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**ADVISORY COMMITTEE ON THE FRAMEWORK CONVENTION FOR  
THE PROTECTION OF NATIONAL MINORITIES**

**COMMENTS OF THE GOVERNMENT OF MONTENEGRO  
ON THE FIRST OPINION OF THE ADVISORY COMMITTEE ON THE  
IMPLEMENTATION OF THE FRAMEWORK CONVENTION FOR THE PROTECTION  
OF NATIONAL MINORITIES  
BY MONTENEGRO  
(received on 18 November 2008)**



Montenegro  
**GOVERNMENT OF MONTENEGRO**  
**Ministry for the Protection of Human  
and Minority Rights**

**COMMENTS**

**regarding the Opinion of the Advisory Committee on the  
implementation  
of the Framework Convention for the Protection of National  
Minorities**

Podgorica, November 2008

**COMMENTS**  
***REGARDING THE OPINION OF THE ADVISORY COMMITTEE ON***  
***THE IMPLEMENTATION***  
***OF THE FRAMEWORK CONVENTION***  
***FOR THE PROTECTION OF NATIONAL MINORITIES***

**I GENERAL COMMENT**

Montenegro is satisfied that the Advisory Committee has realized (on basis of the first State Report of Montenegro on the Implementation of the Framework Convention for the Protection of National Minorities, direct contact of the Advisory Committee delegation with the representatives of the Government and the NGO sector and based on other independent sources) that Montenegro is undertaking very important steps for the further enhancement of the position of national minorities and other minority ethnic communities. Big steps forward were made since the regaining of Montenegrin independence in May 2006, both in developing legal regulations and adopting strategic documents, and in their implementation. Montenegro is committed to enhance further the traditionally good inter-ethnic, inter-confessional and inter-cultural relations. Montenegro has always considered its ethnic diversity as its wealth and not its shortcoming, and has treated all of its citizens in that manner.

Apart from internal cohesion, it is in Montenegro's interest to have good neighborly relations with all, especially with the surrounding states, in order for Montenegro to have dynamic relations with its neighbors. The said dynamics is reflected in very good communication on the economic and commercial, as well as on cultural, scientific and sports plane. After the proclamation of state independence of Montenegro and opening of diplomatic and consular representations, this cooperation was further intensified.

The first State Report on the Implementation of the Framework Convention for the Protection of National Minorities was drawn up by Montenegro in June 2007, thereby fulfilling the obligation we undertook from Article 25, Paragraph 1 of the Framework Convention. The Working Group in charge of Report drafting was led by the principle of the most realistic consideration of the implementation level of Framework Convention provisions, both from the aspect of normative solutions from the Montenegrin legislation, and considering the practical implementation of those solutions. We believe that we managed to provide all necessary information both in the Report and during our direct contact with the Advisory Committee's delegation on 4-8 December 2007, so that the Advisory Committee could create a realistic image on the state of minority rights in Montenegro and draft its Opinion accordingly.

**II COMMENT ON GENERAL REMARKS (Paragraph 6 to 18)**

1. The first State Report on the Implementation of the Framework Convention for the Protection of National Minorities was developed by the Working Group consisting of representatives of several ministries, as follows: Ministry for the Protection of Human and Minority Rights, Ministry of Education and Science, Ministry of Health, Labor and Social Welfare, Ministry of Foreign Affairs and Ministry of Culture, Sport and Media. National Coordinator for the implementation of the Action Plan for "Roma Inclusion Decade 2005-2015" and two NGO representatives are also included in the

operations of the Working Group. Center for the Development of Non-governmental Organizations (CRNVO) was asked to participate in the Working Group for the preparation of Report. CRNVO informed NGOs on the intentions of the Government to include **two** of their representatives into the Working Group for the drawing up of the Report. CRNVO informed the Ministry for the Protection of Human and Minority Rights that the Working Group will be participated by Aleksandar Sasa Zekovic and Nedjeljka Sindik. The decision on their nomination as Working Group members was guided by the fact that during previous Report drafting (Report of the Federal Republic of Yugoslavia), they were writing alternative reports. Aleksandar Zekovic and Neda Sindik were having consultations with the representatives of other NGOs dealing with national minorities issues, therefore, they were advocating their opinions in the Working Group operations. Therefore, NGO representatives have had wide consultation with their colleagues from other NGOs.

2. The Constitution of Montenegro was adopted in October 2007 (after the adoption of the first State Report). It provides a legal basis for promoting, strengthening and enhancing the protection of fundamental human rights and freedoms and confirms the obligation of Montenegro to respect international standards in that context. Almost half of Articles from the Constitution (68 out of 158) refer to human rights and freedoms, whereby their significance is confirmed normatively. **The basic provisions of the Constitution** contain three provisions that are essential for exercising human rights and freedoms. **Article 6** provides for the general guarantee of the protection of human rights and freedoms, as inviolable categories. **Article 7** lays down prohibition to cause hatred and intolerance on any basis, and **Article 8** prescribes prohibition of discrimination as a general precondition for exercising human rights and freedoms. More precisely, Article 8 guarantees the prohibition of any "direct or indirect discrimination on any grounds" and also states that "**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 be applied only until objectives are achieved because of which they were undertaken which leaves space for the establishment of additional protection mechanisms and enhancement of minorities' rights, that is, minorities' integration while preserving their particularities. The second part of Constitution, composed of 65 Articles, is dedicated to human rights and freedoms, civil and political, economic, social and cultural, as well as minorities' rights. Apart from the national legislation that guarantees observance of fundamental human rights and freedoms, as well as minorities' rights, Montenegro has, via an **Article 9** provision of the Constitution established that ratified and published treaties and universally accepted rules of international law constitute an integral part of the internal legal order, that they take precedence in relation to domestic legislation and they are directly enforced when they regulate relations differently than the internal legislation. Apart from the fundamental human rights and freedoms, the Constitution and laws of Montenegro give minorities a set of additional rights, with the objective of protecting their overall national identity. The Constitution guarantees rights and freedoms to national minorities and other minority ethnic communities that can be exercised individually and as part of the community, and they are as follows:

- 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 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 also 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 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.

3. Obligation from the Constitutional Law for the Implementation of Constitution was to harmonize provisions of the *Law on Minority Rights and Freedoms* with the Constitution of Montenegro. Apart from harmonizing other provisions, the most important thing is to establish the norms that relate to the Constitutional right to authentic representation of minorities in the Parliament of Montenegro and local parliaments. Since new electoral legislation is currently being drafted, we are looking for the best electoral models for the implementation of this Constitutional norm. In November of the current year, a round table was held at the Parliament of Montenegro entitled "Political Representation of Minorities." The joint conclusion of representatives of political parties from the Montenegrin Parliament was that the Working Group for the development of electoral legislation should find the right model for the representation of minorities and that the Parliament should adopt as soon as possible the Law on the Selection of Councilors and Parliament Members, so that the agreed extraordinary parliamentary elections in 2009 would be conducted in line with new legal regulations.

4. Incidents that happened in the 1990-ies (Bukovica, Kaludjerski laz, Strpci, deportation of refugees from Bosnia and Herzegovina) have found their epilogue in judicial processes. "Strpci" case was concluded before a domestic court (a person was sentenced to imprisonment sentence) and other processes are still pending.

### **III COMMENTS AS REGARDS THE OPINION REGARDING ARTICLES 1-19 (paragraph 19 to 110)**

Article 1 (paragraph 19)  
No comments.

Article 2 (paragraph 20)  
No comments.

Article 3 (paragraphs 21 to 29)

## **Personal scope of application**

1. While drafting the Law on Minority Rights and Freedoms, the dilemma we had was about the comprehensiveness of minority rights, that is, "citizens" - "nationals". Having in mind a high number of refugees (approx. 25.000), Montenegro being a tourist destination with a high number of foreign nationals staying at its territory, the variable number of those persons, especially in terms of their ethnic affiliation, the law-giver considered that it was impossible to keep statistical track of all those things, and impossible to subsequently define them by law. Also, a number of rights from the Law on Minority Rights and Freedoms is related to the citizenship requirement, such as: electoral right, right to property, rights from the field of labor relations, etc.

## **Census and the right to self-identification**

2. During the preparative phases of the 2003 census, the Statistical Office has conducted a comprehensive campaign in order to make the population acquainted with the forthcoming census and the obligations of the population in this work. The population was permanently informed that they are not obliged to respond to questions on religious and national affiliation, as well as on their native tongue. The population was informed that, should they provide answers on their national affiliation and should those answers be twofold replies (Muslim/Bosniak, Serbian/Montenegrin, etc.), only the first part of the two-fold reply will be considered, because of statistical computer processing. In addition to that, all engaged census-takers that were trained by the Statistical Office, were warned that they are obliged to let the citizens know about that when collecting data.

Article 4 (paragraphs 30 to 43)

## **Positive measures**

1. The adoption of the Constitution of Montenegro has cleared this potential dilemma from Article 159 of the Criminal Code. Namely, Article 8 of Constitution prescribes that 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. With such a Constitutional stipulation (and the Constitution is the highest legal act), this provision of the Criminal Law can not be interpreted to mean that the affirmative action application can be considered a criminal offense.

## **Non-discrimination legislation**

2. The Constitution of Montenegro prohibits any direct and indirect discrimination, on any grounds. The Report mentions that discrimination is prohibited via a series of laws from certain areas and that it is criminalized by the Criminal Code. The Ministry for the Protection of Human and Minority Rights has prepared a draft Law on the Prohibition of Discrimination (comprehensive antidiscrimination law) to be considered by the Government by the end of this year.

3. Although there were few processed discrimination cases, the judicial system of Montenegro has examined those cases. According to available data of the Supreme Public Prosecutor's office (Reports on the work of the office for 2005, 2006 and 2007) there were 6 reported perpetrators of criminal offenses against the freedoms and rights of man and the citizen (Criminal Code, Chapter XV, Articles 158 – 162), as follows:

- infringement of the right to free use of language and alphabet, Article 158, 1 charge, rejected;

- infringement of equality of citizens, Article 159, 2 charges, both cases from 2005, at the end of 2007 one charge rejected and 1 charge still unresolved;
- Infringement of freedom of confession of religion and performance of religious rites, Article 161, 3 charges, all 3 in 2007. The prosecutor's office has presented indictments for all 3 charges.
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- There were no infringements of the right to expression of national or ethnic affiliation (Article 160).

The Protector of Human Rights and Freedoms delivers annual reports on his/her work to the Parliament of Montenegro, in line with legal obligations. The reports contain statistics on the number of cases received, area and type of cases, which infringement of right was committed, which authority committed the infringement of right, breakdown of infringement of rights per municipalities, ect.

In 2004, the Protector of Human Rights and Freedoms received 3 complaints from the field of labor rights:

- a) one complaint was submitted by a natural person and it was about the infringement of freedom of confession of religion;
- b) one complaint was submitted by the NGO "Matica Muslimanska" and it was about the denial of national identity of Muslims by the NGO "Almanah";
- c) one complaint was submitted by the NGO "Udruženje raseljenih Bukovičana" (Association of Displaced Bukovica Residents) and it was about the infringement of rights committed in 1992-1993.

In 2005, the Protector of Human Rights and Freedoms did not receive complaints from the field of minority rights infringements: on his own initiative, the Protector reacted in two cases:

- a) case related to problems of registering names and surnames in Albanian language;
- b) case of duration of judicial procedure in the process of deportation of Bosnia-Herzegovina refugees from Montenegro in 1992.

In 2006, the Protector of Human Rights and Freedoms received 3 complaints from the field of minority rights: detailed data on these complaints are unknown.

In 2007, the Protector of Human Rights and Freedoms received 6 complaints from the field of minority rights. All complaints were submitted by natural persons.

- a) one complaint was about the infringement of rights committed in 1992-1993 in the village Bukovica, near Pljevlja;
- b) one complaint was about the infringement of rights in police operation "Eagle's Flight";
- c) other complaints were about the infringement of the guaranteed right to effective participation of minorities in public authorities, proportional representation in political system institutions, official use of language and alphabet and right to education and information in their own language and alphabet.

### **Role of the Protector of Human Rights and Freedoms**

4. After its establishment in 2003, the institution of Protector of Human Rights and Freedoms, as a novelty in the social life of Montenegro, started activities, among others, on bringing closer its work to the citizens. Apart from various campaign forms, the Protector organized annually "Protector Days" in all Montenegrin municipalities. The work and the role of the Protector are thereby brought closer and explained and citizens are enabled to submit their complaints directly to the Protector.

### **Situation of the Roma**

5. As of the moment when the Report was submitted until the present moment, Montenegro has made big steps forward as regards the improvement of the position of Roma population within

its society. On November 8, 2007, the Government adopted the ***Strategy for Improving Position of the RAE Population in Montenegro 2008-2012***. The Strategy constitutes a set of specific measures and activities in the next four year period, of legal, political, economic, social, town-planning and public utility, educational, cultural and informational, medical and every other necessary character, institutions in charge of their implementation, deadlines and financial costs. Apart from the basic objectives and intentions whose achievement is the objective of this document, the Strategy defines areas of operations, priority tasks, realization methods, duration of strategy, evaluation mechanisms, etc. Some of the priority operations areas are: development of a database on RAE population, solving the legal status of RAE population (registration and solving the issue of identity documents), education, preservation of culture and tradition, employment and labor relation rights, health and health care, social and child welfare, improving housing conditions and participation in public and political life. In all areas, special emphasis was given to gender equality.

6. For the year 2008, apart from the funds allocated for the improvement of Roma situation within the frameworks of certain departments, the Government has allocated €400.000. On basis of a Governmental decision of 20/12/2007, a Commission was established to monitor the implementation of this Strategy. The Commission consists of representatives of ministries in charge at the level of Assistant Ministers participating in the implementation of the Strategy (Ministry for the Protection of Human and Minority Rights, Ministry of Education and Science, Ministry of Culture, Sport and Media, Ministry of Internal Affairs and Public Administration, Ministry of Health, Labor and Social Welfare), representative of the Secretariat for European Integrations, representative of the Institute for the Care of Refugees, National Coordinator for the implementation of the Action Plan for the "2005 – 2015 Roma Inclusion Decade" and a representative of Roma NGOs. This Commission coordinates activities on the implementation of Strategy, supervises the implementation of projects and evaluates results achieved and proposes measures for eliminating observed shortcomings, informs the Government of Montenegro on its activities.

7. Wishing to make accessible the funds for the implementation of the Strategy to all stakeholders, the Commission has announced a public competition. The right to participate at the public competition was given to public authorities, local self-government authorities and NGOs. All projects received were first professionally evaluated by the ministry in charge and subsequently by the Commission. Projects - programs were selected, contracts on implementation signed and the Commission is monitoring the implementation of projects.

8. The Strategy refers to all Roma, Ashkali and Egyptians, regardless of whether they are domicile or refugees.

9. The following projects are being implemented during this year:

	<b>ORGANIZATION</b>	<b>PROJECT NAME</b>	<b>FIELD</b>	<b>APPROVED FUNDS</b>
1.	Municipality Niksic, NVO <i>Pocetak</i> and Center for Social Welfare – Niksic, Pluzine and Savnik	Solving the housing issue for 2 RAE families from Niksic	Housing and living conditions	33.728
2.	Institute for the Care of Refugees	Assistance to women in childbed and new born children	Social and Child Welfare	15.000
3.	Public institution - Center for Social Welfare – Bar and Ulcinj	Child benefit for Kosovo RAE	Social and Child Welfare	2.773
4.	Association of women <i>Luc</i> , Niksic	We are people too – help us	Social and Child Welfare	5.223



5.	NGO <i>Djeca - Enfants</i>	Adequate social welfare, better integration	Social and Child Welfare	3.100
6.	Niksic foundation for the prevention of drug abuse	Raising the level of health care in Roma	Health and health care	4.230
7.	Red Cross Niksic	Prevention of infectious diseases in Roma from Niksic	Health and health care	2.810
8.	Institute for the Care of Refugees	Procurement of three-wheeled carts for persons capable to work	Employment and labor relation rights	16.250
9.	Foundation for the development of northern Montenegro	Procurement of agricultural machinery for RAE in PV, NK and BA	Employment and labor relation rights	48.764
10.	Radio <i>Skala Kotor</i>	Roma equal with the equals in Montenegro	Information	4.000
11.	Radio <i>Mojkovac</i>	Informing Roma as a precondition for social inclusion	Information	4.000
12.	TV MBC	Give a hand	Information	10.500
13.	Min. of Education and Education Institute	Free textbooks for Roma pupils	Education	44.400
14.	Foundation for Granting Scholarships to Roma	2008 Scholarship Granting Programme	Education	43.590
15.	NGO <i>Djeca - Enfants</i>	Education for all	Education	4.600
16.	Min. of Education, Education Institute and kindergarten <i>Dj. Vrbica</i>	Participation for breakfast of Roma children in kindergarten	Education	20.800
17.	NGO coalition <i>Romski krug</i>	Strengthening RAE NGO capacity and monitoring Strategy	Participation in public and political life	23.491
18.	Statistical Office	Project in line with the Strategy	Database on RAE population	40.000
19.	NGO <i>Zabjelo Republika</i>	"One day – every day" a documentary	Housing and living conditions	5.770
20.	Association of Roma Bar	Housing to better integration	Housing and living conditions	8.000
21.	NGO Women's Union of Roma and Kovaca <i>Woman's Heart</i>	Housing of Roma students	Housing	4.200
22.	Visan – CG DOO	Rat poisoning, disinfection and disinsectization of Roma settlements	Health and health care	6.000
23.	Pljevlja municipality	Construction of a settlement for 10 Roma families	Housing and living conditions	32.500
24.	NGO <i>Dimnjacar</i>	Let them be clean	Employment and labor relation rights	4.835

### Identity documents

10. Since clear data will be collected within the planned research (Statistical Office) on the possession of all or some of the identity documents or lack thereof, the Government will undertake planned measures, in line with the provisions from the Strategy. Within three to five years, in line with legal regulations, the Government, that is, appropriate authorities of the Ministry of Internal Affairs and Public Administration will register the permanent residence and issue documents to Roma who are Montenegrin nationals and have permanent resident status in Montenegro. For Roma that are not Montenegrin nationals but have permanent resident status in Montenegro, we need to regulate the issue of residence first and then the issuing of documents for foreigners. Both cases would have to be preceded by solving the issue of registration into the birth and citizenship records.

This activity will be organized and realized with active participation and full accord of the Roma population, that is, of their representatives and NGOs.

### **Collection of ethnic data**

11. The Strategy specifies as one of its primary tasks, since there are no relevant data on the Roma population, especially as regards their real numbers, for the Statistical Office (MONTSTAT) to make a statistical - analytical document on the RAE population. This document would contain also the data on the education structure, age structure, gender structure, possession of identity documents, work activity, financial condition, etc. Activities for the realization of this task were initiated in August 2008, and the completion of the project is expected by the end of May 2009. Representatives of the Roma Council in Montenegro are included into the implementation of this activity, as well as coalition of Roma NGOs *Romski krug* and other significant Roma NGOs. According to preliminary data of this large-scale research, the current number of Roma in Montenegro is approx. 10.500 (both domicile and displaced persons).

Article 5 (paragraphs 44 to 49)

### **Legislative framework for the preservation of the culture of national minorities**

1. Issues related to the funding of cultural activities will be secured even more by establishing the Minorities Council and Minorities Fund. Minorities Fund was established to provide for financial support, among others, to activities leading to protection and enhancement of culture and tradition of all minorities in Montenegro.

### **State support in practice: procedures and participation of national minorities in decision-making**

2. The Government of Montenegro, that is, the Ministry of Culture, Sport and Media is conducting policy in the area of culture at the state level. Apart from that, there are institutions at state level which are of significance for the area of culture, such as the Montenegrin National Theatre, the State Archives, Institute for the Protection of Cultural Monuments, National Museum, National Library, etc. These institutions are funded exclusively from the state budget. At the local level, depending on the environment, cultural institutions are organized through the centers for culture or individual organizations (municipal libraries, museums, galleries, theaters, etc.). Cultural institutions at the local level are funded from local budgets. In addition to that, the Ministry of Culture, Sport and Media announces public competitions every year in the fields of publishing, cinematography, painting and music. Non-governmental organizations and associations have access to funds at the local level (through local governments' competitions) and at the state level (through the competitions of the Parliament of Montenegro and the Ministry of Culture, Sport and Media).

3. The Law on Minority Rights and Freedoms specified the role of the minority councils. The Council:

- represents and advocates for the minority;
- submits proposals to public authorities, local government authorities and public services for the enhancement and development of minorities and their members' rights;
- submits initiatives to the President of the Republic not to promulgate a law which infringes minorities and their members' rights;
- participates in the planning and establishing of educational institutions;
- gives opinion on the subject curricula that exhibit particularities of minorities;

- proposes enrollment of a certain number of students at the University of Montenegro;
- starts initiative for the amendments of regulations and other acts that lay down the rights of minority members;
- and conducts other affairs in line with this law.

4. Since the Council represents and advocates for a certain minority, it directly participates in the political life at the local and state level through its acts, direct communication and direct participation in the creation of certain policies.

### **Preservation of cultural monuments**

5. Montenegro accepts the suggestion of the Advisory Committee that records should be kept on the financial assistance that is allocated for cultural monuments per confession and/or national minority.

### **Cultural center for national minorities**

6. According to the original decision of 2001 on the Establishment of the Center for the Development and Preservation of Minority Culture, then minister Ljuid Juncaj was nominated for the position of the acting director until the selection of the director. After the selection of the new minister, Mr. Juncaj did not undertake necessary activities for the legal registration and establishment of the Center. This personal barrier was removed by amending and supplementing this decision. After that, the Government nominated a four member Steering Board which has developed the necessary documents. The Ministry for the Protection of Human and Minority Rights has provided business premises, procured necessary material and technical resources and completed the legal registration of this institution. The Center's operations are expected to officially begin by the end of the year.

Article 6 (paragraphs 50 to 62)

### **Interethnic dialogue, tolerance and reconciliation**

1. The entire work of the Ministry for the Protection of Human and Minority Rights is directed towards further strengthening and developing of good international and interconfessional relations. Development of tolerance and interethnic dialogue are in the core of reforms of certain areas significant for the preservation of national identity and expression of a community spirit (education, culture, media...).

### **Media**

2. Public broadcasting services – radio and TV Montenegro, Pobjeda and local public broadcasting services contribute to the development of Montenegro as a multinational and multiethnic society, not only through shows in Albanian and Roma language, but primarily through the subject-matter of their shows. Shows on the tradition, customs and culture of minorities, as well as religious shows, constitute a part of public broadcasting services programmes. Also, public broadcasting services are influencing the entire Montenegrin society through campaigns on tolerance and mutual understanding. Apart from that, both the public broadcasting services and the commercial media strictly adhere to legal provisions on the prohibition of hate speech and causing racial, religious and national intolerance.

### **Relations with law enforcement officials**

3. There are no cases processed before domestic courts because of infringements of minority rights. Please note (note given in the Report as well) that a group of Albanians apprehended during police operation "Eagle's Flight" which was accused for associating for the purpose of committing a terrorist act has claimed that they were subject to torture because of their national affiliation. This process was concluded in first instance procedure by judgements delivered and appeals procedure is ongoing. Also, the procedure of establishing the overstepping of official authority of police officials was completed. Five members of Police Directorate were sentenced in the first instance procedure to imprisonment sentences of three months each because of overstepping authorities in this action.

### **Displaced persons**

4. After the renewal of Montenegrin independence, the legal and real status of internally displaced persons and refugees has remained unchanged. The Government of Montenegro has confirmed that by adopting a Decision on the Retention of the Status and Rights of Refugees and Internally Displaced Persons. Refugees and internally displaced persons have rights as regards education, health care, employment, etc.

5. **The Law on Asylum** was adopted on 17/07/2006, it entered into force on 25/07/2006, and its implementation began on 25/01/2007. The Law on Asylum prescribes the basic principles in line with which to apply procedures; the procedure for granting asylum (recognition of refugee status and approval of additional and temporary protection); authorities competent for decision-making in the asylum procedure; rights and obligations of persons asking for asylum, that were recognized refugee status and approved additional and temporary protection, as well as reasons for the termination and cancellation of refugee status and additional protection and cessation of temporary protection in Montenegro.

6. The basic principles in line with which to apply procedures are: principle of subsidiary protection and non-refoulement, confidentiality, non-discrimination, protection of data, unity of family, non-punishment for unlawful entry or stay, protection of persons with special needs, respect for the gender, legal protection and others. The Law especially regulates the admission of persons asking for asylum and establishes the obligations of authority for the purpose of providing assistance: enabling immediate submission of a petition, accommodation, provision of information (on the procedure, rights and obligations and legal assistance) etc.

7. Three requests for the granting of asylum were submitted during 2007. In accordance with the concluded Memorandum, this procedure was carried out by UNHCR and the Ministry of Interior Affairs and Public Administration adopted first instance decisions. One person was granted refugee status, whereas two requests were rejected as unfounded. Two persons submitted a complaint to the second instance authority – public Commission for Solving Asylum Complaints, but they were rejected. During the first six months of 2008, five persons submitted requests for the granting of asylum. The Ministry of Interior Affairs and Public Administration – Asylum Office was conducting the procedure and rendering decisions. Two requests were rejected, two requests were completed by the decision on the termination of procedure and one request is pending. Two persons submitted a complaint to the second instance authority but they were rejected.

8. Adoption of the new Law on Aliens in Montenegro should establish and initiate monitoring and observing migrations, that is, conducting of migration policy. Draft Law on Aliens established by the Government of Montenegro in 2006, in line with the then Programme for the work of the Government was delivered to the Parliament for consideration and adoption. Since the

draft Law was not considered up to now, and many laws were adopted in the meanwhile dealing with rights and obligations of aliens (Law on Asylum, Law on Registers of Temporary and Permanent Residence, Law on Employment and Work of Aliens), it was agreed within the Ministry of Interior Affairs and Public Administration to start considering certain provisions contained in the Law on Aliens and a standpoint was taken to prepare an amended text of the draft Law on Aliens. This law regulates the terms for entry, movements and stay of aliens on the territory of Montenegro, visa regime, manner of procuring stay permits and permanent settlement, defines unlawful stay of aliens, forced removal and terms for it, issuing of travel documents to foreigners and in which cases, the question of documents for identity proving, movements of foreigners in uniform, possibility to collect personal data on the foreigner, supervision over authorities enforcing the provisions of laws and secondary legislation, penal provisions, record keeping, as well as final provisions of the law. Apart from the Law on Aliens, certain provisions of the Law on Registers of Temporary and Permanent Residence refer to foreign nationals too. Keeping of a register of temporary and permanent residence of foreigners, manner of use, data supplements and data protection were envisaged. The residence register is managed by a public authority in charge of residence, and the register of aliens' residence is managed by the Police.

### **Human trafficking**

9. Apart from the adoption of the National Strategy for the Fight against Trafficking in Human Beings and its implementation, in cooperation with other social partners, the Government of Montenegro's Office for Combating Trafficking in Human Beings is conducting activities for the suppression of this phenomenon on the Montenegrin territory. It is important to emphasise that trafficking in humans is not an alarming phenomenon in the Montenegrin society and that some phenomena mentioned in the Opinion of the Advisory Committee have happened in the past and are no longer occurring.

Article 7 (paragraph 63)  
No comments.

Article 8 (paragraphs 64 to 66)

### **Legal and institutional framework**

1. In line with the new organizational structure of the Government of Montenegro, issues of relations with religious communities pertain to the domain of the Commission for the Political System, Internal and Foreign Policy. The Government of Montenegro has been carrying out its obligations towards religious communities in a regular and stable manner and so far there were no objections or problems in the work and relation towards religious communities.

### **Respect for religious diversity in practice**

2. A number of Islamic community members encountered problems related to burials that have been solved – almost all municipalities in Montenegro have separate cemeteries for Orthodox, Islamic and Catholic religion. The construction of religious facilities is entirely free, and requires previous fulfilling of zoning regulations. Several very significant facilities for the practice of religion have been opened up recently: renovated Husen - pasa's mosque in Pljevlja, several smaller mosques renovated in municipalities Pljevlja, Bijelo Polje, Berane, Plav, gasulhana (quarters for ritual bathing of the dead) opened in Bijelo Polje, Muslim religious secondary school opened in Tuzi – Podgorica, etc.

Article 9 (paragraphs 67 to 70)

### **Legislative framework**

No comments.

### **Minority broadcasting in practice**

1. Apart from public broadcasting services RTCG and Pobjeda, local public broadcasting services and some commercial media in almost all Montenegrin municipalities broadcast contents that present Montenegrin ethnic diversity.

2. As a contribution to the enhancement of information in the Roma language, Radio Antena M has been continually broadcasting over the last five years a regular weekly show entitled "Roma speaking – O Roma vakeren". This show is prepared and realized by the NGO Democratic Roma Center, with constant financial support of the Ministry of Culture, Sport and Media, on average amounting to €5.000,00 on an annual level. The Ministry of Culture, Sport and Media announces a competition each year for co-funding programmes and projects in the media so as to stimulate production and publishing of contents that primarily refer to promotion and recognition of tolerance and culture of dialogue, cultural and artistic creativity, exercising the right to information and the alike. Projects of Radio Elite and TV Teuta from Ulcinj, as well as TV Boin from Tuzi were cofunded via competitions. The Ministry has also provided financial assistance to Radio *Elita* that has organized a festival entitled *Multiculture and Diversity*. In 2006, Radio *Luna* from Plav (broadcasting shows in Albanian) received €1.000,00 support from the Ministry.

Three projects from the field of media were funded through the Strategy for Improving the Position of RAE Population: radio *Mojkovac* and radio *Skala* from Kotor for shows on the Roma in the south and north (€4.000 each) and TV MBC for 12 shows on the Roma (€10.500).

3. With regard to the application of Article 9, the First Report states: "Certain parts of Montenegro can receive radio and TV programmes of neighbouring countries." This refers to the reception of analogous terrestrial radio and TV programmes that are broadcasted from the territories of Serbia, Bosnia and Herzegovina, Croatia, Albania and Italy. Owing to the configuration of terrain in border areas, a quality reception of these channels is provided on a considerable part of Montenegrin territory (especially in case of Albania and Italy). Montenegro is not trying to prevent the reception of these channels unless their broadcasting interferes with Montenegrin broadcasters that have duly granted licences and use internationally coordinated radio – broadcasting frequencies. During 2007, licences were issued for cable, MMDS (wireless), satellite (DTH) and IP (Internet Protocol) distribution of radio and TV programmes. In that manner, many radio and TV channels from neighbouring countries can be listened to/watched on the territory of Montenegro. All operator's offers contain channels of public and commercial radio broadcasting services from the region and wider. In line with licences they were granted, certain commercial radio broadcasting services from Montenegro rebroadcast parts of programmes of TV stations from the neighboring countries within their own programmes (Serbia, Albania, Bosnia and Herzegovina).

### **Print media**

4. As regards the print media in minority languages, apart from Albanian ones, magazine *Hrvatski glasnik* (Croatian Messenger) is also published in Montenegro. With the objective of enhancing the information of minorities and contributing to the development of media pluralism, the Ministry of Culture, Sport and Media has supported it financially in 2006 in the amount of

€1.200,00. The Government of Montenegro has also supported the magazine *Tocak* in Roma language which was recently founded by the NGO Democratic Roma Center.

Article 10 (paragraphs 71 to 73)

### **Use of minority languages in public**

1. To begin with, it should be emphasized that the new Constitution of Montenegro has introduced changes with regard to language. Article 13 of the Constitution of Montenegro defines Montenegrin as the official language in Montenegro and states that Cyrillic and Latin alphabets are equal. Serbian, Bosnian, Albanian and Croatian language are used officially.

2. In the past practice there were no problems as regards the use of language, both in private and public and official use. Plav municipality has addressed the Ministry for the Protection of Human and Minority Rights asking for an explanation and interpretation of the notion "considerable part" of population, since they wanted to regulate the issue of Albanian language use in the local parliament in their statute. Since the results of the last census state that there are 19,70% of citizens on the territory of Plav municipality who declare themselves as Albanians, the Ministry was of opinion that it was sufficient for speaking in Albanian language with simultaneous interpretation during the sessions of Plav parliament. This possibility is used in Plav municipality.

Article 11 (paragraphs 74 to 75)

### **Use of minority languages for names of persons**

1. The citizen whose name or surname were wrongly entered in a public document may institute a dispute before the competent authority and correct his/her name or surname. The correction of wrongly entered name or surname will be a free process in the following five years.

2. The Law on Name and Surname was adopted on 29/07/2008 and it clearly states in Article 5, Paragraph 2 that a Montenegrin national may register his/her name in registers in one of the languages in official use (Serbian, Bosnian, Albanian and Croatian).

3. The Law on Identity Card was adopted on 29/11/2007, and Article 7 states: "identity card form shall be printed in Montenegrin and English language and it shall be completed in Montenegrin language. For citizens that are officially using Serbian, Bosnian, Albanian or Croatian language, the content of ID form and the information shall be entered in those languages, with the exception of the name and surname that are entered in the language and alphabet of the petitioner, should he/she require so". When submitting the necessary documentation for the issuance of identity documents, it is an obligation of the authorized employee to warn the petitioners and to ask in which language do they want their documents.

4. Law on Registers (adopted at the same time as The Law on Name and Surname) – this law regulates the recording of births, marriages, deaths and other information established by law that refer to or are related to the personal and family status of Montenegrin nationals that are created in Montenegro and another state as well as of nationals of other states and stateless persons. The Law prescribes that registers of births, marriages and deaths are to be kept in Montenegrin, and excerpts and certificates are to be issued in Montenegrin language. Also, the Law prescribes that data on registers that refer to members of minorities and other minority ethnic communities are to

be registered also in the language and alphabet of those minorities, in line with the Law. Name and surname of members of minorities are entered in the register in their own language and alphabet, in line with law. Excerpts and certificates from the register for members of minorities are also issued in the language and alphabet of the minority in question.

### **Topographical indications in national minorities' languages**

5. In the past practice of the Ministry for the Protection of Human and Minority Rights there were no requests of minorities for topographical indications in their own language in other areas (except from those mentioned in the Report).

Article 12 (paragraphs 76 to 87)

### **Curricula and textbooks**

1. While commenting on the Opinion of the Advisory Committee, we can only repeat those things emphasized in the Report. New curricula for native tongue, nature and society, history, music and art that were developed within the educational system reform, include to a considerable extent contents that represent language, creativity, history and culture of minorities in Montenegro.

2. General Education Council is an authority competent for adoption of educational programmes. This authority consists of representatives of minorities. Apart from that, an expert Commission for Education of National and Ethnic Groups was established within the General Education Council. Its task is to consider and provide an opinion to the Council on new educational programmes that are important for the preservation of identity of minorities in Montenegro. Another instance in the process of adoption of curricula that is significant for minorities is the minority council – (the council provides an opinion on the subject curricula that exhibit particularities of minorities).

3. The possibility provided by the General Law on Education regarding the possibilities of independent drafting of 20% of the curricula is used in practice.

### **Teacher training**

4. As a part of the general reform of the education system, the Ministry of Education and Science has organized a series of educational seminars for teachers in order to help them adapt to novelties in the education system. Teachers from minority communities have also attended these trainings.

5. When it comes to the teachers for Bosnian and Croatian language, since there are no colleges in Montenegro for this personnel, it is necessary to get college degrees from the neighboring countries – Croatia and Bosnia – Herzegovina.

### **Roma pupils in schools**

6. The project "Roma Assistants" has had excellent results because of the language barrier some Roma children have. Considering the effects of this project, there are plans of the Ministry of Education and Science for the continuation and expansion of the project to other environments in



Montenegro. The Programme is to continue with partners that are included into the Roma Education Initiative programme.

7. In its practice up to now, the Ministry of Education and Science has encountered only one case of segregation – a separate class, and that was at the unit of elementary school "Bozidar Vukovic-Podgoricanin". The class is located at Roma refugee camp. This class consists of internally displaced persons' children – Roma from Kosovo, and it was established as a temporary measure - donation from the Italian Red Cross. Implementation of a joint activity of the Ministry of Education and Science, Roma Education Fund and the Montenegrin Red Cross is ongoing, and it implies transport of one part of these children to other schools.

8. Available data indicate that in the area of education, the number of children enrolled into kindergartens, elementary schools, high schools and colleges in Montenegro is increasing every year. For example, in the school year 2001/2002, the number of Roma students at elementary school level was 536, whereas in the school year 2007/2008, that figure grew to 1263.

9. For the education area, the sum of €113,390 was allocated from the funds for the implementation of the Strategy. These funds were used for the procurement of textbooks and school material for all Roma children that are enrolling into school and then for granting scholarships to 35 high school students (€75 per month) and 10 college students (€150 per month), paying rent for 6 college students and paying kindergarten costs for Roma children.

#### **Access to higher education**

10. On basis of a Governemental decision of September 2001, subsequent entry was enabled for some students from minority nations. A student from a minority that meets the general terms for enrolling in the desired college but is not in the student quota for admission shall address the Ministry for the Protection of Human and Minority Rights. Using the mechanism from the said Decision, the Ministry shall send letters to the central university administration and deans of colleges containing names of students that have addressed them. Taking into consideration the autonomy of University, and having considered possibilities, it is the exclusive right of the dean to enroll additional students from minorities' ranks, in line with this principle. Practice so far has demonstrated full understanding on behalf of the deans.

#### **Recognition of diplomas**

11. Law on Recognition and Evaluation of Educational Credentials was adopted at the Assembly of Montenegro on 26/12/2007. This law has shortened the time needed for evaluation – validation of educational credentials, prescribed a significantly reduced financial amount for the validation procedure, removed the existing barriers in the validation process and established cooperation with the ENIC centers in the environment that deal with these issues. Also, a center was established in Montenegro within the TEMPUS programme for the exchange of needed information with the surrounding centers. It is very easy now to check the curricula of certain college profiles and to compare them with the existing curricula in Montenegro. This is a big relief for all citizens who wish to value their educational credentials, including minority members.

Article 13 (paragraph 88)

No comments.

Article 14 (paragraphs 89 to 92)

### **Legal framework for minority languages education**

1. As regards the implementation of these provisions of the law ("lowered threshold for the establishment of a class in the language of a minority"), there were no problems. The procedure implies that the Director of the public institution that has the need to use the lowered threshold for opening a minority language class will address the Ministry of Education and Science which is to approve the establishment of such a class, in line with legal possibilities. There were cases of this type up to now which resulted in positive decisions of the Ministry of Education and Science.

### **Teaching of minority languages**

2. According to the 2003 census, these were the results as regards language:

<b>Ord.No.</b>	<b>Native tongue</b>	<b>Number</b>	<b>Percentage share</b>
1.	Serbian	393.740	63,49%
2.	Montenegrin	136.208	21,96%
3.	Albanian	32.603	5,26%
4.	Bosnian	14.172	2,28%
5.	Bosniak	19.906	3,21%
6.	Hungarian	255	0,04%
7.	Macedonian	507	0,08%
8.	German	126	0,02%
9.	Roma	2.602	0,42%
10.	Slovenian	232	0,04%
11.	Croatian	2.791	0,45%
12.	Other languages	3.101	0,50%
13.	Undeclared and unknown	13.902	2,24%
<b>TOTAL</b>		<b>620.145</b>	<b>100%</b>

Montenegro has accepted the European Charter on Regional and/or Minority Languages - on the occasion of ratification of this document, it accepted that only Albanian and Roma languages are minority ones. Serbian, Montenegrin, Bosniak/Bosnian and Croatian are cognate languages, with the same origin and linguistic structure and that is why some of these languages are not included into the group of minority languages. In addition to that, learning Bosnian and Croatian language is not a part of the regular education system. It should be mentioned that (precisely because of cognateness of these languages) the name of the subject studied in our schools is "native tongue", and it is the students' decision, that is, their parents' decision to write down one of the languages: Serbian, Montenegrin, Bosnian and Croatian.

### **Teaching of Roma language**

3. There are still big problems in teaching Roma language. This is not a standardized language, there are no teachers for this language and no textbooks or other teaching aids.

Article 15 (paragraphs 93 to 106)

### **Electoral representation**

1. Comment given under item 3, chapter *II Comment on general remarks*.

## Representation in public administration

2. The Strategy of Minority Policy which was adopted by the Government in July 2008 defines the basic principles for the exercise of this right guaranteed by the Constitution. Measures to be undertaken in the forthcoming period are as follows:

- full legal regulation of electoral legislation with the objective to apply Constitutional provisions on the political representation of minorities on basis of affirmative action principle. This is one of the most priority measures that need to be done by a special working group and that will consist of representatives of minorities, ministry in charge, as well as of other public authorities that have these issues under their competence; the possibility to divide electoral legislation to state and local level needs to be considered in this process;
- stimulating the establishment and operations of minority councils; these activities include special measures for the strengthening of this process, whereat the state should control the legality and minority communities are left with the exclusive right to organize themselves and be active on the political plane with the objective to preserve their identity and enhance their rights;
- undertaking actual activities with the purpose of having appropriate representation of members of minorities in executive and judicial power; this implies long-term activities for the purpose of educating and qualifying a certain number of personnel from national minorities' ranks, with the financial assistance of the state to that end. The Commission for the Implementation of the Strategy will take care of this permanent task during its duration and afterwards, professionalism and good professional background will be benchmarks during those activities, as well as ethnic representation in the context of overall public administration reform;
- it is necessary to establish a system of personnel records for the implementation of these measures, with special emphasis on the minority aspect of personnel records, in line with the standards for the protection of personal information, thereby using those records for the purposes for which they were established;
- consistent implementation of the Law on Local Self-government and of the principle of decentralization, especially in economic-financial respect, so as to provide for a high level of financial independence and self-sustainability of local government, in line with the standards of the Council of Europe;
- special attention needs to be given to appropriate representation of members of minorities in the organizational structure of specific institutions such as the police, National Security Agency and the military of Montenegro; the representation principle should be applied on the whole territory of Montenegro, not only in environments where the minority constitutes the majority of population;

3. As regards the proportional representation in public and local authorities, the Strategy sets out a **one year** deadline for the creation of **unique personnel records, with special emphasis on their minority aspect**, for the purpose of adhering to this Constitutional principle.

When it comes to the representation in judicial authorities, the Strategy relies on the similar act in the area of judicial reform that envisages a **two year** deadline (until the end of 2009) during which a **system of personnel records** will be created, **including their minority aspect**, as well as models for training judicial office holders. The starting basis for these processes must be the assumption that adequate inclusion of minority issue in selection and training within the judiciary (apart from the quality requirement and good professional background of office holders) represents observance of guaranteed Constitutional principle in the formal and legal sense, and on the sociological plane, constitutes the basis for acquiring additional trust in the judiciary by minority communities' members.

## **Institutions and mechanisms for effective participation**

4. The Ministry for the Protection of Human and Minority Rights is the first and the most important address with regard to the exercise of minority rights and planning minority policy. However, the Government of Montenegro is a collective decision-making body, so that there is a relation inside Governmental departments as regards minority issues. The Report also includes an overview of competences of other institutions dealing with minority rights.

5. For all strategic documents (Strategy for Improving the Position of RAE Population in Montenegro, Strategy for Minority Policy), the Government establishes special coordination teams for the implementation of planned activities, with the obligatory participation of the NGO sector.

6. Ministry for the Protection of Human and Minority Rights is planning its internal reorganization that also implies the strengthening of its administrative capacities in terms of increasing the number of employees and their education and professional training.

7. Ministry for the Protection of Human and Minority Rights has adopted Rules for the first council elections and a Guideline on Single Forms for the Elections for Council Members. These acts were published in the "Official Gazette of the RoM" No. 46/07 of 31/07/2007 and they can be accessed on the official website of the Ministry. They were printed as insert in the daily *Pobjeda* and in Albanian language in the daily *Koha Javore*, made known via the public broadcasting service RTCG, TV IN and local radio and TV stations, presented at meetings with NGOs from all minority communities and they were also presented the procedure of minority councils establishment. In accordance with the Law on Minority Rights and Freedoms and all the Rules, initiatives were started and electoral assemblies for council elections were held as follows: Croatian council (21/12/2007), Bosniak council (15/03/2008), Roma council (22/03/2008), Muslim council (29/03/2008), Albanian council (19/04/2008) and the Serbian council (27/09/2008). The Ministry monitored the entire course of establishment of councils up to their inaugural sessions. Inaugural session of the Serbian council has not been held yet.

8. Funds needed for the work of the council are provided from the budget, and the sum of €150.000 was allocated for the rest of the year. These funds will be higher in the following year (according to the budget projected for 2009, approx. €360.000).

9. As regards to the council composition, the situation is as follows:  
Croatian council – a total of 17 members; 4 ex-officio, 13 elected at the electoral assembly,  
Bosnian council – a total of 35 members; 16 ex-officio, 19 elected at the electoral assembly,  
Roma council – a total of 17 members; all 17 elected at the electoral assembly,  
Muslim council – a total of 25 members; 2 ex-officio, 23 elected at the electoral assembly,  
Albanian council – a total of 35 members; 23 ex-officio, 12 elected at the electoral assembly,  
Serbian council – a total of 35 members; 5 ex-officio, 30 elected at the electoral assembly.

## **Participation at local level**

10. The issue of decentralization is very important for the enhancement of the position of Roma in Montenegro. A plan of decentralized, professional and depolitized local self-government system is implemented through the legal regulations (Law on Local Self-government). Through the possibilities offered by devolved and delegated affairs, local communities are able to undertake a significant part of competences of the central authority.

## **Economic participation**

11. One of the economic imperatives of Montenegro is even regional development. The Strategy of Minority Policy has recognized the economic development of areas with significant participation of minority population as a field that needs to be given special attention. Intentions specified by the Strategy in this area are as follows:

- development of planning documents that stimulate regional development and employment, especially in areas inhabited by minority population, especially in the north of Montenegro;
- stimulating economic activities in order to further develop insufficiently developed regions mostly inhabited by minorities;
- establishment of special social policy protective mechanisms on a regional principle, with special emphasis on the condition of vulnerable groups (children, women, older persons, special needs persons);
- social policy decentralization (social care system);
- priority development of infrastructure (travel, energy etc.);
- stimulus of loan placements towards projects of local and regional significance.

Article 16 (paragraph 107)

### **Territorial divisions and ethnic composition of the territorial units**

1. Article 39, Paragraph 1 of the Law on Minority Rights and Freedoms explicitly *prohibits* measures and activities that would change the structure of population in areas where members of a minority live, if those measures and activities have as their objective restriction of statutory rights and freedoms.

2. There were no changes in the territorial organization of Montenegro in the period from the presenting of the Report until the writing of these Comments.

Article 17 (paragraph 108)

### **Cross-border contacts**

No comments.

Article 18 (paragraph 109)

### **Bilateral co-operation in the field of protection of national minorities**

1. The Constitutional Law for the Implementation of the Constitution of Montenegro has enabled all nationals of Montenegro who were also nationals of another state on 03/06/2006 to keep both nationalities. A national of Montenegro who has acquired another nationality after 03/06/2006 may keep the Montenegrin nationality until the signing of a bilateral agreement with the country whose nationality he/she has acquired, but at the longest for a year as of the adoption of the Constitution of Montenegro. Therefore, all nationals of Montenegro who were also nationals of another state on June 3, 2006 have the right to keep both nationalities. If nationals have acquired the nationality of another state after June 3, 2006, they have the right to dual nationality until

20/10/2008, that is, until the expiration of one year after the adoption of the Constitution of Montenegro.

2. On 14/02/2008, the Parliament of Montenegro adopted the Law on Montenegrin Nationality that treats more closely the issues of acquiring or losing Montenegrin nationality. In order to prevent cases of statelessness, this Law also regulates the issue of nationals of ex SFRY Republics that had registered permanent residence in Montenegro before 03/06/2006.

3. Montenegro has started the process of negotiations regarding the regulation of dual nationality issued with the Republic of Serbia and the Republic of Croatia. Phase one contains plans for discussions on this topic with Bosnia-Herzegovina and the Republic of Albania and later with other states.

4. As stated previously, negotiations are ongoing with the Republic of Serbia regarding the signing of the Dual Nationality Agreement. When it comes to the planned signing of agreements, on bilateral basis, with reference to the protection of minorities, harmonization of the text of agreement with the Republic of Croatia is ongoing. The two parties are expected to sign this agreement by the end of year. Montenegro is ready to start negotiations with other states that demonstrate interest in this type of agreement.

Article 19 (paragraph 110)

No comments.

#### **IV FINAL COMMENT**

Once again, Montenegro expresses its gratitude to the Advisory Committee for considering and analysing the first State Report on the Implementation of the Framework Convention for the Protection of National Minorities, and for providing evaluation in its Opinion. All indicated shortcomings, both regarding the legal defining of norms from the area of minority rights protection and their direct implementation in practice will constitute guidelines for the future work of the Government. Apart from the rights of minorities guaranteed by the Constitution and law, we believe that the implementation of our strategic documents in the forthcoming period will contribute to the enhancement of our good international relations, and that the exercising of minority rights will be raised to a higher level. Government of Montenegro's commitment to these issues will be present in its future work.