



Strasbourg, 16 July 2007

MIN-LANG/PR (2007) 5

EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES

**Initial periodical report
presented to the Secretary General of the Council of Europe
in accordance with Article 15 of the Charter**

MONTENEGRO



Republic of Montenegro

GOVERNMENT OF THE REPUBLIC OF MONTENEGRO

Ministry for Human and Minorities Rights Protection

**THE INCEPTION REPORT OF THE REPUBLIC OF
MONTENEGRO**

**on implementation of European Charter on Regional and Minority
Languages**

Podgorica, June 2007

National legislative does not give a definition of the concept of regional or minority language. Article 9, paragraph 1 of the Constitution of the Republic of Montenegro defines Serbian language of the “iekavian” dialect as the official language in Montenegro, whilst the paragraph 3 determines that in municipalities where majority or a significant part of the population is a national or minority group, then their languages and scripts can be used officially, too. Article 11 of the Law on Minority Rights and Freedoms says “minorities and their representatives have the right to use their language and script”. According to the last Census, in the municipalities where representative of a minority constitute a majority or a significant part of population, the language of the minority is in official use. Official use of a minority language, in the context of the paragraph 2 in this Article, implies the language use in administrative and law proceedings, when issuing identification documents and similar, in official record management, on ballot papers or in other material for elections as well as in the work of representative bodies. Pursuant to paragraph 2 of the Article, in these municipalities the minority language and script can be officially used for the name of a municipality, names of settlements, squares and streets, businesses, names of mountains, rivers, hills, as well as for the names of public companies. The Law on Minorities Rights and Freedoms defines a minority as a group of citizens of the Republic, with less number of residents than a predominant population, and who have common ethnic, confessional or language characteristics different from others. The Law further on explains their historical links with the Republic motivated by desire to preserve their national, ethnic, cultural, language and confessional identity. The concept of minority defines minority as an autochthonous minority with fewer number of its people, a national minority and an ethnic minority. Charter on Regional and Minorities Languages defines minority language as the language that is traditionally used in a territory of a state by citizens of the state who constitute a group counting less number of people than the majority of population of the state and which is different from the official language in the state but not including dialects of the official language or the migrants workers’ languages. During preparation for ratification of the European Charter on Regional and Minority Languages, beginning with the existing practice in official language and script’s use and use of the language in areas of culture, education, law and administrative proceedings etc, it was defined that in Montenegro, for which the obligations from the third part of the Charter are being taken over, the minority languages are: Albanian and Romani languages. During defining the languages the Bosnian (Bosniak) language and Croatian language were omitted although the Ministry for National and Ethnic Minorities’ Protection asked for their denomination. Omitting of Bosnian (Bosniak) and Croatian languages does not mean that the state contest the existing of those languages. Absence of these languages’ use is the consequence of lack of legal requests or activities needed for introducing the languages into official, public, educational or media use. Montenegro does not consider defining of languages and measures taken for their protection from the third part of the Charter ultimate, since the European Charter anticipate the possibility of extending the list of languages or the list of measures to be taken. A lucky circumstance for the European Charter on Regional and Minority Languages is that minorities are concentrated in one place, i.e. they are not dispersed on the whole territory of Montenegro. Albanians are the majority in the Municipality of Ulcinj and in the capital’s

Municipality Tuzi and a significant number of Albanian citizens live in the following Municipalities: Bar, Plav, Rozaje. The majority of Roma population live in Podgorica, whilst the rest of them live in the following Municipalities: Berane, Niksic and Bijelo Polje. 72.14% of the Ulcinj population, 19.70% of the Plav population, 7.61 of the Bar population, 4.44% of the Rozaje population and 5.50% of the Podgorica population speak Albanian. Legal acts in which the European Charter on Regional and Minority Language is applied are the following: Law on Minority Rights and Freedoms – Article 11, Law on Pre-primary Education – Article 24, Law on Education – Articles 4, 11, 22 and 46, Law on High Education – Articles 6i and 7, Law on Broadcasting – Article 95, subparagraphs 3, 5, 6 and article 100, Law on Media –Articles 3 and 10, Law on Broadcasting Recources Radio Montenegro and Montenegro Television –Article 4, Article 11 paragraph 2 and Article 15 sub-paragraph 8, Personal Data protection Law– Article 2,, paragraph 3, Law on Publishing, Law on Cinematography and Law on Theatre Activities, Law on General Administrative Procedure – Article 15, Law on Local Self-Governance – Articles 10 and 83, Law on Selection of Councilors and Members Of The Parliament , Statute of the Capital, Rules of Procedures of the Capital` Assembly, Statutory Decree of the Capital`s Municipality Tuzi, Rules of Procedures of the Capital`s Municipality Tuzi, Statute of the Ulcinj Municipality, Statute of the Plav Municipality, Rules of Proceduresof the Ulcinj Municipality`s Assembly, Rules of Procedures of the Plav Municipality`s Assembly, Decision on Determining Polling Stations for the Election of Five Members of the Parliament into Montenegrin Parliament.

It should be emphasized that in Montenegro there is not separate regulatory body that would monitor to what degree implementation of the European Charter on Regional and Minority Languages has reached. It is being done by the relevant ministries according to their fields of works, within which there are offices or units addressing the issues related to improvement of minorities` rights and freedoms.

In accordance with paragraph 2, Article 2 of the Charter we state the paragraphs and/or sub-paragraph that can be applied to the regional or minority language chosen.

Article 8- Education

- a) paragraphs or sub-paragraphs chosen are specified in bold

paragraph	1
sub-paragraph	a, i):
“	a, ii):
“	a, iii):
“	a, iv):
sub-paragraph	b, i):
“	b, ii):
“	b, iii):
“	b, iv):
sub-paragraph	c, i):
“	c, ii):

“	c, iii):
“	c, iv):
sub-paragraph	d, i):
“	d, ii):
“	d, iii):
“	d, iv):
sub-paragraph	e, i):
“	e, ii):
“	e, iii):
sub-paragraph	f, i):
“	f, ii):
“	f, iii):
sub-paragraph	g:
sub-paragraph	h:
sub-paragraph	i:
paragraph	2

Measures taken in order to apply every chosen paragraph or sub-paragraph

Article 8 of the Charter – Education

1. **Albanian language.** Albanian people in Montenegro constitute a significant autochthonous minority. According to the Census from 2003, Albanians make 7.09% of the Montenegrin population. Pursuant to the Constitution and the Law, teaching in Albanian in Montenegrin education system has been organized on all educational levels.

2. Paragraph 1

Sub-paragraph a)

a, iii): On the territory where the Albanian language is in use, preprimary education has been allowed in accordance with the provisions of the Law on Preprimary Education related to formation of educational groups and dependent upon the age of children. There are 8 educational groups in Albanian language.

a, iv): Tolerant public authorities` attitude towards finding other ways for stimulation and encouragement in applying of the aforementioned measures (stimulating initiatives of registering children into private kindergartens etc.)

Sub-paragraph b)

b, ii): In territories where Albanians constitute a majority or a significant part of the overall population (Ulcinj, Tuzi, Rozaje, Plav, Bar), all the teaching in certain

primary schools is done in Albanian language (12 primary schools and big number of branch classes), pursuant to Article 11 of the Law on Education. Books are translated in Albanian.

b, iv): Plan and curriculum for teaching in primary schools is written in such a way so that it leaves a possibility to have 20% of curriculum designed by teachers, parents and schools in cooperation with a local community, pursuant to Article 22 of the Law on Education.

Sub-paragraph c)

c, iii): In territories where Albanians constitute a majority or a significant part of the overall population (Ulcinj, Tuzi, Rozaje, Plav, Bar), all the teaching in certain secondary schools is done in Albanian language (4 secondary education institutions – gymnasium, few classes in gymnasium or in vocational schools), pursuant to Article 11 of the Law on Education. Books are translated in Albanian.

c, iv): Plan and curriculum for teaching in secondary schools is written in such a way so that it leaves a possibility to have 20% of curriculum designed by teachers, parents and schools in cooperation with a local community, pursuant to Article 22 of the Law on Education.

Sub-paragraph d)

d, iv): In territories where Albanians constitute a majority or a significant part of the overall population (Ulcinj, Tuzi, Rozaje, Plav, Bar) and where there is a sufficient interest in terms of number of people, wanting to gain technical or specialized knowledge and to be taught in their minority language, that will be made possible for all the interested in Montenegrin educational institutions.

Sub-paragraph e)

e, ii): In the University of Montenegro, in the Faculty of Philosophy in Niksic there is a department for Albanian language and literature, which seat is in Podgorica. Here it is possible to study this minority language, pursuant to Articles 6 and 7 of the Law on High Education.

Sub-paragraph g): The History subject in Montenegro has not been studied on a national basis but on a principle of historical- territorial development and on basis of historical periods in the world. E.g. in the fifth grade of eight-year primary school, i.e. in the sixth grade of nine-year primary school there is no teaching unit on history of Montenegrins, an there is a chapter on Illyrians who were the residents of these regions in the Old Age. As far as history of Albanian people is concerned, no historical period of their development has been left out in the books and in curriculum. This means that the concept for studying this subject does not allow any percentage measuring or division. It is the same with the Music subject.

Sub-paragraph h): In the University of Montenegro, in the Faculty of Philosophy in Niksic there is a department for Albanian language and literature – initial/basic training for teachers. In the scope of the education system reforms` implementation, Education Agency designs and implements the training and programs for teachers in continuous

professional development. Action Plan for introducing the sustainable development into educational system 2007-2009 and in a part of the Action Plan designed for minorities' education, it has as one of its main goals providing the sustainable system for teachers' trainings.

Paragraph 2

3. Romani Language

According to the Census from 2003, 2.061 Roma people live in Montenegro and they make 0.42% of the whole population.

4. Paragraph 1

Education of Roma Population

Besides significant integration of RAE (Roma, Ashkali, Egyptians) students into regular educational system, overall state of attending classes regularly and literacy within RAE population in Montenegro is not satisfactory.

According to the Census from 2003, 2061 Roma people live in Montenegro or 0.42% of the whole population. There are 225 Egyptians, i.e. 0.04% from the whole population, while 2062 persons speak Romany language.

A percent of illiterate population in Montenegro according to results of the Census, amount to 2.35%, whilst the NGO sector estimates show that illiteracy among RAE population is about 50%.

A significant problem for RAE integration is a big number of displaced persons and refugees within RAE families in Montenegro. The issue of education of RAE population in Montenegro escalated with arriving 18.047 refugees from Kosovo, due to war crisis in Kosovo in 1999. Out of the overall population of refugees from Kosovo, 26% or 4.316 persons belong to Roma and Egyptian nationality. Duet to huge number of newly arrived people of RAE students, the classes became overcrowded and the quality of teaching was jeopardized in certain schools. In accordance with researches' data gathered by the Ministry of Education and NGO sector that are addressing RAE issues and that were conducted in 2006, in primary schools in Montenegro, 49% out of the overall number of RAE students make refugees or internally displaced people.

Low standard of RAE displaced families and numerous problems related to their overall status are still a limiting factor for their more successful integration into educational system.

Based on a comprehensive insight into RAE population education, the conclusion may be drawn that in Montenegro the issue of Roma domicile residents into formal education system is not pronounced, along with the conclusion that this population is closely integrated into domicile population. Issues related to material status and educational achievements of Roma domicile population are closely correlated with remaining

domicile population in Montenegro. Conducted researches indicate a great ethnical distance and antipathy between RAE domicile population and RAE refugees in Montenegro.

A reason for increased ethnical distance between RAE domicile population and RAE refugees in Montenegro can be found in the fact that RAE refugees with their way of life (begging in public places, absence of housing culture, dirty and inadequate settlements) contribute too forming an overall negative image of cultural and comprehensive RAE identity with domicile population. This is one of the reasons why a number of RAE domicile children don't want to say that they belong to RAE population.

In the forthcoming period it is necessary to create better conditions and support for RAE inclusion into regular educational system and inclusion into trainings' programs, in order to achieve social cohesion and sustainable social development. RAE population will have the opportunity to gain necessary knowledge and skills that are needed on the labour market, with which they will solve their economic status and allow their social and comprehensive integration.

Main Goals until 2009

- Ensure sustainable system of principals/teachers' trainings and along with that a high quality implementation of educational system reforms in the schools with RAE children.
- Provide Roma children with books free of charge or with favorable prices.
- Work on harmonizing a 20% of teaching curriculums in history, literature, music art that should affirm RAE.
- Participate in the RAE National Strategy.

Strategy

- Educational Reforms' Strategic Plan implementation – 2005-2009
- National Action Plan for the Decade of Roma Integration -2005-2015.

Performance Indicators

- A number of teachers that passed trainings for new teaching plans and curriculums.
- A number of books free of charge allocated to RAE students.
- 20% of free curriculums done in subjects of history, literature, art and culture which are related to RAE.
- Media campaign directed towards affirmation of RAE inclusion into educational system.
- Increased number of RAE children in primary and secondary schools.

Assumptions and Risks

- Teachers and principals passed the necessary training for work with marginalized groups according to new educational programs.
- Romany language is not standardized in Montenegro, there are no educated teaching personnel that could perform teaching in Romani language nor are they able to produce books in this language.
- Lack of reliable data (data base) on RAE schoolchildren, in order to systematically record their registration into schools and achievements.

Timelines and Milestones- Primary and Secondary Education of Roma Population

PHASES/MILESTONES	2007	2008	2009
1. Training of teachers and principals in new educational curriculums and work with marginalized groups			
2. A number of books free of charge allocated to RAE students			
3. 20% of free curriculums added to a number of subjects for RAE			
4. Media campaign and issuing appropriate brochures, school newspapers, leaflets etc.			

Budget - Primary and Secondary Education of Roma Population

COMPONENT	COSTS IN EUROS			
	2005	2008	2009	TOTAL
1. Training of teachers and principals in new educational curriculums and work with marginalized groups	25,000.00	25,000.00	25,000.00	75,000.00
2. A number of books free of charge allocated to RAE students	50,000.00	55,000.00	60,000.00	165,000.00

3. 20% of free curriculums added to a number of subjects for RAE	8,000.00	8,000.00		16,000.00
---	----------	----------	--	------------------

Article 9 – Judicial Authorities

a) Paragraphs or sub-paragraphs chosen (specified in bold):

- paragraph 1:
- sub-paragraph a, i):
- “ **a,ii):**
- “ **a,iii):**
- “ **a,iv):**

- sub-paragraph b,(i):
- “ **b,(ii):**
- “ **b,(iii):**
- “ b,(iv):

- sub-paragraph c, (i):
- “ **c,(ii):**
- “ **c,(iii):**

- sub-paragraph d:**

- paragraph 2:**
- sub-paragraph a:**
- “ **b:**
- “ **c:**

- paragraph 3:**

Montenegro has made its political choice related to human rights and freedoms through provisions in the valid Constitution of Montenegro (“Official gazette of the Republic of Montenegro” No. 48/92) that defines and guarantees corpus of human rights and freedoms. Constitution of the Republic of Montenegro systematized provisions on freedoms and rights in the scope of 63 Articles out of 121, and they are related to personal, political, economic, social and cultural freedoms and rights, rights to local self governance etc. Particular unit is a group o provisions defining special minorities` rights, among which there is the right to use their languages and scripts. We are witnessing very pronounced tendencies in current democracies to conceptually shape and standardize human rights and freedoms through numerous international declarations, charters and many other documents, which is also the case

with European Charter on Regional and Minorities Languages, which was ratified in December 2005 here.

Taking into account provisions of Article 9, paragraph 1 of the Charter, related to judicial authorities and that are applied to Albanian and Romany languages, pursuant to the Law on Ratification, we point out the following:

Regarding sub-paragraph a (ii), (iii) and (iv) and obligations related criminal proceedings, existing legislative in the Republic of Montenegro has completely ensured these rights through provisions of the Law on Criminal Procedure (“Official gazette of the Republic of Montenegro” No. 71/03). Article 7 of the Law defines the language and script’s use in criminal proceeding. Pursuant to the Law, paragraph 2 of the aforementioned Article defines official use of minorities’ languages and scripts on courts that are located in territories where a majority or a significant part of the population are the national minority representatives. Article 8 of the Law defines the right to use their languages in the proceeding by all the parties, witnesses or others and if the proceeding is not conducted in the language then the interpretation has to be ensured of everything said as well as the translation of everything written (proofs in written form). Right to have the interpretation is to be familiar to all persons participating in the proceeding. In the minutes it is necessary to write a note that the information was given. During the proceeding, foreign citizens have the right to convey their material to the court in their languages, pursuant to Article 9.

When the costs are concerned, interpretations in a language that is not officially used, and they ensue from this Law applying then they are not paid by a person who is obliged to pay the costs of criminal proceeding according to this Law, but are paid by a court and from court’s resources, pursuant to Article 199 of the Law.

If the attorney of the defendant or a damaged side in a criminal proceeding is not allowed to use his/her own language, the brought court’s decision is based on an absolutely important violation of the Law and shall be the reason for verdict’s abolition.

Regarding sub-paragraph b (ii) and (iii) and obligations regarding a proceeding in civil procedure, it is to be emphasized that there is legislative in the Republic of Montenegro that ensures aforementioned rights defined in the Charter, in the scope of provisions of the Law on Civil Procedure (“Official gazette of the Republic of Montenegro” No. 22/04). Article 7 of the Law defines the use of a language in official use with same conditions as they are in the Law on Criminal Proceeding, regarding national minorities’ representatives, other sides or other participants that do not understand a language in the official use on the court and they have the right to use their own languages or languages they understand, whether directly before the court or in addressing a court in written form. In accordance with Article 99 of the Law, a court is obliged to provide interpretation if the procedure is conducted in a language that is not in the official use for those who do not speak or understand the official language, at their request, whether directly before the court or in addressing a court in written form. Paragraph 2 of the same article defines the obligation on

informing those on their right to follow the proceeding on their languages with the interpretations provided, before the court. The given information is noted down in a court's minute.

When the interpretation costs for national minorities' representatives are concerned they shall be paid by the court, pursuant to Article 102 of the Law and in accordance with the Constitution and this Law provisions' applying.

It should be pointed out, that when the proceedings involve representative of Roma population, then those persons are more than often of such material status that they are not able to pay costs of a proceeding so that provisions of the Law on Civil Procedure from Article 166 to Article 171 regarding discharge for proceeding costs' payment, are applied to them.

Regarding the sub-paragraph c (ii) and (iii) and obligations referred to procedures before courts in administrative issues, it should be pointed out that these issues are defined in accordance with Article 55 of the Law on UP ("Official gazette of the Republic of Montenegro" No. 60/03) which implies the fact the obligations defined in the Charter are legislatively arranged before the ratification of the Charter. It is very important to emphasize that these legal actions are being applied in practice from March, 2004.

The procedure of new Constitution adoption in the Republic of Montenegro will result in amendments in regulations in the judiciary area, but will completely respect all the standards in it.

When the paragraph 2, of Article 9 of the Charter is concerned, sub-paragraphs a, b and c, then the Law on Criminal Procedure, ("Official gazette of the Republic of Montenegro" No. 71/03), the Law on Civil Procedure ("Official gazette of the Republic of Montenegro" No. 22/04) and the Law on Administrative Procedure ("Official gazette of the Republic of Montenegro" No. 60/03) do not question validity of legal documents just for writing them in a regional or a minority language, but their validity is estimated in a way anticipated in aforementioned Laws. The outcome of this is that the Charter's provisions are completely respected. Therefore, there is no legal provision that questions the validity of a document only because of a language use for its writing. On the contrary, the document will be taken as a proof in court or administrative procedure disregarding the language used for its writing, and its validity can be put into questions only for other reasons, i.e. the reasons that are taken into account for documents written in an official language, too.

For the obligations defined in the paragraph 3 of Article 9 of the Charter, related to translations of the most important legal texts into regional and minorities' languages, there have not been activities yet but they are planned to be taken in a forth coming period.

Article 10 – Administrative Authorities and Public Services

a) Paragraphs or sub-paragraphs chosen (specified in bold):

paragraph 1:
sub-paragraph a, i):
“ a,ii):
“ **a,iii):**
“ a,iv):
“ a,v)

sub-paragraph b:
sub-paragraph c:

paragraph 2:
sub-paragraph a:
“ **b:**
“ c:
“ **d:**
“ e:
“ f:
“ **g:**

paragraph 3:
sub-paragraph a:
“ b:
“ c:

paragraph 4:
sub-paragraph a:
“ b:
“ c:

paragraph 5:

Measures taken in order to implement each paragraph or sub-paragraph chosen

ARTICLE 10 – ADMINISTRATIVE AUTHORITIES AND PUBLIC SERVICES

Republic of Montenegro¹ accepted the liability to implement the following paragraphs:

Paragraph 1:

Sub-paragraph a: iv) and v);

Sub-paragraph b; i

Sub-paragraph c.

Paragraph 2:

Sub-paragraphs b, c, d and g;

Paragraph 3:

Sub-paragraph c;

Paragraph 4:

Sub-paragraph c;

Paragraph 5.

There are distinctly conspicuous indicators in Montenegro of implementing the rights of the members of Albanian nationality with regard to official use of language and script.

In administrative proceedings in the official language, members of Albanian nationality are allowed to follow the course of action through an interpreter and to be delivered a copy of decision, i.e. of verdict in Albanian language in those municipalities where Albanians make majority or significant portion of it. This applies to the following municipalities: Ulcinj, Podgorica, Plav and city municipality of Tuzi. In addition, it is allowed in administrative proceedings to the members of Albanian nationality to send submissions in the proceedings to the competent authorities of local administration in their own language, but they have not used that right yet. The documents are also issued by the competent authorities of local administration in Albanian language in the mentioned municipalities, if the party in question asks for it.

It is allowed to use Albanian language in local community assemblies while performing search of acts and other documents, as well as within the working bodies of the Assembly. Act drafts adopted by the Assembly are being published in Albanian language,

¹ According to the Census of the municipality of Podgorica, there are 169.132 citizens living in it, of which: 96.343 Montenegrin citizens, Serbian 4.423, Yugoslav 495, Albanian 9.296 or 5.50%, Bosnian 2.307, Egyptian 22, Italian 18, Macedonian 321, Hungarian 83, Muslim 4.399, German 34, Romani 1.389, Russian 58, Slovenian 138, Croatian 709, other 6.978, regional belonging 221 and unknown 1.233. In the Municipality of Ulcinj, there are 20.290 citizens, of which 2.421 Montenegrin, Serbian 1.509, Yugoslav 22, Albanian 14.638 or 72,14%, Bosnian 297, Italian 1, Macedonian 15, Hungarian 13, Muslim 681, German 6, Romani 115, Russian 6, Slovenian 5, Croatian 77, other 132, uncommitted 186, regional 11, unknown 155. In the Municipality of Plav, there are 13.805 citizens, of which 765 Montenegrin, 2.613 Serbian, Yugoslav 3, 2.719 Albanian or 19,70%, Bosnian 6.809, Macedonian 2, Hungarian 1, Muslim 788, Russian 1, Croatian 4, other 39, uncommitted 39, regional 2 and other 20. *National Statistics Office, Population Census, national and ethnic belonging, municipal data, Podgorica, September 2004*

as well, whereas the publishing of official acts in Albanian language is exercised in the municipality of Tuzi and partly in Ulcinj municipality, as well.

Since the Statute of the Municipality of Plav had been brought on April 26, 2007, transcription of toponyms in Albanian language is an ongoing process, and since Ulcinj municipality Statute has not been brought yet, the provisions alignment in the said acts with regard to the language and script usage pursuant to provisions of Article 11 of the Law on minorities rights and freedoms is still pending (“Off. Gazette of RoM”, No.31/06).

In the electoral legislation procedure - in electoral material for selection of Councillors, Members of the Parliament, Municipality Presidents and President of the Republic, in the places specified by the special decision of the Parliament of the Republic, Albanian language and script is used.

In the Republic of Montenegro, the following regulations with regard to the mentioned fields have been brought:

Article 11 of the **Law on minorities rights and freedoms** (“Official Gazette” No.31/06) provides for minorities to have the right to use their language and script.

In the local self-government units where the minority members make the majority or significant part of the population, according to the last Census results, the language of that minority is in official use.

Official use of minority language, in terms of Paragraph 2 of this Article specifically means: use of such language in administrative proceedings and proceedings of court and their exercise, use of such language at issuance of public documents and keeping official records, as well as in ballot papers and other electoral material and in the work of representative bodies.

In the territories of local self-government from Paragraph 2 of this Article, names of bodies in charge of public authorizations, name of local self-administration unit, names of populated places, squares and streets, institutions, commercial and other companies are written in both the language and script of the minority.

Article 15 of the **Law on General Administrative Procedure** (“Official Gazette of RoM”, No 60/03) provides the following:

- (1) The competent authority shall conduct the proceeding using the language constitutionally determined as the official in the Republic of Montenegro, whereas both the Cyrillic and Latin script shall be equal. In municipalities where national and ethnic groups form the majority or an important part, their languages and scripts shall also be in official use, pursuant to the Constitution and special Law.
- (2) If the procedure is not conducted in the language of the party or other participants in the procedure who are citizens of the Republic of Montenegro or the Republic

- of Serbia, the authority shall provide the translation of the procedure into their language by an interpreter, and the summons and other writings shall be delivered in their own language and script.
- (3) Parties and other participants in the procedure, who are not citizens of the Republic of Montenegro or the Republic of Serbia, shall be entitled to follow the procedure with assistance of an interpreter, as well as to use their own language in the procedure in the same way (through an interpreter).

Article 10 of the **Law on Local self-government** (“Official Gazette of RoM” No.42/03, 28/04, 75/05 and 13/06) provides that the Municipality should provide conditions for protection and promotion of minority rights, in accordance with the Constitution, international legal instruments and special legislation. In addition, Article 83 provides that the laws on administrative procedure should be applied before the municipal bodies and public services that hold public powers.

Article 2 Paragraph 3 of the **Law on Use of Personal Names** (“Official Gazette of RoM”, No 20/93, 27/94) provides that national and ethnic groups representatives can freely enlist their personal name in their own script.²

Article 15 of the Statute of the Capital City (“Official Gazette of RoM” – municipal regulations, No. 28/06), provides that in the Municipal Assembly of the Capital City and city municipality, a councillor who is a member of a minority shall be entitled to use his own language equally with the official language, pursuant to the Law. Article 16 of the Statute provides that administrative bodies of the capital city are obliged to provide to the member of the minority to use his own language and script in administrative procedure, at issuance of public identification papers and keeping official records, pursuant to the Law, whereas in the City Municipality Tuzi in official use is Albanian language, as well. In addition, Article 17 provides that act drafts shall be presented for a public debate in both the official language and the minority language, pursuant to the Law and that the debate on acts from the previous Article shall be performed in the language of minority, as well, pursuant to the Law. In addition, Article 18 of the Statute provides that general acts brought by the bodies of local self-government in the Capital and city municipality shall be written and published in both the official language and the language of minority, pursuant to the Law.

The Rules of Procedure of Podgorica Municipal Assembly (“Official gazette of RoM”– municipal regulations, No. 9/07) do not regulate the use of minority language and script.

Article 9 of the **Statutory decision of City Municipality Tuzi** (“Official Gazette of RoM” – Municipal Regulations, No. 50/06), provides that Albanian language shall also

² *The proposal of the Law on Personal Identification Card, Article 8 Paragraph 2* provides that the form of personal identification card of autochthonous minority citizens, national and ethnic minorities (hereinafter: minorities) shall be filled in with the data from the Article 7 Paragraph 1 and 2 of this Law in the official language in Latin script and in the language of the minority member, pursuant to special Law or international agreement.

be officially used in local administrative bodies of the City Municipality Tuzi; that the bodies of the City Municipality are obliged to provide use of Albanian language and script in administrative procedure, as well, in issuance of public identification cards and keeping official records, pursuant to the Law (Article 10): that in sessions of the Assembly of City Municipality Tuzi Albanian language is used, as well, and that act drafts are presented for public debate in both the official language and Albanian language, as well; as that debate on those acts shall be conducted in Albanian language, as well (Article 11). In addition, Article 12 provides that general acts adopted by the bodies of the City Municipality are written and published in both the official and Albanian language.

Article 3 of the **Rules of Procedure of City Municipality Tuzi** (“Official Gazette of RoM” – municipal regulations 6/07) provides the parallel use of Albanian language in the sessions of Assembly, as well as that the act drafts are presented for public discussion in both official and Albanian language, that the city administration is obliged to provide interpreters for both languages and that each councillor is entitled to the right to speak in his own language, and to write in his own script. Article 4 provides that general acts brought by the Assembly shall be written and published in both the official and Albanian language.

Article 9 Paragraph 2 of the **Statute of the Municipality of Ulcinj** (“Official Gazette of RoM”, -Municipal regulations, No. 4/96) provides that members of people, ethnic and minority groups shall be entitled to free use of their own language and script, to education and being informed in their own language, as well as to the right to display the symbols and national flag as their national symbols to reflect their national, ethnical and cultural belonging. In addition, Article 10 of the Statute provides that the languages and scripts of all citizens, national and ethnic groups in the Republic of Montenegro are equal. In the Municipality of Ulcinj, Serbian language of the Iekavian dialect and Albanian language are used officially, whereas in Serbian language the Cyrillic and Latin script are equal, whereas this equality of Serbian and Albanian language and script shall be ensured in the proceedings before public state bodies, public institutions, schools, companies, and all other entities that exercise public authorizations in all segments of public life such as: gatherings of citizens, inscriptions, companies, promulgations, etc.³

³ Article 18 Paragraph 2 of the draft Statute of the Municipality of Ulcinj provides that in Municipality of the members of people, national and ethnic groups are entitled to freely use their language and script, while Article 19 provides that official languages in this Municipality are Montenegrin language, i.e. Serbian language of Iekavian dialect, Cyrillic and Latin script, and Albanian language and script; and that Montenegrin, i.e. Serbian, and Albanian language shall be equally used. Official use of minority language implies such use of language in administrative proceedings and proceedings of court, at issuance of public and personal documents and keeping public records, on ballot papers, and other electoral material, and in work of representative bodies. Names of state bodies and public authorization bodies, names of self-government units and administrative bodies, populated areas names, names of streets and squares, institutions, commercial and other companies and toponyms are written in both Montenegrin, i.e. Serbian and Albanian language. Such equality of these languages is ensured in procedures of public institutions, schools, enterprises, and all entities exercising public authorizations in all segments of life.

Article 155 of the **Rules of Procedure of the Municipal Assembly of Ulcinj** (“Official Gazette of RoM” – municipal regulations, No. 4/98) provides that Assembly, its bodies and working bodies shall use the language according to the Statute, that every councillor is entitled to right to speak in the language of the people he belongs to in sessions of the Assembly and sessions of working bodies; that every councillor is entitled to submit written proposals, amendments and submissions in the language and script of the people he belongs to, that submissions written in other languages and scripts, except for Serbian and Albanian, shall be translated to Serbian and Albanian language and that every councillor is entitled to be delivered the minutes and specific material in Albanian language.

Article 7 of the **Statute of the Municipality of Plav** (“Official Gazette of RoM” – municipal regulations, No. 17/07) provides that, besides the official language and script, Bosnian (Bosniak) and Albanian language and script are also officially used, and that in the Municipal Assembly a councillor who is a member of national minority is entitled to use his own language and script pursuant to the Law. In municipal local bodies, Bosnian and Albanian language and script are officially used, whereas local administrative bodies are obliged to ensure the use of Bosnian and Albanian language and script in administrative procedure, at public documents issuance and keeping official records, with regard to all acts connected with electoral law, expressing, preserving, cultivating, developing and publicly expressing their national and ethnic, cultural and religious specificities pursuant to the Law. Municipality name, populated areas names, names of the squares, streets, public institutions, and toponyms are written and in Bosnian and Albanian language and script. Act drafts are presented for public debate in the official language, Bosnian and Albanian language and script, so that debates are conducted in Bosnian and Albanian language and script (Article 9); General acts adopted by municipal bodies are written and published in both the official and Albanian language.

Rules of Procedure of Plav Municipal Assembly (“Official Gazette of RoM” – municipal regulations, No. 10/93) provide that a councillor shall be entitled to right to speak in the language of the people, i.e. the nation he belongs to in the Assembly session and that the speech delivered by a councillors shall be translated to Serbian language (Article 139): n councillor is entitled to right to submit written proposals, amendments and other submissions to the Assembly and its working bodies in the language and script of the people, i.e. the nation he belongs to (Article 140), whereas the proposals to be decided on in the Assembly, documentary and other material, as well as the documents to be submitted, i.e. issued to the councillors, are written in Serbian and Albanian language, the latter at the request of a councillor - member of Albanian nationality and members of the clubs of that nationality, as well (Article 141).

Article 12 paragraph 3 of the **Law on the Election of Councillors and Representatives** (“Official Gazette of RoM”, No. 4/98, 17/98, 14/06, 9/01, 41/02 and 48/06) provides that in the Republic as a single constituency, out of the total number of Members of the Parliament, 5 MPs shall be elected at the polling stations defined by the special resolution passed by the Parliament.

Resolution on Designation of Polling Stations for the Election of Five Members of the Parliament of the Republic of Montenegro (“Official Gazette of RoM”, No.51/06), 69 polling stations are designated where members of Albanian nationality can vote for the Members of the Parliament as follows: in the Municipality of Podgorica 23 polling stations, in the Municipality of Ulcinj 31 polling station, in the Municipality of Bar 11 polling stations, in the Municipality of Plav 3 polling stations, and in the Municipality of Rozaje 1 polling station.

Article 11 – The media

a) Paragraphs and Sub-paragraphs chosen (specified in bold)

Paragraph	1:
Sub-paragraph	a, i):
“	a, ii):
“	a, iii):
Sub-paragraph	b, i):
“	b, ii):
Sub-paragraph	c, i)
“	c, ii):
Sub-paragraph	d:
Sub-paragraph	e, i):
“	e, ii):
Sub-paragraph	f, i):
“	f, ii):
Sub-paragraph	g:
Paragraph	2:
Paragraph	3:

Measures taken in order to implement each paragraph or sub-paragraph chosen

Article 11 – Means of Public Communication (The media)

From Article 11 of the Charter for Regional and Minority Languages regarding the media, the State of Montenegro has accepted and has been implementing from the **Paragraph 1 sub-paragraphs: a (iii), b (ii), c (ii), d, e (i), f (ii), Paragraph 2 and Paragraph 3.**

Paragraph 1

-Sub-paragraph a (iii)

Law on Public Broadcasting Services – “Radio of Montenegro” and “Television of Montenegro” provides the possibility to establish regional radio and TV studios with special liability to produce and broadcast programs in regional languages and the languages of national minorities in the specified area (Article 4). If the local broadcasting services decide to establish such studios, they should previously modify the Statute and notice the Broadcasting Agency.

Sub-paragraph (ii)

Pursuant to Article 10 of the **Law on Public Broadcasting Services – “Radio of Montenegro” and “Television of Montenegro”**, the Republic shall provide partial funding for such program contents of the Radio of Montenegro in Albanian language and other languages of national and ethnical groups which are relevant for developing science, culture, and getting informed the people with impaired hearing and seeing. In 2006, Radio of Montenegro - Redaction in Albanian language – realized the following informative programmes in Albanian language: Lajmet (Brief News)- total of 312 broadcasts lasting 3 minutes each, Ditari⁴ (Daily News) Total of 240 broadcasts lasting 30 minutes each, and Ne fund te javes⁵ (At the end of the week) - 48 broadcasts lasting 30 minutes each.

24 radio broadcasts on the Roma population have been transmitted lasting 30 minutes each, dedicated to the Roma population in Montenegro and their social integration. In accordance with the Law on Broadcasting, units of local self-government shall ensure partial funding for program contents of the local broadcasting service in native languages of national and ethnic groups (Article 100). This Law provides that “public broadcasting services shall produce and air programming aimed at all segments of society, without discrimination, particularly taking into consideration specific social groups such as children and youth, minority ethnic groups, the disabled, socially and health-related endangered people, etc; they shall also produce and broadcast such programming that reflects cultural identity of national and ethnic groups, as well as the programming in native language of national and ethnic groups in the areas where they live... (Article 95, paragraphs 3,5 and 6). Local public broadcasting service **Radio Bar** (redaction in

⁴ Informative broadcasts provide daily information and reports on national and foreign actualities important for Albanian population in Montenegro.

⁵ Informative-musical programming initiates tradition, culture, education, agriculture, tourism, and other topics important for Albanian citizens in Montenegro.

Albanian language) broadcasts program contents in Albanian language through informative - entertaining programme five times a week, lasting 45 minutes. Local public broadcasting service –**Radio Ulcinj** broadcasts program in two languages: 70% in Albanian, 30% in Montenegrin language.

Pursuant to Article 3 of the **Media Law** which provides that the Republic shall provide partial funding to ensure that constitutionally and law determined right of the citizens to get informed is exercised, without discrimination in terms of program contents significant for development of science, culture and informing people with impaired hearing and seeing, in Albanian language and other languages of national and ethnic groups – co-financed is the radio-programme in Romani language that produces and broadcasts NGO Democratic Roma Centre from Podgorica in hired term on commercial radio station “Antena M”. Yearly, 48 programmes are broadcasted in Romani language lasting a total of 36 hours.

In addition, Ministry of Culture, Sports and Media announces a public competition every year, to co-finance the programmes and projects in Albanian language of local public service and commercial radio-stations. This year, based on the competition, Radio station Elite from Ulcinj has been chosen to be co-financed.

Sub- paragraph c(ii)

Pursuant to Article 10 of the **Law on Public Broadcasting Services – “Radio of Montenegro” and “Television of Montenegro”**, the Republic provides partial funding for program contents of the Television of Montenegro in Albanian language and the languages of other national and ethnic groups significant for development of science, culture, and informing people with impaired hearing and seeing. In 2006, Television of Montenegro –Redaction in Albanian language - broadcasted the following programmes dedicated to Albanian population: informative programme Lajmet (Vijesti) – 260 broadcasts lasting 15 minutes each, 52 documentary - entertaining programmes Mozaiku 60, lasting 60 minutes each. Redaction in Albanian language also realized two segments of the New Year’s programme, the first which was broadcasted on December 31, 2006, lasted 90 minutes, while the other lasted 60 minutes, and was broadcasted on January 6, 2007. Informing the members of the Roma population is ensured through documentary TV broadcast “Glas Roma” (Voice of the Roma). In 2006, 14 of these shows have been broadcasted and lasted 30 minutes each.

In addition, the programme contents and projects of the local public service and commercial TV stations in Albanian language are co-financed via competition that is announced every year by the Ministry of Culture, Sports and Media. Projects of TV Teuta from Ulcinj and TV Boin from Tuzi are being co-financed this year.

-sub-paragraph d-sub-paragraph e (i)

Pursuant to Article 3 of the Media Law, such programme contents of the magazine Koha javore in Albanian language which are significant for developing science, culture, education and informing people with impaired hearing have been co-

financed from the budget. The magazine is published by “Pobjeda” with a 10 000 copies circulation, and a web presentation, as well.

Paragraph 2

Pursuant to Article 10 of the Media Law, national and foreign media distribution in the Republic is free.

Paragraph 3

The Montenegro Radio and Television Council (Council of RTCG), pursuant to the Law on Public Broadcasting Services – “Radio of Montenegro” and “Television of Montenegro”, within its competencies, appoints and dismisses members of the Committee for program contents in national minorities languages, which examines the realization of such contents and gives its opinion and proposes initiatives to the Council (Article 15); it also consents to a contract on providing the funds determined by the budget and law for programme contents production with the administrative body in charge of providing information to the public (Article 15, sub-paragraph 8).

The following Laws on media are being implemented in Montenegro: Montenegrin Media Law, Law on Broadcasting and Law on Public Broadcasting Services “Radio of Montenegro” and “Television Montenegro” – adopted 2002, in accordance with the standards encompassed in international acts on human rights and freedoms. These laws regulate rights and liabilities of all media system entities and contain provisions on informing minority and ethnic groups, pursuant to CE recommendations, with a view to fostering culture, tolerance and media pluralism.

Article 3 of the Media Law provides that the Republic shall provide partial funding to ensure that constitutionally and law determined right of the citizens to get informed is exercised, without discrimination in terms of program contents significant for development of science, culture and informing people with impaired hearing and seeing. The Republic shall provide partial funding for the programme contents in Albanian language and languages of other national and ethnic groups. The extent of necessary funding in this Article is determined by the budget of the Republic, while the means and conditions of distribution of funds are regulated by the act of the Republic administrative body in charge of informing activities.

Law on Broadcasting provides that “public broadcasting services produce and broadcast programmes aimed at all segments of the society, without discrimination, specifically taking into consideration the specific social groups, such as children and youth, minority ethnic groups, the disabled, socially and health-related endangered people, etc; produce and broadcast programmes that reflect cultural identity of the national and ethnic groups; produce and broadcast programmes in the native language of national and ethnic groups in the areas they live in...(Article 95, sub-paragraphs 3,5 and 6). This Law also regulates the obligation of local self-government units to provide partial funding for programme contents in the languages of national and minority groups (Article 100).

Law on Public Broadcasting Services – “Radio of Montenegro” and “Television of Montenegro”(RTCG) regulates the position of the public broadcasting services whose basic activity is to produce and broadcast radio and TV programme important for the citizens of the Republic, while being respective of the professional standards and programme rules that adopted by the RTCG Council of Montenegro. The possibility to establish regional radio and TV stations is also envisaged, with special obligation to produce and broadcast programmes in regional and the languages of national minorities in that area (Article 4). Article 10 of this Law provides the liability of the Republic to fund the programme contents in the languages of national minorities, while Article 11, paragraph 2 of the Law specifically provides that the manner and conditions of providing means from the budget of the Republic must not influence the editorial independence and the independence of RTCG of Montenegro. RTCG Council of Montenegro appoints and dismisses members of the Committee for programme contents in national minorities languages, which examines the realization of such contents and gives its opinion and proposes initiatives to the Council (Article 15); it also consents to a contract on providing the funds determined by the budget and law for programme contents production with the administrative body in charge of providing information to the public (Article 15, sub-paragraph 8).

Article 12 – Cultural activities and facilities

a) Paragraphs or sub-paragraphs chosen (specified in bold):

- paragraph 1;
- sub-paragraph a:**
- “ b:**
- “ c:**
- “ d:**
- “ e:**
- “ f:**
- “ g:**
- “ h:**

Paragraph 2:

Paragraph 3:

Measures taken in order to implement each paragraph or sub-paragraph chosen

Article 12 – Cultural facilities and activities

As to the field of cultural-artistic works (fine arts, literature and publishing, film, music), no specific provisions are provided in the corresponding legislation related to minority languages used in Montenegro (Law on Publishing, Law on cinematography, Theatre Law), which means that the same treatment is given to those languages with regard to cultural-artistic works equal to that of the official language.

By means of various activities that the state bodies exercise in cooperation with minority and ethnic groups (various cultural activities, festivals, book publishing, theatre productions), the necessary funding is provided for their realization. The minority and ethnic groups speaking Albanian, Bosnian and Croatian are particularly active in this field. With this regard, Ministry of culture and sport assists:

- publishing of culture and art magazines in Albanian language *Lemba* and *Almanah* published by the Association of Bosniaks, as well as the Annual of Croatian Civic Society from Kotor,
- publishing of books in Albanian language published by Art Club from Ulcinj, annual editorial activities of *Almanah*, as well as some specific publications of Croatian Civic Society,
- financial assistance is also given to the events presenting cultural-artistic works of national and ethnic groups, their tradition and heritage (Ulcinj Fine Arts Association, Bosniaks Fine Arts Association, editorial activities of Muslim Mother (Matica muslimanska), Literature meetings in Plav, Ulcinj Poetry Evenings, Ulcinj Book Fair, Summer Cultural Festival, Performances of International Folklore Groups from Tuzi and Amateur Musical-Theatre Societies, annual activities of Croatian Civic Society, etc)
- international cooperation of national and ethnic groups of Montenegro in accordance with their requests and needs.

Financial assistance provided to the members of national and ethnic groups for promotion and presentation of their cultural activities is aligned with the budget availability of the Ministry of culture and the criterion of quality.

With such an assistance, the state aims to:

- encourage modes of expression and initiatives of various approaches to the works of art made in their languages,
- to incite various means to make available to the public the works of art made in regional and minority languages,
- to encourage direct participation of regional and minority languages groups in provision of conditions and planning of cultural activities

Article 13 – Economic and social life

a) Paragraphs and sub-paragraphs chosen:

Paragraph	1:
Sub-paragraph	a:
“	b:
“	c:
“	d:

Paragraph	2:
Sub-paragraph	a:

“ b:
“ c:
“ d:
“ e:

Measures taken in order to implement each paragraph or sub-paragraph chosen

In economic and social life sphere much has not been done to confront to the practice of discouraging use of regional or minority languages, advances have been made only in the sphere of displaying the company names pursuant to the Law on Minorities Rights and Freedoms Article 11 paragraph 4 which reads that company names are written in Albanian language and script, which has found its proper implementation in Ulcinj municipality.