



Montenegro
Ministry for Human and Minority Rights Protection

ANSWERS

**ON THE QUESTIONS SET BY REPORTER RELATED
TO THE REVIEW OF THE INITIAL REPORT OF MONTENEGRO ABOUTH
THE ACHIEVEMENT OF THE CONVENTION ON THE ELIMINATION OF
ALL FORMS OF RACIAL DISCRIMINATION (CERD)**

Podgorica, January 2009

ANSWERS

ON THE QUESTIONS SET BY REPORTER RELATED TO THE REVIEW OF THE INITIAL REPORT

MONTENEGRO (CERD/C/MNE/1)

General information

1. Supreme Court of Montenegro provided the information stating that for the period from 2006-2008, before the courts in Montenegro, there were no such court proceedings.
2. In the preparation of the Initial Report on the Implementation of the International Convention on the Elimination of all Forms of Racial Discrimination, the non-governmental organizations were not consulted. The Report was made on the basis of information provided by Government Authorities of Montenegro.

Composition of the population

3. Census of population, households and apartments in Montenegro is carried out every 10 years. Planned census for 2001 was postponed because of the political situation in Montenegro in that period, and was held in the period from 1 to 15 November 2003. The results of this census are listed in the Report and they are the only available valid data. The next census of households and apartments is planned for 2011.
4. During the census from 2003, citizens had the opportunity to freely declare their national and religious affiliation, as well as their mother tongue. Also, the citizens were not obliged to respond on these questions, or to make any declaration in that regard if they were not willing to do so.

With respect to the religion, 110,034 citizens (or 17.74%) declared to be a member of the Islamic religion. Citizens of the Islamic religion in Montenegro belong to different national communities: Bosniaks, Muslims, Albanians, Roma, Montenegrins, and indeterminate. Since the census conducted by the Socialist Federative Republic of Yugoslavia in 1971, it was made possible for the citizens to declare (list) themselves as Muslims in the national sense (Muslim nationality). According to the results of the census held in 1991, in Montenegro were 89,614 (14.57%) citizens who declared themselves as Muslims in the national sense. In the census held in 2003 a large number of

citizens who, as their national determination had "Muslim", declared themselves as a "Bosniak". Muslims in Montenegro consider themselves as native people, numerically smaller than the prevailing population, with the desire to utilize guaranteed minority rights.

Article 1

5. General prohibition of discrimination on any basis, and in particular on the basis of race, refers to both the nationals and the citizens, as well as to persons who are not citizens but only are residing in Montenegro.

Article 2

6. Non-discrimination and equality before the law and equal legal protection are essential for the protection of minorities. Equality and prohibition of discrimination are proclaimed by the Constitution and the laws of Montenegro. By the article 8 of Montenegro Constitution is prohibited any direct or indirect discrimination on any ground. Also, the Constitution prescribes that regulations and introduction of specific measures directed to create the conditions for realization of the national, gender, and overall equality and protection of persons who have unequal position on any ground are not going to be considered as discrimination. Special measures can be applied only until achievement of the goals for which they were prescribed. The Constitution of Montenegro in the part "Human rights and freedoms", Article 17, prescribes that all citizens of Montenegro are equal before the law, regardless of any specifics or personal characteristic. Everyone has the right on equal protection of their rights and freedoms (Article 19); namely, everyone has the right on legal assistance, which may be free, in accordance with law (Article 21). In the legal order of Montenegro the discrimination is prohibited by the laws from various areas of human and minority rights protection, and it is also prohibited by criminal legislation.

A special general law dedicated to non-discrimination does not exist in the legal system of Montenegro. Therefore, in 2008, the Minister for Human and Minority Rights Protection formed the Working Group for the development of this legal text. The Working Group was composed of representatives from the Ministry, distinguished professors of University of Montenegro and representatives of non-governmental sector. The Working Group completed the work on the working text of the Draft Law on the Prohibition of Discrimination. The Draft Law was sent to the competent Ministries for the opinions. It is expected that the Draft Law will be adopted by the Government of Montenegro by the end of January 2009. After the adoption of the Draft Law, the Ministry will organize the public debate. After the public

debate, the Government will adopt the Law Proposal on Prohibition of Discrimination (I quarter 2009) and will be than sent to the Parliament for its promulgation.

Article 3

7. Low economic power, low level of education, a very small number of employees, inadequate housing conditions, social exclusion with remains of ethnic stereotypes and prejudices, non-integration in the way of life of modern societies, often changing of residence, and the way of life of Roma it self, are just some of the causes of their difficult position in the society.

The systematic response of the Government of Montenegro to this problems started after the regional conference "Roma in an Enlarged Europe" after what Montenegro accepted the project "Decade of Roma Inclusion 2005-2015". In January 2005, Government of Montenegro adopted the Action Plan for the Implementation of the Decade, with a tendency to, with projects from this Action Plan, stop the vicious circle of poverty and exclusion of Roma from social life in Montenegro. The Action Plan represents a framework for activities directed towards full integration of the Roma population in the Montenegrin society, but without any inclination to the process of assimilation. This document is fully compatible with the strategic documents adopted by the Government and with these documents represents a whole. In the first place compatible strategic document refer to the Development Strategy and Poverty Reduction, Agenda of Economic Reforms, the Strategy for Permanently Resolution of Issues of Refugees and Internally Displaced Persons, and the National Action Plan for Children.

For 2008, in addition to funds for improvement of the position of Roma in the framework of individual ministries' portfolio, the Government allocated 400,000 euros. For 2009, is provided 600,000 euros for the implementation of projects that directly improve the position of RAE population.

The main goals of the implementation of the Action Plan are:

Education:

- Increase of the number of the Roma children enrolled in the preschool institutions at the rate of 2.5% per year;
- Increase the enrollment and successful completion of the basic education of the Roma children;
- Increase of the number of the Roma children who attend and successfully complete the secondary schools;
- Increase the number of Roma with university education;

- Support to the institutions for the implementation of the training programs and employment trainings of Roma;
- Development and implementation of the tailor made programs for literacy of the Roma population and for the children who have not started the primary school on time;
- Building and adaptation of infrastructure facilities in the territory in which Roma are settled ;
- Raising the public awareness about the necessity of inclusion of the Roma children in the regular education;
- Providing adequate personnel for work with the Roma children in their mother tongue;
- Providing textbooks, by preferential prices, for the students of the Roma nationality.

Employment:

- Raising the quality of services provided to unemployed persons, belonging to the Roma population which are in search for work, in order to increase the rate of employment in the RAE;
- Ensuring a higher level and quality of social partnership;
- Implementation of the reform of institutions and high-quality implementation of regulations in the field of labor market;
- Increase the rate of employment of the RAE population.

Health:

- Prevention, preservation and improvement of health situation of the Roma population;
- Integration of the programs for the protection and improvement of health of Roma in the activities of health services, firstly in primary health services;
- Health research for the analysis of health situation of the Roma population and identifying the causes of death and illness in the Roma population;
- Reduction of the value of indicators of mortality and morbidity, especially when they can be prevented.

Housing:

- To increase the accessibility to the clean drinking water for RAE population;
- Improve housing condition of RAE;
- Increase the rate of RAE who live in homes with the bathroom;
- Increase the share of population whose waste water is treated before discharged in natural receivers.

Common themes:

- To increase the percentage of registration of RAE born children;
- To increase social support to vulnerable families RAE;
- The establishment and implementation of the mechanisms for the prevention and elimination of discrimination towards Roma;
- "Decade of Roma Inclusion" - timely promoted and presented to the public, stakeholders and donors.

Article 4

8. In response to the question about the number of accusations of criminal acts for - causing national, racial and religious hatred, discord and intolerance from Article 370 of Criminal Code, the Supreme State Prosecutor has submitted information that the High State Prosecutor in Podgorica has filed one indictment against one person for the commitment of this criminal acts, as well as that with the High State Prosecutor in Bijelo Polje, there is only one criminal charge against NN person for this criminal act, and it is in the stage of collection of the necessary information.

Also, the Supreme Court confirmed the information on existence of one indictment for the commitment of this criminal offense that is submitted to the High Court in Podgorica, but a verdict has not yet been reached.

9. The Constitutional Court of Montenegro which is competent for this kind of proceedings has stated that there are no cases of constitutional complaints requesting a ban of organization promoting or inciting racial discrimination.
10. Statistics on misuse of authority, comprising excessive use of force by the officers, do not include data based on specific national or other determination of the individuals towards excessive use of power was performed.
11. Regarding the number of accusations for criminal acts of violation the reputation of the nations, national and ethnic groups Article 199 of the Criminal Code, the Supreme State Prosecutor has provided information by which in the period from 2007 - 2008 there haven't been filed any charges for this criminal offense.
12. Article 8 paragraph 1 of the Constitution of Montenegro prohibits any direct or indirect discrimination on any ground, and Article 17 paragraph 2 prescribes that everybody is equal before the law regardless any particularity or personal feature.

Article 5 paragraph 1 of the Code of Criminal Procedure prescribes that a person deprived of liberty must, in his/her native or any other language that he/she understands, be immediately informed about reasons for his/her apprehension and, at the same time, instructed on the fact that he/she is not bound to make a statement, on his/her right to a defence attorney of his/her own choice as well as on his/her right to demand that his/her family be informed about his/her deprivation of liberty.

Pursuant to Article 7 of the Code of Criminal Procedure, criminal proceedings shall be conducted in the language prescribed by the Constitution as the official language in Montenegro, but in the courts having jurisdiction over the territory in which the majority or a substantial part of overall number of inhabitants are members of national minorities, their respective languages and alphabets shall be in the official use in criminal proceedings in accordance with law.

Article 8, paragraph 2 of the Code of Criminal Procedure prescribes that the parties, witnesses and other participants in the proceedings shall have the right to use their own language. If the proceedings are conducted in the language those persons do not understand, provision shall be made for an interpretation of statements and the translation of documents and other written evidence. On the right on interpreter the judge is obliged to inform such persons - Article 8, paragraph 3 of the Code of Criminal Procedure.

Pursuant to Article 10, paragraph 2 of the Code of Criminal Procedure, if the language of a national minority is also in the official use in the Court, the Court shall issue summons, decisions and other papers in that language to the persons belonging to respective national minority if they have used that language in the course of the proceedings.

A defendant in detention, a person serving a sentence or a person against whom a security measure in the medical institution is being applied, shall also receive a translation of the documents (summons, decisions and other papers) in the language used by this person during the proceedings.

13. Acts of violence against members of ethnic minorities are criminalized through general criminal offences against life and body and specially through certain criminal offences against the freedoms and rights of man and citizen - Infringement of the right to free use of language and alphabet - Article 158, Infringement of equality of citizens - Article 159 and Infringement of the right to expression or of national or ethnic affiliation - Article 160 of Criminal Code.

The Primary State Prosecutors in Montenegro which has jurisdiction *ratione materiae* for these criminal offences, had no denunciations of such criminal offences.

The fact that these acts are criminalized represents a guarantee that they, in case of their denunciation, will be adequately and effectively investigated and prosecuted in our country.

14. Ministry for Human and Minority Rights Protection has in the two occasions (1999 and 2003) made an attempt to collect information on the number of minority members employed in the governmental agencies, local government and judicial authorities, with the aim to, by getting the valid data, present the real situation regarding the implementation of the constitutional provision on proportional representation of minorities. In both attempts the main obstacles in obtaining relevant data was the possibility for the respondents not to declare their nationality if they wish so. As a consequence there are no accurate data about the representation of minorities in governmental agencies and local government.

In the school system, whether it is primary, secondary or higher education, records are not kept using as a criteria national or religious affiliation.

15. In the system of state administration Human Resources Management Authority has the main role in the field of human resources management. In accordance with this and its competencies established by the law, Authority is in charge of keeping the Central Personnel Records containing information on civil servants and employees. Within abovementioned Record, data on national and religious affiliation of employees, which they are not obliged to provide, are collected.

According to the data available to the Human Resources Management Authority on the day of 14 January 2009, the employees in 19 state bodies declared their national and religious affiliation. Ministry of Interior Affairs and Police Directorate of Montenegro have not yet submitted information about their employees in the Central Personnel Records, and the judiciary is not still included.

	<i>Montenegrin</i>	<i>Slovenian</i>	<i>Serb</i>	<i>Bosniak</i>	<i>Albanian</i>	<i>Muslim</i>	<i>Yugoslav</i>	<i>Other nations</i>	<i>Not declared</i>	<i>Unknown</i>	<i>No data</i>	<i>TOTAL</i>
H.S.	281	0	2	0	4	1	0	0	2	0	220	510
College	34	0	0	0	1	0	0	0	0	1	30	66
B.A.	775	1	27	5	12	18	1	1	3	10	402	1255
TOTAL	1090	1	29	5	17	19	1	1	5	11	652	1831

	<i>orthodox</i>	<i>islamic</i>	<i>catholic</i>	<i>atheist</i>	<i>not declared</i>	<i>unknown</i>	<i>no data</i>	<i>TOTAL</i>
H.S.	190	2	0	1	26	0	288	507
College	20	2	0	0	0	1	44	67
B.A.	320	23	7	6	172	16	713	1257
TOTAL	530	27	7	7	198	17	1045	1831

Minority Policy Strategy, which was adopted by the Government of Montenegro in July 2008, defines the basic principles for exercise of the right of minorities on proportional representation.

Measures to be taken in the future are the following:

- Finalize the legal framework of the electoral legislation with the aim to implement constitutional provisions on the political representation of minorities, based on the principles of affirmative action; this is one of the top - priority measures that needs to be performed by a special working group, which will be composed by the representatives of minorities, competent Ministry, as well as other bodies of state administration in whose jurisdiction these questions are; in this process the possibility of

- dividing the electoral legislation on the state and local levels should be analyzed;
- Encouraging the establishment and functioning of the Council of Minorities; these activities include special measures for strengthening this process, during which the State should exercise the control of legality, and minority communities should have the exclusive right to organize themselves and act on the political level in order to preserve the identity and promote the rights;
 - Undertake activities with the aim to achieve adequate representation of the minorities in the executive and judicial authorities; i.e. long-term activities with the goal of education and training of a number of members of minorities for civil service, with the financial support of the state; the Commission for the implementation of the Strategy will supervise the implementation of this permanent task during the Strategy period, as well as after; during the implementation of these activities the competency and references will be taken into account, as well as ethnic representation in the context of the overall reform of the state administration;
 - For the implementation of these measures, it is necessary to establish the system of personnel records, with special emphasis on the minority aspect of personnel records, in accordance with the standards for the protection of personal data, in which will make them serve the function for which they were initially created for;
 - Consistent implementation of the Law on Local Self-Government and of the principles of decentralization, especially in the economic and financial sense, in order to ensure a high degree of financial independence and sustainability of local government, in accordance with the standards of the Council of Europe;
 - The attention must be especially paid to the appropriate representation of minorities in the organizational structure of specific institutions such as Police, the Agency for National Security and the Army of Montenegro; this principle should be applied in a way that the representation is realized in the entire territory of Montenegro, not only in areas where the minority population makes majority;

When it regards the representation in the judiciary system, Strategy relies on the strategy in the field of judicial reform. This act prescribes that in a period of two years a system of personnel records, including a minority aspect of the personnel records, as well as models of education for the high officials in the judiciary, will be established. These processes must start with the presumption that an adequate inclusion of minority issues in the selection and education in the judiciary (in addition to the requirements of excellence and capability of the high officials), represents the respect of the guaranteed constitutional principles in formal legal terms, and in social context makes the

basis for strengthening the confidence in the judiciary by the members of minority communities.

16. Law on Montenegrin Citizenship was adopted at the session of the Parliament of Montenegro on 14 February 2008, and was published in the Official Gazette of Montenegro, number 13, of 26 February 2008. It has entered into force on 5 May 2008.
17. Today, apart from 620 000 local residents, 8 474 displaced persons from the ex Yugoslav republics, Bosnia and Herzegovina and Croatia (database of the Ministry of Interior Affairs and Public Administration) and 16,190 internally displaced persons from Kosovo (databases of The Bureau for the Care of Refugees) live in Montenegro. In total, that is about 23 000 displaced persons, what, in comparison with the domicile population, makes 4% of the total population.

After the restoration of Montenegrin independence, the Government of Montenegro passed, on 20 June 2006, the Decision on the Temporary Maintenance of the Status and Rights of Displaced and Internally Displaced Persons in Montenegro, which is still in force.

On 19 June 2008 Government of Montenegro adopted the Information about the activities on the implementation of the Strategy for Permanent Solution of Issues of Refugees and Internally Displaced Persons in Montenegro 2005-2008. Ministry of Interior Affairs and Public Administration will, in accordance to the Law on Asylum (Official Gazette of Montenegro 45/06), begin the process of review of the status of displaced persons (from the ex Yugoslav republics), whose status is recognized on the basis of the Regulation on the Care of Displaced Persons (Official Gazette of the Republic of Montenegro 37/92). Also, the Bureau for the Care of Refugees in cooperation with the Ministry of Interior Affairs and Public Administration is engaged to make the new registration of internally displaced persons from Kosovo who reside in Montenegro.

This new registration will be conducted in early 2009. The information with the draft conclusions for the Government of Montenegro will be made after the finalization of the new registration of internally displaced persons.

Decision on the Criteria for Determining the Conditions for the Acquisition of Montenegrin Citizenship by the Admission prescribes that the legal residence for acquisition of Montenegrin citizenship by the admission, is the residence on the basis of the recognized status of displaced persons from the ex republics of SFRY in Montenegro, to whom the residence was granted on the

basis of the Regulation on the Care for Displaced Persons from 1992, under the condition that the following circumstances of interruption of residence did not occurred:

- The absence from Montenegro for more than 90 days;
- Multiple absence from Montenegro which indicates an abuse of the right of residence in context of the right for admission to citizenship;
- If the person with the recognized status of refugee, or the person with the recognized status of displaced person in Montenegro, has procured, from the competent authority of the state of origin, a public documents (ID, passport) during the period of duration of the refugee or displaced status in Montenegro.

18. The Government of Montenegro, at the session from 8 November 2007, adopted the Strategy for Improvement the Position of RAE Population in Montenegro 2008-2012. The Strategy represents a set of concrete measures and activities of legal, political, economic, social, urban-communal, educational, cultural/informational, health and of any other necessary character which are to be conducted in forthcoming four-year period. The Strategy prescribes institutions in charge, deadlines and financial costs of mentioned measures and activities. In addition to the basic objectives and intentions which are meant to be achieved by the implementation of this document, the Strategy defines areas of activities, priority tasks, methods for their realization, Strategy duration, evaluation mechanisms, etc. Priority areas which should be emphasized are: development of a database on the RAE population, resolving the legal status of RAE population (registration and solving the problems of personal documents), education, preservation of culture and tradition, employment and the employment rights, health and health care, social and child protection, improvement of housing conditions and participation in public and political life. Special emphasis in all of these areas is given to the gender equality.

Commission for Monitoring the Implementation of this Strategy was established by the Decision of the Government, adopted on 20 December 2007. The Commission consists of representatives of competent ministries (Ministry for Human and Minority Rights Protection, the Ministry of Education and Science, Ministry of Culture, Media and Sport, Ministry of Internal Affairs and Public Administration, Ministry of Health, Labor and Social Welfare), at the level of deputy ministers, representative of the Secretariat for European Integration, representative of the Bureau for the Care of Refugees, National Coordinator for the implementation of the Action Plan for the "Decade of Inclusion of Roma 2005-2015" and a representative of the Roma NGOs. This Commission coordinates the activities on the

implementation of the Strategy, exercises supervision over the implementation of the projects, assesses the results and proposes measures for elimination of the perceived shortcomings, informs the Government of Montenegro on its activities.

Wishing to make available the funds for the implementation of the Strategy to all stakeholders, the Commission announced a public tender. The state bodies, local self-government bodies and non-governmental organizations have had the right to participate on the tender. Competent ministries had issued expert opinions for each project that was submitted, and afterwards the Commission issues its opinion. Following this procedure projects – programs have been selected, agreements on their implementation signed, and the Commission is now carrying out the monitoring their implementation

Strategy applies to all Roma, Ashkali and Egyptians, regardless of whether they are domicile population or refugees.

In this year the funds are approved for the implementation of the following projects:

	ORGANIZATION	PROJECT NAME	FIELD	APPROVED FUNDS
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	Health and health	2.810

		Roma from Niksic	care	
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,	Health and	6.000

		disinfection and disinsectization of Roma settlements	health care	
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

In order to improve the position of the Roma population, the Ministry of Health, Labor and Social Welfare signed a Memorandum of Understanding with the Office of United Nations Development Program in Montenegro. The overall objective of this Memorandum of Understanding is to promote social development and greater involvement of the Roma population in the social mainstream, through joint cooperation. The Memorandum includes activities which are related to the implementation of the regional project "Reduction of Social Vulnerability of Domicile Roma". Stakeholder of the project is the Ministry of Health, Labor and Social Welfare through direct engagement of Centers for Social Work in Berane, Nikšić and Bar, that are responsible for the implementation of the project. The objectives of the project are:

- 1) Establishment of a database with all information relevant to the centers for social work;
- 2) Providing and proposing measures and activities with the aim of improvement of the living standards of domicile Roma population;
- 3) Making accessible rights envisaged by the Law on Social and Child Protection to domicile Roma population;
- 4) Intensification of cooperation with local authorities;
- 5) Improvement of cooperation with the Roma non-governmental organizations.

Project activities - In the field of social welfare the following groups of activities are planned to be realized in the abovementioned municipalities:

- I. Improving the capacity of centers for social work:
 - Procurement of the computer equipment and office furniture;
 - Additional engagement of the staff of social work centers;
 - Organization and attendance of trainings related to the work with vulnerable categories and in particular work with RAE population.
- II. Improving services in the field of social protection:

- Establishment of the working groups that will work on the implementation of this project and focus on social issues of the RAE population, such as housing, minor delinquency, family problems, etc;
- Preparing the questionnaires for collecting information that will be used for the database;
- On the spot interviews of the RAE population, collecting data and informing the RAE population on their rights and obligations in the field of social welfare.

Partners in realization of the projects: the Roma non-governmental organizations from the municipalities where the project is implemented, employment bureaus and local government. Target group - members of the RAE population who are in the records of the social work centers and members of the RAE population who are not in the records of the social work centers, but who will be registered during and by this project. The envisaged duration of the project: 2007 -2009.

Ministry of Health, Labor and Social Welfare and the Foundation for the Scholarships for Roma have, on 13 November 2007, signed the Memorandum of Understanding and Cooperation . The aim of the Memorandum is mutual, active and devoted work on the overall improvement of the position of Roma and Egyptians in Montenegro. After signing the Memorandum, the Ministry of Health, Labor and Social Welfare has provided funds for the scholarship for one Roma student at the Faculty of Political Science in Podgorica.

Employment Bureau conducted a research for the purpose of establishment of a database on the RAE population. The survey was organized as a public work under the name "Roma Visible on the Labor Market". In cooperation with the "Center for the Development of Non-governmental Organizations" and the Roma organization "Roma-Start", was conducted the inquiry on education and work status of work capable Roma who are not in the records of the Bureau. A trail survey was conducted towards total of 169 persons in Nikšić.

Afterwards a survey was organized in other municipalities where significant number of RAE population lives. Program of public work participated in nine Montenegrin municipalities: Podgorica, Cetinje, Herceg Novi, Tivat, Bar, Ulcinj, Berane, Rožaje and Bijelo Polje. Foundation for Scholarships for Roma in the capacity of employer, and in cooperation with the Employment Bureau, has employed 27 persons, mostly of Roma nationality, who were registered at the Employment Bureau, for the purpose of conducting mentioned surveys.

Employment Bureau, in the framework of its programs of Active policy for employment, has a large number of programs intended for the people who have difficulties to be employed, in which, among others, are included members Roma, Ashkalias and Egyptians (RAE population). In the course of 2006, the trainings included 65 persons, and in the course of 2007 in the various forms of trainings and public works at the local and state level, were included about 190 persons.

The project "Second Chance" jointly implemented by the Foundation for the Scholarships for Roma, Employment Bureau of Montenegro, Center for Vocational Education and German international organization for adult education "DVV International". The program stipulates that several groups of Roma and Egyptians from Podgorica and Niksic, take functional literacy and vocational training, what would, with some additional content (driving and computer training) increase their employability and possibility for more lasting and better employment. The project was conducted during the preceding year, while to the students who successfully completed the training, diplomas were handed on 12 March 2008. Diploma was handed to 60 candidates.

The Employment Bureau of Montenegro, in cooperation with the Office of United Nations Development Program in Montenegro (UNDP), is conducting the project "Reducing the Vulnerability of Domicile RAE Population". The first phase of the project was carried out in the period from the 1 October to 31 December 2007. The project was implemented in the areas in which Employment Bureaus of Bar, Berane and Nikšić operate. The target groups in this case are members of RAE population, who are in the records of Bureaus in the places where the project is implemented, and who meet certain criteria required by the project. Training is successfully completed by 22 candidates, from what six women (27%). The project financed three entrepreneurial ideas, as a consequence six new job vacancies will be open. The negotiations regarding the continuation of the project are in the course. During 2008 the project financed the training for about 50 members of the RAE population that were registered at the Employment Bureau of Bar, Berane and Nikišić.

The following projects in field of health care are implemented:

- Improving and preserving the health of the Roma women,
- Brochure "Save the health" - help to the Roma women in the preservation and promotion of health,
- Immunization of children.

19. Ministry of Education and Science has been for a long period of time engaged in making accessible the right to education for all children. In this context

activities envisaged in the "Strategy for the Improving the Position of the RAE Population in Montenegro 2008-2012" and in "Strategy of Inclusive Education" are conducted.

Ministry for Human and Minority Rights Protection and the Ministry of Education and Science have signed an agreement on financing/co-financing the programs - projects established in accordance with the Strategy for Improving the Position of the RAE Population in Montenegro 2008-2012. Commission for Monitoring the Implementation of the Strategy for Improving the Position of RAE Population in Montenegro, approved 44 400 euros within the project "Free textbooks for Roma students".

Ministry of Education and Science, with the aim to include the RAE children who are at the greatest risk, provided to 413 children and 49 who are included in the project of dispersion textbooks and school supplies free of charge. From 2008/2009 school year, the Ministry of Education and Science, in cooperation with the Red Cross of Montenegro, Danish Red Cross, with the support of UNHCR and in one part with the support of UNICEF, is implementing a project for the education of Roma population from the camp Konik. In the first grade of reformed school 49 children are included in the following schools: Elementary School "Savo Pejanović", Elementary School "Pavle Rovinski", Elementary School "Marko Miljanov", Elementary School "Milorad Musa Burzan", Elementary School "Boro Cetkovic", Elementary School "Vuk Karadzic". Ministry of Education and Science, also, provided the transportation for the children.

In the same manner the project "Participation for the Breakfast of Roma Children who Attend Preschool Institutions" is implemented. The project was created in cooperation with the Institute for Education and JPU "Đina Vrbica". The Ministry for Human and Minority Rights Protection and JPU "Đina Vrbica" have concluded a contract for its realization.

Through the partnership with UNICEF the Evaluative report on the education of Roma is completed. The Report identified the problems and recommendations were made and presented to the public. The existence of language barriers were marked, as well as necessity of improvement of the school capacities for the inclusion of RAE. Consequently the prejudice and resistance to RAE needs to be prevented, as well as sensibility of teachers needs to be increased. RAE parents need to be informed about obligatory education and its importance. Withdrawal of children from school needs to be prevented, as well as the level of education of RAE and also the level of their achievements in the school needs to be improved. Language barriers,

economic situation, cultural context, habits and customs in behavior of RAE community, also, must be a priority.

Through the project "Integration of Roma Children in the Regular Educational System" in partnership with UNICEF, two seminars were realized for the following schools: Elementary School "Savo Pejanović", Elementary School "Marko Miljanov", Elementary School "Pavle Rovinski", Elementary School "Milorad Musa Burzan", Elementary School "Vuk Karadzic", Elementary School "Boro Cetkovic" and Elementary School "Božidar Vuković Podgoričanin" all in Podgorica and, also, in Elementary School "Mileva Lajović Lalatović" - Nikšić, Elementary School "Pavle Žižić" - Bijelo Polje, Njegnjevo, Elementary School "Radomir Mitrovic" - Berane, Elementary School "Njegoš" - Cetinje, Elementary School "Drago Milović" - Tivat, Elementary School "Branko Brinić" - Tivat, Elementary School "Serbia" - Bar, Elementary School "Blažo Jokov Orlandić" - Bar and Elementary School "25 Maj" - Rožaje. From each school 2 teachers, one educator, one representative of professional services and a representative of the school administration attended the seminar. In this way the methods and techniques of work with the children with special educational needs were adopted. Emphasis was given to language and cultural barriers and individual work with children of Roma population, therefore the work according the IOP, etc. Topics, also, included techniques for overcoming the prejudice, stimulation of achievements of children, prevention of violence, which is primarily related to the verbal violence, excommunication and isolation of Roma children.

Finally, in cooperation with the Save the Children UK, a local action plan for inclusive education for the municipality of Podgorica is developed. Some of the strategic directions for development are established: the mechanism of detection and the strategic direction for the development of education of Roma. The effort will be made for the establishment of a mechanisms for the identification of children that are not included in the school system, with the aim of taking concrete measures and steps towards identification of this category of children, and with the aim to, as soon as possible, necessary preconditions are created so they can join their peers in school benches.

Article 6

20. Protector of Human Rights and Freedoms has the authority to examine and consider individual complaints concerning racial discrimination.
21. During the work of the institution of the Protector of Human Rights and Freedoms there have been individual complaints for discrimination made by the members of minorities. These complaints can be summarized as follows:

alleged discrimination in the field of employment, dismissal by reason of redundancy; unresolved housing issues; certain cases of misuse of the courts mandate over procedural matters; inadequate protection of physical integrity and property rights by the police; physical torture by the certain members of the Yugoslav Army and Police of Montenegro.

The Protector also received several complaints by non-governmental organizations: "Citizens' Association from Bukovica", from Pljevlja, on 30 July 2004, submitted a complaint to the Protector, relating to torture of members of Muslim-Bosniak population in the village of Bukovica by members of the Yugoslav Army and Police of Montenegro in the period from 1992-1995; the NGO "Gajret Montenegro" from Bijelo Polje, pointed out that adoption of amendments to the Urbanity Plan of the Central area of Bijelo Polje, represent a violation of rights of the Bosniak people from the Municipality of Bijelo Polje, since, according to this NGO, solutions of the new Plan induce changes in the ethnic structure of the population in this area and by that way disadvantaging Bosniak people; Matica Muslimanska of Montenegro field a complaint because of a denial of national identity of Muslim people in Montenegro by the NGO "Almanah".

Member of the Council for Civil Control of Police Work, Alekasandar Saša Zeković, informed the Protector, at the end of September 2006, about so-called action "Orlov let", which took place on 9 September 2006 in Tuzi / Malesija. On that occasion more persons of Albanian nationality were deprived of liberty. The report regarding this case which was submitted to the Protector states, among other things, that: the treatment and attitude of certain members of the Police, in the action "Orlov let", was not professional enough, mostly in relation to their behavior towards family members of persons suspected of terrorism; during the arrest of the suspects. Police officers performed in an inhuman manner, offending, degrading, maltreating elderly and children, and, also, using prohibited methods for extortion of a confession, i.e. by torture of suspects.

Following all submitted complaints Protector performed his duties in accordance with his mandate.

Article 7

22. The basic laws in the field of education were adopted in accordance with the basic principle implemented by the Ministry of Education and Science of Montenegro, which tends to ensure quality education available for all children, pursuant to their interests, capabilities and needs. These laws reaffirmed the general concept of the constitutional guarantee of education of

minorities' members, both at the level of general goals and principles and level of individual provisions regarding education.

At this moment in Montenegro teaching is performed in the language which is in official use, as well as in the Albanian language. Teaching in the Albanian language is organized at all levels of education, from preschool to university. At the level of university education, teaching in the Albanian language is organized for the students of the program: "Teacher Education in the Albanian Language", which is organized within the University of Montenegro.

One of the basic postulates of educational reform, which in Montenegro has begun with its implementation in 2000, is the concept which implies that members majority community should get familiar with literature, history, culture and art of minority people, supporting in this way further affirmation of minorities in Montenegro.

Education of other minorities, first of all Bosniaks - Muslims and Croats in Montenegro, is a part of a the common educational system and is implemented through the concept of joint subject programs, subsequent to the fact that their language represents a part of the single language system.

In addition to the content of the regular subject programs, minority communities have an opportunity to suggest somewhat 20% of the content in new subject programs, which make the so-called "open" part of the educational program.

The main institution responsible for the overall educational system in Montenegro (the Council for General Education), with the aim of further improvement of education of members of minority people, established the Commission for the Education of National and Ethnic Groups, whose activities should contribute to the additional improvement of education of minority people.

Minority policy strategy, in the field of respect and protection of minority rights , envisages modification and adaptation of educational programs for the purpose of adaptation of appropriate content from the culture, tradition and history of minorities. Also, it is aimed at achieving the accessibility of high level education for all, with the implementation of the affirmative action principle.

In the line with abovementioned, at this moment an optional subject "History of Religion" is in the stage of preparation. Also, the intention is to develop a

feeling of belonging to the society, the sense of own national and cultural identity of students through the subjects as "Civic Upbringing for Elementary Schools" which was introduced as a new, obligatory subject for VI and VII grade of elementary school and "Civic Education for High Schools" which can be chosen as an optional subject from the I to IV grade of high schools. Through the development and strengthening of socially sensitive behavior, based on the knowledge and respect of human rights, understanding and acceptance of the others and their differences, it is intended to encourage the development of democratic attitudes and values of students. These should represent a starting point in the creation of their own perspective of life and the lives of others.

Also, a possibility to edit textbooks in Roma language was considered by the Ministry of Education and Science. However, impediments reflected as the lack of competent persons who have the appropriate level of education and professional profile, who, at the same time, are proficient in Roma language, disabled the intention to adequately respond to this task and initiate the process of editing or writing textbooks in the Roma language.

In the schools where the project "Roma Education Initiatives" is conducted Roma assistants are engaged with the purpose to significantly support cooperation of the school and Roma families and community. As a rule, for the needs of teaching, the assistants should have the Roma background and the appropriate education. This represents a problem due to the lack of adequate education of possible Roma assistants.

Because of the mentioned problems an initiative of the Foundation for Scholarship for Roma to engage consultant who would analyze the situation in the field of education of Roma in Montenegro, who would also propose a list of recommendations and would conduct trainings for Roma population and the personnel in schools, is assessed as a positive proposal by the competent ministries.

23. Special training programs for legislators which signify the respect of the rights of all people regardless the race, color, national or ethnic origin are not conducted. Within all training programs for civil servants and employees, as well as for decision-makers, the attention is drawn to the principals of non-discrimination and respect for human rights and freedoms which are guaranteed by the Constitution, laws and accepted international documents.
24. Law on Media, Article 23 paragraph 1, prohibits publication of information and opinions that incite discrimination, hatred or violence against persons or

groups of persons because of their belonging or non-belonging to a certain race, faith, nation, ethnic group, gender or sexual affiliation.

For the violation of this provision misdemeanor liability is envisaged for the founder of the media.

25. From the moment of arrival in Montenegro, the displaced persons from the ex Yugoslav republics Bosnia and Herzegovina and Croatia and displaced persons from Kosovo were equalized in rights with the citizens of Montenegro. Activities aimed at their enrollment in the regular formal education system were conducted in continuation. Also, the health care, which was directly financed from the budget of Montenegro, was provided to these persons. Through all these years activities for socio-economic integration of these persons were performed. In the majority of municipalities in Montenegro there were built and still are housing units for displaced persons. Until now, the Bureau for the Care of Refugees in cooperation with international organizations and especially local governments provided accommodation for displaced persons in 406 housing units in Montenegro.