



**Resolution CM/ResCMN(2009)2  
on the implementation of the Framework Convention for the Protection of National Minorities  
by Montenegro**

*(Adopted by the Committee of Ministers on 14 January 2009  
at the 1045th meeting of the Ministers' Deputies)*

The Committee of Ministers, under the terms of Articles 24 to 26 of the Framework Convention for the Protection of National Minorities (hereinafter referred to as “the Framework Convention”);

Having regard to Resolution (97) 10 of 17 September 1997 setting out rules adopted by the Committee of Ministers on the monitoring arrangements under Articles 24 to 26 of the Framework Convention;

Having regard to the voting rule adopted in the context of adopting Resolution (97) 10;<sup>1</sup>

Having regard to the decision of the Committee of Ministers dated 14 June 2006, in which it agreed that Montenegro was a party to the Framework Convention with effect from 6 June 2006, the date of notification of succession by Montenegro;

Recalling that the Government of Montenegro transmitted its state report in respect of the first monitoring cycle under the Framework Convention on 25 July 2007;

Whereas the Advisory Committee accepted the invitation of the Government of Montenegro to send a delegation to gather further information in Montenegro, this visit taking place from 4 to 8 December 2007;

Whereas the Advisory Committee's opinion on the implementation of the Framework Convention by the Montenegro was adopted on 28 February 2008 and then transmitted to the Permanent Representative of Montenegro and communicated to the Permanent Representatives of all member states as document CM(2008)66 dated 14 April 2008;

Whereas the Government of Montenegro submitted its written comments on the opinion of the Advisory Committee, these written comments having been communicated to the Permanent Representatives of all member states as an addendum to document CM(2008)66;<sup>2</sup>

Having examined the Advisory Committee's opinion and the written comments of the Government of Montenegro;

Having also taken note of comments by other governments,

1. Adopts the following conclusions concerning the implementation of the Framework Convention by Montenegro:

- Montenegro has taken important steps for the protection of national minorities: it adopted a Constitution which includes a minority rights chapter reflecting the principles of the Framework Convention. A National Strategy on Roma has been adopted, national minority councils are being inaugurated and a substantial fund for

<sup>1</sup> In the context of adopting Resolution (97) 10 on 17 September 1997, the Committee of Ministers also adopted the following rule: “Decisions pursuant to Articles 24.1 and 25.2 of the Framework Convention shall be considered to be adopted if two-thirds of the representatives of the Contracting Parties casting a vote, including a majority of the representatives of the Contracting Parties entitled to sit on the Committee of Ministers, vote in favour”.

<sup>2</sup> This document was issued on 2 December 2008 in English and will be issued very shortly in French.

minorities has been approved by the Parliament, paving the way for increased support in respect of their cultures. The political will of the authorities, and in particular the Ministry of Human and Minority Rights, to enhance national minority rights protection in Montenegro is to be welcomed.

- The adoption of more detailed legal guarantees together with the availability of adequate implementation and monitoring capacity are now needed to fully implement constitutional rights and policy documents. Legal provisions on the use of minority languages in the relations between persons belonging to national minorities and the administrative authorities need to be made more specific. Further efforts need to be made regarding the availability of minority language teaching as part of the school curriculum, including for the Bosniacs/Muslims and the Croats. The difficulties experienced by many Roma in various fields of life require a vigorous implementation of the National Strategy and an adequate monitoring of the progress made in this context.

- The authorities should address citizenship in a way that secures full and effective equality for persons belonging to national minorities. Due attention should be paid to ensuring that there is no unjustified restriction to the personal scope of application of the Framework Convention, and that accessing fundamental rights for those whose legal status is currently unclear, in particular the Roma and the Serbs, is guaranteed.

- While inter-ethnic relations have remained peaceful, on the whole, in Montenegro, interaction and dialogue need to be expanded among the different segments of society. Media has an important role to play in this respect and efforts should be made to increase the availability of information on national minorities to the general public. Greater involvement of national minority journalists by editorial boards in the production of educational, cultural and other mainstream programmes is also encouraged.

- The implication of the constitutional right to “authentic representation” of national minorities in Parliament needs to be approached with all due caution so as to avoid any excessive polarisation of politics along ethnic lines and the monopolisation of discussions on national minorities by certain political parties.

- In line with the Strategy on Minority Policy adopted in July 2008, the provision of the Constitution on “proportionate representation” of national minorities in public services needs to be made operational, notably by relying on data on the participation of persons belonging to national minorities and by catering for national minorities’ specific training needs to compete better for public posts.

- Shortcomings regarding the effective participation of persons belonging to national minorities in economic life need to be addressed. National minorities should be closely involved in the implementation of regional development plans targeting economically-depressed areas where they live.

2. Recommends that Montenegro take appropriate account of the conclusions set out in section 1 above, together with the various comments in the Advisory Committee’s opinion.

3. Invites the Government of Montenegro, in accordance with Resolution (97) 10:

- a. to continue the dialogue in progress with the Advisory Committee;
- b. to keep the Advisory Committee regularly informed of the measures it has taken in response to the conclusions and recommendations set out in section 1 and 2 above.