, from 2012 to 2015, where the life of Roma in Herceg Novi, their culture, education and health was presented. These shows in



educational manner were including Roma children in the education system. From 2016 Radio Herceg Novi broadcasts the show "Romano them" - "The World of Roma".

## 7. Participation of Roma and Egyptians in Public and Political Life

One of the regular activities of the Ministry of Human and Minority Rights is organizing round tables in cooperation with relevant institutions and civil society. Accordingly, the Ministry of Human and Minority Rights is continuously organising education of civil servants, representatives of national councils of minority nations and NGOs on the subject: "Empowering women members of minority nations and other minority national communities in practicing politics". Education was organized on 23 Jun 2015, in Podgorica and 9 December 2015 in Ulcinj. These educational activities are extremely important since the data show that women members of minority nations, above all, Roma and Egyptian women, face multiple discrimination as a result of gender belonging and belonging to a minority nation or minority national community.

OSCE/ODIHR has launched a regional project "Best Practices for Roma Integration" (BPRI), which is being implemented in Montenegro. The main objective of the project is to contribute to the integration of Roma in the countries of the region, with a specific aim to increase Roma participation in political and public life, better acquaintance with national policies and strategic documents, as well as active participation in their implementation.

The Ministry of Human and Minority Rights has provided translation into the Romani language and printing of the most important regulations: the Constitution of Montenegro, the Law on Minority Rights and Freedoms, the Law on the Protector of Human Rights and Freedoms, the Law on Prohibition of Discrimination, the Law on Media and the Law on Public Radio Diffusion Services.

#### **IV DISPLACED AND INTERNALLY DISPLACED PERSONS**

Legal status is a prerequisite for the realization of all other rights and as such is necessary for the integration of Roma and Egyptians in all aspects of social life. According to the Census of 2011 there were 1,649 persons without a citizenship.

Permanent resolution of the legal status of displaced persons from the former Yugoslav republics and internally displaced persons from Kosovo residing in Montenegro is enabled by the recognition of the right to permanent residence or temporary residence through the adoption of the Law on Amendments to the Law on Foreigners, which entered into force on 7 November 2009.

As a reminder, the deadline for submitting a request for regulation of the status, prescribed by this Law, was two years, i.e. until 7 November 2011. Subsequently, the deadline for submitting a request for regulation of the status of these persons was extended multiple times, so by the adoption of the Law on Foreigners (Official Gazette of Montenegro, No 61/13), the final deadline for displaced persons from Kosovo to apply for granting permanent residence and temporary residence up to three years, was extended until 31 December 2014.

By acquiring the status of a permanently resident foreigners, a displaced and internally displaced person has, inter alia, the right to a personal ID card as a personal identification document proving the identity of the person, that is to say that the person has the status of a foreigner with permanent residence in Montenegro, and citizenship of a country of origin.

The new Law on Foreigners (Official Gazette of Montenegro, no. 56/14, 28/15 and 16/16), does not address the issues of displaced and internally displaced persons, except that stipulates that proceedings initiated prior to the implementation of the new Law on Foreigners will be ended according to the old Law on Foreigners (Official Gazette of Montenegro, no. 82/08, 72/09, 32/11, 53/11, 27/13 and 61/13).

During the period from 7 November 2009 (the date of entry into force of the amendments to the Law on Foreigners) concluding with 1 May 2017, displaced persons and internally displaced persons have submitted a total of 14,032 requests for permanent and temporary residence up to three years. Of this number, 13,833 requests have been resolved, while for 509 requests the process is still ongoing

Memorandum of Understanding between the Ministry of Internal Affairs, the Ministry of Labor and Social Welfare and the United Nations High Commissioner for Refugees (UNHCR), was signed in Podgorica on 6 March 2014, and contains a set of measures to be taken in order to provide support to displaced (DPs) and internally displaced persons (IDPs) living in Montenegro to resolve their status. Under the Memorandum was created the Operational Team, which constantly monitored the situation and took appropriate measures.

Out of the measures and activities that have been undertaken in the previous period and plans for the following period should be mentioned that combined mobile biometric teams of the Ministry of Internal Affairs of Montenegro, the Ministry of Internal Affairs - Civil Registration Agency of Kosovo, UNHCR and the NGO "Legal Center", were intensively providing legal and practical support to internally displaced persons from Kosovo which since the late '90s are residing in Montenegro

During the second half of 2014, until 1 March 2017, a total of 12 work visits were organized in duration of 5 working days each, at the Konik Camp and all other camps, accommodations and private houses in the south and north of Montenegro. During all of these visits were provided specific types of help and support.

These activities of the combined mobile biometric teams of the Ministry of Internal Affairs of Montenegro, the Ministry of Internal Affairs - Civil Registration Agency of Kosovo, UNHCR and the NGO "Legal Center", so to support internally displaced persons from Kosovo which since the late '90s are residing in Montenegro, will also continue in the coming period, i.e. in 2017.

It should also be noted that, as a result of the letter sent by the Ministry of Internal Affairs of Montenegro to the Ministry of Internal Affairs of Croatia, with the support of the UNHCR Offices in Podgorica and Zagreb, the diplomatic and consular missions of the Republic of Croatia in Podgorica and Kotor opened again on 27 March 2014 the possibility for Croatian citizens with the status of displaced person in Montenegro to apply in these missions for the issuance of the passport of the Republic of Croatia.

Also, the existing Law on Foreigners (Official Gazette of Montenegro, no. 56/14, 28/15 and 16/16), treated the issue of "stateless persons" in Article 2 which stipulates that a stateless person is a foreigner whom no state in accordance with its legislation considers to be its citizen.

Chapter VIII of the Law on Foreigners (DOCUMENTS FOR FOREIGNERS) stipulates that to foreigners Montenegro shall issue the following documents:

- Travel document for a person without citizenship,
- Travel document for a foreigner,
- Special personal card for a foreigner,

In this regard, Article 118 of the Law stipulates that a travel document for a person without citizenship is issued by the Ministry of the Internal Affairs, with a validity of up to one year.

Also, the Action Plan for the Implementation of the Strategy for the Improvement of the Position of Roma and Egyptians in Montenegro 2012-2016 in the part on the Legal Status of Displaced Persons and Internally Displaced Persons, under point 5, planned the implementation of activities to identify and assist all persons at risk of statelessness.

A positive example of the commitment, concern and efforts of the Montenegrin Government towards regulation of the legal status of all persons, including children, is a Public Call to persons residing in Montenegro and have no access to the citizenship of any other country or cannot prove to have it, to address the nearest unit of the Ministry of the Internal Affairs and provide their personal data. The campaign was conducted in 2014 and on Public Call responded and filled out the questionnaires, a total of 486 persons.

In November 2015, was held a presentation of the Analysis of the Public Call for persons living in Montenegro and do not have access to a citizenship of any state or cannot prove to have it, done by the Ministry of the Internal Affairs with the support of UNHCR.

According to collected data, it was found that 7 persons have evidence to be the citizens of another state, that 240 persons have regulated their status as internally displaced persons from Kosovo, while 221 persons have no registered residence in Montenegro, that 7 persons have granted

temporary residence in Montenegro, that 5 persons at the time of the public call have had the status of displaced person from the area of the former SFRY and that 13 persons have had registered residency in Montenegro.

For only 7 persons, according to the submitted data and the evidence collected, it was established that they are persons without citizenship and that have submitted the requests for obtaining a travel document for stateless persons, of which one person acquired Montenegrin citizenship, for 3 persons was issued a travel document for stateless persons with a validity of one year.

By preliminary analysis of the data provided during the public call, it could be concluded that 472 persons have the legal possibility to apply for citizenship of a state immediately upon entry into the birth register or through a free legal aid program for those persons already registered in the birth register. To them was given a recommendation to make contact with their home country and obtain a document so to regulate their status in Montenegro.

Furthermore, in Montenegro, especially in children belonging to Roma and Egyptian population, there is a number of children born out of health care facilities. As part of their regular activities, on daily bases, the officers of the Ministry of Internal Affairs, in contact with citizens in occasion when they are submitting the request, inform them how to record the fact of birth. The procedure for their subsequent registration until the entry into force of the Law on Amendments to the Law on Extra-judicial Procedure was related to proving the fact of birth through an administrative proceeding whereby NGO "Legal Center", an executive partner of UNHCR, in providing legal assistance related to subsequent registration of the fact of birth, in contact with the officials of the organizational units of the Ministry of Internal Affairs, was obtaining information on all the necessary evidence for entering the fact of birth into the birth registers. By adopting the Law on Amendments to the Law on Extra-judicial Procedure, the procedure has been simplified.

The Law on Amendments to the Law on Extra-judicial Procedure was adopted at the session of the Parliament of Montenegro held in March 2015, and it is applied since 2. May 2015.

This law stipulates the procedure for determining the time and place of birth for the purpose of regulating the status of persons who are not registered in the birth register and persons born out of health care institutions. It is foreseen that this procedure is initiated by a proposal of a person who is not registered in the register of births, or the proposal of any person who has an immediate legal interest, i.e. the guardianship authority. In order to facilitate the realization of the right, it is envisaged that the any court having subject-matter jurisdiction has the local jurisdiction. It also stipulates that the first-instance court submits the final decision on the time and place of birth to the organ responsible for keeping the registry within the period of eight days as of the date of entry into force, for the purpose of entering the fact of birth in the birth register and as well stipulates that the proposer is exempt from the payment of tax and other costs of the procedure. The Law was prepared in co-operation with UNHCR and UNICEF.

Measures are continuously implemented with the aim of raising awareness about the need for birth registration and to increase the number of children who are subsequently registered in birth registers (in cases where this is not done immediately after birth and so to decrease the number of such cases).

In 2014, with the support of UNHCR, were printed 7,000 copies of the brochure "Registration of the newborn in 4 steps" in the Montenegrin language, 2,000 in the Albanian and 1,000 in the Romani language and distributed in 2015 to maternity hospitals in Montenegro. The brochure has

been produced in the form of a guide for parents, according to the efforts to present procedures to the citizens and make relevant information easily available.

In accordance with the provisions of the Law on Civil Registries, the procedure for registration (up to 30 days) or subsequent registration (after the expiry of 30 days) for children born in health facilities shall be initiated before regional units and branches of the Ministry of Internal Affairs of Montenegro.

As part of their regular activities, the officers of the Ministry of Internal Affairs of Montenegro daily in their contacts with citizens in occasion of submitting a request are informing and presenting to them the easiest way to resolve their status.

When it comes to voluntary return, the Government, in cooperation with UNHCR, is creating conditions in which the return will be based on good information on the situation in the country of origin, and will take place in internationally recognized framework, with the help available through international organizations, donors and country of origin.

In the course of 2012, six families returned to Kosovo - 34 persons.

In the course of 2013, nine families returned to Kosovo - 63 persons.

In the course of 2014, 24 families returned to Kosovo - 119 persons.

In the course of 2015, 27 families returned to Kosovo - 144 persons.

In the course of 2016, 25 families returned to Kosovo - 117 persons.

From 2012 to May 2017, 93 families returned to Kosovo - 483 persons.

According to data from the beginning of 2017, there are about 80 families in the register of the Administration for Refugees and UNHCR, with about 400 persons interested in returning to Kosovo. The interest in returning to Kosovo depends significantly on several factors: available programs for voluntary return to Kosovo, integration into Kosovo society, and possibilities to achieve durable solutions in Montenegro, including housing programs and resolution of the legal status.

## V IMPLEMENTATION OF THE FRAMEWORK CONVENTION

### Article 1.

By the *Constitution*<sup>10</sup> of Montenegro is defined that ratified and published international treaties and generally accepted rules of international law, form an integral part of the internal legal order, have supremacy over national legislation and are directly applicable when they regulate the relations differently from the internal legislation (Article 9). Also, the Constitution in Article 17 stipulates that "the rights and freedoms are exercised on the basis of the Constitution and ratified international agreements"

The Law on Minority Rights and Freedoms<sup>11</sup>, Article 1 provides that: "Montenegro, in accordance with the Constitution, ratified and published international treaties and generally accepted rules of international law, shall ensure to minority nations and other minority national communities and persons belonging to them, the protection of human rights and freedoms guaranteed to all citizens, as well as protection of particular minority rights and freedoms".

In March 2010, Montenegro deposited with the Secretary General of the Council of Europe the instrument of ratification of the Revised European Social Charter and at the same time assumed the obligation to report, in accordance with Article 21 Part IV, on the application of the accepted provisions of this instrument. In accordance with the decision of the Council of Europe, Montenegro has complied with the obligation to produce and submit its first national report by 31 October 2011 regarding the application of the accepted provisions and articles belonging to the thematic group "Employment, Training and Equal Opportunities", i.e. Articles 1, 9, 10, 15, 20 and 24 for the reference period 1 March 2010 to 31 December 2010. The second national report on the implementation of the Revised European Social Charter was made in 2012, the third in 2013, the fourth in 2014, the fifth in 2015, the sixth in 2016.

### Article 2.

The Constitution stipulates that "Montenegro shall cooperate and develop friendly relations with other states, regional and international organizations, based on the principles and rules of international law." (Article 15 paragraph 1).

### Article 3.

Pursuant to Article 46 paragraph 2 of the Constitution, no one is obliged to declare own religious and other beliefs. The Constitution also guaranteed the protection of personal data, prohibited the use of personal data out of the purpose for which they were collected and gave everyone the right to be informed on the data collected on his personality and the right to judicial protection in case of abuse (Article 43).

According to the Law on Minority Rights and Freedoms, minority nations and other minority national communities are "any group of citizens of Montenegrin numerically smaller than the rest of predominant population, having common ethnic, religious or linguistic characteristics, different from those of the rest of the population, being historically tied to Montenegro and motivated by the wish to express and maintain their national, ethnic, cultural, linguistic and religious identity".

<sup>10</sup> Official Gazette of Montenegro, no.001/07 of 25.10.2007, 038/13 of 02.08.2013

<sup>11</sup> Official Gazette of the Republic of Montenegro, no. 031/06 of 12.05.2006, 051/06 of 04.08.2006, 038/07 of 22.06.2007, Official Gazette of Montenegro, no. 002/11 of 12.01.2011, 008/11 of 04.02.2011, 031/17 of 12.05.2017

The Constitution<sup>12</sup> in Article 79 stipulates that "Persons belonging to minority nations and other minority national communities shall be guaranteed the rights and liberties, which they can exercise individually or collectively with others." The same definition is contained in Article 3 of the Law on Minority Rights and Freedoms. The Law on Local Self-Government in Article 10 stipulates that "the municipality shall provide conditions for protection and promotion of minority rights as well, in accordance with the Constitution, international legal acts and special law".

#### **Article 4.**

The foundation of legal protection against discrimination in Montenegro is constituted of the constitutional guarantees on the primacy and immediate application of international legal norms in relation to domestic legislation. Thus, this provision of the Framework Convention, as a legally binding instrument, is incorporated into the Montenegrin legal framework and forms part of its substantive law. Apart from court protection in which human rights and freedoms in Montenegro are realized, on this basis, it is possible to request protection before the Constitutional Court which decides upon lodged constitutional complaints after the exhaustion of all permitted and effective legal means in national law.

The Constitution in Article 6 guarantees the inviolability of human rights and freedoms, prohibition of incitement to hatred (Article 7), the prohibition of discrimination - direct and indirect - on any grounds (Article 8). The legal basis for respecting the provisions of Article 4 of the Framework Convention for the Protection of National Minorities is contained in Article 79 of the Constitution of Montenegro, which regulates special minority rights, i.e. special protection of identity.

The new *Law on Prohibition of Discrimination*<sup>13</sup> has established closer definitions of discrimination. At the same time, this system law has established the missing legal framework of the existing constitutional guaranties of Articles 8 and 17 from the Constitution of Montenegro, which prohibits any direct and indirect discrimination on any basis and make everyone equal before the law, regardless of any particularity or personal characteristic.

Bearing in mind that the Law on Prohibition of Discrimination recognizes "national affiliation, social or ethnic origin, connection with a minority nation or a minority national community" as a basis for discrimination, all provisions of the Law on Prohibition of Discrimination apply to members of minority nations.

The principles of this systemic law point to the definition of discrimination, i.e. the definition of indirect and direct discrimination and the incitement to discrimination as its special aspect (Article 2 of the Law on Prohibition of Discrimination):

"Any form of discrimination, on any ground, shall be prohibited."

Discrimination is any unjustified, legal or actual, direct or indirect distinction or unequal treatment, or failure to treat a person or a group of persons in comparison to other persons, as well as exclusion, restriction or preferential treatment of a person in comparison to other persons, based on race, color of skin, national affiliation, social or ethnic origin, affiliation to the minority nation

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<sup>12</sup> Official Gazette of Montenegro, no.001/07 of 25.10.2007, 038/13 of 02.08.2013

<sup>13</sup>Official Gazette of Montenegro, No. 046/10 of 06.08.2010, 040/11 of 08.08.2011, 018/14 of 11.04.2014

or minority national community, language, religion or belief, political or other opinion, gender, gender identity, sexual orientation, health conditions, disability, age, material status, marital or family status, membership in a group or assumed membership in a group, political party or other organization as well as other personal characteristics.

Direct discrimination exists if a person or a group of persons, in the same or similar situation in respect to other person or group of persons, is brought or were brought, or may be brought in an unequal position by an act, action or failure to act, on any ground referred to in paragraph 2 of this Article.

Indirect discrimination exists if apparently neutral provision of a regulation or general act, criterion or practice is bringing or can bring a person or a group of persons into unequal position in respect to other person or group of persons, on any ground referred to in paragraph 2 of this Article, unless the provision, criterion or practice are objectively and reasonably justified by a legitimate purpose and achievable with the means appropriate and necessary to use for achieving that purpose, and when they are acceptable and proportionate in relation to the purpose to be achieved.

Inciting, helping, giving instructions as well as announced intent to discriminate specific person or group of persons on any ground referred to in paragraph 2 of this Article, shall be as well considered to be discrimination.

In addition to these definitions, the Law also mentions some of the principles contained in international standards, namely provisions on the protection of persons who provide data or witness occurrence of discrimination (protection against victimization); the principle of affirmative action in the form of special measures aimed at creating the conditions for the achievement of national, gender and overall equality and protection of persons who are on any grounds in unequal position, which can be introduced by state organs, organs of state administration, organs of local self-government units, public companies and other legal persons exercising public powers, as well as other legal and natural persons; the principle by which the consent of a person to be discriminated does not relieve the responsibility of a person who discriminates or incites discrimination; and the principle of general application of the Law to all natural and legal persons to which the regulations of the State of Montenegro apply.

The absolute novelty in Montenegrin legislation is the system of judicial protection that this Law prescribes through the institute of litigation in which a victim of discrimination by a lawsuit may claim:

- establishment of the fact that the respondent has acted discriminatory against the plaintiff;
- prohibition of exercising the activity that bears potential treat of discrimination, i.e. prohibition of repetition of discrimination activity;
- elimination of the consequences of discriminatory treatment;
- compensation of damage, in accordance with the law;
- in case discrimination is performed through the media, publication in the media of the judgment establishing discrimination on the expenses of respondent.

It is important to point out that Montenegro has significantly improved the legislative framework regulating the prohibition of discrimination in all aspects, including the rights of minorities. While the Law on Prohibition of Discrimination has been significantly improved in 2014, when it has achieved a high level of compliance with the EC Directives, it is important to note that the



Ministry of Human Rights and Minority Rights is in the process of finalizing the new Draft Law on Amendments to the Law on Prohibition of Discrimination, which adoption is planned for the second quarter of this year with the program of the Government of Montenegro for 2017.

The existing Law on Prohibition of Discrimination<sup>14</sup> is specifically improved in a view to regulate the obligation of promoting equality (Art. 2), then extends the application of the Law on public and private sector (Article 3), regulates "harassment and sexual harassment" (Article 7), regulates "segregation" (Article 9), hate speech (Article 9a), defines "discrimination in the provision of goods and services" (Art. 11.), regulates "racial discrimination and discrimination based on religion or belief" (Art.17 ), extends the competencies of the Protector of Human Rights and Freedoms (Article 21), introduces special powers for inspectors for protection against discrimination; establishes the obligation of courts, state prosecution, misdemeanor organs, organs of administration responsible for police affairs and inspection organs to keep a special record of filed complaints, initiated procedures and decisions taken in their area of their competence in relation to discrimination and to submit it to the Protector by no later than 31 January of the current year for the previous year; as well as penal provisions for a misdemeanor made by a legal person, a responsible person in a legal person, in a state organ, an organ of local self-government and local government, and the entrepreneur, and the penal provisions for a legal person, the responsible person in the state organ, the organ of state administration and the organ of local self-government if:

- 1) it does not keep separate records on filed complaints, initiated proceedings and decisions taken within its own jurisdiction in relation to discrimination (Article 33 paragraph 1);
- 2) it fails to deliver the data from the separate records to the Protector within the deadlines referred to in Article 33, paragraph 2 of this Law.

In addition, the Ministry of Human and Minority Rights has prepared a Draft Amendments to the Law on Amendments to the Law on Prohibition of Discrimination. The Proposal Law, brakes the unique provision regulating "Racial Discrimination and Discrimination Based on Religion or Belief" into two Articles "Racial Discrimination", "Discrimination Based on Religion and Belief".

By the proposed solution, in the provisions regulating "racial discrimination", the emphasis is placed on the regulation of this provision in the area of education, work, employment and choice of profession, vocational training, social protection and social benefits, health care and housing.

With the new proposal of the Law, within the framework of a provision regulating "discrimination on the basis of gender identity and sexual orientation", discrimination has been recognized on the basis of "intersexual characteristics" at the same time providing formulation of this basis of discrimination.

Although the question of the competence of the Protector of Human Rights and Freedoms is regulated by the Constitution, the Law on the Protector of Human Rights and Freedoms and the Law on Prohibition of Discrimination, the new Proposal Law on Amendments to the Law on Prohibition of Discrimination additionally expand Item 4 of Article 21 paragraph 1 of the Law on Prohibition of Discrimination, by enabling the Protector, among other things, to initiate proceedings for protection against discrimination before the court or to in this process appear as an intervener when the party makes probable, and Protector estimates that discriminated on the same basis is committed by acting of respondent against a group of persons with the same personal

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<sup>14</sup>Official Gazette of Montenegro, no.046/10 of 06.08.2010, 040/11 of 08.08.2011, 018/14 of 11.04.2014)

characteristics; or the consequences of unequal treatment would be of such a nature as to cause systemic violations of the principle of prohibition of discrimination, and in particular a serious violation of personal dignity, or a person seeking protection from discrimination could otherwise be lead in a particularly unfavorable position on any of the grounds referred to in Article 2 paragraph 2 of this Law. Likewise, with the new Proposal on Amendments to the Law on Prohibition of Discrimination, the application of the principle on the burden of proof is extended so to comprise the acting of the Protector of Human Rights and Freedoms of Montenegro. The proposed provisions have been aligned with the EC Directives.

When the penal provisions are concerned, it is particularly important to note that the promotion of the penal policy has been carried out in such a way that the level of severity of the sanctions for discrimination where the victims are recognized as persons with disabilities (Articles 10 and 18 of the Law on Prohibition of Discrimination) was alleviated and harmonized with the Law on Prohibition of Discrimination of Persons with Disabilities. Also, in the part of the penal provisions, a significant novelty is an increase in the scope of penal provisions for all forms of discrimination recognized by the Law and the introduction of a misdemeanor clause for a natural person who performed discrimination.

In the section of the other penal provisions, the level of sanctions was increased, as for the misdemeanor committed by a legal person, instead of the amount of € 500 to € 20,000, the proposed level of fine is increased to range from € 1,000 to € 20,000, then for the misdemeanor committed by a responsible person in the legal person, state organ, organ of local self-government and the organ of local government instead of 100 € -2,000 €, the proposed level of fine is increased to range from 500 € -2,000 €, and, as novelty, the sanction for the misdemeanor committed by a natural person is introduced to range from 150 € -2,000 €, which has not been the case before.

The Draft Law has received positive reviews of all line ministries and the Secretariat for Legislation. Now is in the process of the final consideration upon comments from the European Commission, before being sent to the Government for consideration and determination.

The institutional framework for protection against discrimination is the Protector of Human Rights and Freedoms of Montenegro, as an autonomous and independent institution, which under the principles of justice and fairness undertake measures to protect human rights and freedoms when they are violated by an act, action or failure to act of state organs, organs of state administration, organs of local self-government and local government, public services and other holders of public powers, as well as measures to prevent torture and other forms of inhuman or degrading treatment or punishment and measures for protection against discrimination, providing that any person who considers to be discriminated by an act, action or failure to act of organs or other legal and natural persons can address it. Also, complaints for discrimination may be filed by organizations or individuals, involved in human rights protection, with the consent of a discriminated person or group of persons. Acting on these complaints is conducted in accordance with the regulations prescribing the manner of operation of the Protector of Human Rights and Freedoms.

With regard to the last reporting period under the Framework Convention for the Protection of National Minorities (2012), the Law on the Protector of Human Rights and Freedoms has undergone two amendments (2014 and 2017), which contribute to the final text, which was improved in accordance with the EC Directives. Competencies of the institution of the Protector of Human Rights and Freedoms are regulated by the Constitution of Montenegro, the Law on Prohibition of Discrimination and the Law on the Protector of Human Rights and Freedoms.

Amendments to the Law on Protection of Human Rights and Freedoms of 2014 stipulate the obligation of the President of Montenegro to conduct consultations with scientific and professional institutions and non-governmental organizations whose basic activity is the protection of human rights and freedoms. The law stipulates that the procedure for nominating the Protector shall be initiated at least 60 days before the expiration of the mandate of the Protector (Article 7). The Law prescribes the conditions that must be fulfilled by the person/candidate for performing the function of the Protector and his deputies, as well as the number of deputies.

The Law is particularly improved in terms of expanding the scope of competence of the Protector of Human Rights and Freedoms to the prevention of torture, which include:

#### "Article 25b

The duties of prevention of torture include the following:

- Visiting authorities, institutions or organizations where are or could be placed persons deprived of their liberty or persons with restricted movement, in order to increase the level of their protection from torture and other cruel, inhuman or degrading treatment or punishment;
- Giving recommendations to the competent authorities, institutions and organizations in order to improve the treatment of persons deprived of their liberty and the conditions in which they are staying, or the prevention of torture and other cruel, inhuman or degrading treatment or punishment;
- Giving opinions on proposal laws and other regulations for the protection and promotion of human rights and freedoms of persons deprived of their liberty and persons with restricted movement;
- Cooperation with the United Nations Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (hereinafter referred to as: the Subcommittee for the Prevention of Torture).

Persons deprived of their liberty within the meaning of this Law are considered to be persons under any kind of retention, detention, imprisonment or placement under the supervision of an authority, which are not permitted to abandon such place at their own will.“

#### Article 25c

In the performance of the duties of prevention of torture, the Protector and the Deputy Protector, as well as to the Advisor to the Protector and member of the working body referred to in Article 25 paragraph 2 of this Law, authorized by the Protector, shall have the right to:

- without prior notice, visit authorities, institutions and organizations, and inspect premises where are placed or could be placed persons deprived of their liberty;
- access freely to information on: authorities, institutions and organizations in which are placed persons deprived of their liberty; number of persons deprived of their liberty in the authority, institution, or organization they are visiting and on the treatment of persons deprived of their liberty;
- without the presence of an official person, talk with persons who are deprived of their liberty and other persons who can provide adequate information regarding the suspicion on violation of human rights in the authority, institution or organization they are visiting.
- The Head, or the person who is managing the authority, institution and organization referred to in paragraph 1 of this Article shall be required to allow or make available to the Protector and Deputy Protector as well as to the Advisor to the Protector and member of

the working body referred to in Article 25 paragraph 2 of this Law, authorized by the Protector, the following:

- unimpeded visit and inspection of the premises where are placed or could be placed persons deprived of their liberty, as well as a conversation with persons who are deprived of their liberty and other persons who can provide adequate information regarding the suspicion on violation of human rights, without the presence of an official person;
- unimpeded visit and inspection of the premises where are placed or could be placed persons deprived of their liberty, as well as a conversation with persons who are deprived of their liberty and other persons who can provide adequate information regarding the suspicion on violation of human rights, without the presence of an official person.

In addition, the competent inspection organs, as part of the state administration, have the right and obligation to deal with reported cases of discrimination in the field of labor and employment, occupational safety, health care, education, construction, traffic, tourism and other areas when performing inspection affairs in these areas, in accordance with the special law.

The Law also contains a number of misdemeanor sanctions sanctioning the refusal to provide public services, the conditioning of providing services with conditions which are not asked from others, or the deliberate delay or postponement of provision of services, even though the person or group of persons has requested and fulfilled the conditions for timely provision of service before other persons; disabling, limiting or hampering the use of access to facilities and surfaces in public use to persons with reduced mobility and persons with disabilities; filing a lawsuit without the written consent of the discriminating person or group of persons; absence of special records on all cases of reported discrimination or non-timely delivery of data from the records; non-keeping special records on complaints filed in relation to discrimination or inaction or non-timely submission of data from the records to the Protector of Human Rights and Freedoms.

The Law on Minority Rights and Freedoms<sup>15</sup> guarantees to members of minority nations and other minority national communities equality with other citizens and the enjoyment of equal legal protection. Any violation of the rights of minority nations and other minority national communities is unlawful and punishable. (Article 4). Also, Article 39 stipulates that "any direct or indirect discrimination on any ground, including race, color, sex, national belonging, social origin, birth or similar status, religion, political or other orientation, material status, culture, language, age and mental or physical disability" shall be prohibited.

Education and promotion of anti-discriminatory behavior and practice, as an integral part of the Anti-Discrimination Legislation Implementation Plan, are the continuous activities of the Ministry. After the realization of the Education Plan and the Promotion Plan in 2011, 2012, 2013, 2014 and 2015, the Plan for 2016 was also realized through the training of as many of those who are directly and/or indirectly involved in the implementation of anti-discrimination legislation. The training is intended primarily for professionals, and all those who in any way come into contact with cases of discrimination, and the promotion is related to the implementation of media campaigns aimed at raising awareness of the Montenegrin public, especially the most vulnerable categories of population, including also the members of national minorities, with the objective of respect for all human rights, the creation of a supportive and tolerant environment, and respect for diversity of others. So far, the plan of education comprised representatives of the judiciary, the Office of the Ombudsman, non-governmental organizations dealing with the protection of human

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<sup>15</sup>Official Gazette of the Republic of Montenegro, No. 031/06 od 12.05.2006, 051/06 od 04.08.2006, 038/07 od 22.06.2007, Official Gazette of Montenegro, No. 002/11 od 12.01.2011, 008/11 od 04.02.2011, 031/17 od 12.05.2017

rights and freedoms, then, representatives of all regional units and branches of police in Montenegrin towns and representatives of local governments, as well as representatives of all inspection services in Montenegro, representatives of all misdemeanor courts and Prosecutions in Montenegro as well as representatives of all Montenegrin centers for social work. Training has been organized so to comprise six seminars and six accompanying workshops and are mandatory for the selected participants in respective year. ("The curriculum of education " can be found on the website of the Ministry).

In addition to education, the Ministry of Human and Minority Rights every year continuously carried out a media campaign on the prohibition of discrimination and the promotion of anti-discriminatory behavior. In 2016, the campaign is been realized under the slogan "Is there a difference? - Support equality". Aim of the campaign is to raise the awareness level of the general population against discrimination, create a tolerant environment and public sensibilities especially towards persons with disabilities, LGBT population, Roma.

This activity is carried out continuously since 2011, so in 2016 is continued with its realization. The campaign, in communication of the representatives of the Ministry of Human and Minority Rights, civil society organizations in Montenegro and selected marketing agency, included the creation of a visual identity and the definition and development of all segments of the campaign which included the following: broadcasting of TV video spots, broadcasting of radio jingle, newspaper advertisement in color on the editorial pages promoting the prohibition of discrimination, tolerance and respect of diversity, inserting fliers (adapted to persons with impaired vision, i.e. printed in Braille) in the circulation of daily newspapers, promoting the prohibition of discrimination, tolerance and respect of diversity through a network of billboards set in the most visited locations in Montenegro.

The Ministry for Human and Minority Rights every two years conducts public opinion research on the relationship of citizens towards discrimination in Montenegro. During 2011 and 2013 were carried out the first two researches, while in 2015 was conducted the third research. Research from 2015 was conducted with the same methodology as the previous two, so to make possible to show progress and changes in relation to the perception in 2011 and 2013. The results of 2015 research are presented in parallel with the results obtained in 2011 and 2013 for all questions which are identical in all three researches. Based on the totality of the results is made the ranking according to the degree of social groups discrimination, whereby the results show that, in the opinion of the citizens of Montenegro, the most discriminated are Roma, then homosexuals, and then persons with disability. The medium discriminated groups include those suffering from AIDS, persons addicted to psychoactive substances, HIV positive persons and national minorities, while the least discriminated groups are women and elderly persons. Comparison of the results with those from previous cycles, i.e. 2011 and 2013, shows that there are no major changes in the order of discriminated social groups. The position of the top three ranked groups that suffer the greatest discrimination in Montenegro has not changed, although according to the results of 2015 there was a slight decrease in the degree of discrimination against each of them individually.

Assessment of severity of discrimination against national minorities was monitored by gender, age, education, and nationality of respondent. The results show that the respondents of both sexes in nearly equal degree graded the existence of discrimination towards minority nations (33% and 31.4%), wherein more than half of those groups considers that such discrimination is usually not, or not at all, expressed, as evaluated also by all age groups, where the most prominent are respondents of age 50 to 59 who plead this attitude in 60.3%. Broken down by education of the respondents, it is interesting that the increase of the level of education increases both the degree of

those who believe that discrimination against national minorities is expressed, and those who feel that is generally not expressed or is not expressed at all. That discrimination against national minorities is very or predominantly expressed in the highest percentage considered Croats (57.2%), Muslims (48.6%), and Albanians (38.3%), followed by Serbs, Bosniaks, Montenegrins and finally Roma who much higher than the average, or in a percentage of 80%, believe that discrimination is generally not expressed, or is not expressed at all towards national minorities.

Based on a modified Bogardus scale, with the same degree of distance, in the research was also measured the ethnic distance towards the six national groups: Roma, Bosniaks/Muslims, Croats, Albanians, Serbs and Montenegrins. The results indicate that ethnic distance is not present in high level against any ethnic group. The highest degree in ethnic distance, the first degree of the scale, is shown towards Roma and Albanians being the President of the country, in the percentage slightly higher than 50%, and a noticeable degree in distance towards Roma and Albanians being a boss or preschool teacher, about 30%. In other degrees the distance is much smaller and is around 10%.

Research results show that in all previous years (2011, 2013, and 2015), according to the opinion of respondents, women were the priority of the state and its institutions in terms of improving the social situation, then members of national minorities, persons with disabilities, as well as that with the age, interest of the state to improve the social status of LBTQI persons intensified.

The Government of Montenegro adopted on 25 February 2016, a decision on termination of the Decision on establishment of the Council for Protection against Discrimination.

In relation to **Article 4, paragraph 2** of the Framework Convention, in addition to basic human rights and freedoms in order to protect the overall national identity, the Constitution and laws of Montenegro lay down also a set of additional rights. In Article 79, the Constitution guarantees to minority nations and other minority national communities the rights and freedoms, which can be used individually or in community with others.

The Constitution guarantees the following special - minority rights:

1. the right to exercise, protect, develop and publicly express national, ethnic, cultural and religious particularities;
2. the right to choose, use and publicly post national symbols and to celebrate national holidays;
3. the right to use their own language and alphabet in private, public and official use;
4. the right to education in their own language and alphabet in public institutions and the right to have included in the curricula the history and culture of the persons belonging to minority nations and other minority national communities;
5. the right, in the areas with significant share in the total population, to have the local self-government authorities, state and court authorities carry out the proceedings also in the language of minority nations and other minority national communities;
6. the right to establish educational, cultural and religious associations, with the material support of the state;
7. the right to write and use their own name and surname in their own language and alphabet in the official documents;
8. the right, in the areas with significant share in total population, to have traditional local terms, names of streets and settlements, as well as topographic signs written also in the language of minority nations and other minority national communities;

9. the right to authentic representation in the Parliament of the Republic of Montenegro and in the assemblies of the local self-government units in which they represent a significant share in the population, according to the principle of affirmative action;
10. the right to proportionate representation in public services, state authorities and local self-government bodies;
11. the right to information in their own language;
12. the right to establish and maintain contacts with the citizens and associations outside of Montenegro, with whom they have common national and ethnic background, cultural and historic heritage, as well as religious beliefs;
13. the right to establish councils for the protection and improvement of special rights.

These constitutional guarantees are specially designed by the Law on Minority Rights and Freedoms<sup>16</sup>, which more closely regulates the set of minority rights and mechanisms for protecting these rights. The Law applies to the preservation of national identity of minorities, i.e. protection from assimilation of minorities, as well as enabling the effective participation of minorities in public life. The text of the Law covered a number of areas important to the preservation of identity and providing equal opportunities for minorities:

- with favoring non-discriminatory attitude, are given the rights to express, preserve, develop, transmit and publicly manifest their national, linguistic, ethnic, cultural and religious identity;
- possibility to establish institutions, societies, associations, non-governmental organizations in all areas of social life, as well as financing of these organizations by the state;
- free choice and use of personal and family names, as well as the right to enter those names in personal documents in their language and alphabet;
- access to information and media, and program content of minorities in public services;
- education in their language and adequate representation of the content in the curricula, as well as principles of affirmative action in enrollment policy;
- the use of national symbols and celebration of important dates, events and personalities from their tradition and history;
- freedom of association and the exercise of undisturbed contact with compatriots outside Montenegro;
- political participation of minorities in the Parliament and the assemblies of local communities;
- proportional representation in public services of state authorities and local government; mechanisms of protection against interfering in matters of vital interest for the life of minorities, both at national and at local level;
- articulating their demands through the possibility of forming minority councils with special competencies;
- establishment of the Fund for minorities for the material support of the state of the maintenance of national specificities;
- protection of mentioned rights through domestic and international legislation;

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<sup>16</sup>Official Gazette of the Republic of Montenegro, No 031/06 of 12.05.2006, 051/06 of 04.08.2006, 038/07 of 22.06.2007, Official Gazette of Montenegro, No 002/11 of 12.01.2011, 008/11 of 04.02.2011, 031/17 of 12.05.2017

The Strategy of Minority Policy and the Strategy for Social Inclusion of Roma and Egyptians in Montenegro 2016-2020<sup>17</sup>, define measures of affirmative action to achieve full and effective equality of minority nations and other minority national communities in Montenegro.

One of the economic imperatives of Montenegro is balanced regional development. This fact is very important from the aspect of the protection and promotion of minority rights, given the fact that a large number of minority nations and other minority national communities are concentrated in the less developed northern regions. With the Strategy of Minority Policy, the economic development of areas with significant minority population share is identified as an area that should be given more attention. Program to encourage the development of competitiveness of entrepreneurs, micro, small and medium enterprises in the northern region of Montenegro and less developed municipalities refers to providing favorable financing conditions through subsidizing the interest rate on direct loans of Investment and Development Fund from the funds provided in the budget of Montenegro. Subsidization of interest rates of 1%, is made on the direct credits of the Fund to entrepreneurs, micro, small and medium sized companies, with a priority for companies that are part of a cluster. The Ministry of Economy implements this Program continuously since 2012. For implementation in 2016, the program was revised compared to the previous years, primarily in terms of widening the scope of support as a result of identified needs of the cluster from the terrain. Eligible costs are costs of investments in intangible and tangible assets (excluding IT equipment and transport equipment) and operating costs, which include personnel costs and administrative expenses. Therefore, the objective of the Program for 2016 is financial support for more efficient functioning of the clusters and their better promotion, towards achieving a better competitive position of small and medium enterprises at the national and international market. Assistance granted by the Ministry of Economy was up to 50% i.e. to 65% (plus 15% for the clusters of less developed local government units) of the total eligible costs, in the amount up to 10,000 € (excluding VAT) per project. Through this Program in 2016 were supported 6 clusters (of which five clusters operating in the Northern region), and the total amount of implemented support is 23,687.46 €.

The Ministry of Economy in 2014 started the implementation of the Program of increasing regional and local competitiveness by complying with the requirements of international standards of operations for the period 2014-2016. The objective of the Program is financial support to entrepreneurs, small and medium-sized companies, in order to, to the extent possible, increase their competitiveness, primarily through compliance with the requirements of international standards for products and support for the accreditation of conformity assessment. The subjects of reimbursement are the eligible costs of introduction, implementation by the Program of defined standards, and recertification. The maximum amount of state aid in the context of this program is € 5,000. During 2016 the amount of support was agreed for 30 business entities in total value of € 95,000. Implementation of activities by the end of 2016 was carried out by 9 committed users of the Program, to which was paid a total of € 21,712.97. Other beneficiaries of the Program will finalize their activities during 2017.

Program Description: the Regulation on encouraging direct investments (Official Gazette of Montenegro, No. 80/15) is creating conditions for a more favorable business environment, which, by encouraging domestic and foreign investment in all areas of Montenegro, contribute to increasing the competitiveness and export potential of the industry by introducing new technology and knowledge and create new jobs. The investors who implement investment projects that will

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<sup>17</sup><http://www.mmp.gov.me/ResourceManager/FileDownload.aspx?rid=268594&rType=2&file=AP%20za%202017.%20-%20Strategija%20za%20socijalnu%20inkluziju%20Roma%20i%20Egip%C4%87ana%202016-2020.pdf>



provide new jobs and contribute to economic and regional development of Montenegro, may be the beneficiaries of financial incentives to be awarded by the decision of the Government of Montenegro on the allocation of funds for stimulating direct investments. Conditions for economic entities: resources for investment promotion are awarded on the basis of submission of the application to a public call for participation in the allocation of funds for stimulating direct investments and the conclusion of agreements on the use of funds for encouraging direct investment with the Government and to the investment projects which are realized in manufacturing and service sectors.

Program description: Business Zone is a unique entity in the area of local government, partly or completely equipped with infrastructure, which for potential investors, in addition to common area and infrastructure, provides additional tax and administrative incentives from the state and local level. The Government of Montenegro adopted on 17 November 2016, the Regulation on business zones which defines the classification model, outline, establishing, managing and filling in business zones, incentives for users, with the aim of attracting new investment, increase employment in particular in less developed areas of the country and overcoming regional differences. So far in Montenegro were defined business areas of local importance in nine local governments: Berane, Bijelo Polje, Kolasin, Mojkovac, Cetinje, Niksic, Podgorica, Ulcinj and Rozaje.

### **Fund for the protection and realization of minority rights in Montenegro**

On the proposal of the Government of Montenegro, in February 2008, the Parliament adopted the Decision on establishing the Fund for the protection and realization of minority rights of Montenegro (Official Gazette of Montenegro, 13/08). Fund for the protection and realization of minority rights of Montenegro (hereinafter: the Fund) was established to support the activities for preservation and development of national or ethnic particularities of minority nations and other minority national communities and their members in the area of national, ethnic, cultural, linguistic and religious identity.

The Government of Montenegro, at its session of 11 July 2016, adopted the Proposal Law on Amendments to the Law on Minority Rights and Freedoms. The Law on Minority Rights and Freedoms<sup>18</sup> is harmonized with the recommendations of the European Commission and the Venice Commission. The aforementioned Proposal Law was adopted by the Parliament of Montenegro on 27 April 2017.

The main reasons for the adoption of this Law are aimed at intervention in the area of institutional support to the realization of minority rights and freedoms, transparency and efficiency of procedures that are used for allocation of funds for implementation of projects for the activities for preservation and development of national and ethnic specificities of minority nations and other minority national communities and their members in the field of national, cultural, linguistic and religious identity.

By the Law on Minority Rights and Freedoms, Article 36, and by the Decision on the establishment, the Parliament of Montenegro, to support activities important for preservation and development of national and ethnic specificities of minority nations and other minority national

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<sup>18</sup>Official Gazette of the Republic of Montenegro no.031/06 of 12.05.2006, 051/06 of 04.08.2006, 038/07 of 22.06.2007, Official Gazette of Montenegro no.002/11 of 12.01.2011, 008/11 of 04.02.2011, 031/17 of 12.05.2017

communities and their members in the field of national, cultural, linguistic and religious identity, established the Fund for the protection and realization of minority rights in Montenegro.

The reform of the Fund is focused on preventing objectively possible conflict of interest, the introduction of two instances when deciding on projects financed from the Fund, as well as improving the quality of monitoring and evaluation of supported projects.

Two instances in the work are introduced. The Parliament of Montenegro elects members of the Commission for evaluating projects, while the Management Board will represent the second-instance organ.

The Fund is financed from the budget of Montenegro and from other sources. For this purpose, the Budget of Montenegro commits at least 0.15% of the current budget. These funds are allocated as follows: assets for the operation of the Fund, amounting to 30%, and - funding for projects to support activities in the amount of at least 70%.

Funds are distributed on the assets for the operation of the Fund and assets for funding projects to support activities.

The Law stipulates that the funds for the financing of projects are distributed via public call for allocation of funds for funding projects to support the activities based on the following criteria:

- preservation and development of national, religious, language and ethnic identity of every minority nation or minority national community;
- compatibility of the project with strategic documents of the Government;
- contribution of the project to intercultural cooperation and to reduction of the ethnic distance;
- promotion of the spirit of tolerance, intercultural dialogue and mutual respect and understanding;
- transparency and possibility to control the implementation of the project; and
- professional and technical capacities of the project applicant.

In 2012, through a public competition, in two distributions, for the assets of the Fund competed 395 projects, and funding supported was provided for 134 projects, with the amount of € 738,390.00.

The number of supported projects by national communities in 2012: Albanian 31, Bosniak 43, Croatian 13, Muslim 6, multiethnic/multinational 9, Roma 14, Serbian 18.

The number of supported projects by the cities in 2012: Bar 2, Berane 4, Bijelo Polje 4, Herceg Novi 4, Kotor 7, Niksic 5, Plav 3, Plužine 1, Pljevlja 2, Podgorica (with Tuzi) 54, Rozaje 21, Tivat 4, Ulcinj 23.

In 2013, through a public competition, in two distributions, for the assets of the Fund competed 411 projects, and funding supported was provided for 141 projects, with the amount of € 727.500,00 €. The number of supported projects by national communities in 2013: Albanian 40, Bosniak 35, Croatian 9, Muslim 15, multiethnic/multinational 13, Roma 15, Serbian 14.

The number of supported projects by the cities in 2013: Bar 2, Berane 7, Bijelo Polje 6, Herceg Novi 4, Kotor 3, Niksic 3, Petnjica 4, Plav 4, Pljevlja 3, Podgorica (with Tuzi) 48, Rozaje 18, Tivat 5, Ulcinj 34.

In 2014, through a public competition, in two distributions, for the assets of the Fund competed 475 projects, and funding supported was provided for 155 projects, with the amount of € 743,230.00 €. The number of supported projects by national communities in 2014: Albanian 41, Bosniak 36, Croatian 11, Muslim 17, multiethnic/multinational 14, Roma 20, Serbian 16.

The number of supported projects by the cities in 2014: Bar 2, Berane 2, Bijelo Polje 12, Gusinje 1, Herceg Novi 1, Kolasin 1, Kotor 4, Niksic 4, Petnjica 10, Plav 9, Pljevlja 3, Podgorica (with Tuzi) 60, Rožaje 12, Tivat 6, Ulcinj 28.

In 2015, through a public competition, in two distributions, with the assets of the Fund were supported was provided for 148 projects, with the amount of € 769.030,00 €. The number of supported projects by national communities in 2015: Albanian 33, Bosniak 41, Croatian 12, multiethnic/multinational 10, Muslim 22, Roma 16, Serbian 14. The number of supported projects by cities in 2015: Bar 1, Berane 2, Bijelo Polje 20, Gusinje 2, Herceg Novi 2, Kotor 7, Nikšić 4, Petnjica 11, Plav 3, Pljevlja 2, Podgorica (with Tuzi) 43, Rozaje 18, Tivat 6, Ulcinj 27.

In 2016, through a public competition, in two distributions, for the assets of the Fund competed 477 projects, and funding supported was provided for 175 projects, with the amount of € 912.100,00 €. The number of supported projects by national communities in 2016: Albanian 38, Bosniak 48, Croatian 17, multiethnic/multinational 8, Muslim 25, Roma 18, Serbian 21. The number of supported projects by cities in 2016: Bar 2, Berane 5, Bijelo Polje 27, Gusinje 5, Kotor 8, Niksic 6, Petnjica 7, Blue 4, Pljevlja 1, Podgorica (with Tuzi) 63, Rozaje 12, Tivat 7, Ulcinj 28.

In the period 2008-2016, in 14 distributions, the Fund has supported 1,155 projects with € 6,640,497.00.

In relation to **Article 4 paragraph 3** of the Framework Convention, by Article 8, paragraphs 2 and 3 of the Constitution is stipulated: „Regulations and introduction of special measures aimed at creating the conditions for the exercise of national, gender and overall equality and protection of persons who are in an unequal position on any grounds shall not be considered discrimination. Special measures may only be applied until the achievement of the aims for which they were undertaken.”

### **Article 5.**

Article 79 paragraph 1 of the Constitution provides for the right of minority nations and other minority national communities to “exercise, protect, develop and publicly express national, ethnic, cultural and religious particularities”. Also, Article 77 of the Constitution stipulates “The state shall encourage and support the development of education, science, culture, arts, sport, physical and technical culture. The state shall protect the scientific, cultural, artistic and historic values.” Article 78 of the Constitution stipulates “Everyone shall be obliged to preserve natural and cultural heritage of general interest. The state shall protect the natural and cultural heritage.”

Article 8 of the Law on Minority Rights<sup>19</sup> and Freedoms prescribes that „Minority nations and other national minority communities and persons belonging to them shall have the right to express, preserve, develop, transmit and publicly manifest their national, ethnic, cultural, religious and linguistic identity, as a part of their tradition. Montenegro shall develop and promote the study of history, tradition, language and culture of minority nations and other national minority communities. In accordance with the present Law and accepted international commitments, the competent bodies shall provide for the protection of the cultural heritage of minority nations and other national minority communities and persons belonging to them”.

In order to preserve the authenticity of cultural heritage as part of a national identity, the Ministry of Culture proposed in August 2010 and the Parliament of Montenegro passed four new laws (the Law on Cultural Property Protection, the Law on Museum Activity, the Law on Archival Activity, the Law on Library Activities), which provide for the protection and preservation of cultural heritage and goods as prescribed by the European and international standards and conventions.

The basic principles of the Convention on the Protection and Promotion of the Diversity of Cultural Expressions ratified by Montenegro in August 2008 are contained in Articles 3 and 5 of the Law on Culture. Pursuant to the obligations of each State Party to the Convention on the Protection and Promotion of the Diversity of Cultural Expressions, Montenegro nominated in 2010 a CCP (Cultural contact point), or a person in charge of implementing the requirements arising from the application of this Convention as well as for the exchange of information in conjunction with the Convention.

*The Law on culture*<sup>20</sup> determines the principles of achieving culture based on freedom of expression, and respect for the right to culture, with equal preservation of all cultural identities and respect for cultural diversity. The Law as a public interest in culture establishes the obligation of the state to create the conditions for a balanced development of culture throughout the territory of Montenegro as well as the preservation of original and traditional cultural and ethno-cultural peculiarities. Also, the Law on Culture stipulates that the strategic medium-term development of culture in Montenegro is realized on the basis of the National Culture Development Program, which contains the goals and priorities of Montenegro's cultural development as "multinational, multicultural and multi-confessional state" (Article 7 of the Law).

In addition to the *Law on Culture* also the *Law on Publishing* (Official of Montenegro 30/12), stipulated that public interest in this field of culture, among other things, is achieved by publishing publications in the language of members of minority nations and other minority national communities in Montenegro, publications intended for children and young people" (Article 6). The Law on Theater Activities also deals with the issue of minority culture, as it prescribes that the National Theater, as part of its repertoire activity, deals with the preparation and presentation of stage works from the cultural heritage of Montenegro, and according to Article 6 of the Law under the "Cultural Heritage of Montenegro" is understood "Montenegrin cultural heritage and cultural heritage of minority nations and other minority national communities from Montenegro".

Support and encouragement of cultural activities, provided by the Ministry of Culture, relate to all protagonists of the Montenegrin cultural scene, and are realized through an annual public competition. Competition co-finances programs and projects from all areas of cultural-artistic

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<sup>19</sup>Official Gazette of the Republic of Montenegro, no.031/06 of 12.05.2006, 051/06 of 04.08.2006, 038/07 of 22.06.2007, Official Gazette of Montenegro, no. 002/11 of 12.01.2011, 008/11 of 04.02.2011, 031/17 of 12.05.2017

<sup>20</sup>Official Gazette of Montenegro, no. 049/08 of 15.08.2008, 016/11 of 22.03.2011, 040/11 of 08.08.2011, 038/12 of 19.07.2012)

creativity: art, literature, periodicals in the field of culture and art, music-scene activities, filmmaking, theater productions, amateurism in culture, creative industries, youth creation, creativity with disability, preservation of old, art crafts, festivals and manifestations.

The financial support provided to members of minority nations and other minority national communities for the promotion and presentation of their cultural activities is aligned with the budgetary possibilities of the Ministry of Culture and the quality criterion. With this support the state seeks to:

- Encourage expression and initiative specific to different ways of accessing works of art produced in their own languages,
- Promote different means through which the works made in regional and minority languages will be made available to the general public,
- Encourage the direct participation of representatives of those who use appropriate regional and minority languages in providing conditions and planning of cultural activities.

Programs and projects are evaluated according to the published criteria relating to: artistic quality and significance for the development of Montenegrin culture, references of the realtor, contribution to the development of multinational and multicultural values, contribution to the stimulation of international dialogue and stimulation of partnership development, international affirmation of Montenegrin culture, contribution to preservation of tradition and Montenegrin cultural heritage.

The procedure laid down in the Law on Culture for Support and encouragement of cultural development includes all members of minority representatives and their creators and artists who, under equal conditions, provide funding for annual competitions of the Ministry of Culture for better conditions for their creative work and planning of cultural activities.

The Law on Culture also stipulates the obligation of the Ministry of Culture to provide and create conditions for equal development of culture in the whole territory of Montenegro.

In 2012, the Ministry of Culture supported the project of music scene activity of Lika Fusaf, Dulcigno Polka (in the amount of 2,000 EUR), from the area of literary translation of Hajro Ulcinaqu - translation of the novel "Son" of Andrej Nikolaidis to Albanian (1,500 EUR), translation by Ćazim Muja of poetry by Miraš Martinović and Mladen Lompar (amount: 2,400 EUR).

In 2013 were supported projects in visual arts activities: Aldemar Ibrahimovic, exhibition in Sarajevo (amount 500 EUR) and Abaz Dizdarevic (amount 400 EUR). In the music activities was supported the project of Senad Gačević "Glory to You Lord", a new chorus compositions (EUR 1.000). The Ministry supported the projects from literature and literary translation: Hadži Šabani "My America", Cazim Muja-poetry and prose of Montenegrin authors (total amount of 3.000 EUR). In order to develop the culture in the North, were supported the projects: Ibrahim Kurpejović-independent exhibition, Radovan Čečović and Kemal Musić - Stories about big and small miracles, Safet Sijarić-novel "Brod na Bistrici" (total amount 3.500 EUR).

In 2014, the Ministry supported the art project of Vahida Hasanagić-Nimanbegu - independent exhibition in Sarajevo (900 EUR), literature and literary translation projects: Marko Ljucgjonaj - Poetry Collection "Buka misli" (900 EUR), Nikola Berishaj "Vučje doba" (1.250 EUR). Cultural

development in the North, supported projects: Irvin Masličić, Mirsad Koljenovic, Ismet Hadzic, Aldemar Ibrahimovic and Elisa Nurkovic (total amount of 7,400 EUR).

In 2015, were supported projects in the field of visual arts: Dino Karailo and Abaz Dizdarević-Kiblix Festival in Maribor (total amount of 1.600 EUR). In the field of literature and literary translation, are supported the projects: Adnan Čirgić - poetry "Starac Raso", Aslan Bisha - child novel "Ufo ne Barbae" (total amount 2.250 EUR). Cultural development in the North is supported by the projects: Braha Adrović, Edin Smailovića, Irvin Masličić, Ismet Hadžić, Ibrahim Kurpejović, Kemal Musić, Mirsad Koljenović, Mirsad Šabotić, Salko Lubodera, Suad Masličić and Halil Markišić (total amount 10.500 EUR).

In 2016, the Ministry supported projects in the visual arts activities of Adin Rastoder, Dino Karailo - exhibition, Vahida Hasanagić-Nimanbegu - exhibition in Switzerland (total amount of EUR 4,200). In the field of literature and literary translation: Adnan Čirgić and Đuro Milutinović - translation of poetry, Aslan Bisha - "Seafarer Woman", Cazim Muja "Go/Tekeish" (total amount 3.500 EUR). Development of culture in the North, supported projects: Aldemar Ibrahimović, Adela Nurković Kulenović, Halil Markišić, Isak Kalpačina, Irvin Masličić, Ibiša Kujević, Mirsad Koljenović, Osman Kurpejović, Semira Mustafa Dedeić, Sabaheta Masličić and Salko Lubodera (total amount 14.175 EUR).

### **Center for Preservation and Development of the Culture of Minorities**

With the aim of affirming cultural diversity and preserving the culture and cultural heritage of minority nations and other minority national communities, the Government of Montenegro has established the *Center for the Preservation and Development of the Culture of Minorities*. Amendments to *the Law on Minority Rights and Freedoms*<sup>21</sup>, adopted by the Parliament of Montenegro on 27 April 2017, added Article 8a which provides: “ In order to promote and protect minority rights, encourage preservation, development and expression of culture of minority nations or other national minority communities in Montenegro and to encourage the spirit of tolerance and multicultural dialogue and mutual respect and understanding, the Government shall establish a public institution, in a manner and under conditions prescribed by the law governing cultural institutions. Supervision over the work of the institution referred to in paragraph 1 of this Article shall be performed by the organ of state administration responsible for human and minority rights.”

The Center for Preservation and Development of the Culture of Minorities of Montenegro is a special budgetary institution whose main tasks are:

- preservation, development and expression of minority culture in Montenegro;
- realization and distribution of programs and organization of events from all fields of art (fine arts, theater, literature, film, etc.) related to members and institutions of the minorities of Montenegro;
- work with members of minorities of Montenegro through the organization of discussions, seminars, courses, lectures, forums, promotions and others;
- organizing professional visits, as well as the stay of artists from the country and abroad who are important for the culture of Montenegrin minorities;
- supporting research projects in the area of minority culture of Montenegro;

<sup>21</sup>Official Gazette of the Republic of Montenegro, no. 031/06 of 12.05.2006, 051/06 of 04.08.2006, 038/07 of 22.06.2007, Official Gazette of Montenegro, no.002/11 of 12.01.2011, 008/11 of 04.02.2011, 031/17 of 12.05.2017

- providing financial support to institutions and associations in the field of culture (library, galleries, non-governmental organizations and others) in the territory of Montenegro that are of importance to the culture of minorities;
- funding projects of cultural importance to Montenegrin minorities;
- supporting and developing cooperation with cultural institutions and other institutions of a similar type in the country and abroad;
- supporting and assisting Montenegrin institutions working to improve the mass culture and cultural-artistic amateurism of Montenegrin minorities;
- supporting the free artistic initiative of all Montenegrin minorities in all aspects of artistic activities;
- publishing professional literature and other publications from the scope of work of the Center;
- publishing magazines in the field of culture and art of members of national and ethnic groups of Montenegro;
- forming informative content for the area of minority culture.

In 2012, the Center for Preservation and Development of the Culture of Minorities of Montenegro carried out the following activities:

- The Center for Preservation and Development of the Culture of Minorities of Montenegro in cooperation with the PI Museums and Galleries of Podgorica, organized an exhibition of drawings by academician Zuvdija Hodžić "Crnom Gorom". The exhibition was set up in the Modern Gallery in Podgorica. The exhibition was opened by the Mayor of Podgorica, Mr. Miomir Mugoša;
- On the occasion of the 8 April - the World Day of Roma was published and promoted the book "The Light at Midnight" by Ruždija-Ruso Sejdović written in Romani language and translated into the Montenegrin language and was promoted the second volume of the first Roma magazine in Montenegro "Alav – The Word" where the texts are also written in Romani language and translated into Montenegrin language;
- At the 7th International Podgorica Fair of Books entitled "100% Book", which lasted from 7 to 14 May 2012, the Center for Preservation and Development of the Culture of Minorities had its own stand. Following the invitation to the national councils, authors, publishing houses belonging to minority nations of Montenegro, at the stand of the Center were promoted the publications of all national minorities in all languages spoken in Montenegro;
- The Center for the Preservation and Development of the Culture of Minorities Montenegro has published the book of Senad Karadzovic "Orient Express", the promotion was well-covered with media;
- The exhibition of paintings by Tanja Matković was opened in Bijelo Polje with the setting of paintings from the „Searching in infinity“ cycle;
- In Dubrovnik, "Veče Hrvata Boke" was held. – to Dubrovnik audience were presented: Choir St. Tripun from Kotor with conductor, Professor Nikola Čičić, then soloists Tamara Jovičević, Paola Mitrović, Andrea Orlando, Andrea Petrović, Anita and Jelena Popović, Dora Škapul. While between the tracks a Croatian actress Glorija Šoletić recited the lyrics of Dominik Cević, Archbishop Vicko Zmajević, Andrija Balović and Viktor Vide.
- In Tirana was held the collage program of poetic-musical character "The Richness of Difference" in the premises of the Ministry of Culture. There the poets were telling their own verses in their own language, participant were Safet Drljan - accordion, Duo Muratagić - piano, Jelena Knežević - piano, Gj Julie Pelingu - soprano, Andrea Petrović -

flu, Angela Mijišković - flute, Dora Škapul - violin, Tamara Jovičević, Vjera Nikolic - piano, Tatjana Krkeljić - flute, Senad Karadžović – writer, Basri Čapriqi-writer.

- In Tuzi was performed the program for celebration of 60 years of CAA Ramadan Šarkić on Montenegrin and Albanian language;
- In Plav, within the Blueberry Days, was promoted the CD of Albanian Ethno Music, which has been recorded and released by the Center;
- Within the Day of the Diaspora in Petnjica, traditional manifestation, was held the concert of the group of a capella singers „Alata“ and exhibition of paintings " Searching in infinity" by Tanja Matković;
- Gallery "Zvonimir" exhibition of Aldemar Ibrahimović. The exhibition was opened at ZVONIMIR Gallery in Zagreb, and lasted for 15 days. Afterwards, this exhibition was moved to Rijeka, Pula and Split;
- Traditional manifestation The Days of Minority Culture of 2012 was held under the slogan "We are Holding Hands", and was launched with the great ethno event. Over 200 participants (singing groups, soloists, musicians, CAAs, ...) participated and everyone in their own languages and in their costumes represented their nation. The aim of this event was to present the culture of the minority nations and to affirm multiculturalism as the fundamental value of Montenegro. The same program was performed in Tivat and Bar;
- Concert of Duo - Ana and Ida Muratagić was held in the Museum „Mimara“ in Zagreb, with the help of the Association of Montenegrins and friends of Montenegro "Montenegro" from Zagreb;
- Promotion of the book of Basri Caprici "Perfection of the rain" - The book "Perfection of the rain" was released as a publication of the Center for the Preservation and Development of the Culture of Minorities of Montenegro comes. The writer is an Albanian poet whose books have been translated in Montenegrin language in order to introduce Montenegrin public in Albanian poetic work;
- Exhibition of paintings and graphics "Cocktail" of the academic painter Ismet Hažić in Peć - Kosovo.
- Journal for Literature, Science and Culture "Kod" publishes works of its associates in the Montenegrin and minority languages in our country. The new volume is devoted to the famous Albanian poet Esad Mekuli. There is also a selection of poetry by Basrija Čaprići, and prose of Zuvdija Hodžić;
- "Sevdah Evening" - in Bijelo Polje, Safet Drljan featured classical compositions, while in the second part with the help of friends, selected sevdalinkas were performed, Renata Perazic, Ema Čivović, Đulija Pelinku and poet Rajko Joličić, accompanied by Dina Kukalj on violin. The goal is not to forget the original melos of a nation.
- Kranj - Ljubljana "The richness of diversity", the poetry-music program was realized in cooperation between the Embassy of Montenegro in Ljubljana and the Consulate of Montenegro in Kranj. In the multimedia program performed renowned music and literary creators from Montenegro who performed numerals and read the lyrics in their own languages;
- Exhibition of paintings by academic painter Abaz Dizdarevic, SULUJ Gallery in Belgrade.
- In 2012, was promoted the book by Milorad Mico Miranovic "Folk Songs of Montenegro" in Podgorica.
- The Center for the Preservation and Development of the Culture of Minorities supported the presentation of the play Death and the Dervish, which was done by Bjelopoljski Theater in Tuzi, in KIC Malesia.
- All programs and activities of the Center are multi lingual and each minority presented its program in its own language. Also, many publications were translated. During this period,



the Center has had numerous meetings with artists, associations, national councils, individuals, representatives of local governments where they established contacts, exchanged ideas and come to some agreement, some new activities. They carried out and supported some requests that needed their support for the implementation of activities. Support consisted of the material, technical and technological assets.

In 2013, the Center for Preservation and Development of the Culture of Minorities of Montenegro realized the following activities:

- "Ulcinj captain" concert of the group of a capella singers Burimi in Podgorica and dance club "Porta di dance" from Ulcinj who in the Albanian language performed their program;
- Promotion of the book by Kemal Music "The Stamp" in Podgorica.
- Concert, from students „With Love to prof Nikša Čučić“ in Kotor.
- Concert of the choir "St. Tripun" in Shkodra
- Magazine for culture, literature and science "KOD", No. III. Includes poetry, prose and scientific works of minorities in Montenegro, poetry and essays are published in all languages in use in Montenegro.
- On the occasion of International Roma Day (8 April) Center issued and promoted the third issue of its magazine Alav (Word) - Voice of Roma, Ashkali and Egyptians in Montenegro. Editorial staff of the newspaper, "Alav" mainly consists of young Roma journalists volunteers, journalists professionals and experts in Roma issues in Montenegro and it publishes texts in Romani language and translated into Montenegrin from across the ex Yugoslav region;
- Presentation of Montenegro at the Music Festival - Fethiye World Music in Turkey. Renowned representatives of the minority nations represented Montenegro;
- Stand at the Book Fair, publishers and authors of minority nations in Montenegro;
- Collective exhibition of academic painters of Northern Montenegro "Colors of the North in the Mirror of the Sea" in Tivat. The exhibition consisted of works of art of painters and sculptors from the north of Montenegro;
- Author evening of Maje Perfiljeva in Podgorica. Famous poet, painter, fashion designer and celebrated writer from Tivat presented herself in Podgorica;
- Evening of "Montenegrin Sevdalinka" in Sarajevo. On this occasion, Milorad Mićo Miranovic's book "National Songs of Montenegro" was promoted;
- Days of Diaspora - Petnjica. The Center has organised two programs - the performance of the female singing group "Alata" from Podgorica and an exhibition of works by the artists of the north of Montenegro, named "The Colors of the North".
- Publishing the book "That's it" - Zuvdija Hodžić, an academician who in the book wrote about many members of minority nations.
- The magazine KOD, No. IV, in the part of its publishing activities, the Center has released the fourth volume of the magazine for culture, literature and science "Code". The magazine traditionally includes poetry, prose and scientific works of members of minorities in Montenegro who write their texts in their mother tongue and the majority of texts are translated into other languages.
- Documentary by Camil Sijarić "Fairy-Tale Teller." This is a project of the Center for the Preservation and Development of Minorities in the framework of the celebration of the centenary of the birth of the famous writer. Documentary film is also shown in Zagreb, Sarajevo, Luxembourg, Bijelo Polje and Niksic.
- An exhibition of paintings by academic painter Abaz Dizdarevic was opened in Zagreb.

- Publishing of the book "On the Road Travelers" - short story by authors from minority nations. This collection brings in one place texts of 23 authors from minority nations of different generations. The publisher is the Center for the Preservation and Development of the Culture of Minorities. The promotion was held in Podgorica, Bijelo Polje, Luxembourg, Ljubljana and Bar.
- The central manifestation "Days of multiculturalism", was held under the slogan "Our Montenegro", in Podgorica, the dance-music program marked by the contemporary creators from minority nation was performed. With this program, the Center continued with Days of Multiculturalism and visited other Montenegrin cities and cities in the region.
- Homage to mark the 100th anniversary of birth of Croatian writer Viktor Vid in Podgorica
- In addition to these projects, the Center for Preservation and Development of Minorities of Montenegro has supported numerous projects of individuals, groups, and cultural and artistic associations and NGOs.

In 2014, the Center for Preservation and Development of the Culture of Minorities of Montenegro realized the following activities:

- Center for the Preservation and Development of the Culture of Minorities in Montenegro released and promoted the book by Dervis Selhanović, PhD "Multiculturalism - social reality";
- The new volume of the magazine Kod – publishes works of its associates in Montenegrin and minority languages in the country. The new volume is dedicated to the subject "Respect the differences, cultivate similarities";
- Marking the International Roma Day in Podgorica, where are presented works of art and the known literary work of Roma authors Selam Pato and Ruždij Ruso Sejdović;
- Collective exhibition "Mediterranean Montenegro" of academy painters members of minorities from the south of Montenegro in Bijelo Polje and Rozaje;
- In the gallery „Kristofor Stanković“ in Zagreb, on 23 April 2014, was opened the exhibition of paintings of Sabaheta - Beka and Irvin Masličić, exhibition was opened by art historian Iva Körbler;
- The Center for the Preservation and Development of the Culture of Minorities in Montenegro participated at the International Book Fair in Podgorica, where the Center for the fifth year in a row had its own stand. The fair presented numerous publications of the Center for the Preservation and Development of the Culture of Minorities in Montenegro. In addition to its own, the Center exhibited also books of other publishers and individuals from minority nations;
- On the occasion of Independence Day of Montenegro, on 21 May, the Center organized a poetic musical program - Wealth of Diversity in Tirana. The program was attended by members of the minority nations who in their own languages presented themselves to the audience. Also throughout the program was provided translation into Albanian;
- Exhibition of Montenegrin artists, members of minority groups "Art is power" in Podgorica. Exhibition, after Podgorica, was opened in Sarajevo and Tuzla in Bosnia and Herzegovina;
- Documentary "Universe of Person" – by Viktor Vid, was premiered in Kotor. The film was made in co-production of the Center for Preservation and Development of Minorities of Montenegro and Television of Montenegro, later on it was shown in Podgorica and Zagreb, and aired on RTCG;
- The novel of Ruždija Adžović "The Necklace from Sanliurf" was presented in Tuzi;

- The Center for Preservation and Development of the Culture of Minorities in Montenegro, in the context of its activities, organized a traditional manifestation Contents of Multiculturalism "Everything for Montenegro - Montenegro for Nothing." The aim of this event is to present the culture of minorities and promotion of coexistence and tolerance as fundamental values of Montenegro. A rich program of folk and modern creativity, was presented by several cultural and artistic associations belonging to minority nations in Montenegro as well as individual representatives of contemporary artistic creation;
- The new volume of the magazine "Kod" is thematically dedicated to the creation of known poet Sait Orahovac. Other texts are essays, poetry, stories and works of members of minority nations from the works of literary creativity in Montenegrin, Croatian, Bosnian, Albanian and Romani language, as well as translations of these texts into other language;
- The premiere of the documentary "Whirlwind of Sighs - Sait Orahovac 1909 -1992", was held in the Bosnian Cultural Center in Sarajevo. The documentary is dedicated to a prominent writer, and it was made in co-production with the RTCG and then aired on TV. The film was also shown in Podgorica, Tuzi, Tuzla;
- In addition to these completed projects, during the year the Center for Preservation and Development of Minorities in Montenegro supported a variety of individuals, groups, cultural and artistic associations and NGOs.

In 2015<sup>22</sup>, the Center for Preservation and Development of the Culture of Minorities in Montenegro realized the following activities:

- International scientific conference, which was held in Podgorica, on "Sevdalinka, Pain which Sings" gathered experts in this field from Montenegro, Serbia, Bosnia and Macedonia and the goal was to find the manner to preserve the original folk song;
- At the concert of original songs „Pain which Sings" participants were performers from the region from Serbia, Macedonia, Albania, Montenegro, Bosnia and Herzegovina, etc.;
- In Podgorica was promoted the monography of Esad Bajtala, PhD, Sevdalinka - Alchemy of the Soul;
- In Podgorica was held the concert of the ensemble „Sultan Mehmed Fatih“ from Sarajevo in Bosnian, English, Arabic, Turkish and Urdu language;
- The Center for Preservation and Development of the Culture of Minorities in Montenegro released and promoted in Podgorica, the book of Dervis Selhanović, PhD, "Towards Civic Montenegro", the book was translated into English and German language;
- The concert of young women artists from Ulcinj, Djiulija Pelinku - soprano and Fatima Buzuku - piano in Zagreb, Museum Mimara;
- The roundtable "Stara Varoš da te Bog sačuva" gathered archaeologists, architects and experts in this issue who discussed that the way to preserve old town in Podgorica from further devastation. The appeal and conclusions of the working group were forwarded to many relevant address in Montenegro;
- On the occasion of the Day of Roma, the Center for the Preservation and Development of the Culture of Minorities of Montenegro, published and promoted in Podgorica the book by Ruzdija Ruso Sejdovic, "Kosovo Karusel". The book is in Romani and Montenegrin language;
- On the occasion of the Day of Roma, the Center for Preservation and Development of the Culture of Minorities of Montenegro, organized an exhibition of Roma author, Ivan Toskic in Podgorica and Tivat. In addition to organizing the exhibition, the Center for

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<sup>22</sup> This year has been based on the promotion of minority rights in the field of culture and promotion of multiculturalism - coexistence as one of the core values of modern Montenegro.

- Preservation and Development of the Culture of Minorities of Montenegro helped the author in the procurement of materials and painting equipment;
- An exhibition of paintings of Tanja Gordić and sculptures of Adin Rastoder was held in Zagreb, in the gallery „Kristofor Stankovic“;
  - The magazine KOD, the seventh volume of the magazine for culture, literature and art is thematically dedicated to the scientific conference on "Sevdalinka, Pain that Sings", where are published analysis and scientific papers from this meeting as well as poetry and prose of minority nations in Montenegro;
  - The Center for Preservation and Development of the Culture of Minorities of Montenegro within the framework of its activities on the occasion of Independence Day of Montenegro, has organized in the Crystal Ballroom of the Symphony Orchestra in Ankara, poetic and musical evening "The richness of diversity". The audience in Ankara were known writers, musicians and performers from minorities in Montenegro;
  - As part of Podgorica cultural summer – the Center for Preservation and Development of the Culture of Minorities of Montenegro organized a concert of classical music in Podgorica. It is a program that promotes the creative potential of artists from minorities in Montenegro;
  - Within DAYS OF MULTICULTURALISM 2015 "CO LIFE", were implemented various cultural programs;
  - The Center for Preservation and Development of the Culture of Minorities of Montenegro published and promoted the novel "Passion" of Anton Gojčaj, Msci, Albanian poet who has been translated into Montenegrin language;
  - The promotion of the book by Igbala Šabović Kerović, PhD, "The Architectural Heritage of Ulcinj in Podgorica";
  - The Center for Preservation and Development of the Culture of Minorities of Montenegro in cooperation with RTCG made a film about the life and work of the famous poet Avdo Međedović. Premiere was shown in his home town Bijelo Polje and aired on TV Montenegro;
  - Collective exhibition of paintings (15 artists) "Co life" in gallery "Velimir A. Leković" in Bar. At the exhibition were presented paintings of authors of minority nations in Montenegro;
  - Concert "Folk Art" was held within the Days of multiculturalism 2015 "Co-life". FOLK ART with music and stage performance presented ethno and folk heritage of minority nations living in Montenegro;
  - The magazine KOD, eighth volume of culture, literature and art, was thematically dedicated to the famous Albanian poet Esad Mekulij as well as literary works of minority nations in all languages spoken in Montenegro;
  - The Center for Preservation and Development of the Culture of Minorities of Montenegro in cooperation with the Faculty of Montenegrin language and literature, printed and promoted a book of author Ethem Mandić, MSci: "Narrative prose of Husein Basic and Zuvdija Hodzić“;
  - A documentary about the life and work of Esad Mekuli one of the greatest writers of the twentieth century, film is in Montenegrin and Albanian language and is subtitled in both languages. Was aired in Podgorica, Plav, Ulcinj and TV Montenegro.

In addition to these projects, the Center for Preservation and Development of the Culture of Minorities of Montenegro in 2015 supported a variety of individuals, groups, cultural and artistic associations and NGOs which are functioning on an amateur basis and especially those whose programs are designed based on and are spreading multiculturalism through its contents.

Also, the Center for Preservation and Development of the Culture of Minorities of Montenegro in 2012, began to form a database of creative potential of cultural resources of minorities and is constantly working on daily updating. There are now over 500 names and contacts of artists. The Center for Preservation and Development of the Culture of Minorities of Montenegro has its own web site [www.cekum.me](http://www.cekum.me) containing all activities which are constantly updated to inform the public and provide transparency of work. Website is followed with special attention by expatriates living outside the borders of Montenegro, who regularly make contact and often give their own suggestions, wanting to see the Center's many programs. For all activities of the Center there is great interest from the media both printed and electronic with which it is in constant communication and strive to make all its programs appropriately announced through interviews and visits so to inform the public about all cultural events. The Center for Preservation and Development of the Culture of Minorities in Montenegro will continue to make every effort through cultural programs directed towards the emancipation of the Montenegrin society on a new democratic basis towards open civil and multiethnic society.

The Center for Preservation and Development of the Culture of Minorities in Montenegro in 2016, through its programs, has worked to elevate the promotion of minority rights in the area of culture and cultural heritage of minority nations living in Montenegro. As the culture is the strongest and most inspiring basis for linking people, in this regard have been created programs that promote this institution in the country and the region. Particular emphasis is placed on the preservation of cultural heritage.

- In CIC Budo Tomovic, the Center for Preservation and Development of the Culture of Minorities in Montenegro organised the concert of a capella singers of Montenegro attended by 11 groups from Tivat, Kotor, Ulcinj, Budva, Podgorica and Berane. The center will in the coming years, at the beginning of each year, organize such evening in Podgorica and other towns of Montenegro.
- The Center for Preservation and Development of the Culture of Minorities in Montenegro, promoted the first novel of the student from Faculty of Philosophy in Niksic, Diana Tiganj from Petnjica, "And time goes on." The novel has been promoted in the Podgorica National Library "Radosav Ljumović".
- The Center for Preservation and Development of the Culture of Minorities in Montenegro organized a concert of classical music "Multi art". With its musical bravura to the audience were presented our famous artists whose musical skills were recognized not only in our country but also beyond our borders.
- Presentation of the book "In the Sight of Humanism" by Salko Liboder, was organised in Podgorica.
- In occasion of 8 April, which is celebrated as the Day of Roma, the Center for Preservation and Development of the Culture of Minorities in Montenegro organized author's evening of Sokolja Beganaj, Roma writer who lives and works in Montenegro.
- The Center for Preservation and Development of the Culture of Minorities in Montenegro, on the occasion of the International Day of Rincially supported the Roma Council in Montenegro that traditionally celebrate the Day of Roma. The celebration was held in Podgorica.
- In homage to the late director Husein Bato Dukaj, the Center for Preservation and Development of the Culture of Minorities in Montenegro organized the screening of documentary film.

- The Center for Preservation and Development of the Culture of Minorities in Montenegro participated in the eleventh International Podgorica Book Fair. At the stand were exposed the works of individuals and publishers of all nations living in Montenegro.
- The Center organized big ethno concert in Bijelo Polje, within traditional event "The richness of diversity" which is dedicated to the jubilee of 10 years from renovation of independence of Montenegro, at which participated 10 Cultural-artistic groups and solo performers who in their traditional costumes and in their languages presented cultural creativity of minority nations.
- The Center for Preservation and Development of the Culture of Minorities in Montenegro organized the promotion of a collection of poetry of Hadzi Sabani, MSci (Haxhi Shabani) "My America", he is the writer from the Albanian national minority whose books have been translated into Montenegrin.
- On the occasion of Statehood Day of Montenegro, organized by the Center for Preservation and Development of the Culture of Minorities in Montenegro, in Cetinje was held a concert of traditional music accompanied by the orchestra consisting of academic professors of music, the concert was broadcast on TV Montenegro, and has been recorded an audio CD. This concert was aired in almost all cities of Montenegro and in Bosnia.
- The ninth volume of the magazine for culture, literature and science "Kod", presented prose, poetry, literary critique, heritage and texts in the Montenegrin, Albanian, Roma and all languages spoken in Montenegro, as well as a part of them was translated in non-mother languages of authors.
- The Center for Preservation and Development of the Culture of Minorities in Montenegro translated from Albanian to Montenegrin and then released and promoted a collection of poetry "Amphora" by Dimitrov Popovic.
- The Center for Preservation and Development of the Culture of Minorities in Montenegro has published a book of 21 young poets "They are Here", who write in their own languages. The book was promoted in several cities Montenegro.
- In the gallery "Velimir A. Leković" in Bar, was opened the first solo exhibition of Selver Kardović, a young painter from Rozaje, called „The Rip“.
- The ninth volume of the magazine KOD presented the selection of texts having the same essence: respecting the high artistic criteria "Kod" successfully carried out a mission to affirm the cultural and artistic values of members of minority nations.
- The Center for Preservation and Development of the Culture of Minorities in Montenegro organized in Bar the promotion of the book by Aeta Salh "The process of socialization of gender equality“.
- The Center organized an author's evening of Berane writer Braho Adrović, where were promoted a book of poetry "Selected songs" and a novel. "The Origin of Sin".
- The Center for Preservation and Development of the Culture of Minorities in Montenegro in 2016 with RTCG co-produced and released two documentary films: "To My People" about Esado Mekuli and "Bokeljski Melahonik" about Franjo Alfirović and began recording a documentary about Zaim Azemović
- The Center for Preservation and Development of the Culture of Minorities in Montenegro has its own web site [www.cekum.me](http://www.cekum.me) containing all activities which are constantly updated to inform the public and provide transparency of work. Website is followed with special attention by expatriates living outside the borders of Montenegro, who regularly make contact and often give their own suggestions, wanting to see the Center's many programs. Also, in 2016 we opened a Facebook page that proved to be justified. For all activities of the Center there is great interest from the media both printed and electronic with which it is in constant communication and strive to make all its programs appropriately announced

through interviews and visits so to inform the public about all cultural events. Several times during the year the representatives of the Center announced the programs through RTCG, then „Vijesti“ and TV 777.

Representatives of the Center for Preservation and Development of Culture of Minorities in Montenegro, participated in several public forums and round tables concerning the rights of minorities in Montenegro and abroad. All programs had good attendance.

In addition to these realized projects, the Center for Preservation and Development of the Culture of Minorities in Montenegro in 2016 supported numerous projects of institutions, individuals, groups, cultural and artistic companies and NGOs, which operate on an amateur basis, especially those whose programs are based on and spread multiculturalism through its contents.

The Center for Preservation and Development of the Culture of Minorities in Montenegro will continue to promote, preserve and develop the culture of minority nations in Montenegro through all forms of cultural content directed towards the emancipation of Montenegrin society on new democratic foundations towards a civic open and multiethnic society.

With respect to **Article 5 paragraph 2** of the Framework Convention, Article 80 of the Constitution stipulates: „Forceful assimilation of the persons belonging to minority nations and other minority national communities shall be prohibited. The state shall protect the persons belonging to minority nations and other minority national communities from all forms of forceful assimilation.”

### **Article 6.**

In relation to Article 6 paragraph 1 of the Framework Convention, with Article 7 the Constitution has prohibited “Infliction or encouragement of hatred or intolerance on any grounds”. In accordance with Article 15 of the Law on Minority Rights and Freedoms, the relevant programs for needs of education includes topics from the area of history, art, literature, tradition and culture of a minority nation or other minority national community. Educational programs in institutions and schools with teaching in the official language contain subjects from mother tongue and literature, history, art and culture of minorities and other content that promote mutual tolerance and coexistence.

Article 2 of the Law on Media<sup>23</sup> provides that „Montenegro shall guarantee the right of free founding and undisturbed work of media based on: the freedom of expression; freedom of investigation, collection, dissemination, publicizing and receiving information; free access to all sources of information; protection of man’s person and dignity and free flow of information“. Article 23, paragraph 1 of this Law provides the following: „It is forbidden to publicize information and opinions that instigate discrimination, hatred or violence against persons or group of persons based on their belonging or not belonging to a certain race, religion, nation, ethnic group, sex or sexual orientation.“ Article 11 of the Law on Media provides that „On the basis of the State Attorney’s proposal, the competent court may ban the distribution of the publicized media programming that: invites forceful destruction of the constitutional system and violation of the territorial integrity of the Republic; infringes on the guaranteed human and citizen’s freedoms and rights; or instigates national, racial or religious intolerance or hatred.“

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<sup>23</sup>Official Gazette of the Republic of Montenegro, No. 051/02 of 23.09.2002, 062/02 of 15.11.2002, Official Gazette of Montenegro, No. 046/10 of 06.08.2010, 073/10 of 10.12.2010, 040/11 of 08.08.2011

The Law on Culture (Article 3 item 3) states: "Culture is realized and developed on the principles of equal preservation of all cultural identities and respect for cultural diversity".

Article 2 of the *General Law on Education*<sup>24</sup> stipulates that the education is aimed to provide the possibility for complete individual development regardless of the sex, age, social and cultural background, national and religious affiliations and of physical and psychological structure; develop the awareness, the need and the capabilities for the maintenance and the improvement of human rights, legal state, of natural and social environment, of multiethnic and diversity; develop the awareness on state affiliation, on its culture, tradition and history. Article 9, paragraph 1 of the General Law on Education stipulates that regardless of the national affiliation, race, gender, language, religion, and social background and of other personal characteristics, all citizens Montenegro shall be equal in the exercising of the right of education. Article 2 of the *Law on Primary Education*<sup>25</sup> stipulates that the aims of primary education are, among others, to provide primary education for all citizens, to develop creative personalities, to educate for respect toward the national, historical and cultural values, as well as for recognizing the cultural and other characteristics of other nations, to educate for mutual tolerance, respect for differences, cooperation with others, respect for human rights and fundamental freedoms, and along with that to develop abilities for life within a democratic society, to develop democratic attitudes, tolerance and cooperation (in schools and out of them) and the respect for the rights of others. Article 2 of the *Law on Gymnasium*<sup>26</sup> prescribes that Education in gymnasia shall have the objective to provide the pupils with the acquisition of necessary knowledge, skills, competences and habits based on the scientific, technical, cultural and artistic achievements, all for the purpose of the continuation of education, development of abilities for life in a pluralistic and democratic society and fostering of understanding, tolerance and solidarity.

Promoting mutual understanding and tolerance between everyone in Montenegro in the field of education is reflected in the creation of compulsory and optional subjects. Namely, the knowledge and skills in the field of human rights and multiculturalism, students can gain through studying in the context of compulsory and optional subjects. Compulsory subjects which have such content are: Civic Education in sixth and seventh grade of primary school, history in higher grades of primary school, geography in higher grades of primary school, sociology in secondary school, Mother language (Montenegrin-Serbian, Bosnian, Croatian language and literature, by amendments to the *General Law on education* of 9 September 2011) in all grades of primary and secondary schools. Optional subjects within which the topics of human rights and multiculturalism is studied are: Exploring Humanitarian Law in VIII or IX grade of primary school, European Union VIII or IX grade of primary school, History of Religion in the eighth grade of primary school, Civic education in Gymnasium, History of Religion in secondary school, European integration in secondary school. Multiculturalism is, in addition, an immanent part of the study of Musical Culture and foreign languages as compulsory and optional subjects: English, French, Italian, German, Spanish, Russian and Turkish language.

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<sup>24</sup>Official Gazette of the Republic of Montenegro, No. 064/02 of 28.11.2002, 031/05 of 18.05.2005, 049/07 of 10.08.2007, Official Gazette of Montenegro, No. 004/08 of 17.01.2008, 021/09 of 20.03.2009, 045/10 of 04.08.2010, 073/10 of 10.12.2010, 040/11 of 08.08.2011, 045/11 of 09.09.2011, 036/13 of 26.07.2013, 039/13 of 07.08.2013, 044/13 of 20.09.2013

<sup>25</sup>Official Gazette of the Republic of Montenegro, No. 064/02 of 28.11.2002, 049/07 of 10.08.2007, Official Gazette of Montenegro, No. 045/10 of 04.08.2010, 040/11 of 08.08.2011, 039/13 of 07.08.2013

<sup>26</sup>Official Gazette of the Republic of Montenegro, No. 064/02 of 28.11.2002, 049/07 of 10.08.2007, Official Gazette of Montenegro, No. 045/10 of 04.08.2010, 073/10 of 10.12.2010, 039/13 of 07.08.2013)



In accordance with the recommendations of *the Law on Minority Rights and Freedoms*, the subject curricula for education contain topics from history, art, literature, traditions and culture of minority nations or other minority national communities. Educational program in institutions and schools with instruction in the official language contains topics from mother tongue and literature, history, art and culture of minorities and other contents that promote mutual tolerance and coexistence.

The Parliament of Montenegro in July 2009 adopted a Declaration on the acceptance of the European Parliament Resolution on Srebrenica. Through the expressed need of Montenegro to contribute to truth, justice, peace, detection of the wicked and in the memory of the innocent, the Government, in cooperation with the local government, has adopted the necessary rules and declared a park in the Capital City to be a "Memorial park to civilian victims of war in 1991 - 2001", and in the central part of the park raised a memorial to "Civilian victims of the wars in the former Yugoslavia from 1991 to 2001 - Not to be Repeated". On the occasion of Remembrance Day of the Srebrenica genocide, a memorial plaque was officially revealed on July 11, 2011, and the Government of Montenegro, at its session of 28 May 2015, adopted the Information on the reconstruction of the same memorial. For the reconstruction of the memorial to all civilian victims of the wars in the former Yugoslavia in Pobrezje, Government has allocated 17,000 euros. Reconstructed memorial to all civilian victims of the wars in the former Yugoslavia was discovered on July 11, 2015.

In addition to the responsibilities and powers prescribed by a special law, in cases of discrimination, the Amendments to the Law on Prohibition of Discrimination<sup>27</sup> expanded the scope of the competences of the Protector of Human Rights and Freedoms as defined by Article 21:

- 1) act on complaints relating to discriminatory treatment committed by authority, business entity, other legal person, entrepreneur and natural person, and undertake measures and actions to eliminate discrimination and protect the rights of discriminated person, if the court proceeding is not initiated;
- 2) provide required information to the complainant who believes to be discriminated by authority, business entity, other legal person, entrepreneur and natural person, about his/her rights and duties, as well as about possibilities of court and other protection;
- 3) conduct the conciliation proceeding between the person who believes to be discriminated, with his/her consent, and authority, business entity, other legal person, entrepreneur and natural person, referred to in the complaint on discrimination;
- 4) initiate the procedure for protection against discrimination in court or appear in that proceeding as an intervener if the party makes probable, and the Protector assess that respondent performed discrimination by the treatment on the same ground toward a group of persons with the same personal characteristics;
- 5) warn the public on appearances of severe forms of discrimination;
- 6) keep separate records of submitted complaints with regard to discrimination;
- 7) collect and analyze data on cases of discrimination;
- 8) undertake activities for promotion of equality;
- 9) submit to the Parliament of Montenegro, in a separate section within the annual report, the report on the activities conducted regarding protection from discrimination and promotion of equality;

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<sup>27</sup>Official Gazette of Montenegro, no. 046/10 of 06.08.2010, 040/11 of 08.08.2011, 018/14 of 11.04.2014

- 10) perform other tasks related to protection from discrimination prescribed by the separate law governing the competences, powers, manner of operation and acting of the Protector.

According to this law (Article 22) “Anyone who considers to be discriminated against by an act, action or failure to act made by an authority and other legal and natural persons, may address the Protector with a complaint. The complaint referred to in paragraph 1 of this Article can be submitted to the Protector also by organizations or individuals dealing with the protection of human rights, with the consent of the person or the group of persons discriminated against”.

*The Law on Prohibition of Discrimination* also regulates the procedure before the court. Article 24 stipulates that “Anyone who considers to be damaged by discriminatory treatment of an authority, business entity, other legal person, entrepreneur and natural person shall be entitled to the court protection, in accordance with the law. The proceeding shall be initiated by filing a lawsuit. The provisions of the law regulating civil proceeding shall be accordingly applied on the proceeding referred to in paragraph 2 of this Article, unless this law provides otherwise. The proceeding referred to in the paragraph 2 of this Article is urgent. In the dispute for protection from discrimination the revision shall be always allowed”.

Article 29 defines the burden of proof, that is, “ If the plaintiff proved the likelihood of respondent committing an act of discrimination, the burden of proving that due to that act the violation of equality in rights and equality before the law did not occurred, passes on the respondent ”.

The lawsuit, in accordance to Article 30, may be filed also by organizations or individuals who are dealing with the protection of human rights. The lawsuit may be filed only with the written consent of a discriminated person or a group of persons.

The provisions of Article 6 of the Framework Convention stipulates:

1. The Parties shall encourage a spirit of tolerance and intercultural dialogue and take effective measures to promote mutual respect and understanding and co-operation among all persons living on their territory, irrespective of those persons’ ethnic, cultural, linguistic or religious identity, in particular in the fields of education, culture and the media.
- 2 The Parties undertake to take appropriate measures to protect persons who may be subject to threats or acts of discrimination, hostility or violence as a result of their ethnic, cultural, linguistic or religious identity.

In the period since the last report was submitted, the Law on Prohibition of Discrimination was specifically improved in 2014, and introduced the "promotion of equality" through the provision regulating the subject of the law (Article 1), which was not the case in the previous regulation.

The provisions of Article 2 of the Law on Prohibition of Discrimination have been specifically upgraded, by amending paragraph 5 in a manner which provides that inciting, helping, giving instructions as well as announced intent to discriminate specific person or group of persons on any ground referred to in paragraph 2 of this Article, shall be as well considered to be discrimination, inter alia, based on national affiliation, social or ethnic origin, relation to a minority nation or a minority national community. The Law on Prohibition of Discrimination with amendments from 2014 introduces a special provision extending the scope of application to the public and private sector (Article 3).

Amendments to the Law on Prohibition of Discrimination specifically promote provisions defining "Harassment and Sexual Harassment", "Segregation", "Discrimination in Provision of Goods and Services", "Racial Discrimination and Discrimination Based on Religion and Belief" as a special forms of discrimination, and introduces a new provision "Hate speech" as a special form of discrimination.

In particular, the Amendments to the Law on Prohibition of Discrimination of 2014 have expanded competencies (Article 21) of the Protector of Human Rights and Freedoms by which the Protector of Human Rights and Freedoms of Montenegro after the adoption of these amendments has the authority to:

- 1) act on complaints relating to discriminatory treatment committed by authority, business entity, other legal person, entrepreneur and natural person, and undertake measures and actions to eliminate discrimination and protect the rights of discriminated person, if the court proceeding is not initiated;
- 2) provide required information to the complainant who believes to be discriminated by authority, business entity, other legal person, entrepreneur and natural person, about his/her rights and duties, as well as about possibilities of court and other protection;
- 3) conduct the conciliation proceeding between the person who believes to be discriminated, with his/her consent, and authority, business entity, other legal person, entrepreneur and natural person, referred to in the complaint on discrimination;
- 4) initiate the procedure for protection against discrimination in court or appear in that proceeding as an intervener if the party makes probable, and the Protector assess that respondent performed discrimination by the treatment on the same ground toward a group of persons with the same personal characteristics;
- 5) warn the public on appearances of severe forms of discrimination;
- 6) keep separate records of submitted complaints with regard to discrimination;
- 7) collect and analyze data on cases of discrimination;
- 8) undertake activities for promotion of equality;
- 9) submit to the Parliament of Montenegro, in a separate section within the annual report, the report on the activities conducted regarding protection from discrimination and promotion of equality;
- 10) perform other tasks related to protection from discrimination prescribed by the separate law governing the competences, powers, manner of operation and acting of the Protector.

In addition, the above mentioned amendments have in particular expanded the possibility of a discriminated person to seek "to remove the consequences of discriminatory treatment" (Article 26 para 1, item 2a).

The Law on Prohibition of Discrimination was especially promoted by the introduction of a provision defining the special powers of the inspectors (Article 32a) as well as it prescribed the obligation of the courts, the state prosecutor's offices, misdemeanor authorities, the authority responsible for police affairs and inspection authorities to keep separate records on filed complaints, initiated proceedings and decisions taken within their own jurisdiction in relation to discrimination, with the obligation of the authorities referred to in paragraph 1 of this Article to deliver data from the separate records to the Protector not later than 31st January of the current year for the previous year, and at the request of the Protector they shall deliver the data from these records as well for a certain shorter period during the year.

In addition to the Law on Prohibition of Discrimination, the competency of the Protector of Human Rights and Freedoms as a National Mechanism for the Protection of Human Rights and Freedoms is regulated by the Law on the Protector of Human Rights and Freedoms, which was specifically improved in 2014, with which his powers and competencies were also extended on torture prevention (Article 25b of the Law on the Protector of Human Rights and Freedoms).

The activities of the prevention of torture, as provided for by this Law, include:

- Visiting authorities, institutions or organizations where are or could be placed persons deprived of their liberty or persons with restricted movement, in order to increase the level of their protection from torture and other cruel, inhuman or degrading treatment or punishment;
- Giving recommendations to the competent authorities, institutions and organizations in order to improve the treatment of persons deprived of their liberty and the conditions in which they are staying, or the prevention of torture and other cruel, inhuman or degrading treatment or punishment;
- Giving opinions on proposal laws and other regulations for the protection and promotion of human rights and freedoms of persons deprived of their liberty and persons with restricted movement;
- Cooperation with the United Nations Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (hereinafter referred to as: the Subcommittee for the Prevention of Torture).

Persons deprived of their liberty within the meaning of this Law are considered to be persons under any kind of retention, detention, imprisonment or placement under the supervision of an authority, which are not permitted to abandon such place at their own will.

#### Article 25c

In the performance of the duties of prevention of torture, the Protector and the Deputy Protector, shall have the right to:

- without prior notice, visit authorities, institutions and organizations, and inspect premises where are placed or could be placed persons deprived of their liberty;
- access freely to information on: authorities, institutions and organizations in which are placed persons deprived of their liberty; number of persons deprived of their liberty in the authority, institution, or organization they are visiting and on the treatment of persons deprived of their liberty;
- without the presence of an official person, talk with persons who are deprived of their liberty and other persons who can provide adequate information regarding the suspicion on violation of human rights in the authority, institution or organization they are visiting.

The Head, or the person who is managing the authority, institution and organization referred to in paragraph 1 of this Article shall be required to allow or make available to the Protector and Deputy Protector as well as to the Advisor to the Protector and member of the working body referred to in Article 25 paragraph 2 of this Law, authorized by the Protector, the following:

- unimpeded visit and inspection of the premises where are placed or could be placed persons deprived of their liberty, as well as a conversation with persons who are deprived of their liberty and other persons who can provide adequate information regarding the suspicion on violation of human rights, without the presence of an official person;

- make available the information referred to in paragraph 1 item 2 of this Article and provide direct access to official records and documents containing such information.

In Chapter III of *the Criminal Code of Montenegro*<sup>28</sup> (CCM), Article 42a prescribes a special circumstance for sentencing for a criminal offense committed out of hatred, which reads:

*„If a criminal offence is committed from hate based on race or religion, national or ethnic affiliation, sex, sexual orientation or gender identity of another, the court shall consider such circumstance as aggravating except when it is not stipulated as a feature of the criminal offence.“*

According to the Proposal of the Amendments of the CCM prepared by the Ministry of Justice, which compliance with the suggestions and comments given by the European Commission (EC) on the Proposal Law is underway, the following further amendments to Article 42a are envisaged:

*„(1) If a criminal offense is committed out hatred toward other person because of national or ethnic belonging, belonging to race or religion or because of absence of such belonging, disability, sex, sexual orientation or gender identity, the court will consider this circumstance as aggravating, unless it is prescribed as a characteristic of the basic or severe form of criminal offense.*

*(2) If a criminal offense is committed against a person who belongs to a particularly vulnerable category of persons (children, persons with disabilities, pregnant women, elderly persons, refugees), the court will take this circumstance as aggravating.“*

discrimination in the legal order of Montenegro is subject to criminal prosecution. However, with respect to information from the Second and Third Report of Montenegro on the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination, submitted by Montenegro to the Committee for the Elimination of All Forms of Racial Discrimination, there were no normative changes other than those mentioned in this Report.

It should also be noted that Article 62 of the Code of Criminal Procedure prescribes that the injured party as a prosecutor has the same rights as a state prosecutor, other than those which, according to the law, exclusively belong to the state prosecutor as the holder of sovereignty of the authorities or a state organ.

### **Statistics of the Court for criminal offenses against all forms of racial discrimination for the period 2012-2017:**

#### **2012:**

- For the criminal offense under Article 158, Infringement of the right to use language and script, there were no cases in work;
- For the criminal offense under Article 159, Violation of Equality, one case has been received and the proceeding is underway;
- For the criminal offense under Article 160, Violation of freedom of expression of national or ethical affiliation, there were no cases in work;
- For the criminal offense under Article 161, Violation of the freedom of confession of religion and religious ceremony, one case was received for which the charge was rejected;
- For the criminal offense under Article 370, Causing national, racial and religious hatred, one case was in work and it was resolved by acquittal;

<sup>28</sup>Official Gazette of the Republic of Montenegro, no. 70/2003, 13/2004, 47/2006 and Official Gazette of Montenegro, no. 40/2008, 25/2010, 32/2011, 64/2011 - other laws, 40/2013, 56/2013, 14/2015 42/2015 i 58/2015 - other laws

- For the criminal offense under Article 443, Racial and other discrimination, there were no cases in work;
- For the criminal offense under Article 444, Human trafficking, were received 5 cases, of which one is completed by conviction, the others are underway;
- For the criminal offense under Article 445, Trade in minors for adoption, there were no cases received;
- For the criminal offense under Article 446, Slavery and transportation of enslaved persons, there were no cases received;

**2013:**

- For the criminal offense under Article 158, Infringement of the right to use language and script, there were no cases in work;
- For the criminal offense under Article 159, Violation of Equality, four cases have been received, two are solved by the suspension of the process, one was is rejected and one is underway;
- For the criminal offense under Article 160, Violation of freedom of expression of national or ethical affiliation, there were no cases in work;
- For the criminal offense under Article 161, Violation of the freedom of confession of religion and religious ceremony, there were no cases in work;
- For the criminal offense under Article 370, Causing national, racial and religious hatred, there were no cases in work;
- For the criminal offense under Article 443, Racial and other discrimination, there were no cases in work;
- For the criminal offense under Article 444, Human trafficking, were received 3 cases, of which 2 were completed and 13 persons were convicted for imprisonment, while 2 were acquitted;
- For the criminal offense under Article 445, Trade in minors for adoption, there were no cases received;
- For the criminal offense under Article 446, Slavery and transportation of enslaved persons, there were no cases received;

**2014:**

- For the criminal offense under Article 158, Infringement of the right to use language and script, there were no cases in work;
- For the criminal offense under Article 159, Violation of Equality, three cases have been received and the proceedings are ongoing;
- For the criminal offense under Article 160, Violation of freedom of expression of national or ethical affiliation, there were no cases in work;
- For the criminal offense under Article 161, Violation of the freedom of confession of religion and religious ceremony, two cases have been received and the proceedings are ongoing;
- For the criminal offense under Article 370, Causing national, racial and religious hatred, 1 case was received, 2 persons convicted of which 1 with suspended sentence, and the other with imprisonment;
- For the criminal offense under Article 443, Racial and other discrimination, there were no cases in work;
- For the criminal offense under Article 444, Human trafficking, were received 2 cases, in which one person was convicted with imprisonment, while the charges against other person have been rejected;
- For the criminal offense under Article 445, Trade in minors for adoption, there were no cases received;

- For the criminal offense under Article 446, Slavery and transportation of enslaved persons, there were no cases received.

**2015:**

- For the criminal offense under Article 158, Infringement of the right to use language and script, there were no cases in work;
- For the criminal offense under Article 159, Violation of Equality, 9 cases have been received, 6 cases were resolved where in 2 cases were brought decisions on repel and in 4 cases procedures were suspended, in 1 case the decisions is in rejection and the procedure is in progress;
- For the criminal offense under Article 160, Violation of freedom of expression of national or ethical affiliation, there were no cases in work;
- For the criminal offense under Article 161, Violation of the freedom of confession of religion and religious ceremony, four cases have been received, 3 were resolved, of which 3 persons have been sentenced with a suspended sentence and 1 person with fine;
- For the criminal offense under Article 370, Causing national, racial and religious hatred, 3 cases were received, 2 cases were resolved, 5 persons convicted of which 4 with imprisonment and one with other sanction;
- For the criminal offense under Article 443, Racial and other discrimination, 1 case was received and a convicting decision was made;
- For the criminal offense under Article 444, Human trafficking, there were no cases received;
- For the criminal offense under Article 445, Trade in minors for adoption, there were no cases received;
- For the criminal offense under Article 446, Slavery and transportation of enslaved persons, there were no cases received.

**2016:**

- For the criminal offense under Article 158, Infringement of the right to use language and script, one case have been received for which was brought a decision on repel;
- For the criminal offense under Article 159, Violation of Equality, 6 cases have been received, 4 acquittals, 1 repel, and 2 decisions on rejection of charges and the proceeding is underway;
- For the criminal offense under Article 160, Violation of freedom of expression of national or ethical affiliation, there were no cases in work;
- For the criminal offense under Article 161, Violation of the freedom of confession of religion and religious ceremony, there were no cases in work;
- For the criminal offense under Article 370, Causing national, racial and religious hatred, 1 casewas received, and the proceeding is underway;
- For the criminal offense under Article 443, Racial and other discrimination, there were no cases in work;
- For the criminal offense under Article 444, Human trafficking, there were no cases received;
- For the criminal offense under Article 445, Trade in minors for adoption, there were no cases received;
- For the criminal offense under Article 446, Slavery and transportation of enslaved persons, there were no cases received.

**2017:**

- For the criminal offense under Article 158, Infringement of the right to use language and script, there were no cases in work;

- For the criminal offense under Article 159, Violation of Equality, 1 case has been received, and the proceeding is underway;
- For the criminal offense under Article 160, Violation of freedom of expression of national or ethical affiliation, there were no cases in work;
- For the criminal offense under Article 161, Violation of the freedom of confession of religion and religious ceremony, there were no cases in work;
- For the criminal offense under Article 370, Causing national, racial and religious hatred, 1 case was received, and the proceeding is underway;
- For the criminal offense under Article 443, Racial and other discrimination, there were no cases in work;
- For the criminal offense under Article 444, Human trafficking, there were no cases received;
- For the criminal offense under Article 445, Trade in minors for adoption, there were no cases received;
- For the criminal offense under Article 446, Slavery and transportation of enslaved persons, there were no cases received.

### **Fight against trafficking in human beings**

The Office for Combating Trafficking in Human Beings of the Government of Montenegro coordinates the activities of relevant government bodies, international and non-governmental organizations, uniting in this way all the positive efforts to combat human trafficking in Montenegro. The Office manages the work of the Shelter for Victims of Trafficking and entire program to protect victims of trafficking.

Rating of relevant international entities, as well as what shows statistics on processed cases of trafficking is that Montenegro is primarily a country of transit, less of origin and end destination. As the most common forms of exploitation of trafficking victims were registered sexual and labor exploitation. What has recently been identified as a form of exploitation is the matter of concluding forced and arranged prohibited marriages, which are typical for the Roma and Egyptian population, as well as prominent begging during the tourist season. Particularly vulnerable in relation to human trafficking are the representatives of the younger population, primarily children without parental care and children beggars.

Trafficking in human beings in Montenegro is at the level of individual cases, which is the result of coordinated activities of state institutions in this field, careful investigation of the causes of the emergence of this phenomenon and their early prevention. Montenegro has established adequate mechanisms, both at the normative and institutional level, for efficient and decisive counteraction to this problem.

At its session held on September 13, 2012, the Government of Montenegro adopted a new *Strategy for Combating Trafficking in Human Beings*<sup>29</sup> for the period from 2012 to 2018. The new strategic document defines goals, principles and guidelines for combating trafficking in human beings and identifies measures to improve the efficiency of the established system for combating human trafficking in the public, private and civil sector. The Strategy focuses on six core areas: Prevention and Education; Identification of Trafficking Victims; Assistance, protection and reintegration of victims; Efficient criminal prosecution; International Cooperation and Coordination and Partnership. The objectives of the Strategy are aligned with relevant international

<sup>29</sup> <http://www.antitrafficking.gov.me/ResourceManager/FileDownload.aspx?rId=134873&rType=2>



standards, with the objectives set out in the European Parliament's directive on prevention and combating of human trafficking, with the recommendations of key actors on the international scene as well as with the NATO Anti-Trafficking Program.

Montenegro has adopted in its legislative framework the UN Convention Against Transnational Organized Crime (2000) and the Protocol for the Prevention, Suppression and Punishment of Trafficking in Persons, Especially Women and Children, has ratified the Council of Europe Convention on Combating Trafficking in Human Beings, the UN Convention on the Rights of the Child and both of its Protocols (Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict).

*The Constitution of Montenegro*<sup>30</sup> in Article 9 foresees that ratified and published international treaties and generally accepted rules of international law, are an integral part of the internal legal order and have primacy over domestic law and are directly applicable when they regulate the relations differently from the internal legislation.

Criminal offense "Trafficking in human beings" is regulated in Article 444 of the *Criminal Code of Montenegro*<sup>31</sup>. In order to harmonize national legislation with international legal standards in this area, by amending the Criminal Code in 2013, forms of exploitation resulting from the perpetration of the criminal offense of trafficking in human beings include "slavery and acts related to slavery" and "conclusion of illegal marriage". Also, in Article 444 is added a new paragraph 9 which deals with the irrelevance of the consent of the victim of trafficking to the intended exploitation

The Law on Compensation of Victims of Violent Crimes was adopted by the Parliament on 26 June 2015 (Official Gazette of Montenegro, no. 35/15). The application of this law will begin on the day of accession to the European Union. By the *Law on Free Legal Aid* Official Gazette of Montenegro, no. 20/2011 and 020/15), which entered into force on 1 January 2012, the victim of trafficking in human beings is entitled to free legal aid. The realization of the right to free legal aid in accordance with this Law does not limit the provision of legal assistance by the services, non-governmental organizations and other organizations that are lawfully educated. In all basic courts in Montenegro are opened the Offices for free legal aid, which legal assistance is available to victims of trafficking. In the basic and higher courts of Montenegro operates the Service for Witness/Victims Support, i.e. victims of trafficking in human beings, trafficking in children for adoption and domestic violence or violence in the family community.

At the initiative of the Government Office for Combating Trafficking in Human Beings, a Tripartite Commission was formed consisting of representatives of the Police Directorate, the Supreme State Prosecution, the Supreme Court, which are obliged to submit information on indictments filed, prosecuted and sentenced for criminal offense of Trafficking in Human Beings, to the Office for Combating Trafficking on a monthly level. The Office as a coordinating body integrates data and creates a single statistics on trafficking in human beings in Montenegro. These statistics include information on both perpetrators and victims of this criminal offense as well as the overall description of the criminal process, while respecting the provisions of the Law on

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<sup>30</sup>Official Gazette of Montenegro, no 001/07 of 25.10.2007, 038/13 of 02.08.2013

<sup>31</sup>Official Gazette of the Republic of Montenegro, no. 070/03 of 25.12.2003, 013/04 of 26.02.2004, 047/06 of 25.07.2006, Official Gazette of Montenegro, no 040/08 of 27.06.2008, 025/10 of 05.05.2010, 073/10 of 10.12.2010, 032/11 of 01.07.2011, 064/11 of 29.12.2011, 040/13 of 13.08.2013, 056/13 of 06.12.2013, 014/15 of 26.03.2015, 042/15 of 29.07.2015, 058/15 of 09.10.2015)

Personal Data Protection. Also, the Office carries out statistical analysis on citizenship, gender, sex, age of both traffickers and victims as well as on the type of exploitation. These statistics are public and available on the Office website<sup>32</sup>.

### **Article 7.**

The Constitution of Montenegro by Article 52, guarantees the freedom of peaceful assembly, without approval, after informing the competent authority. Freedom of assembly may be temporarily restricted by the decision of the competent body to prevent disorder or perpetration of criminal offenses, endangering health, morals or for the safety of people and property, in accordance with law.

Montenegrin Parliament adopted *the Law on public gatherings and public events*, on 22 July 2016. It was published in the Official Gazette of Montenegro, No. 52/16 of 09.08.2016. and entered into force on the eighth day after its publication. This Law regulates public gatherings of citizens and public events, the manner of their announcement, as well as their organization. It stipulates that everyone has the right to organize a public gathering, without authorization, in accordance with the law and ratified international treaties. The police may temporarily restrict the freedom of public assembly if it is a necessary restriction in a democratic society to prevent disturbances of public order and peace, the perpetration of criminal offenses, the violation of human rights and freedoms and special minority rights and freedoms of other persons, the security of persons and property, or at the request of organs of state administration responsible for health care, in the event of threats for health. The police may also determine the direction of arrival of participants of the public gathering to the place in which it is held and departure from that area, in order to prevent disturbance of the public order and peace or the commission of the criminal offense, to the detriment of the rights and freedoms of others, health or the security of persons or property. Immediately prior to the commencement of the public gathering or during its term, police officers are authorized to discontinue public gathering if, inter alia, participants invoke or encourage an armed conflict or violence, violation of human rights and the freedom of minority rights and the freedom of other persons, national, racial, religious or other inequality, hatred and intolerance.

The number of held public gatherings, for the period from 1 January 2012 until 1 January 2017, is 8,693, out of which 1,809 public gatherings were held in 2012, 1,643 public gatherings in 2013, 1,741 public gatherings in 2014, 1,593 public gatherings in 2015 and 1,907 public gatherings in 2016. The number of police decisions not approving a public gathering, for the period from 1 January 2012 until 1 January 2017 is 321, in 2012 there were 56 such decisions, in 2013 there were 47 decisions, in 2014 were 42 decisions, in 2015 were 45 decisions and in 2016 were 131 decisions.

### **Article 8.**

The Constitution of Montenegro in Article 46 guarantees the right to freedom of thought, conscience and religion, as well as the right to change religion or belief, to either individually or in community with others, publicly or privately manifest religion or belief in prayer, preaching, customs, or ritual. Nobody is obliged to speak about own religious and other beliefs.

During the previous period from 2012 to 2016, the Ministry continued its activities on the implementation of the signed Fundamental Agreement between Montenegro and the Holy See, the

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<sup>32</sup>[www.antitrafficking.gov.me](http://www.antitrafficking.gov.me)

Agreement on the Establishment of Relations of Common Interest between the Montenegrin Government and the Islamic Community of Montenegro and the Agreement on the Establishment of Relations of Common Interest between the Montenegrin Government and the Jewish Community in Montenegro.

The Government of Montenegro in 2012 signed the Agreement on the Establishment of Relations of Common Interest between the Montenegrin Government and the Islamic Community of Montenegro. On the basis of this Agreement, the Government of Montenegro, at its session on 3 April 2014, adopted the Decision on Establishing of the part of the Joint Commission for the implementation of the Agreement on the Establishment of Relations of Common Interest between the Montenegrin Government and the Islamic Community of Montenegro.

During 2016, was held one session of the Joint Commission for the implementation of the Agreement on the Establishment of Relations of Common Interest between the Montenegrin Government and the Islamic Community. All agreed activities were implemented. The Islamic community received the requested radio frequency. It is emphasized that the process of inclusion secondary religious school (medresas) in the educational system of Montenegro is in the final stage. Were also solved smaller procedural problems in registering of graduate students of madrasa to the Agency for Employment. It was noted that the Islamic Community of Montenegro on the occasion of numerous terrorist attacks in Europe, together with the Ministry of Human and Minority Rights made a significant contribution to condemn these terrorist attacks, and condemned any abuse of religion in these events. The Ministry and the Islamic community act in coordination in the direction of countering indications similar to radicalization in Montenegro.

The Government of Montenegro signed the Agreement on the Establishment of Relations of Common Interest with the Jewish Community in Montenegro in 2012. In accordance with the Agreement, the Government of Montenegro on 3 April 2014 adopted a Decision on establishing a part of the Joint Commission for Implementation of the Agreement for the implementation of Agreement on the Establishment of Relations of Common Interest with the Jewish Community in Montenegro. During 2016, two sessions of the Joint Commission were held. The sessions highlighted the successful cooperation of the Jewish Community with the Ministry of Human and Minority Rights, as well as other ministries, whose representatives are members of this Joint Commission. Regarding that, in conclusion, it is stated that all matters of common concern for common relations are dealt with in cooperation with the Joint Commission and the relevant institutions. At the Gymnasium "Slobodan Škerović" in Podgorica, on January 27, 2016, was organized the celebration of the International Day of Remembrance of Holocaust Victims. On that occasion, the TV series "Address Log", which is part of the "Camps of World War II in Belgrade", is shown. The celebration was initiated by the Jewish Community of Montenegro with the support of the Joint Commission.

The Montenegrin Government has signed the Fundamental Agreement with the Holy See on June 24, 2011, in Vatican, with the amendments made by the exchange of notes on March 17 and 19, 2012. This Agreement has an international and intergovernmental character. In accordance with the Agreement, the Government of Montenegro on 13 February 2014 adopted a Decision on Establishing the part of the Joint Commission for the implementation of the Fundamental Agreement between Montenegro and the Holy See.

One session of this Commission was held in 2016 and has been noted that there is a high level of cooperation between Montenegro and the Holy See in all areas, and that relations are excellent. Special attention is devoted to the dialogue on the Draft Law on Freedom of Religion and it was

concluded that there is a mutual desire and willingness to reach the highest agreement on all issues.

Under the program of the Government of Montenegro for 2017, for the fourth quarter it is envisaged the adoption of the Law on Freedom of Religion.

### **Article 9.**

The Constitution in Article 47 gives the right to freedom of expression by speech, writing, picture or otherwise. The right to freedom of expression can only be limited by the right of others to dignity, reputation and honor and if it threatens public morality or the security of Montenegro. Also, Article 49 of the Constitution guarantees the freedom of press and other forms of public information. Is guaranteed the right to establish newspapers and other public information media, without approval, by registration with the competent authority.

*The Law on Minority Rights and Freedoms*, in Article 12 prescribes that „Minority nations and other national minority communities and persons belonging to them shall be provided with the freedom of information at the level of the standards that are set forth in international documents on human rights and freedoms. Persons belonging to minority nations and other national minority communities shall have the right to freely establish media and their unhindered work based on: freedom of expression, research, collection, dissemination, publication and receiving information, free access to all sources of information, protection of personality and dignity and free flow of information. Competent administrative and programmatic bodies of the media founded by Montenegro shall provide an appropriate number of hours for broadcasting news, cultural, educational, sports and entertainment programs in the languages of minority nations and other national minority communities and persons belonging to them, as well as program contents related to life, tradition and culture of minorities and shall provide the financial means for funding those program contents. The program contents which refer to life, culture and identity of minority nations and other national minority communities shall be broadcasted at least once a month in the official language, through the public services. Montenegro can, in accordance with its financial possibilities, provide translation (subtitling) of program from languages of minority nations and other national minority communities into the official language. The Government can also undertake incentive measures to provide broadcasting of programs referred to in paragraph 3 of this article within other radio and television programs”.

*The Law on Media*, as a systematic law in the area of media, regulates the prerequisites for the exercise of freedom of expression and freedom of the media. The Law on Media in Article 1 prescribes the following: „Media shall be free in the Republic of Montenegro. Censorship of media is prohibited in the Republic of Montenegro. The Republic of Montenegro shall provide and guarantee freedom of information at the level of the standards as contained in the international documents on human rights and freedoms (the United Nations, the OSCE, the Council of Europe, the European Union). This Law shall be interpreted and implemented in compliance with the principles contained in the European Convention for the Protection of Human Rights and Fundamental Freedoms and shall be governed by the case law practice of the European Court for Human Rights.“ Article 2 of the Law on Media stipulates that „Montenegro shall guarantee the right of free founding and undisturbed work of media based on: the freedom of expression; freedom of investigation, collection, dissemination, publicising and receiving information; free access to all sources of information; protection of man’s person and dignity and free flow of information. Montenegro shall guarantee equal participation in information to both domestic and foreign legal and natural persons in compliance with both this Law.“ Furthermore, Article 3 of the

Law on Media<sup>33</sup> stipulates that, „Montenegro shall provide a part of the funding for realization of the citizens’ right to be informed as granted by the Constitution and law, without any discrimination.“ For the purpose of exercising these rights, Montenegro provides part of the financial resources for program content in Albanian and in languages of other national and ethnic groups. Article 11 of the Law on Media stipulates that „On the basis of the State Attorney’s proposal, the competent court may ban the distribution of the publicized media programming that: invites forceful destruction of the constitutional system and violation of the territorial integrity of the Republic; infringes on the guaranteed human and citizen’s freedoms and rights; or instigates national, racial or religious intolerance or hatred.“ Article 23 paragraph 1 prescribes that „It is forbidden to publicize information and opinions that instigate discrimination, hatred or violence against persons or group of persons based on their belonging or not belonging to a certain race, religion, nation, ethnic group, sex or sexual orientation.“  
(The Law on Electronic Communications<sup>34</sup>)

By adopting the Law on Electronic Media (Official Gazette of Montenegro, no. 46/10), the 2002 Law on Broadcasting was set out of force. Adopted by-laws: Rulebook on Programming Standards in Electronic Media (Official Gazette of Montenegro, no. 35/11) and the Rulebook on Commercial Audio-Visual Communications (Official Gazette of Montenegro, no. 36/11).

The Law on Electronic Media „...govern the rights, duties and responsibilities of legal and natural persons pursuing the activities of production and provision of audiovisual media services (hereinafter: *AVM services*<sup>35</sup>); services of electronic publications by means of electronic communication networks; the competences, status and sources of finance for the Agency for Electronic Media; prevention of unlawful media concentration, promoting media pluralism and other matters relevant for AVM service provision, in line with international treaties and standards.“ Furthermore, Article 2 of the Law on Electronic Media stipulates that „The provisions of this Law shall not be interpreted in such a way to give the right of censure or restrictions of freedoms of speech or expression. This Law is to be interpreted in line with the principles of the European Convention on Human Rights and Fundamental Freedoms, referring to the case law of the European Court of Human Rights.“ The relations in the field of AVM services are governed by the principles of freedom, professionalism and independence; prohibition of any form of censure; balanced development of public and commercial AVM service providers; free and equitable access to all AVM services providers; development of competition and pluralism; adherence to international standards; objectivity, prohibition of discrimination, and transparency.

Article 5 of the said Law provides that „Montenegro shall ensure freedom of reception and retransmission of AVM services from EU Member States and other European countries signatories to the European Convention on Trans-frontier Television; in certain cases, it may restrict the freedom of reception and retransmission in accordance with international treaties and this Law.“

Article 48, paragraph 2, provides that „An AVM service must not incite, enable incitement or spread hatred or discrimination on the grounds of race, ethnic background, skin colour, language,

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<sup>33</sup>Official Gazette of the Republic of Montenegro, no.051/02 of 23.09.2002, 062/02 of 15.11.2002, Official Gazette of Montenegro, no.. 046/10 of 06.08.2010, 073/10 of 10.12.2010, 040/11 of 08.08.2011

<sup>34</sup>Official Gazette of Montenegro, No.. 040/13 of 13.08.2013, 056/13 of 06.12.2013, 002/17 of 10.01.2017

<sup>35</sup> **AVM service** means a service under editorial responsibility of an AVM service provider the principal purpose of which is the provision of programs in order to inform, entertain or educate, to the general public by electronic communications networks, and may take the form of electronic media (radio or television broadcast), an on demand AVM service or audiovisual commercial communication

religion, political or other belief, national or social background, financial standing, trade union membership, education, social status, marital or family status, age, health status, disability, genetic heritage, gender identity or sexual orientation.“ Article 55, paragraph 9 stipulates that „The use of Montenegrin language is not mandatory in programs intended for members of minority nations and other minority communities.“ Article 74 of the Law on Electronic Media stipulates that „Public broadcasters are obliged to produce and transmit radio and/or television broadcasts with information, cultural, art, educational, scientific, children’s, entertainment, sport and other programs ensuring the exercise of rights and interests of citizens and other entities in the information sector. With a view of exercising public interest in the information sector, public broadcasters are obliged to:

- autonomously and independently produce, edit and transmit programs not in the service of political, economic or other levers of power;
- inform the public in an objective and timely fashion of political, economic, cultural, educational, scientific, sport and other major events and occurrences in the country and abroad;
- produce and transmit programs intended for different groups in society, free of discrimination, particularly taking into account specific societal groups such as children and the young, members of minority nations and other minority communities, persons with disabilities, socially and health disadvantaged groups, etc.;
- cherish public communication culture and linguistic standards;
- produce and transmit programs expressing Montenegrin national and cultural identity, and cultural and ethnic identity of minority nations and other minority communities;
- produce and transmit programs in languages of minority nations and other minority communities within the areas where they reside;
- during election campaigns, based on special rules, ensure equal representation of political parties, coalitions and candidates whose candidacy and candidate lists have been approved;
- mutually cooperate and exchange programs of interest for the citizens of Montenegro.

Furthermore, Article 76 stipulates that „Public broadcasters shall acquire revenues as a share of general revenues of the Budget of Montenegro, or a share of general revenues of local self-government units, and from other sources in accordance with the law and the Memorandum of Association. A share of Budget of Montenegro, or the budget of a local self-government unit, shall be made available for the exercise of rights to information, free of discrimination, as enshrined by the Constitution and laws, based on programs significant for:

- exercise of the right to public information and notification of Montenegro’s citizens, the exercise of the rights of members of minority nations in Montenegro and members of other minority communities and Montenegrin communities abroad,
- exercise of human and political rights of citizens and fostering of rule of law and social state, and civil society;
- development of culture, science, education and art;
- preservation of Montenegrin national and cultural identity, and cultural and ethnic identity of minority nations and other minority communities;
- encouraging cultural creation;
- information made available to persons with hearing and visual disabilities.

With a view of exercising the rights from paragraph 2 of this Article, a share of funds shall be made available in the Budget of Montenegro, or the local self-government unit budget, for

programs in Albanian and Romani languages. The Government, i.e. the unit of local self-government, and the public broadcaster shall regulate mutual rights and obligations related to the use of funds from paragraphs 1, 2 and 3 of this Article by an agreement which must be defined in the agreement, in a way that corresponds to the actual costs required for the implementation of the obligations under this Article and Article 74 of this Law. Article 136 of the Law on Electronic Media prescribes that „In order to foster media pluralism, commercial broadcaster production and preservation of the diversity of electronic media in Montenegro, funds shall be provided from a share of games of chance revenues in the amount and in the manner laid down by a separate law governing games of chance. The funds from paragraph 1 above shall be used to foster production of commercial broadcaster programs of public interest, which are particularly significant for:

- members of minority nations and other minority communities in Montenegro;
- promotion, prevention and combating all forms of discrimination;
- fostering and promotion of social integration of persons with disabilities;
- foster AVM service providers to make their services gradually accessible to persons with a hearing or visual disability;
- promotion of preservation of nature, environment and health;
- foster the culture of public dialogue;
- foster cultural creation;
- development of education, science and arts;
- preservation of Montenegrin national and cultural identity;
- fostering and promotion of human rights exercise and safeguarding,
- foster raising awareness of gender equality.

Informing minority nations and other minority national communities in Montenegro is realized through national public service programs, local public service programs and program contents of printed media.

From 2012-2016, the Ministry of Culture co-financed ten projects related to Roma in printed and electronic media, under the obligations from the Roma Decade 2005-2015 and the Strategy for Social Inclusion of Roma and the Egyptian 2016-2020.

The Ministry of Culture announces the annual competition for the best media research journalist story on "Social integration of Roma in Montenegro", and printed and electronic media registered in Montenegro have the right to participate.

The Ministry of Culture under the obligations of the Strategy<sup>36</sup> is co-financing production of audio-visual content where are presented the key problems of integration of the Roma population and recent progress in that area (5,000 euros per year).

In the context of informing members of national minorities and other minority communities, through print media in Montenegro, the largest number of print media is issued in Albanian, Croatian, Bosnian and Romani language. Print media are mostly financed from the Fund for Minorities, except for the weekly newspaper "Koha Javore". Pursuant to Article 82, paragraph 1, item 3 of the Constitution of Montenegro and Article 3, paragraph 2 of the Law on Media, the Parliament of Montenegro at the seventh session of the second regular (autumn) sitting, on 27 December. 2014 adopted the Decision on granting and financing public media in Albanian

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<sup>36</sup> Strategija za socijalnu inkluziju Roma i Egipćana u Crnoj Gori 2016-2020

language weekly "Koha Javore". The annual budget of the weekly "Koha Javore" is 100,000 euros.

Television Montenegro and Radio Montenegro, in accordance with legal obligations, through their programs broadcast programs devoted to the affirmation of minority rights in Montenegro.

Editorial office of TVCG in Albanian language, prepares LAJMET, informative program in Albanian language, which is broadcasted on weekdays at 15 hours and 10 minutes. Lajmet takes about 10 minutes. During the year was broadcasted 259 episodes. Within the Editorial office in the Albanian language is also prepared the MOZAIKU, a mosaic type of emission in the Albanian language. It airs every Saturday in 14 hours and 10 minutes. The show lasts for 45 minutes. It broadcasts also over the satellite program. The annual broadcast is 50 shows. As part of the Editorial office in the Romani language is prepared emission SAVORE, which is broadcasted every other Sunday at 18 o'clock. The show lasts for 30 minutes, and until last year it has been aired once and since then twice a month. They rerun twice a week and broadcast within the satellite program too. For this year are planned 24 shows. As part of the Editorial office on the languages of other minority nations there is an emission called BRIDGES dedicated to the tradition, history and culture of minorities in Montenegro. The show is broadcasted on Sundays in the period from 13 hours and 30 minutes and takes 30 minutes. Annually is produced 47 emissions that go rerun on the Second channel on Tuesdays and Saturdays, as well as the satellite twice a week.

On the Radio Montenegro, Editorial office in Albanian is preparing three different in genres and variety shows: during the morning program the program Vijesti - news is broadcasted six times a week from 7.45h for 5 to 10 minutes; then the program Dnevnik in Albanian on weekdays 17:30 to 18:00 hours and music informative program "At the end of the week", which is broadcasted on Saturdays afternoon. Since June 2015, the show was extended from 30 to 55 minutes.

During the year, due to planned vacations, the news in the morning program broadcast for 220 days annually, other programs are implemented according to the annual plan. In late May 2015, a ceremony marked the anniversary of 50 years of the program in the Albanian language.

The program contents in the languages of other minorities in Montenegro are absolved daily, by the importance of the events, in all segments and shows of the Radio Montenegro, primarily due to the fact that Radio Montenegro has correspondents in Rozaje, Berane, Niksic, Tivat, Ulcinj, including Podgorica.

#### **Total running time of realized emissions:**

##### **Radio „Crne Gore“**

In the period from 2012 to 2017, the radio station "Montenegro" broadcast the following shows in Albanian language.

##### **Lajmet (News):**

Genre: Informative program

Broadcast Dynamics: Daily

Broadcasting Time: 5 days a week at 8.05 h

Running time: 5'

Total number of realized emissions:

2012-262 emissions, 2013-261 emissions, 2014- 259 emissions, 2015-260 emissions, 2016-261 emissions and 2017-87 emissions.



An informative program on the most important daily events in Montenegro and abroad.

**Ditari (Daily news):**

Genre: Informative program

Broadcast Dynamics: 5 days a week

Broadcasting Time: 5 working days at 17.30 h

Running time: 30'

Total number of realized emissions: 2012-260 emissions, 2013-261 emissions, 2014-259 emissions, 2015-260 emissions 2016- emissions and 2017- emissions.

The show consists of information and reports on daily national and international news, first of all news of importance for Albanians in Montenegro.

**Ne fund te javes (At the end of the week):**

Genre: Cultural information and music show

Broadcast Dynamics: once a week

Running time: 30'

Total number of realized emissions: 2012-49 emissions, 2013-51 emissions, 2014-50 emissions, 2015-52 emissions, 2016- 51 emissions.

Information-musical show dedicated to the tradition, culture, education, agriculture, tourism and other current topics of the Albanian population in Montenegro. Emissions present its own production and exchange programs.

From 13 July 2011 editorial office in the Albanian language prepares also daily news for the Web page of RTCG on the Internet.

Radio shows about the life, culture, customs, traditions, etc. of other minority communities were implemented as part of the regular program of Radio "Montenegro".

**Television "Montenegro"**

Program for minority TVCG produces the following shows:

The show Lajmet and Mozaiku in Albanian

The show Savore in Romani language and

The show Bridges on the Montenegrin language.

**LAJMET (News in Albanian)**

Informative program

Duration: 10 min

In 2012 were realized 260, 2013-259 emissions, emissions 2014-261, 2015-262 emissions, 2016-258 emissions and 2017-89 emissions.

**MOZAIKU**

Cultural information and music show

It is broadcast once a week for a period of 45 min

In 2012 were realized 48, 2013-47 emissions, 2014-46 emissions, 2015-47 emissions, 2016-45 emissions and 2017-18 emissions.

**SAVORE**

Emissions in Romani language

Transmitted every other week for a period of 30 min

In 2012 were realized 25 emissions, 2013-24 emissions, 2014-25 emissions, 2015-24 emissions, 2016-23 emissions and 2017-8 emissions.

## **BRIDGES**

Emissions on minorities in the official language

It is broadcast every week for 30 min.

In 2012 were realized 50 emissions, 2013-52 emissions, 2014-51 emissions, 2015-50 emissions, 2016-52 emissions and 2017-18 emissions.

*The Radio Kotor* - local public broadcaster - In 2014, in its news and thematic programs, it followed all the current events relating to culture, tradition and history of the life of the Croatian minority in the area of the Bay of Kotor and the Municipality of Kotor, and as well by e-publication New Portal Radio Kotor.

*Radio Tivat*- local public broadcaster- monthly broadcasts program "Drom when ilo – Trag duse" on Romani and Montenegrin languages. It is prepared by the Roma journalist from Podgorica. In 2014, it broadcasted 12 shows, in 2015 also 12 and in 2016 it broadcasted six shows. The show broadcasts every third week. Radio Tivat, in cooperation with the NGO "Democratic Roma Center" from Podgorica broadcast program on Montenegrin and Romani "The track of the Soul." From 2012 to 2016, the emission was carried out once a month, on Sundays. Since 2017, emissions are realized twice a week. Show lasts for 35-40 minutes.

*The Radio Gusinje* - had started its work on 25 December 2005. From the very beginning there is a program in the Albanian language. The program in Albanian language is broadcasted every day for two hours. Within that time are aired emissions of informative, sports, cultural and music character.

*The Radio Bar* - since 1982 broadcasts program in Albanian language. Initially, the program was aired once a week, but since 1996 it began to be broadcasted every weekday. It is a 45-minute show, which is being aired on weekdays, from 18 to 18:45. It contains information and issues of importance to people from the Municipality of Bar and Montenegro who speak that language. In addition to the information, statements and reports, the show is characterized by high-quality music, which makes it very listened not only in Bar, but also in Ulcinj, Podgorica and Malesia.

The emission in the Albanian language is broadcasted for years in usual time, and its work is monitored by the Commission appointed by the Council of Radio Bar.

*The Radio Elite* - is an independent radio program broadcasted from 2002 in the Albanian language. During 24 hours of program, it broadcasts programs on youth, sport, culture, history, music, NGOs, the preservation of the environment and so on. It has excellent cooperation with other radio stations in the region. It has received special acknowledgement at the Festival of Radio Southeast Europe in Neum for 2005 and 2006.

*TV Teuta* - RTV MIR & TEUTA was founded in 1998 and is the first bilingual media in Montenegro which informs the Albanian national community and other citizens in the border area, in an objective and professional manner about all major events in the country and the world. The program is broadcasted 80% in the Albanian language and 20% in the Montenegrin language. The main character of its program is the protection of national and linguistic specificities of the national Albanian community, which allows citizens to be informed in their own language. Also, TV Teuta with its program preserves and protects the culture and specificities of all areas where the Albanian population lives, what is extremely important, and protects the specificity and tradition which is highly expressed. TV Teuta is a member of the Self-regulation body of the media in Montenegro, represented by the owner of the television. TV Teuta is also a member and one of

the founders of UNEM, the Association of Independent Electronic Media of Montenegro and the Media Institute of Montenegro. TV Teuta has already implemented a number of projects of which the most important are documentary series "Blood revenge," documentary "Arbanasi of Zadar", cycle of emissions "Polita i mediji", cycle of emissions "Don't close your eyes - drug is here," documentary movie "Heaven on earth", cycle of emissions "How much we know each other", cycle of emissions "Game and knowledge", as well as two projects financed by the Fund for the protection and development of minorities, cycle emissions "Our Ulcinj" and "The problems in education- Problem et ne arsim". TV Teuta with its activities was the partner and associate of many government and NGO organizations and institutions, and it is important to mention that TV Teuta is constant media sponsor of many events in Ulcinj and the neighbourhood.

*The Voice of Plav* - Radio Voice of Plav started in 1998, and the program in the Albanian language is broadcasts on Monday, Wednesday and Friday from 13 to 15 h. The emissions are of different character: historical, entertainment, shows the preservation of culture of minority nations.

*The Radio Ulcinj* - began operating in July 1987 and since then continuously broadcasts on FM frequencies 91.3 and 102.6 MHz. The program is broadcasted in two languages: the Albanian and the Montenegrin. The program is of duration of twelve hours, but for the rest of the time it transmits music, so the program is not interrupted, so we can say that it lasts the whole day (24 hours). Currently in Radio Ulcinj works 10 employees. After the program orientation and program scheme, Radio Ulcinj has an obligation to inform the citizens objectively and timely of all events (politics, culture, sports, youth, minority groups, urban chronicle ...) in the Municipality of Ulcinj.

*RADIO DUX* - is the only electronic media in the Croatian language in Montenegro. Radio Dux was founded by the Croatian national community for the purpose of preservation of the language and culture as identity mark stones of the Croatian people in the Bay of Kotor and Montenegro.

*TV BOIN* - was founded on 28 November 2001. The mission and goals of the television are informing the citizens of the Albanian population in Montenegro on all spheres of socio-political life in Montenegro. Boin television broadcasting begins at 9 am with the morning program continuing with various educational and information programs to midnight. TV Boin is media that broadcasts its entire program in the Albanian language, so it is predominantly oriented towards the auditorium using the Albanian language.

*The Roma Radio* - was founded in 2011 on the initiative of the Roma Council and with the help of the Ministry of Human and Minority Rights. Now it exists under projects and with minimal participation gives great results. Last year, it launched one of the larger series, Anthropological View, a series on Roma, which in 28 shows on the Romani and Montenegrin language gave a series of visions of the aspects of cultural, historical and the arrival of Roma in these areas. As part of the daily scheme it also broadcasts news bilingually. This is one of the most important sources of information that provides service in the Romani language.

*Magazine ALAV* - is the first magazine issued in the Romani language or bilingual in Montenegro. A general idea is that the world of culture and positive traditions gets preserved through a series of articles that would be written just by the members of this population. It is published once a year and includes a series of news and interesting contents which through positive examples hold the attention on the relevant facts to sustain the culture and language and traditions. The Editing office consists of all journalists from the Roma population.

NGO Croatian Civic Society of Montenegro from Kotor publishes the magazine *Croatian Gazzete* since 2003. It is published monthly with a circulation of 800 copies. Until now were printed 135 numbers. The journal is financed in part through projects with the Fund for the realization of human and minority rights, and in the other, bigger part, with sales and donations.

Croatian Gazette deals with a way of life, customs and culture of people from the Bay of Kotor and other areas in Montenegro inhabited by Croats. The quality that marks this journal is that it is not politically colored, it objectively presents the current events of culture, education, sports and follows the significant events in Montenegro and Croatia. It promotes the rich cultural heritage and present cultural and historical specificities of Croats in Montenegro. Articles and contributions are original, written by freelancers, correspondents from the Bay of Kotor, Montenegro and the region. Texts are proof-read in the Croatian language, in order to preserve linguistic identity, and a number of the series is written on the local, Bay of Kotor dialect.

*Radio Herceg Novi* has aired the "Krló Romengo" show, from 2012 to 2015, where the life of Roma in Herceg Novi, their culture, education and health was presented. These shows in educational manner were including Roma children in the education system. From 2016 Radio Herceg Novi broadcasts the show "Romano them" - "The World of Roma".

#### **Article 10.**

In Montenegro, the official language is Montenegrin, and languages in official use are Serbian, Bosnian, Croatian and Albanian. The official use of language implies in particular the use of language in administrative and court proceedings and in conducting administrative and court proceedings, issuance of public documents and keeping official records, the ballot papers and other election material and the work of representative bodies.

In the Law on minority rights and freedoms is given the right to use own language and alphabet. The latest amendments to the Law on Minority Rights and Freedoms specifically define certain terms, so the expression "a significant part" is replaced by the words "at least 5%", therefore, in the local self-government units in which members of minority nations and other minority national communities make up the majority or 5% of the population, according to the results of the last two consecutive census, in the official use is also the language of these minority nations and other minority national communities.

In the local self-government units in which the majority or at least 5% of the population are minority nations and other minority national communities, also the local self-government shall, within the framework of plans and programs for the effective participation of local population in public affairs or special plans and programs through the councils of respective minority nations and other minority national communities, provide conditions for the participation of minority nations and other minority national communities in bringing municipal development programs, spatial and urban plans, budgets and general acts stipulating rights and obligations of citizens and the manner and procedure of participation of minority nations and other minority national communities in public affairs and appoint the body in charge of organizing public debates related to these and other acts.

Statutes and Rules of Procedure of the Capital City Podgorica, City Municipality Tuzi, municipalities of Ulcinj and Plav, define the use of language and alphabet.

In accordance with the Rules of Procedure of the Parliament of Montenegro, an MP whose language is an official language in Montenegro is entitled to, at the sessions of the Parliament, speak in his/her own language, provided that, if he/she wishes to exercise that right, notifies the Secretary General of the Parliament in a timely manner, so to enable the provision of a translation into the official language.

The right to use a language which a person in judicial proceedings understands, is prescribed by the procedural laws of Montenegro. The right of a member of minority to be informed of the reasons for his arrest and of the nature and cause of the accusation against him and to defend himself in such proceedings, in a language which he understands, is more closely defined through the provisions of the Criminal Procedure Code.

By Article 7 of the Code, Montenegrin language has been designated as the official language in criminal proceedings. In court on whose territory a significant part of the population are members of minority nations and other minority national communities, in official use in criminal proceedings are also their languages, in accordance with the law.

Article 8 of the Code defines the right to use language and alphabet in criminal proceedings, so that parties, witnesses and other persons participating in the proceedings are entitled to use their own language or a language they understand in the proceeding. If the proceedings are not conducted in the language of some of these persons, the translation of evidence, documents and other written evidence will be provided. On the right to interpretation shall be instructed a person, who can waive that right if he knows the language in which the proceeding is conducted. Translation is entrusted to an interpreter.

As part of the proceedings, in accordance with Article 9 of the Code, is stipulated that complaints, appeals and other submissions to the Court are in the Montenegrin language. Persons deprived of liberty have the right to send submissions to the court in their own language or in a language which they understand. Summonses, decisions and other documents the court sends in the Montenegrin language. If in the court in the official use is the language of a minority, the court will in this language deliver court documents to members of this minority, who in the process used that language. These persons may demand the submissions to be delivered to them in Montenegrin language.

To the defendant who is in custody, serving a sentence or in a medical institution where the security measure is executed shall be delivered also the translation of submission in the language used in the proceedings.

*The Law on Civil Procedure*<sup>37</sup> Article 7 defines that the procedure is conducted in a language in official use, which means under the same conditions as in the Criminal Procedure Code, when it comes to national minorities. On the other hand, Parties and other participants in the proceeding who do not understand or speak the language in official use in the court have the right to use their own language or language they understand, no matter they are in court or addressing the court with submissions. The court, in accordance with Article 99 of the Law, is obliged, if the proceeding is not conducted in the language of the party or other participants in the proceeding, upon their request, to provide translation in their language or a language they understand, all the submissions and evidences, as well as of that what is brought at the hearing. Paragraph 3 of the

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<sup>37</sup>Official Gazette of the Republic of Montenegro, No. 022/04 od 02.04.2004, 028/05 od 05.05.2005, 076/06 od 12.12.2006, Official Gazette of Montenegro, No 073/10 od 10.12.2010, 047/15 od 18.08.2015, 048/15 od 21.08.2015

same Article states the obligation of legal instruction on the right to follow the oral proceedings before the court in their own language through an interpreter. In the record is entered the fact of given instruction. Translation is performed by an interpreter.

As a Contracting Party Montenegro is committed to respect the Constitution and the law regarding the protection of minority rights, both individually and in community with others. In accordance with its contractual obligation, Montenegro created conditions for realization of the obligations stipulated by the Framework Convention by the adoption of new and improvement of the existing laws.

By the Law on Civil and Code on Criminal Procedure of Montenegro, the national minorities as parties in court proceedings who do not speak the language in official use, were allowed to use their own language or a language they understand orally through an interpreter, then, to deliver to court and receive documents, in the languages of national minorities which are not in official use.

The costs of translation into the language of national minorities resulting from the application of the provisions of the Constitution and the Law on National Minorities, are paid by the Court.

Minority nations and other minority national communities have the right to free legal assistance in accordance with the *Law on Free Legal Aid*, which stipulates that citizens exercise this right, as well as asylum seekers, regardless of specialty and personal characteristics.

In relation to the legal status of displaced and internally displaced persons contentious The Law on Extra-Judicial Procedure provides that a child born outside medical facilities can be entered in the birth registry subsequently, in accordance with the law governing civil registries.

One form of participation of minorities in public life, according to international standards is represented by a local self-government.

*The Law on Local Self-Government* (Official Gazette of the Republic of Montenegro, no. 42/03, 28/04, 75/05 and 13/06 and Official Gazette of Montenegro, no. 88/09, 3/10, 73/10 and 38 / 12, 10/14) provides that in performing their affairs, the organs of local self-governments are obliged to ensure equal protection of rights and legitimate legal interests of the local population and legal persons and that a municipality provides for conditions for the protection and promotion of minority rights, in accordance with the Constitution, international legal acts and special laws (Article 10), and that by the *Law on the Capital City*, for more efficient implementation of the responsibilities of the Capital City are formed city municipalities Golubovci and Tuzi. The majority of the population of the city municipality Tuzi is Albanian population. In municipalities where the Albanian population makes the majority or a significant part of the population, the unites of the local self-government with their decisions concretize defined rights of minorities, through printing of the names of settlements, streets and municipalities in Albanian language. Apart from the above, in the areas in which Albanians make the major part of the population, they have the right use national symbols.

Unlike other minority nations and minority national communities, who are involved in modern trends of the Montenegrin society, Roma and Egyptians are the most vulnerable and marginalized minority national community in Montenegro. In order to promote and improve the rights of that community, local government units (Capital City of Podgorica, Berane, Bijelo Polje, Niksic, Tivat) brought their action plan containing a series of systematic measures and activities that need to be implemented to achieve the integration of Roma and Egyptians in the areas of legal,

political, economic and social and cultural-informative life, holders, deadlines and necessary resources and a set of instruments for monitoring and assessing the impact of the measures taken. Implementation of action plan aims to improve the quality of living conditions of the Roma and Egyptian community and to encourage their integration into the local community. Municipalities undertake significant activities in the field of integration and improving the quality of life of Roma and Egyptian community by addressing the housing needs of the community, organizing educational and motivational workshops for RE parents on the importance and benefits of education, employment of RE in organs of local government or public institutions founded by the municipality, improving their financial status, mostly through one-time assistance programs. The Ministry of Interior, in cooperation with the Union of Municipalities of Montenegro and other ministries is providing awards for best practice in certain thematic areas and has so far awarded the Municipality of Berane for practice "Improving the integration of Roma and Egyptians in the Municipality of Berane" in 2013.

*The Statute* of the Capital City of Podgorica in Part III - The Use of Language and Script stipulates: In the Assembly of the Capital City and the assembly of the city municipality, in addition to the use of the official language, a delegate who is a member of a minority, will be provided also with the use of his/her language, in accordance with the Law (Article 15).

The organs of the Administration of the Capital City shall be obliged to provide a member of a minority with the use of his/her language and alphabet in administrative proceedings, issuance of public documents and keeping of official records in accordance with the law.

In the City Municipality of Tuzi, the Albanian language is in official use (Article 16).

In the municipality of Tuzi, each party or interested person is allowed to submit a document to the municipality in Albanian language as well as to be provided with the answers in the same language. The legal basis for this is contained in Article 9 and Article 10 of the Statutory Decision of the City Municipality of Tuzi (Official Gazette of the Republic of Montenegro- Municipal Regulations, no. 50/06, Official Gazette of Montenegro - State Regulations, number 08/07, Official Gazette of Montenegro - Municipal Regulations, number 07/12), which stipulate that in the organs of local government of the City Municipality of Tuzi in official use is also Albanian language, and that the organs of the City Municipality are obliged to provide for the use of Albanian language and script in administrative proceedings, issuance of public documents and keeping official records in accordance with the Law.

Albanian language is used in providing services in local self-government.

Examples of bilingual forms are: the request for one-time payment, the request for erection of temporary facilities, the request for issuing a certificate, the request for the realization of subsidies for agriculture and others.

The decisions made by the Assembly of Municipality are printed and published in the Albanian language as well.

In the Ulcinj Municipality, each party has the possibility to file submissions to an organ/public service of the municipality in Albanian language and to be provided with answers in the same language.

The legal basis for this is contained in the Montenegrin Constitution, the Law on General Administrative Procedure, the Law on Minority Rights and Freedoms, the Statute of the Ulcinj Municipality.

Albanian language is used in providing services in local self-government.

In organs of the local government of Ulcinj municipality, bilingual forms are available for bills for services of public utility services, tax filing forms, requests, the extract from the matrimonial register and others.

Decisions made by the Municipal Assembly are printed and published in Albanian language as well.

In practice, in most cases, in the area of municipality where minority makes a significant part of the population, is applied the right to have the name of the local self-government unit, the names of organs and public services exercising public powers, business and other companies, in the language and script of the minority . i.e. in Ulcinj Municipality in Albanian language.

In practice, in the territory of Ulcinj, where the Albanian minority makes a significant part of the population, is applied the right to designate names of settlements, squares and streets and toponyms in the Albanian language.

According to information from Ulcinj Municipality, there are certain omissions in the conduct of administrative proceedings and administrative matters, in which cases a party (member of minority) is sometimes obliged to "learn" the official language, although Article 15 of the Law on General Administrative Procedure provides differently.

Official website of Ulcinj Municipality is available in Albanian, Montenegrin and English languages.<sup>38</sup>

**In the Municipality of Plav**, the Municipal Statute stipulates: "In the municipality of Plav, in addition to the official language in the official use are Bosnian, Albanian and Serbian language and script are in official use".

The use of the language and the script in accordance with the Law (Article 7) is ensured in the assembly of the municipality to a councilor member of a minority nation or other minority national community.

In the organs of local government in the municipality of Plav, in the official use are also Bosnian, Albanian and Serbian languages and alphabets.

The organs of local government and public institutions and companies whose founding members are obliged to provide the use of Bosnian, Albanian and Serbian languages and scripts in administrative proceedings, at issuance of public documents and keeping official records, all acts related to electoral law, expression, nurturing and developing and publicly displaying national, ethnic, cultural and religious specialties in accordance with the Law.

The name of the municipality, the name of the inhabited places, squares, streets, public institutions and toponyms of the places are also printed in the Bosnian, Albanian and Serbian languages and

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<sup>38</sup> <http://www.opstinaulcinj.com/homepage>



scripts (Article 8).

Drafts of the acts are submitted for a public discussion in the official language, in the Bosnian and Albanian languages and scripts.

The discussion on the acts referred to in the previous paragraph is also carried out in Bosnian and Albanian languages scripts (Article 9).

General acts issued by the organs of municipality are written and published in official and Albanian language.

The seal of the municipality is of a round shape of a diameter of 32 mm, with the text printed in the official language and the Albanian language and script: Montenegro, Municipality of Plav, Plav.

Plav Municipal Official Website is also available in Albanian, Montenegrin and English as well as in Cyrillic script (Article 10).

In the Municipality of *Bar*, each party has the possibility to lodge submissions to the municipal organ/public service in the Albanian language and to be responded in the same language in Ostros and Šestani which are the rural parts of the Municipality of Bar, in which the entire population is Albanian minority.

Albanian language is used to provide services in local self-government, and the extract from the matrimonial register is bilingual.

The legal basis for this is in the Constitution and the Law on Minority Rights.

A councilor of the Municipal Assembly of Bar is allowed to address the Assembly and the public in his/her mother tongue, and the Assembly shall be obliged to provide translation if requested by the participant.

The municipality of Bar undertakes activities aimed at protecting Albanian, Croatian and Bosnian language and culture through organizing daily radio shows such as the journal in Albanian language and occasionally the participation of Croatian and Bosnian personalities in public and cultural life.

In the municipality of Rožaje, so far there have been no requests from the parties to provide services in Albanian or Romani, but there are a number of local government officials who speak and write Albanian so they could be able to meet such requests, if any.

The legal basis is envisaged by the highest legal act, the Constitution of Montenegro, which stipulates in Article 13 that in Montenegro, in addition to Montenegrin, in official use are also Albanian, Serbian Bosnian and Croatian languages.

In the municipality of Rožaje there are no bilingual forms.

Decisions made by the MA Rožaje so far are not printed and published in Albanian language.

In the Kotor municipality, the Croatian minority makes a significant part of the population, and local self-government is mainly cooperating with non-governmental organizations promoting Croatian language and culture, such as NGO "Croatian Civil Society", with which the municipality implemented the project "Preservation of the Language of Croatian National Minority", magazine „Croatian Gazette“. The project was funded by the Council of Europe through the Program of Human Rights Promotion and the Protection of Minorities in Southeast Europe, and in Kotor were held 5 promotions of this project.

In addition, the Municipality of Kotor, through the competition for NGOs, has financed the projects of the mentioned association on several occasions, and the last project that was funded was "Children for Jubilee". The project has been approved on the basis of the priority area „Creating the opportunities for young people to create cultural content themselves“ (they are organizing a literary or poet's evenings, launching a magazine, making scenarios themselves and are authors of theatre plays, etc.), with an emphasis on an innovative aspect of the project (as foreseen in the Program for Cultural Development of the Municipality of Kotor).

In the municipality of Tivat local self-government undertakes activities aimed at protecting Albanian, Croatian and Bosnian language and culture in the following ways:

It supports NGO Galaxy aimed at empowering the Muslim community and preserving the identity, language, culture and customs of the Muslim community in Tivat Municipality (through the granting of funding for projects, providing logistical assistance, ceding the conference room, space and other resources, active presence to all round tables, forums and celebrations of the Bajram ceremonies).

The name "Mesdžid" is in a visible place and is marked in both the Montenegrin and the mother tongue of the Muslim community in Tivat.

The Croatian national minority is supported through various forms of financial assistance through the allocation of space, support to events, co-funding of local radio programs.

- Some textbooks, coloring books, calendars, newspapers and other literature in the Croatian language are also subject to co-financing of local self-government;
- Logistic assistance and attendance as well as media presentation of all aspects of cultural manifestations;
- The names of the facilities in which NGOs, societies and libraries operate as well as national councils are in the Croatian language.

When the Albanian language is concerned, the Office for Roma and Egyptian Affairs was opened in the „Drago Milović“ Primary School, funded by the Council of Europe and the European Union project and co-financed by the Municipality of Tivat.

The name of the Office is printed in the languages: Montenegrin, Albanian, Romani, and English. The assistants in teaching as well as the mediator speak these languages and they are presently serving not only students, pedagogical services, teaching staff but also parents who are coming to them.

### **Article 11.**

With respect to Article 11 of the Framework Convention, in addition to the Constitutional norms allowing minorities to use their language and script, the Law on Personal Names, Article 2 paragraph 3 states that members of national and ethnic groups may enter their personal name on their scripts. Also, the Law on Minority Rights and Freedoms (Article 10) entitles to members of minorities the right on free choice and use of personal and family names and names of their children, as well as the right to enter these names in civil registres and personal documents in their language and script. In addition to this right granted to individuals, the Law allowed the right to name and to entering the name in the language and script of the minority also to minority organizations, associations, institutions, societies.

*The Law on personal name*<sup>39</sup> was passed on 29 July 2008 and in Article 5, paragraph 2, clearly states that Montenegrin citizen may enter the personal name in the civil registers in one of the official languages (Serbian, Bosnian, Albanian and Croatian).

*The Law on Personal Name* regulates determination, change and use of personal names of a Montenegrin citizen. A personal name or just a family name or just a name may be changed after a change of family or personal status (adoption, paternity or maternity affiliation, conclusion, divorce or annulment of marriage) or at the request of a Montenegrin citizen. Article 14 prescribes that a personal name or just a family name or just a name of an adult, may be changed at his or her request and of a minor at the request of his/her legal representative. On a request to change the personal name decides the organ of state administration competent for internal affairs by issuing a decision.

Article 15 of the Law on Personal Name prescribes that a person who has been convicted with a final decision for a criminal offense which is prosecuted ex officio, until the end of the execution of the imposed sanction or while legal consequences are still lasting shall be denied the change of his/her name. If a person, against whom the criminal proceedings for a criminal offense which is prosecuted ex officio is underway, submits a request for changing the personal name or just a family name or just a name, the Ministry is obliged to notify the competent court within three days as of the date of the decision on the change of the personal name. The Ministry is obliged to in the process of deciding on the request to change the personal name, ex officio obtain the data from the criminal record and the data on the court proceeding referred to in paragraph 2 of this Article.

*The Law on Personal Name*, Article 16 provides that if the change of the name is requested by a guardian of a minor, the approval of the competent guardianship authority is necessary. If the parents are separated, the change of the name of a minor may be requested by the parent with whom that minor lives or to whom that minor is entrusted, if with that agrees the other parent.

If, in the case referred to in paragraphs 1 and 3 of this Article, the other parent does not agree to the change of the personal name of the minor, the guardianship authority shall provide assistance to the parents in reaching an agreement.

If the parents do not agree by themselves or with the help of the guardianship authority on the new personal name of the minor, the change of the personal name is decided by the court in extra-judicial proceeding at the proposal of one or both parents.

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<sup>39</sup>Official Gazette of Montenegro, no.047/08 of 07.08.2008, 040/11 of 08.08.2011, 055/16 of 17.08.2016

In addition to the proposal referred to in paragraph 5 of this Article, is submitted the evidence of the competent guardianship authority that the parents have tried to agree on the new personal name of the minor with the participation of that authority.

In the decision-making process, the court obtains the opinion of the competent guardianship authority on the interests of the minor.

*The Law on Personal Name*, Article 17, provides that, if the personal name of a minor who has reached the age of 10 is changed, his consent is required, if he/she is able to express opinion.

The family name to be obtained when a marriage is concluded is entered in the language of the person whose family name is taken or joined, and the new personal name must be entered in the same script.

Accordingly, Article 22 of the Law on Personal Name stipulates that to a citizen of Montenegro, whose personal name is registered according to previous regulations shall be allowed the change of personal name without the obligation to pay taxes, if the request for the change of the personal name is submitted within five years from the date of entry into force of this Law.

The request for the change of the name is submitted to the organizational unit for administrative internal affairs of the Ministry of Interior with the proof of payment of taxes in the amount of 20.00 euros, unless an application is made under Article 22 of the Law on personal name when is allowed the change of personal names without the obligation of payment of taxes.

*The Law on Identity Cards*<sup>40</sup> prescribes that the identity card form is printed in Montenegrin and English language and filled out in Montenegrin language.

For citizens who use the Serbian, Bosnian, Albanian or Croatian language in official use, the contents of the form of ID card and the data in it are entered in those languages, except for the names and surnames that are entered in the applicant's language and script, if he/she so requests. The Ministry is obliged to in the organizational units of the premises in which a citizen submits a request for issuance of the ID card, in a visible place within the counter of the service, present a notice of citizens' right to enter the name and surname in the contents of the ID card form in the language and script that he/she requires.

In the period from 1 January 2012, ending on 31 December 2016 for Montenegrin citizens who use Montenegrin, Serbian, Bosnian, Albanian or Croatian languages in official use, the data in the personal card are entered in one of these languages and the name and surname are entered only in the language of the applicant:

- Serbian language - 7,011;
- Bosnian language - 202;
- Albanian language - 2.101;
- Croatian language - 103.

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<sup>40</sup>Official Gazette of Montenegro ", no. 012/07 of 14.12.2007, 073/10 of 10.12.2010, 028/11 of 10.06.2011, 050/12 of 01.10.2012, 010/14 of 26.02.2014

*The Law on Travel Documents*<sup>41</sup> stipulates that forms for travel documents are printed in the Montenegrin language, in Latin script, as well as in English and French languages, and are fulfilled in the Montenegrin language, in Latin script.

For members of a minority nation or other minority national community, the surname and the name in the travel document form, at the request of the applicant, shall be entered in the language and script of the minority to which it belongs, in accordance with the Constitution, special law or international treaties and standards.

At the request of the applicant, the surname and the name shall be entered in the Cyrillic alphabet.

In the above cases, the Ministry will ex officio enter the personal name of the applicant in the language and letter he has filed in the application and in the birth register.

In the period from 1 January 2012, ending on 31 December 2016, at the request of the applicant, the name and surname data are entered in the passport at the request of the applicant in languages in official use:

- Serbian language -3,353;
- Bosnian language - 231;
- Albanian language – 1,953;
- Croatian language -64.

Article 3 of the Law on Civil Registers (Official Gazette of Montenegro, No. 47/08, 41/10, 40/11) stipulates the following:

Civil registers are kept, and the certificates are issued in the Montenegrin language. Personal name of members of minority nations or other minority national communities shall be entered in the Civil Registers in his/her own language and script, in accordance with the law. Personal name of a foreigner shall be entered in the language of the applicant in the Latin alphabet. Personal name in the Civil Registers can be written only in one language and script. Exceptionally, the family name acquired during marriage shall be entered in the language of the person whose name is taken or joined, whereby new name must be written in one script. The data on place, the municipality and the state relating to the members of minority nations or other minority national communities shall be entered in the language and script of that minority nations or other minority communities, in accordance with the Law.

Excerpts and certificates from civil registers for members of a minority nation or other minority national community shall be issued in the language and script of this minority nation or other minority national community, in accordance with the Law.

For the purposes of implementing this norm, the extracts from the Register of Births, the Register of Deaths and the Certificate of Montenegrin Citizenship shall be issued at the request of the applicant on the following forms:

- Montenegrin language - Latin script;
- Serbian language - Cyrillic script;

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<sup>41</sup>Official Gazette of Montenegro ", no. 021/08 of 27.03.2008, 025/08 of 10.04.2008, 040/11 of 08.08.2011,039/13 of 07.08.2013, 054/16 of 15.08.2016

- Bosnian language - Latin script (bilingual<sup>42</sup>);
- Albanian language - Albanian script (bilingual);
- Croatian language - Latin script (bilingual).
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The Law on Amendments to the Law on Minority Rights and Freedoms provides that in the local self-government units in which members of minority nations and other minority national communities make up the majority, or 5% of the population, according to the results of the last two consecutive census, in the official use is also the language of these minority nations and other minority national communities and that the names of organs performing public powers, the name of the local self-government unit, the names of settlements, squares and streets, institutions, businesses and other companies are written in the language and script of minority nations and other minority national communities (Article 11).

### **Article 12.**

Since the reform of education in 2004, the Montenegrin educational system is unique, which means that we as a State have no parallel plans or programs. System laws in the field of education in Montenegro appreciate the concept of the general constitutional guarantees of minority education, at the level of general goals and principles of education and individual provisions. Essentially, the system is focused on the integration of minorities, while preserving their identity. The emphasis is on the curriculum that includes topics in the field of mother tongue and literature, history, art and culture of minorities and other contents that promote mutual tolerance and coexistence. In the curriculum, in addition to the content included in the regular subject curriculum, there is a possibility that 20% of open content that concerns affirming the value of local culture, can also be used in the sense of affirmation of specifics of minorities.

At the beginning, we must point out that the Albanian minority gravitates in the municipalities of Ulcinj, Plav, Gusinje, Bar, Rozaje, Podgorica (City Municipality Tuzi) in the range from at least 5% of the total population, to the percentage that makes the majority of the population.

Under the European Charter for Regional or Minority Languages to which Montenegro acceded on 6 June 2006, we committed to implement the principles contained in this international document, while by the Law on Ratification of the European Charter for Regional or Minority Languages, Montenegro determined that it refers to the use of the Albanian and Romani language. With the amendments to the law governing education in the mother tongue of 2011, the teaching subject which had previously been called "mother tongue" has been renamed in the teaching subject under the name "Montenegrin, Serbian, Croatian and Bosnian language".

In the new, reformed curricula which is relevant for minority education (mother language, history, art, etc.), already are significantly integrated also the contents that promote the history and culture of minorities in Montenegro. Measures that should ensure the instruction of history and culture are already implemented in the framework of new programs for mother language, history and culture, which are studied in primary and secondary education. Also, lately were considered all programs of instruction in the Albanian language, prepared the suggestions by experts from education institutions, the Albanian National Council, and teachers of certain subjects, such as history, the Albanian language, music and fine arts, and others. We are confident that we will have concrete results on these issues.

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<sup>42</sup> The term "bilingual" means writing in the Montenegrin language in Latin script, as an official language, and writing in one of the languages in official use.

## **Preschool education**

In the territory where members of the Albanian nation live, preschool education is organized in public preschool institutions in accordance with the law. Preschool education in the Albanian language, therefore, is conducted in institutions where it is needed, or where parents declared that they want the preschool education to be conducted in this language. With this level of education in 2016/2017, 11 educational groups were included in Podgorica - Tuzi, Gusinje, Plav and Ulcinj. In these educational groups, pre-school education is realized by the bilingual principle (Albanian and official language) according to the parents' wish, and the educational work is carried out by teachers who meet the requirements regarding the level of education prescribed by the law and who have completed the studies in the Albanian language. At this moment there is a teaching staff for the implementation of pre-school education in Albanian. For two years the Ministry of Education in cooperation with the Ministry of Human and Minority Rights, the Institute for Education and REF is organizing the campaign for enrolment of first-grade pupils. Also, brochures on enrolment in primary school were printed in Albanian, Montenegrin and Romani language, so to inform parents and facilitate the enrolment of children in the first grade.

## **Elementary education**

Instruction in the Albanian language for primary education, is organized in the following municipalities: Podgorica (City Municipality Tuzi), Bar, Plav, Ulcinj, Rozaje. The instruction is conducted in 12 primary schools: Primary School "Đerđ Kastriot Skanderbeg" from Podgorica, Primary School "Džafer Nikočević" from Plav, Primary School "Hajro Šahmanović" from Gusinje, Primary School "29. November" from Podgorica, Primary School "Jedinstvo" from Podgorica, Primary School "Mahmut Lekic" from Podgorica, Primary School "Đerđ Kastriot Skanderbeg" from Bar, Primary School "Daciće" from Rozaje, Primary School "Bedri Elezaga" from Ulcinj, Primary School "Boško Strugar" from Ulcinj, Primary School "Marko Nukulović" from Ulcinj, Primary School "Marshal Tito" from Ulcinj.

Also it should be noted that a number of primary schools attended by Albanian children are bilingual (Montenegrin and Albanian), namely: Primary School "Džafer Nikočević" from Plav, Primary School "Hajro Šahmanović" from Gusinje, Primary School „Mahmut Lekic” from Podgorica, Primary School "Bosko Strugar" from Ulcinj, Primary School "Maršal Tito" from Ulcinj. In other primary schools instruction is conducted entirely in the Albanian language, and are studied the official language and foreign languages.

Institute for Textbooks and Teaching Aids is giving special attention to the development of textbooks in Albanian language. For primary education, in the school year 2017/2018, are provided textbooks for instruction in the Albanian language.

In accordance with the provisions of Article 18, paragraph 2 of the Law on Minority Rights and Freedoms, a director of a school with instruction in the Albanian language, in addition to the requirements prescribed by the General Law on Education, must have active knowledge of Albanian language, i.e. active knowledge of Albanian language and script. The Ministry of Education, during the selection of directors in all schools where instruction is conducted in the Albanian language, is required to seek the opinion of the Albanian National Council of Montenegro, in accordance with Article 18 of the Law on Minority Rights and Freedoms. The reform of education in primary schools introduced also optional instruction. In minority environment, especially Albanian one, optional instruction is conducted properly in bilingual

schools, and children who attend school in the Montenegrin language have opportunities to learn also Albanian as an optional subject. As for primary education, it is important to note that since the school year 2015/2016, Albanian children in the second grade have the option to use the Primer, as a teaching tool for learning Albanian language and script. The same Primer is in use in Albania, Kosovo and Macedonia. Within the primary education of the Albanian minority in Montenegro, for more than 10 years is working also the Musical School in Ulcinj. This school is very important for Ulcinj and the Albanian people in general because the effects of its work are visible in the cultural and musical creativity of the city and Albanians in general, as well as in the promotion of many talents who are now known also abroad. In this school, the instruction is carried out in both languages (Albanian and Montenegrin), and the current number of students of the Albanian minority is 181 (84 boys and 97 girls.) The Ministry of Education is planning to, perhaps by next school year, open the music school in Tuzi, in Albanian, as a regional branch of the Music school "Vasa Pavic" from Podgorica.

### **Secondary education**

Secondary education in the Albanian language is carried out in three municipalities: Podgorica (Tuzi), Ulcinj and Plav. These are: Gymnasium "25 May" from Tuzi, Secondary School „Bratstvo jedinstvo” from Ulcinj, Private Gymnasium „Drita“ from Ulcinj and Secondary School "Beco Basic" from Plav. Institute for textbooks and teaching aids provided all the necessary textbooks for teaching in the Albanian language for gymnasium. Vocational education is realized in the Albanian language in the Secondary School "Beco Basic" from Plav and in the Secondary School "Bratstvo jedinstvo“from Ulcinj. In these schools instruction is provided in both languages (Albanian and Montenegrin). For the instruction in professional theoretical subjects in vocational education are used the textbooks in Albanian language which are published in the neighborhood and whose content is compatible with the content of our educational subjects, in accordance with the recommendation of the Ministry of Education. The Centre for Vocational Education has already launched a call for selection of the best offer for translation in the Albanian language of a manual for students and a manual for teachers "Young Entrepreneurs".

### **Technical and vocational education - Police Academy in Danilovgrad**

It is noteworthy that since the school year 2015/2016, in the Police Academy in Danilovgrad, were enrolled 3 students of Albanian nationality. In 2014 have been realized two courses for 29 officers of the Border Police, and this activity will continue in the future. In April 2015, the Ministry of Human and Minority Rights signed a memorandum of cooperation with the Police Academy, which aims to develop minority rights and freedoms in the context of police training, improvement of the situation of minorities through the principles of partnership, transparency and accountability, with the special focus on recruitment and selection of candidates, in order to promote affirmative action and prevent all forms of discrimination.

Vocational education in the Albanian language is realized in the Secondary School „Beco Basic” in Plav and in the Secondary School „Bratstvo jedinstvo” in Ulcinj. In these schools, students study the subject the Albanian language and literature as a mandatory subject. The Institute for textbooks and teaching aids has translated in the Albanian language the part of textbooks for instruction in vocational theoretical subjects in vocational education. For some subject have been used the textbooks in the Albanian language that were published in the neighborhood and whose content is compatible with the content of our educational subjects, in accordance with the recommendation of the Ministry of Education. In the future we will be committed to translate into Albanian all the books needed for professional education in the Albanian language.



## **University and higher education**

The enrollment of students on study programs organized by the University of Montenegro shall be carried out under equal conditions for all citizens of Montenegro, regardless of nationality.

The Law on Minority Rights and Freedoms prescribes that, for the full enjoyment of minority rights, the University of Montenegro, at the proposal of the Albanian Council in Montenegro, each academic year may enroll a certain number of students belonging to minorities, in accordance with the University Act.

Starting from the European Convention for the Protection of Human Rights and Fundamental Freedoms, the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, the Framework Convention for the Protection of National Minorities, the European Charter for Regional or Minority Languages, the The Hague Recommendations Regarding the Education Rights of National Minorities and the Action Plan for Implementation of the Activities under Chapter 23 „Judiciary and Fundamental Human Rights“, on 20 June 2014, the University of Montenegro with the Ministry of Human and Minority Rights and national councils of minorities in Montenegro signed a Memorandum of Understanding on the exercise of the rights of members of minority nations and other minority national communities in the field of higher education.

Pursuant to Article 4 of the said Memorandum, the University of Montenegro has agreed to undertake special measures for the purpose of enrolling a certain number of students to study programs, each school year - through a minority enrollment quota (based on the affirmative action principle). The agreement provided the possibility for councils of national minorities to propose a number of students of minority nations and other minority national communities to be enrolled each school year.

In fulfilling the legal obligations and obligations from the Memorandum of Cooperation, the University of Montenegro has, according to the principle of affirmative action, enrolled the following number of members of minority nations and other minority national communities:

- in the academic year 2012/13, 6 students,
- in the academic year 2013/14, 2 students,
- in the academic year 2014/15, 4 students,
- in the academic year 2015/16, 6 students,
- in the academic year 2016/17, 9 students.

Thus, the enrollment of students of minority nations, by the principle of affirmative action, the University of Montenegro performs through the total approved enrollment quota for a particular study year, at the proposal of a council of minority nations and other minority national communities, in accordance with the law and the Memorandum.

Please note that by the Competition for enrollment of students in the first year of primary studies of the University of Montenegro for the study year 2016/17, in applying the principle of affirmative action, for persons with disabilities (in accordance with the Law on Higher Education) and members of minority communities (in accordance with the Law on Minority Rights and Freedoms), the number of places for each study program is increased by 1%.

The University of Montenegro has data on the number of enrolled students - members of minority nations and other minority national communities, with the limitation that the presented data are not complete and final because the majority of students, using their rights, do not declare their nationality during the enrollment.

Study year	Total number of students enrolled in the first year of primary studies of the University of Montenegro	Number of students who declared that they are members of minority nations and other minority national communities in Montenegro
2012/13.	4513	135
2013/14.	4550	208
2014/15.	4267	171
2015/16.	3515	69
2016/17.	3456	62

We emphasize that as of 2014/2015 the Study program for teacher's education in the Albanian language became part of the Faculty of Philosophy in Niksic. In 2015/2016 in the first year of study were enrolled 11 students. This is an academic study program in duration of four years. In this Department 80% of instruction is conducted in the Albanian language, and 20% in the Montenegrin language. For the realization of the instruction were hired 25 professors, mostly part-time, and seven associates.

The program started in 2004/2005 when were enrolled 49 students. In the previous period in this Department were enrolled:

- 2005/2006 - 31 students;
- 2006/2007 - 15 students;
- 2007/2008 - 13 students;
- 2008/2009 - 6 students;
- 2009/2010 - 17 students;
- 2010/2011 - 21 students;
- 2011/2012 - 14 students;
- 2012/2013 - 17 students;
- 2013/2014 - 12 students;
- 2014/2015 - 15 students;
- 2015/2016 - 11 students;

The Ministry of Education, from the academic year 2015/16, has provided scholarships for six Albanian minority students who opted to study the scarce subjects for instruction in Albanian. It is also very important to point out that the Ministry of Education, in cooperation with the Albanian National Council, formed a working group that deals with all the problems of instruction in Albanian at all levels of education. Among other things, this working group proposed to the Minister of Education and the National Council, regarding the education at the state level, to instead of these (teaching) courses, establish the Faculty for Albanian Language at the University of Montenegro.

## **Adult and continuing education**

Adult education is part of unified education system in Montenegro. The Ministry of Education, according to the General Law on Education is responsible for issuing licenses to institutions that meet the requirements for the performance of accredited adult education programs. So far, the license for performing adult education programs received Secondary School "Bratstvo jedinstvo" from Ulcinj and Primary School "Bosko Strugar" also from Ulcinj, which conduct instruction in Albanian language.

## **Instruction from history and culture**

All textbooks for primary and secondary general education (gymnasium) by which the instruction is conducted in the Montenegrin language, are translated into the Albanian language. The textbook for the subject Albanian language and literature is a special textbook that is designed for this subject.

Educational programs at institutions with the instruction in the Montenegrin language contain topics related to the mother tongue and literature, history, art and culture of minorities and other contents that encourage the mutual tolerance and coexistence. For example, the reading book in the Montenegrin language contains works of famous Albanian writers. Also in other textbooks is used the similar principle.

Through the concept of autonomy of teachers who have the ability to create and adapt up to twenty percent of the content of a subject to the needs and interests of students, can be increased the number of instruction units of history and culture of the Albanian people in relation to the number of these instruction units contained in translated textbook.

In the new, reformed curricula which is relevant for minority education (mother language, history, art, etc.), already are significantly integrated also the contents that promote the history and culture of minorities in Montenegro. Measures that should ensure the instruction of history and culture are already implemented in the framework of new programs for mother language, history and culture, which are studied in primary and secondary education. Also, lately were considered all programs of instruction in the Albanian language, prepared the suggestions by experts from education institutions, the Albanian National Council, and teachers of certain subjects, such as history, the Albanian language, music and fine arts, and others. We are confident that we will have concrete results on these issues.

## **Basic and continuous training of teachers**

Professional development and individual advancement of professional and teaching staff, as well as improving the quality and efficiency of the education system is the responsibility of the Department for continuing professional development and the Institute for Education. Training programs for professional development in education are accredited by the Commission of the Institute for Education and approved by the Ministry of Education. Institute for Education selects programs through open competition and inserts them into the catalogue of programs for professional development of teachers. The project of the Council of Europe and the European Union "Regional Support for Inclusive Education" aims at social inclusion and cohesion in the broadest sense. It is implemented in seven primary and secondary schools: Primary School "Vuk Karadzic" from Podgorica, Primary School "Mileva Lajovic - Lalatović" from Niksic, Primary School "Mustafa Pećanin" from Rozaje, Secondary School "Beco Basic" from Plav, Secondary

School "Ivan Goran Kovacic" from Herceg Novi, Gymnasium "Tanasije Pejatović" from Pljevlja and Secondary school "Sergej Stanic" from Podgorica where is advocated the diversity among all students. Schools have implemented projects in the total amount of EUR 15,000 that were directed towards the procurement of teaching aids, equipment for schools, promoting an inclusive culture. Teachers had the opportunity to through the so-called "teacher's-net" undergo training on the basis of the created package of training for inclusive education and to participate in the study visits. The inclusive day was held on the main square in Podgorica, and the Conference for peer learning from 12-15 October 2015 in Bar. Five schools were additionally involved in the project and their representatives have completed the training which was oriented towards the development of inclusive school action plans: Primary School "Sutjeska" from Podgorica, Primary School "Luka Simonovic" from Niksic, Primary School "Pavle Zizic" from Bijelo Polje, Primary School "Orjenski Bataljon" from Herceg Novi and Gymnasium "Slobodan Škerović" from Podgorica. The Institute for Education is working on professional development and training for teachers. It offers a series of programs that are entirely or by the topics related to human rights and inter-culturalism.

### **Article 13.**

Article 17 paragraph 1 of the *Law on Minority Rights and Freedoms* stipulates that „Minority nations and other national minority communities and persons belonging to them shall have the right to establish educational institutions“. Paragraph 2 of Article 17 of this Law stipulates that the Financing of the institutions referred to in paragraph 1 of this Article shall be the obligation of the founder. Also, by Article 32 of the Law on Minority Rights and Freedoms to Minority nations and other national minority communities and persons belonging to them can receive material and financial assistance from domestic and international organizations, foundations and private persons. In case of financial or other material assistance to associations, institutions, societies and non-governmental organizations of minority nations and other national minority communities received from abroad, the state can provide special tax or other favorable conditions or customs exemption, in accordance with the law.

### **Article 14.**

Article 11 of the *General Law on Education* prescribes that the teaching in the institutions shall be accomplished in the official – Montenegrin language. The teaching shall be accomplished also in the languages in the official use:

- having in mind the same linguistic basis
- in Serbian
- respecting the rights of minority nations
- in Bosnian, Albanian and Croatian.

The organ of state administration responsible for education affairs will, by means of a closer regulation, regulate unique teaching process. Teaching for persons using the sign language, or special script or other technical solutions, is performed in the sign language and by the means of that language.

Article 114 of the General Law on Education stipulates that in the school where teaching is conducted in the language of members of minority nations and other minority national communities, pedagogical records are printed and kept in the Montenegrin language and in the languages of members of minority nations and other minority national communities. In the school where the teaching is performed in the language of the members of minority nations and other

minority national communities, public documents are printed and issued in the Montenegrin language and in the language of members of minority nations and other minority national communities.

Also, Article 13 of the Minority Rights and Freedoms Act stipulates that Minority nations and other national minority communities and persons belonging to them shall have the right to education in their language and to adequate representation of their language in general and vocational education, depending on the number of pupils and financial possibilities of Montenegro. The rights referred to in paragraph 1 of this Article shall be exercised at all levels of education.

Article 14 of the Minority Rights and Freedoms Act stipulates that, Classes with instruction on the language and alphabet of minority nations and other national minority communities can even be established for a smaller number of pupils than prescribed for work of such an institution, and which cannot be less than 50% of the number of pupils defined by the regulations from the area of education.

The provisions of Article 115 paragraph 3 of the General Law on Education stipulate that in school in which the teaching process is carried out in the language of minority nations and other national minority communities, public documents shall be issued both in the Montenegrin language and in the language of the minority nations and other national minority communities.

### **Article 15.**

The Constitution in Article 79, items 9 and 10 to minority nations and other minority national communities guarantees the right „to authentic representation in the Parliament of Montenegro and in the assemblies of the local self-government units in which they represent a significant share in the population, according to the principle of affirmative action; to proportionate representation in public services, state authorities and local self-government bodies”.

The Law on Minority Rights and Freedoms in Article 25 defines that “ Minority nations and other national minority communities shall have the right to proportional representation in public services, state bodies and local self-government bodies. Competent bodies in charge of human resources, in co-operation with the councils of minority nations and other national minority communities, shall look after the representation of persons belonging to minority nations and other national minority communities in the sense of paragraph 1 of this Article”. By Article 26 minority nations and other national minority communities and persons belonging to them shall have the right to participate in the process of adoption and proposing decisions of state bodies that are of interest for exercising the rights of minority nations and other national minority communities, in accordance with the law.

Article 28 of the Law on Minority Rights and Freedoms defines the obligations of local self-government, “ In the local self-government units in which minority nations and other national minority communities constitute either a majority or a considerable part of the population, the local self-government shall be obliged to, within the plan and programs for effective participation of the local population in performing public affairs or by delivering special plan and programs, through the council of the respective minority nations and other national minority communities, provide conditions for the participation of minority nations and other national minority communities in the adoption of development program of municipality, spatial and urban planning, budgets and general acts stipulating rights and obligations of citizens as well as to regulate the

manner and procedure for the participation of minority nations and other national minority communities in performing public affairs and to appoint the body in charge of conducting a public debate related to these or other legal acts.”

In accordance with the Law on Civil Servants and State Employees, the Human Resources Management Authority is responsible for monitoring the implementation of measures in order to achieve proportional representation of minority nations and other minority national communities in a state organ, gender balanced representation and employment of persons with disabilities.

In that sense, in the text of the internal, public vacancy and public competition it is stated that candidates on these affiliations can make a declaration in their application or CV as the head of the state organ who has initiated the recruitment procedure, is obliged to, in compliance with Article 45 of Law on Civil Servants and State Employees, when deciding on the selection of candidates, take into account the proportional representation of minority nations or other minority national communities, gender-balanced representation, and employment of persons with disabilities.

Also, when establishing the ranking list for the selection of candidates to be submitted to the head of a state organ, in the form of a note, it is stated that the head in accordance with the Law is obliged to, when deciding on the selection, take care of these details if the candidate declared them. After the adoption and submission of the decision on the selection of candidates by the head of a state body, the Human Resources Management Authority keeps track of national, gender and the other affiliations of the selected candidate.

With regard to gender equality monitoring, taking into account the competence of the Human Resources Management Authority, the following activities are conducted:

For vocations and working posts, in the text of internal, public vacancies and public competitions, of lists of candidates who fulfill the vacancy, i.e. competitions conditions and the ranking lists for selection of candidates, as well as in all other acts of the Human Resources Management Authority, is used gender-sensitive language.

Bearing in mind that the Human Resources Management Authority gives an opinion on acts on internal organization and systematization of state organs and legal persons to which the Law on Civil Servants and State Employees is applied, the Human Resources Management Authority indicates to state organs to use gender-sensitive language during systematization of positions and titles of civil servants and state employees, as well as to identify gender mainstreaming in job descriptions of particular employees positions.

The Human Resources Management Authority, in the ranking list for selection of candidates to be sent to the state organs, states that the head of a state body is obliged to take into account gender-balanced representation when deciding on the selection.

The Human Resources Management Authority keeps records of the gender structure of those candidates who have applied, were tested and selected by internal, public vacancies and public competitions.

When it comes to training of civil servants and state employees, gender equality is a topic from the Program of Professional Training of Civil Servants.

Also, in the annual reports on the work of the Human Resources Management Authority, are presented data on the gender and national structure of reported, tested and selected candidates.

The Ministry of Human and Minority Rights, in cooperation with the Human Resources Department, conducted a survey on the representation of minority nations and other minority national communities in state organs and organs of state administration in 2015.

Information on the representation of minority nations and other minority national communities in state organs, organs of state administration, organs local government, courts and the State Prosecution, was made in 2015. Out of 141 organs that provided data on the total number of employees, a total of submitted questionnaires was 11.571 or 67.14%.

National structure of the employees (number and percentage) in all 141 organs. Of 13.900 questionnaires, in the national terms, employees declared as: Montenegrins 8650 (74,76%), Serbs 1301 (11,24%), Albanians 291 (2,51%), Bosniaks 650 (5,62%), Muslims 285 (2,46%), Roma 2 (0,02%), Croats 88 (0,76%), others 49 (0,42%). National structure of the employees (number and percentage) in state organs and organs of state administration (51 organ; MIA and Police Directorate sent joint data). Of 6,808 questionnaires, in the national terms, employees declared as: Montenegrins 5.590 (82,11%), Serbs 497 (7,30%), Albanians 90 (1,32%), Bosniaks 333 (4,89%), Muslims 149 (2,19%), Roma 2 (0,03%), Croats 27 (0,40), others 24 (0,35%) and them 96 (1,41%) did not declare.

National structure of the employees in the other organs to which apply the Law on Civil Servants and State Employees (number and percentage). Of 462 questionnaires, in the national terms, employees declared as: Montenegrins 354 (76,62%), Serbs 45 (9,74%), Albanians 8 (1,73%), Bosniaks 27 (5,84%), Muslims 11 (2,38%), Roma 0 (0,00%), Croats 2 (0,43%), others 4 (0,87%).

National structure of the employees (number and percentage) in the organs of the local government (18). OF 3036 questionnaires, in the national terms, employees declared as: Montenegrins 1748 (57,58%), Serbs 628 (20,69%), Albanians 172 (5,67%), Bosniaks 229 (7,54%), Muslims 84 (2,77%), Roma 0 (0,00%), Croats 47 (1,55%), others 15 (0,49%), while according to the research from 2011, in the national terms, employees declared as: Montenegrins 68,86%, Serbs 12,55%, Albanians 6,87%, Bosniaks 5,16%, Muslims 50 1,61%, Roma 0,00%, Croats 2,03%, others 0,74%.

National structure of the employees in judicial organs, misdemeanor council and regional misdemeanor (number and percentage). Of 8253.099 questionnaires, in the national terms, employees declared as: Montenegrins 610 (73,94%), Serbs 95 (11,52%), Albanians 16 (1,94%), Bosniaks 38 (4,61%), Muslims 30 (3,64%), Roma 0 (0,00%), Croats 8 (0,97%), others 2 (0,24%).

The Ministry of Human and Minority Rights in cooperation with the Human Resources Management Authority continued with researches on representation of members of minority nations and other minority national communities, and during the last year, the Police Directorate was covered with this research, while this information was adopted by the Government in June 2016. With this information we have presented the real state in the Police Directorate, vertically, which have served us as a basis for further activities on implementation of this constitutional determination.

Of 3,858 employees, at the questionnaire responded 3,377 employees or 87,53%, what represents a high percentage of obtained answers, i.e. is pointing to the relevance of this data. Of 3.377

questionnaires, in the national terms, employees declared as: Montenegrins 2803 (83,00%), Serbs 223 (6,60%), Bosniaks 172 (5,09%), Muslims 84 (2,49%), Albanians 45 (1,33%), Roma 3 (0,09%), Croats 3 (0,09 %), others 5 (0,15%), while them 39 (1.15%) did not declare on national affiliation. Also, with this research we have obtained data on gender, age, educational and other structure of employees.

The issue of representation of members of minority nations and other minority national communities is complex and long-standing process. Montenegro is within few countries which continuously through the years is making such researches and this in a best manner is showing with how much attention we are approaching to this issue. Effective participation and representation of members of minority nations and other minority national communities in political and public life of Montenegro is one of the most important segments of internal integration of Montenegrin society.

Next to fundamental human rights and freedoms, with the aim of protection of overall national identity, the Constitution and laws of Montenegro give to minorities additional set of rights. The Constitution in the Part II, in Articles 79 and 80 to members of minority nations and other minority national communities guarantees rights and freedoms, which can be used individually or in community with others, and prohibits assimilation of members of minority nations and other minority national communities. The state is obliged to protect members of minority nations and other minority national communities against all forms of forced assimilation. Among other special – minority rights, the Constitution guarantees the right to authentic representation in the Parliament of Montenegro and assemblies of the units of local self-government where they make a significant part of the population, according to principle of affirmative action.

The Law on Election of Councilors and MPs (brought by the Parliament of Montenegro on 16 September 2011) defined in more details the constitutional guarantee to authentic representation in the Parliament of Montenegro. The principle of affirmative action defined by the electoral legislation is specifically reflected in:

- possibility for a smaller number of candidate in MPs lists submitted by the groups of citizens or political parties representing minority nations and other minority national communities;
- a smaller number of signatures to approve lists submitted by groups of citizens or political parties representing a minority nation or other minority national communities;
- preferential treatment where no electoral list for the election of an MP, member of a particular minority nations and other minority national communities, meets the defined census of 3% of the total number of valid votes and receives at least 0.7% of the valid votes individually, entitles the holder to share the mandate as one - consolidated electoral list with the total number of valid votes, with the addition that for the calculation of mandates will be admitted the summation providing up to three mandates;
- For the Croatian people in Montenegro, in the event that none of the electoral lists for the election of the MPs of this minority fulfills the above conditions, the most successful of these lists with at least 0.35% of valid votes shall be entitled to one mandate.

The aforementioned rights are used by the electoral lists of members of a particular minority nation or a particular minority national community, with up to 15% of the total population in the constituency, according to the latest population census data.

The Law on Minority Rights and Freedoms defined that should Members of Parliament elected in accordance with the principle of affirmative action, and according to the electoral legislation



consider that a proposed act or regulation substantially interferes with interests of those minority nations and other national minority communities, the proponent and these Members of Parliament shall harmonize their stands thereon. Harmonization, in the sense of paragraph 1 of this Article, shall relate to: issues pertaining to changes in the ethnic composition of the population contrary to Article 39, paragraph 1 of the present Law; issues pertaining to content of educational curricula adopted without the opinion of councils of minority nations and other national minority communities; issues pertaining to the preservation of linguistic and national identity of minority nations and other national minority communities". (Article 29).

The Municipal Election Commission for the Election of Councilors and the State Election Commission for the Election of MPs shall determine the total number of votes that each electoral list receives and determine the number of mandates belonging to each list. Each constituency has a number of mandates proportional to the number of votes received. In the allocation of mandates participate electoral lists that have received at least 3% of the total number of valid votes in the constituency. Exceptionally, electoral lists for the election of members of a particular minority nation or a minority national community, indicated in the electoral application or the name of the electoral list, in the event that none of them fulfills the condition referred to in paragraph 1 of this Article and receives at least 0,7 % of the valid votes, shall have the right to participate in the distribution of the mandate as a single - consolidated electoral list with the total number of valid votes, with the addition that for the calculation of mandates will be admitted the summation providing up to three mandates.

In the event that none of the election lists for the election of an MP of the Croatian people in Montenegro does not meet the conditions referred to in Article 94 paragraph 1 item 1, the most successful one of them, with at least 0.35% of the valid votes shall be entitled to one mandate. This right is used by the electoral lists of members of a certain minority - the same minority nation, with the participation of up to 15% in the total population in the constituency, according to the latest census data. Participation of an electoral list of members of a particular minority nation or minority national community in a pre-election coalition with electoral lists of members of another minority nation or minority national community or electoral lists of political parties or groups of citizens not exercising the right referred to in paragraph 2 of this Article shall not deny other applicants of the electoral rolls of that minority nation or minority national community right under paragraph 2 of this Article.

Electoral lists for the election of a counselor, member of a particular minority nation or a minority national community, indicated in the electoral application or the name of the electoral list, if none of them fails to fulfill the condition referred to in paragraph 1 of this Article, shall be entitled to participate in the distribution of the mandate individually, by the number of valid votes. This right is used by the electoral lists of members of a particular minority nation or a particular minority national community with a participation of up to 15% of the total population at the state level and with a participation of 1.5% to 15% of the total population in the territory of the municipality, the Capital City or the Old Royal Capital, according to the latest census data.

Political representation of minority communities in Montenegro is a question related to the adoption of new electoral legislation. For a long time, this process is followed by numerous controversies and mutual accusations of political actors from the opposition and ruling parties regarding the reasons for failing to comply with one of the laws that represent an essential component of future development and Euro-Atlantic integration in which Montenegro participates.

In the last parliamentary elections held on October 16, 2016, out of a total of 81 seats, the Bosniak Party won 2 mandates, the Albanians Determined (Forca, DUA and AA) 1, and the Croatian Civic Initiative won 1 mandate, which makes a total of 4 mandates. The largest number of parties in the Parliament of Montenegro is of civic orientation, and there is also a number of national political parties.

With the election of the Montenegrin Government on 28 November 2016, out of 24 members of the Government, 8 are members of minority nations (33.33%). With the election of the Montenegrin Government on 28 November 2016, out of 24 members of the Government, 8 are members of minority peoples (33.33%). Deputy Prime Minister is by ethnicity Bosniak, Minister of Internal Affairs is by ethnicity Muslim, Minister of Education is by ethnicity Bosniak, Minister of Transport and Maritime Affairs is by ethnicity Bosniak, Minister of Health is by ethnicity Bosniak, Minister of Labor and Social Welfare is by ethnicity Bosniak, the Minister for Human and Minority Rights is by ethnicity Albanian and the Minister without portfolio is by ethnicity Croatian.

### **Article 16.**

Article 39, paragraph 1 of the Law on Minority Rights and Freedoms prescribed that „It shall be prohibited to undertake measures and activities to change the structure of the population on the territories where persons belonging to minority nations and other national minority communities live, and which are aimed at restricting legal rights and freedoms.“

The Law on Territorial Organization of Montenegro of 17 November 2011 stipulates that this Law regulates the territorial organization of Montenegro, conditions, manner and procedure of territorial organization and other matters of importance for the territorial organization (Article 1); That the territory of the local self-government units and the name of the municipality can be amended in accordance with this Law (Article 3); that a new municipality can be established on a territory that represents a natural and geographical unit, as well as an economically connected area with the seat of the municipality as a gravitation center (Article 15); that territorial change is made in order to stimulate the economic development of a particular area, to provide higher levels of services and to perform more efficiently the work in order to satisfy the local population and economic entities in the area of the municipality, provided that territorial changes should not jeopardize the economic development of some area or municipal capacity to successfully perform their functions (Article 18); that the territorial change is assessed on the basis of the criteria set out in Article 15 of the law, indicators of the effects of territorial change to be initiated (economic, demographic, spatial and other), fiscal capacity of municipalities and territories requiring territorial change (Article 19).

Furthermore, the Law stipulates that a minimum of 30% of citizens who have the right to vote from the territories requiring territorial change, the municipal assembly and the municipal president (Article 22) may submit a territorial change initiative; that with the initiative is submitted a feasibility study of territorial changes (Article 24 paragraph 1); That the content and methodology of the study is determined by the Ministry responsible for local self-government (Article 25 paragraph 3); that the applicant submits the initiative to the Ministry for an opinion on the fulfillment of formal legal requirements (Article 26, paragraph 1); that the Parliament or the assembly of the municipality shall be obliged to make a statement on the submitted initiative within 30 days from the date of delivery (Article 27, paragraph 2); that for a prior public statement of the citizens about the territorial change of the municipal assembly, the local self-government shall announce referendum (consultative referendum), whose results are expressed for the territory

of the municipality, and in the case of division or change of boundaries also in the area to which the territorial change refers (Article 29 para. 1 and 4); that in order to evaluate the fulfillment of the conditions for territorial change, the Government shall formulate the Committee within 15 days of receipt of the results of the referendum, which shall submit to the Government an opinion on the fulfillment of the conditions for territorial change within 30 days of the date of formation (Article 30, paragraphs 1 and 5); that the decision on the initiative, after the announced procedure, is passed by the Government, which, if it accepts the initiative, shall establish a proposal of the law within 30 days from the date of the decision (Article 31, paragraphs 1 and 2); that, if the proposer of the law is an MP or at least 6,000 voters, a feasibility study is submitted with the draft law, which is submitted to the Government for further procedure in accordance with the law, and after obtaining an opinion from the Government, the Parliament decides on the draft law.

The Rulebook on the Content and Methodology of the Study on the Justification of the Territorial Change (Official Gazette of Montenegro, No. 15/12), regulates the content and methodology of the study on justification of territorial change, which includes an introduction, an analysis of the current state of affairs, parameters for possible development, SWOT analysis and used data sources.

These provisions of the Law are harmonized with the European Charter on Local Self-Government, which was ratified in 2008 (Official Gazette of Montenegro - International Treaties, no. 5/08), with paragraph 5, which states that changes of the boundaries of the territory on which extends the authority of local authorities will be made without prior consultation of the local community, if possible through a referendum, if the statute (law) allows it.

#### **Article 17.**

The Constitution in Article 79, paragraph 12 gives the right to minority peoples and other minority national communities „to establish and maintain contacts with the citizens and associations outside of Montenegro, with whom they have common national and ethnic background, cultural and historic heritage, as well as religious beliefs”.

Also, Article 31 of the Law on Minority Rights and Freedoms prescribes that “Minority nations and other national minority communities and persons belonging to them shall have the right to establish and maintain free and peaceful relations across borders with the parent countries and with their compatriots residing in other countries, in particular those with which they share ethnic, cultural, linguistic and religious identity”.

The law specifies the restriction of the use of this right only if this right is exercised contrary to the interests of Montenegro. The law goes far beyond the Framework Convention, since while the Framework Convention requires States to provide free and peaceful contacts with persons or compatriots from other countries, the law provides opportunities for contacts with states themselves (given that for some Minorities the neighboring states are home states).

The cooperation of minorities with the neighboring countries and with their peoples in Montenegro is realized intensively. The interests of Montenegro are good neighborly relations with all, especially with the states in the environment, so Montenegro has dynamic relations with its neighbors. This dynamic is reflected in the very good communication in economic and bussiness as well as in the cultural, scientific and sports plan.

Following the proclamation of Montenegrin state's independence and the opening of diplomatic-consular missions, cooperation has been intensified. In addition to state co-operation, good liasons and relations have been established between the minorities' associations and the states or the compatriots of these minorities with the environment.

The Constitution ensured freedom of association and action (Article 53), and the Law on Minority Rights and Freedoms, in Article 9 defines „With a view to preserve and develop national or ethnic identity, minority nations and other national minority communities and persons belonging to them shall have the right to establish institutions, societies, associations and non-governmental organizations in all fields of social life. Montenegro shall also take part in funding organizations referred to in paragraph 1 of this Article, in accordance with its financial possibilities“.

Article 22 stipulates that persons belonging to minority nations and other national minority communities shall have the right to free association, in accordance with the law and principles of international law on freedom of association. Minority nations and other national minority communities and persons belonging to them can, in order to exercise common interests, co-operate with governmental and non-governmental organizations in the country and abroad.

The Law on Non-Governmental Organizations gives the possibility to domestic and/or foreign natural and/or legal persons to set up a non-governmental organization or foundation for the achievement of general goals and interests (Articles 2 and 3). A member of the association may be any person, under the same conditions defined in the statute (Article 21).

#### **Article 18.**

The Constitution in Article 15 defines that „Montenegro shall cooperate and develop friendly relations with other states, regional and international organizations, based on the principles and rules of international law.“

The Law on Minority Rights and Freedoms in Article 6 states that „Montenegro shall conclude international agreements for the protection of rights of persons belonging to minority nations and other national minority communities with other states. When concluding international agreements referred to in paragraph 1 of this Article, Montenegro shall stand for the creation and promotion of conditions necessary for the preservation, development and protection of national, ethnic, cultural, linguistic and religious identity “.

The Agreement between Montenegro and the Republic of Croatia on the Protection of the Rights of the Montenegrin Minority in the Republic of Croatia and the Croatian Minority in Montenegro was mad and signed by representatives of the Government of Montenegro and the Government of the Republic of Croatia in 2009 in Zagreb. Consequently, in 2011 the Parliament of Montenegro adopted the Law on Confirmation of the Agreement between Montenegro and the Republic of Croatia on the Protection of the Rights of the Montenegrin Minority in the Republic of Croatia and the Croatian Minority in Montenegro. For the purpose of the implementation of the Agreement, the Parties formed an Intergovernmental Mixed Committee for Implementation of the Agreement Between Montenegro and the Republic of Croatia on the Protection of the Rights of the Montenegrin Minority in the Republic of Croatia and the Croatian Minority in Montenegro (MMO), meeting alternately with the Parties to the Agreement.

The first session of the Mixed Intergovernmental Committee was held in April 2015 in Montenegro. On that occasion, a visit was organized in Tivat and Kotor, where meetings were

held with representatives of the Croatian National Council, Tivat Municipality and the Croatian Civil Society in Kotor. The second MMO session took place in May of 2017 in Croatia.

### **Article 19.**

There are restrictions on human rights and freedoms in the legal system of Montenegro, and these restrictions and derogations from individual rights are in line with relevant international legal documents. The general basis for limiting human rights and freedoms is respect for the freedoms and rights of others (Article 6 paragraph 3 of the Constitution), and the limits of freedom are defined in Article 10 of the Constitution: “In Montenegro, anything not prohibited by the Constitution and the law shall be free. Every person shall abide by the Constitution and the law”.

Guaranteed human rights and freedoms may be restricted by law to the extent permitted by the Constitution and international legal standards, to the extent necessary to in the open and democratic society, satisfy the purpose for which the limitation is allowed. Restrictions may not be introduced for purposes other than those for which they are prescribed. At the time of the declared war or emergency status, the exercise of certain human rights and freedoms may be limited to the extent necessary to achieve the purpose of the limitation. No restrictions may be introduced based on gender, nationality, race, religion, language, ethnic or social origin, political or other beliefs, property status or any other personal property.

Pursuant to the provisions of Article 25 of the Constitution, there shall be no limitations imposed on the rights to: life, legal remedy and legal aid; dignity of and respect for a person; fair and public trial and the principle of legality; presumption of innocence; defense; compensation of damage for illegal or ungrounded deprivation of liberty and ungrounded conviction; freedom of thought, conscience and religion; entry into marriage. There shall be no abolishment of the prohibition of: inflicting or encouraging hatred or intolerance; discrimination; trial and conviction twice for one and the same criminal offence (*ne bis in idem*); forced assimilation. Measures of limitation may be in effect at the most for the period of duration of the state of war or emergency.