



**International Convention on
the Elimination of All Forms
of Racial Discrimination**

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Committee on the Elimination of Racial Discrimination

**Combined seventh and eighth periodic reports submitted
by Montenegro under article 9 of the Convention,
due in 2021^{*}, ^{**}**

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* The present document is being issued without formal editing.

** The annexes to the present document may be accessed from the web page of the Committee.



List of abbreviations

Agency	Agency for Audiovisual Media Services
CEDAW	Convention on Elimination of All Forms of Discrimination Against Women
CEDEM	NGO Center for Democracy and Human Rights
CERD	Convention on Elimination of All Forms of Racial Discrimination
CERD/C/MNE/CO/4-6	Concluding observations of the Committee on the Fourth to the Sixth Consolidated Periodical Reports of Montenegro (CERD/C/MNE/CO/4-6)
CRINK	Center for Roma Initiatives Nikšić
State report	The seventh to ninth consolidated periodical report of Montenegro
EU	European Union
EUAA	European Union Agency for Asylum
GEI	Gender Equality Index
IPA	Instrument of the Pre-Accession Assistance EU
Committee	United Nations Committee for Elimination of Racial Discrimination
MHMR	Ministry of Human and Minority Rights
MONSTAT	Statistics Administration
ILO	International Labour Organization
MI	Ministry of interior
NSGE	National Strategy for Gender Equality 2021–2025
Ombudsman	Protector of Human Rights and Freedoms of Montenegro
RE	Roma and Egyptians
RHP	Regional Housing Programme
RTCG	Radio and Television of Montenegro
Government	Government of Montenegro

I. General

A. Introduction

1. Montenegro has joined the Convention on Elimination of All Forms of Racial Discrimination (CERD) on 23rd October 2006, through succession after the independency was declared.
2. Initial reports on implementation of CERD, Montenegro submitted on 18th December 2007 (CERD/C/MNE/CO/1) and the second and the third consolidated periodical reports on 27th September 2012 (CERD/C/MNE/CO/2-3).
3. This document consolidates the seventh to ninth periodical report of Montenegro (“State report”) that shall be submitted in accordance with Article 9 of CERD to the United Nations Committee for Elimination of Racial Discrimination (“Committee”). The state report describes measures that are undertaken in Montenegro in order to implement liabilities towards CERD.
4. As it is recommended by the Committee in its concluding observations on the fourth and the sixth consolidated periodical reports of Montenegro (CERD/C/MNE/CO/4-6) that Montenegro submits jointly the seventh and the eighth reports, Montenegro jointly submits the seventh to the ninth reports. In the state report, references on paragraphs relate to paragraphs from concluding observations on the fourth to the sixth reports of Montenegro (CERD/C/MNE/CO/4-6).
5. State Report presents an updating of the previous periodical report of Montenegro, and that’s the fourth to the sixth consolidated report (CERD/C/MNE/CO/4-6), submitted on 9th July 2017.
6. During the preparation of the State Report, each recommendation from the concluding observations (CERD/C/MNE/CO/4-6) was processed under the Article of the Convention that was considered the most relevant. Information contained in the State Report are mostly collected in the second half of year 2024 and they mostly present the state’s attitude in that period, with certain updating where it was possible.
7. Information on acting according to recommendations 15 (e) and (f) (position of Roma, Ashkali and Egyptians) and 25 (appeals on acts of racial discriminations) of the concluding observations (CERD/C/MNE/CO/4-6) Montenegro delivered to the Committee on 20th April 2020 (CERD/C/MNE/CO/4-6) and subsequent information on fulfillment of recommendation 15 (f) of the concluding observations (CERD/C/MNE/CO/4-6) Montenegro delivered to the Committee on 5th July 2021 (CERD/C/MNE/CO/4-6/Add.1)
8. The State Report covers the period 2018–2024 and was prepared by the Directorate for Improvement and Protection of Human Rights and Freedoms of the Ministry of Human and Minority Rights (MHMR).
9. The seventh to the ninth consolidated periodical report of Montenegro on implementation of CERD, the Government of Montenegro (Government) considered and adopted at the session held on June 5, 2025, which was forwarded to the Committee after that.

B. The context in which recommendations of the Committee are implemented

Social-political

10. The period 2018–2024 is marked by a political instability, frequent changes of the Government and parliamentary crisis, which made directing of the attention on strategic goals difficult.

11. After the change of the Government on the state level (Parliamentary Elections in August 2020), in December 2020, the 42nd Government was constituted. The new organizational structure of the Government had 14 Ministries. The 43rd Government was elected in April 2022 and it had 18 ministries. In that time certain number of ministries changed their competencies and it brought to the change of competencies and responsibilities for realization of some activities on fulfillment on recommendations from the concluding observations on the fourth to the sixth consolidated periodical report of Montenegro (CERD/C/MNE/CO/4-6). The Parliament voted of no confidence to this Government in August 2022. Since parliamentary parties did not form a new coalition, the new Government was not formed. The President of Montenegro called for elections that were held on 11th June 2023.

12. The new parliamentary majority, voted for the 44th Government of Montenegro on 31st October 2023 and there were 19 ministries in it. This Government was reconstructed in July 2024. The reconstructed 44th Government has 26 ministries.

13. Workgroup of the Universal periodical report (UPR) of the United Nations Human Rights Council¹, on 8th May 2023, considered for the fourth time the state in the area of human rights in Montenegro. The countries that took part in the work clearly recognized and emphasized the realized progress, but also weaknesses of the system when it is about protection of human rights in Montenegro.

14. During the period between 2018 and 2024, Montenegro implemented significant reforms of the lawful framework regarding human rights and freedoms. Those changes were motivated also by internal development and external obligations, particularly in connection with negotiations on Montenegro's accession to the European Union (EU).

15. In July 2020, the Parliament of Montenegro adopted the Law on Same-Sex Life Partnership. This Law provides basis for equality, allows rights such as a joint property, succession and health protection for partners in the same-sex partnerships. The use of a term partnership and not a marriage, does not present only terminological difference but still leaves a space for inequality in practice.

16. Montenegro adopted the Judicial Reform Strategy 2024–2027 and appropriate Action Plan for 2024–2025. Realization of this Action Plan aims to improve independence, efficiency and responsibility of the Judiciary, in accordance with requirements of the EU. Key components, including restructuring of judicial institutions and improving access to justice for citizens.

17. In order to improve transparency and legal consistency, the Constitutional Court of Montenegro has started to publish its newsletters electronically since 2023. The newsletters contain constitutional appeals and decisions which improves access of the public to legal information and responsibility of the judiciary is strengthened.

18. On 26th June 2024, Montenegro received the positive Assessment Report on fulfillment of interim benchmarks in the field of the rule of law-Chapters 23 and 24 (IBAR) at the Intergovernmental Conference of Montenegro and the EU in Brussels.

19. As its strategic priority, Montenegro continuously improves the rule of law, legal system and system of protection of rights and freedoms of its citizens. For that purpose, numerous laws were adopted, strategic and action documents: National Strategy of Sustainable Development until 2030², Judicial Reform Strategy 2024–2027³, Strategy for Interculturalism and Social Cohesion 2025–2028⁴, Programme of Economic Reforms of Montenegro (PER) 2024–2026⁵, National Strategy on Gender Equality 2021–2025⁶, Strategy

¹ <https://www.ohchr.org/en/hr-bodies/upr/me-index>.

² <https://gov.me/documents/67dc487e-097d-41d2-8fd5-7827a19a1f5a#:~:text=Description:-National%20strategy%20of%20sustainable%20development%20do%202030.,total%20sustainable%20development%20of%20montenegro%20society>.

³ <https://wapi.gov.me/download/812601a9-f377-40eb-9aa1-703da4ff3c75?version=1.0>.

⁴ <https://wapi.gov.me/download/4309e328-e708-4857-8c10-481d2457930b?version=1.0>.

⁵ <https://wapi.gov.me/documents/e19b682f-19f3-4788-99f5-ca5ad1df3e4a>.

⁶ <https://wapi.gov.me/download/26b0c8cc-3890-426e-a275-a29e1ff69648?version=1.0>.

for the protection of persons with disabilities from discrimination and the promotion of equality 2022–2027⁷, Strategy for Social Inclusion of Roma and Egyptians (RE) 2021–2025⁸, Strategy for Combating Human Trafficking 2019–2024⁹, The Youth Strategy 2023–2027¹⁰, Strategy for Realization of Children’s Rights 2019–2023¹¹, Strategy for Inclusive Education 2019–2025¹², Strategy for Improving the Quality of Life of LGBT Persons 2024–2028¹³, Minority Policy Strategy 2024–2028¹⁴, Strategy for the Development of the Social Protection System for the Elderly 2018–2022¹⁵, Strategy for the Women’s Entrepreneurship 2021–2024¹⁶, Strategy on Migrations and Reintegration of Returnees in Montenegro 2021–2025¹⁷ and others (More about strategies in the Appendix 1.).

20. Within the regular educational system and special training programmes of employees in state bodies, particular attention is paid to the education and training on human rights.

Economic

21. The absence of tourist season, due to Corona Virus pandemic, resulted in decrease of Montenegrin economy of 15,3% in 2020. Montenegro recovered soon and found itself at the top of the list of countries with the fastest growing GDP, with average 8,6% annually, within the period 2021–2023¹⁸.

22. During 2024, there was the economy slowing down and the growth halved, from 6,9% in the first two quarters in 2023 to 3,4% in comparative period in 2024.

23. Inflow of foreign direct investments for nine months in 2024, shows slight recovery with regard to the negative trend from 2023.

24. The inflation in the first three quarters in 2024, compared to the same period in 2023, was higher for 3,9% on average.

25. The public debt was reduced from 105,2% of GDP in 2020 to 62% in June 2024.

26. In the third quarter in 2024 there were 323,2 thousand inhabitants in Montenegro out of whom 287,6 thousand or 89,0% are employed and 35,6 thousand or 11,0% unemployed persons.¹⁹

COVID-19 Pandemic

27. COVID-19 Pandemic had an impact on economy of Montenegro from various aspects including insufficient utilization of human and physical capital, lower goods prices, less tourists and breaches of international trade, and also greater uncertainty.

28. Montenegro was particularly faced with the great fall in tourism which is the central initiator of the growth: profit from tourism makes more than 20% of GDP.

⁷ <https://wapi.gov.me/download/e9659c4e-e7f6-41f2-ab98-0fd115b80601?version=1.0>.

⁸ <https://wapi.gov.me/download/9c1f248f-c43d-4ce0-bf18-e5b778327e90?version=1.0>.

⁹ <https://www.osce.org/files/f/documents/4/3/424634.pdf>.

¹⁰ <https://www.gov.me/documents/c27c88df-e903-422d-b789-379490c307cf>.

¹¹ https://www.ombudsman.co.me/docs/1611915909_strategija-za-ostvarivanje-prava-djeteta-2019-2023.pdf.

¹² <https://wapi.gov.me/download/fbeec964-7c59-4b5a-a54e-8417281160ba?version=1.0>.

¹³ <https://wapi.gov.me/download/2ffeb265-5863-41dd-8a05-9dffbb0a91b4?version=1.0>.

¹⁴ <https://www.gov.me/documents/69e2121f-848b-4171-bd87-45f9f87e90d5>.

¹⁵ <https://wapi.gov.me/download/5a3953b9-2d5f-43ab-b79e-c97454441c49?version=1.0>.

¹⁶ <https://www.zzzcg.me/wp-content/uploads/2022/02/proposal-for-strategy-of-development-of-women's-entrepreneurship-of-montenegro-2021-2024-with-proposal-of-action-plan-for-implementation-of-strategy-for-period-2021-2022-year-and-report-from-the-public-hearing-1-pdf>.

¹⁷ <https://wapi.gov.me/download/38214cec-7412-498d-9f8e-484e02ec1c78?version=1.0>.

¹⁸ <https://chamber.me/wp-content/uploads/2025/01/cg-privreda-2024-w.pdf>.

¹⁹ Questionnaire on work force, https://monstat.org/uploads/files/ARS/2024/3/ARS%20statement_2024_Q3.pdf.

29. Facing economical consequences of COVID-19 crisis, the Government adopted measures for assistance in mitigating economic and social impacts. Through three aid package, the Government supported the economy through a series of financial, tax and other measures.

30. At the time of the outbreak of COVID-19 pandemic, in mid-March 2020, there were 200 seekers of international protection in Montenegro and 27 persons who had granted asylum or subsidiary protection.

31. The main measures the Government introduced as the response to COVID-19 pandemic (closing borders, restriction of movement, suspension of work of most commercial companies...) hit not only local population, but also many refugees (asylum seekers), seekers of international protection and persons that are at risk of the statelessness.

32. Total closure of borders and restriction of movements caused that more than three quarters of refugees (asylum seekers), seekers of international protection and persons that are at risk of the statelessness, population that was working primarily in a non-formal sector up to then, immediately lost a job or almost completely lost their income.

33. Situation in which RE refugees were, was characterized by the same numerous vulnerabilities inherent for a domicile RE population. Many of them could not adhere to measures of a physical distancing, which was a consequence of multi-member families living in small spaces of a bad quality. Their unstable incomes were drastically reduced at the time, and their children had many obstacles in following-up programmes of online learning (lack of computers, internet, assistance).

34. Language barrier restricted their access to information. Despite efforts the Government made at that time to timely inform them about everything, most information and support they were receiving through assistance the UN agencies in Montenegro. UNHCR established three designated viber groups and one SOS telephone line in order to approach asylum seekers and refugees communities and enable them to communicate in some of many offered languages.

Security

35. At the end of August 2022, cyber attacks on information network of the Government started, when the access to its sites and mails was not possible, but also in other institutions which resulted in complete interruption of electronic communication that lasted more than three months for majority of ministries and the blockage of great part of activities within the Government and outside it.

C. Population Census in 2023

36. After 12 years, within the period from 3rd to 30th December 2023, the Population, Households and Apartments Census in Montenegro was implemented. According to results of this Population Census²⁰ published by the Statistical Office (MONSTAT), there are 623,633 inhabitants living in Montenegro, out of whom 50,80% or 316,826 women, and 49,20% or 306,807 men.

37. Although there are more women (50,80%) living in Montenegro than men (49,20%), in 16 municipalities of total 25, there are significantly less women than men. There are more women than men in 8 municipalities (Bar, Budva, Cetinje, Herceg Novi, Kotor, Niksic, Pljevlja and Tivat) and the capital city Podgorica. In six of 10 demographically old municipalities where there are significantly less women than men, there is seriously disturbed natural relation between newborn male and female children (Andrijevisa, Berane, Danilovgrad, Savnik, Ulcinj and Zabljak), so, for example, there are twice as born boys than girls in Savnik.

²⁰ <https://www.monstat.org/cg/page.php?id=1992&pageid=1992>.

38. Population of Montenegro, according to nationality are as follows: Montenegrins 256 436 (41,12%), Serbs 205 370 (32,93%), Albanians 30 978 (4,97%), Bosniaks 58 956 (9,45%), Muslims 10 162 (1,63%), Croats 5 150 (0,83%), Russians 12 824 (2,06%), Roma 5 629 (0,9%), Egyptians 1 655 (0,27%), while 17 907 or 2,88% of citizens answered “Does not want to declare”.²¹

39. In Montenegro, majority of Roma people lives in the territory of Podgorica (3,431), then Berane (542), Niksic (418), Bijelo Polje (134), Herceg Novi (269), and majority of Egyptians lives in Podgorica (528), Niksic (462), Tivat (187), Budva (190) and Berane (243).

40. Information regarding religious structure show that 443 394 or 71,10% of inhabitants stated to be of Orthodox religion, 124 668 or 19,99% of Islamic religion, 20 408 or 3,27% of Catholic religion, while 14 260 or 2,29% persons stated to be atheists, and 13 093 or 2,10% did not want to declare.

41. The structure of population in Montenegro according to the native language shows that Serbian language is a native language for 269 307 (43,18%) persons, Montenegrin language for 215 299 (34,52%) persons, Albanian language for 32 725 (5,25%), Bosnian language for 43 470 (6,97%) persons, Russian language for 14 731 or 2,36% persons and Serbo-Croatian language for 12 999 or 2,08% persons.

42. There are 122 744 (19,7% of total number of inhabitants) immigrants in Montenegro, or persons that used to live or reside abroad for at least one year.²² From the total number of immigrants, 63 779 or 52,0% are women and 58 965 or 48,0% are men.

43. According to immigrants’ statements, 48,8% persons came in Montenegro due to family reasons, 16,8% immigrants came due to reasons of economic nature, 14,6% came because of wars in the place of previous residence and 4,4% of them came because of schooling.

44. The greatest number of immigrants moved in Montenegro from Serbia and that is 44 303 (36,09%), then from Bosnia and Herzegovina 16 082 (13,10%) and Russian Federation 14 853 (12,10%), while 20 937 (17,06%) persons arrived from member states of the European Union.

45. For more detailed statistical information, see Appendix 2.

D. Asylum

46. Law on amendments of the Law on International and Temporary Protection of Aliens²³, by which the Article 8 of the Law on International and Temporary Protection of Aliens is changed and now reads: “Procedure upon a request for international protection, as well as reception and accommodation of foreigners seeking for international protection and accommodation of asylum seekers’, foreigners with approved subsidiary protection and foreigners with approved temporary protection, is performed by the state administrative body, competent for internal affairs (hereinafter referred to as: The Ministry). Reception and accommodation of foreigners asking for international protection, the Ministry performs through an organizational unit for accommodation of foreigners asking for international protection (hereinafter referred to as: Reception Centre), and accommodation of asylum seekers, foreigners with approved subsidiary protection and foreigners with approved temporary protection, the Ministry performs through an organizational unit that provides assistance for integration of those persons in the society.”, adopted in 2019.

²¹ https://monstat.org/uploads/files/census%202021/statements/STATEMENT_Census%20population%202023%2011_ENG.pdf.

²² https://www.monstat.org/uploads/files/census%202021/statements/STATEMENT_census%20population%20migrations.pdf.
https://www.monstat.org/uploads/files/census%202021/statements/ADDITIONAL%20REQUESTS520-%20CITIZENSHIP_total%20eng.xlsx.

²³ Official Gazette of Montenegro, no.3/2019.

47. Institutional management of migrations and asylum in Montenegro is completely entrusted to the Ministry of Interior (MI).

48. The European Commission evaluates that the legal framework in this field is aligned with the community acquis of the European Union to the high extent, and also empowered by adoption of by-laws, pointing at the same time that Montenegro must continue to deal with the pressure of migrations by developing international cooperation upon readmission, support to successful reintegration of returnees, increase of capacity for criminal prosecution of migrants smuggling networks and establishment of a modern system for collecting information about migrants. The European Commission notices that, for example, during 2021 total number of 2.019 migrants expressed intention to file a request for an asylum, which is the first step in the asylum procedure, while only 539 persons filed the request for the asylum at the end, and other persons left the country before the other step in the procedure. However, even after submission of the request for asylum, majority of those persons had left the country.²⁴

49. In 2018, 3 104 requests for international protection were filed, out of which during 2018 14 international protections were approved (10 status of asylum seekers and four approved subsidiary protections). In 2019, 1921 requests for international protection were filed, out of which during 2019 six international protections were approved (five status of asylum seekers and one approved subsidiary protections). In 2020, 539 requests for international protection were filed, out of which during 2020 eight international protections were approved (eight status of asylum seekers). In 2021, 272 requests for international protection were filed out of which during 2021 14 international protections were approved (12 status of asylum seekers and two approved subsidiary protections). In 2022, 127 requests for international protection were filed, out of which during 2022 nine international protections were approved (seven status of asylum seekers and two approved subsidiary protections).

50. Since the State Commission for the Resolution of Asylum Appeals was the secondary body for proceeding upon appeals filed on decision of MI by the previous normative decision, in accordance with international standards from the international and temporary protection on rights on efficient legal remedy provided by the judicial authority, the judicial protection was introduced in the Law or right to file an appeal to the Administrative Court, against decision adopted in the first instance, which provides fulfillment of those standards.

51. According to data from MI, during 2022, 19 appeals against decisions upon requests for international protection were lodged to the Administrative Court of Montenegro, out of which eight is rejected and the first instance decisions are confirmed, while two appeals are adopted and other are in the decision-making procedure before this Court.

52. According to data from the Administrative Court of Montenegro, before this Court, since 2018 or from entry into force of the Law on International and Temporary Protection of Aliens²⁵ until the 1st December 2022, 140 appeals of asylum seekers were submitted.

53. Cooperation with the European Union Agency for Asylum (EUAA) began in December 2021, by signing the Roadmap for Cooperation between Montenegro and EUAA (2022–2023) by which it is stipulated existing partnership to be strengthened furthermore. The Roadmap additionally precises support of EUAA in strengthening asylum and reception system in accordance with common European Asylum System and standards of EU, and therefore its goal is to improve the space for aliens protection seeking for international protection in Montenegro in accordance with CEAS (Common European Asylum System) and practices of member state of the European Union. According to evaluations of needs and panning and the roadmap design, EUAA and competent authorities of Montenegro identified and designed following areas in which relevant activities were implemented and contributed to: (1) efficient asylum procedures and (2) efficient reception system.

²⁴ The European Commission Progress Report on Montenegro for year 2021, available at:file:///D:/Downloads/report-european-commission-on-progress-of-montenegro-for-2021-year-1-pdf.

²⁵ Official Gazette of Montenegro, no.002/17.

54. According to Article 92 of the Law on International and Temporary Protection of Aliens, on 10th March 2022, the Government adopted the Decision on Granting Temporary Protection to Persons from Ukraine. By this Decision, temporary protection in duration of one year is approved for citizens of Ukraine, persons without citizenship whose last residence was in Ukraine and persons who were approved international protection by Ukraine, and who cannot return to Ukraine they were forced to leave because of armed conflict, or in the country of origin. Reasons due to which those persons shall not have approved temporary protection, in accordance with Article 94 of the Law on International and Temporary Protection of Aliens, shall be confirmed by competent authorities according to available data.

55. For the purpose of supervising this Decision, the Government formed the special Coordination Body with the task to inform the Government at least once in three months.

E. Gender Equality

56. In order to achieve the gender equality and empower women, Montenegro showed an obvious progress, but also defects recognized through operative goals of the National Strategy for Gender Equality 2021–2025 (NSGE).

57. In cooperation with OEBS Mission and UNDP Office in Montenegro, MHMR made video recordings broadcasted in public and private channels, as well as in social networks, aiming to change attitudes on gender-based roles and more balanced division of houseworks. This campaign, implemented at the end of 2021, is just an introduction in activities based on measures planned by the National Strategy for Gender Equality.

58. In achieving the Goal 5-Gender Equality: To achieve gender equality and empower all women and girls of the United Nations Strategy of Sustainable Development until year 2030, according to available data²⁶ Montenegro made progress in achieving the concrete goal:

100 points	In year 2022, the level to which the legal framework promotes, implements and monitors gender equality in public life, was 100,0 points in the scale from 0 to 100.
88,9 points	In year 2022, the level to which the legal framework promotes, implements and supervises gender equality regarding violence against women, was 88,9 points in the scale from 0 to 100.
80 points	In year 2022, the level to which the legal framework promotes, implements and supervises gender equality regarding employment and economic benefit, was 80,0 points in the scale from 0 to 100.
81,8 points	In year 2022, the level to which the legal framework promotes, implements and supervise gender equality regarding marital and family benefits, was 81,8 points in the scale from 0 to 100.

59. Additionally, data shows that Montenegro achieved moderate and low level of progress in the area of health protection and protection of reproductive health for women and girls.

60. It is important to ascertain the achieved progress regarding political participation in national and local level within the period from 2018 to 2024.

61. In Montenegro also operates the Women's Political Network established in year 2018 by members of 16 political parties that presented itself as a very productive subject in proposing and adopting gender-sensitive laws and measures, in the state and in the local level.

²⁶ UNDP Montenegro, <https://montenegro.un.org/me/sdgs/5/progress#sdg-tab-content>.

62. By Amendments to the Rules of Procedure of the Parliament of Montenegro from December 2020, it is prescribed that at least one vice president shall be elected from the underrepresented gender. It was the first time that a woman is elected for a vice president of the Parliament of Montenegro.

63. On the initiative of the Gender Equality Committee, the Parliament of Montenegro implemented two Action plans for achieving the gender sensitive Parliament, for the period 2016–2018 and 2022–2024, which defined six goals: improvement and strengthening of leadership and commitment to the concept of gender equality through an inclusive approach; gender balance in political representation through balance in number and responsibilities; gender responsible legislation and politics adopted by the Parliament; improvement of Parliament services and infrastructure aiming to achieve a professional excellence; raising the awareness on gender equality in the parliamentary culture; the Parliament as the representative of gender equality: informing of the public.

64. Women's Club in the Parliament of Montenegro²⁷ was established in year 2021 and it serves as a platform for promoting gender equality and empowering participation of women in legislative procedures. This initiative aims to create network for support women in the Parliament and encourage gender sensitive politics.

65. Montenegro developed the Gender Equality Index (GEI) in year 2020 for the first time. The value of GEI for Montenegro was 55 at that time. The fact that Montenegro started to use GEI shows commitment of the country to policies of equality and encouragement of new and different approaches in creation of policies in order to ensure gender equality.

66. In July 2023, GEI in Montenegro was published for the second time, in accordance with the Cooperation Agreement of MONSTAT with the Ministry of Human and Minorities Rights. The Index was calculated by MOSTAT in cooperation with the European Institute for Gender Equality, in accordance with prescribed methodology, by using national and international data sources and this activity was financed by the European Union within the framework of the Instrument of Pre-Accession Assistance (IPA).

67. GEI in Montenegro for year 2023 was 59,3 which is the increase of 4,3 index points with regard to the Index from year 2019. In European Union-27 GEI is 68,6 and Montenegro notices lower value of index for 9,3 index points. The Index of main domains of gender equality shows that the biggest gap of inequality is in the field of money (lower index value for 20,7 index points with regard to the average of EU-27), and the smallest gap in Montenegro with regard to the EU-27 is observed in the domain of health (lower index value for 0,8 index points with regard to the average of EU-27).

68. For more detailed data from GEI in Montenegro, see Appendix 3.

69. In December 2024, ex-post evaluation of the fourth strategic document for gender equality of the National Strategy for Gender Equality is implemented. The evaluation provided comprehensive assessment of success in strategic goals implementation and offered recommendations for improvement of the next strategic cycle.²⁸

70. In January 2025, the started the process of creation of new National Strategy for Gender Equality 2025–2029, with following Action Plan for 2025–2026. Working Group for the Development of the Strategy. The Strategy shall comprise implementation of recommendation from the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) by competent institutions.

71. The Conference "Gender Equality and Public Administration" held at the end of the year 2024, gathered decision makers, managing and operational staff from different parts of the public administration, as well as domestic and international experts. The topic at the Conference was the integration of gender-responsive approaches in public management, financial mechanisms and institutional frameworks of responsibility.

²⁷ The Parliament of Montenegro, Women's Club in the Parliament, <https://en.cdtnn.org/wp-content/uploads/2021/04/The>.

²⁸ <https://www.gov.me/dokumenta/34f2845d-2ee4-4e88-b0af-c9904ef714c4>.

72. In cooperation with MONSTAT, on 5th December 2024, promotion of the tenth publication “Men and Women in Montenegro -2024” was held. The publication provides an important insight into achievements and challenges on the path that leads to gender equality and it gives statistical data on women and men in various sectors.²⁹

73. Within the programme, “Strengthening Citizens’ Trust in Institutions and Building Resilient Communities” that presents common initiative of UNDP, UNICEF and UNESCO with the Government and in cooperation with the Department for Gender Equality Affairs, in November and December 2024, local dialogues in Ulcinj, Pljevlja, Bar, Podgorica and Bijelo Polje were organized regarding challenges in the field of gender equality. Within the frame of the same project in February 2025, two two-day workshops for officials from the public administration and the legal system were held, aiming to strengthen capacities in policies of gender equality implementation. Seventy officials attended those workshops.

74. In March 2025, the Analysis and overview of the best practices from the countries of the region and the European Union that have developed laws on gender equality, is finished. In mid-March 2025, the public call for election of a representative of non-governmental organization in the Working Group for innovating the Law on Gender Equality, was published. The beginning of working on this Law drafting is planned for the second quarter in 2025 and its adoption is predicted for the second quarter in 2026, after its alignment with national participants and European legislation.

75. On the sidelines of the 69th session of the Commission of Status of Women (CSW) in the United Nations in New York, on 10th March 2025, Montenegro organized a panel discussion under the title “Women Leadership as a Catalyst for Change”. The event was realized in cooperation between the Government, Women Leadership network and UNDP Office in Montenegro, with the support of UNDP Office in New York. The Panel attracted a lot of attention, with more than 70 participants who actively took part in the discussion. The event was available by live streams, providing wider involvement and interaction. This event additionally confirms the commitment of Montenegro to strengthen women’s role in the society and to promote women leadership as a main factor for making social changes and a progress.

F. LGBTIQ persons

76. Montenegro is committed to improvement of legislative and strategic framework in the field of exercising and protection of human rights and freedoms of LGBTIQ persons. So, the Law on Prohibition of Discrimination prohibits discrimination according to a sexual orientation, gender identity and intersexual characteristics, and by that Law it is prescribed what is considered as the hate speech.

77. The Strategy for improvement of the quality of life of LGBTIQ persons for the period from 2019 to 2023, the Government adopted in March 2019. It is mentioned in the document that it was created as a result of necessity to respond to perceived challenges in connection with social acceptance of LGBTIQ persons and still expressed social perception burdened by stereotypes and prejudices. Therefore one of three strategic goals related to improved social acceptance of LGBTIQ persons, and the other two related to the improved normative framework and its application for protection of rights of LGBTIQ persons and improved access to work, services and services of support to LGBTIQ persons.

78. By implementing activities from annual action plans numerous and continuous trainings from the field of human rights for sensitized work with LGBTIQ persons were realized and they are based on adopted Curriculum for education of state officials, holders of judicial functions and those employed in other bodies, organizations and institutions that are in contact with cases of discrimination. During the previous period, activities comprised sensitizing and improving of capacities and knowledge of significant number of police officers, judges, state prosecutors, medical workers and those employed in primary and secondary schools, as well as staff from the field of social protection and social policy. The knowledge base on citizens’ perception and highschool children is also improved in

²⁹ <https://www.gov.me/dokumenta/ce8ee5aa-afa4-42c5-a795-2c4492627e79>.

connection with a sexual orientation, gender identity and gender characteristics through conducted researches, but also through publications intended for specific categories of experts from different fields. It is important to mention that the significant number of citizens from LGBTIQ community and also their friends and family members are informed on their rights in the field of infringement and criminal-legal protection against a discrimination and a violence. National network contact spot is formed of representatives of local self-governments for promotion and protection of human rights of LGBTIQ persons.

79. Discrimination against LGBTIQ persons is criminalized and the Criminal Code, that stipulated in a particular Article that committing a hate crime based on sexual orientation or gender identity of other person is considered an aggravating circumstance at sentencing.

80. The Law on Same-Sex Life Partnership is adopted in July 2020 and its application started in July 2021, which presents a significant achievement in further strengthening and improvement of human rights of LGBTIQ persons in Montenegro. Current international standards are implemented by this Law, the first of all those prescribed by the European Convention on Human Rights. The basis of this Law is the most widespread model for introduction of the same-sex communities-the life partnership, which were recognized by the legislators of most European countries as the best solution for regulating life partnership of two same-sex persons. Since the beginning of this Law application, more than 20 life partnerships are registered.

81. The analysis of application of a criminal and anti-discrimination legislation with the focus on protection against the hate crime and hate speech is implemented at the initiative of MHMR, with the support of the Council of Europe through Horizontal facility for the Western Balkans and Turkey. The analysis pointed to all challenges judicial authorities and other competent institutions are facing in cases in which LGBTIQ persons are a damaged party, or on challenges in application of the Criminal Code primarily and the Law on Prohibition of Discrimination, comprising by that cases on the criminal and on misdemeanour level.

82. In June 2026, the Government adopted the Strategy for Improving the quality of Life of LGBTIQ persons in Montenegro for the period from 2024 to 2028 that are the result of joint work of state institutions, non-governmental organizations and LGBTIQ community. It reflects commitment of the Government towards improvement of rights and position of LGBTIQ persons through comprehensive and inclusive approach, and it is important to emphasize that this is the first time that for needs of drafting the strategy, LGBTIQ community is directly asked by the Government about their own needs and expectations. The seven main problem fields on which resolving the Strategy shall be focused are mapped, such as: social acceptance, lawful reforms and their implementation in practice, education, health protection, social protection, employment and relation of public administration towards LGBTIQ rights.

83. An integral part of the new Strategy is adoption of the Law on Legal Recognition of Gender Identity on Basis of Self-determination, which is expected in the near future.

84. The Trust Team is established in order to improve the cooperation between the Police Administration and LGBTIQ Community. The network of trained police officers for contact with LGBTIQ persons is established by which safety of LGBTIQ community is additionally strengthened. This network includes all regional security centers/police stations in the country.

II. Updated information on application of Articles 1–7

A. Article 1

85. The Constitution of Montenegro guarantees the right on equality by the law and prohibits discrimination based on any grounds, including race, national or ethnical origin and religion. This constitutional right is being operationalized by the Law on Prohibition of

Discrimination³⁰ which defines direct and indirect discrimination and provides legal protection to victims.

86. We ask you to see the paragraph 47 in the fourth to the sixth consolidated periodical report of Montenegro (CERD/C/MNE/CO/4-4) where the definition of racial discrimination is given in the Law on Prohibition of Discrimination, as well as an explicit prohibition of the hate speech.

87. Montenegro also ensured that the principle of equality and prohibition of discrimination are incorporated in other key laws, such as the Labor Law, the Law on Education and the Law on Health Protection, strengthening comprehensive, intersectoral approach to discrimination suppression.

88. Additional measures for elimination of racial discrimination prescribed by the Law on Media³¹. It is prescribed by Article 49 of this Law that the media must not spread, encourage and justify a violence, hatred or discrimination on the ground of race, ethnicity, connection with some nation or national community, membership of a group or assumption on membership of a group, skin colour, sex, gender, language, religion, political or some other belief, national or social background, financial standing, membership in trade union organizations, education, social status, marital or family status, age, health condition, disability, genetic inheritance, gender identity, sexual orientation and/or intersexual characteristics, as well as on ground of real or assumed personal feature.

89. By amendments of the Criminal Code of Montenegro from year 2023³² significant changes in connection with criminal acts of torture and abuse by state officials are introduced. Statute of limitation for criminal act of a torture (Article 129) is abolished, penalties for abuse and a torture by state officials are tougher (Article 166) and officials convicted for those acts are automatically forbidden to perform public functions or duties (Article 167).

90. On 23rd December 2019 Montenegro adopted the new Labour Law³³. The Law somewhat expanded the scope of anti-discrimination provisions.

91. By Article 7 of this Law, direct and indirect discrimination of persons seeking for employment and employed persons is nominally prohibited, on the grounds of race, skin colour, nationality, social or ethnic origin, connection with a minority nation or minority national community, language, religion or conviction, political or other belief, gender, change of sex, gender identity, sexual orientation, health condition, disability, age, financial status, marital or family status, pregnancy, membership of a group or assumption of membership of a group, political party, trade union or other organizations, or any other personal feature, shall be prohibited.

92. Protector of Human Rights and Freedoms (Ombudsman) is a national body for equality, authorized to receive complaints and conduct investigations in connection with racial discrimination.

93. Montenegro does not use any of exemptions from Article 1 (4) of the Convention on its national laws, and affirmative measures directed to promotion of complete and efficient equality for vulnerable groups, such as RE population, are explicitly acknowledged as legitimate and temporary instrument of justice, and not as discrimination. Through those legislative, institutional and political frameworks, Montenegro shows its constant commitment for complete and efficient application of Article 1 of the Convention.

B. Article 2

94. Montenegro has undertaken a series of lawful, institutional and political measures in order to fulfill liabilities from Article 2 of CERD. The Constitution of Montenegro prescribes principles of equality and prohibition of discrimination and it presents basis for adoption of

³⁰ Official Gazette of Montenegro, no.046/10, 040/11, 018/14 and 042/17.

³¹ Official Gazette of Montenegro, no. 54/24.

³² Official Gazette of Montenegro, no.110/2023.

³³ Official Gazette of Montenegro, no. 74/2019.

sectoral laws that prohibit discrimination at employment, education, health and public services. The Law on Prohibition of Discrimination presents a key instrument for implementation of those liabilities and establishes wide definition of discrimination which includes race, ethnicity, religion and nationality.

95. The Ministry of Human Rights and Freedoms, with the support of TAIEX mission and according to recommendation of the Ombudsman and international experts, started drafting of the new Law on Prohibition of Discrimination.

96. Montenegro adopted positive measures aiming to promote equality and inclusion of historically marginalized groups, especially RE population. Among those measures there are targeted strategies such as the Strategy for Social Inclusion of Roma and Egyptians population (2021–2025) and the Action Plan for Chapter 23 (Judiciary and Fundamental Rights) within the framework of the process of accession to EU that contains concrete measures for the combat against racial discrimination and diversity promotion.

97. In connection with Paragraph 7 of CERD/C/MNE/CO/4-6, the Ministry of Social Welfare, Family Care and Demography does not keep any particular records with regard to nationality, race and religion, so those data are not recognized as particular categories by the system. By mentioned categories, access to all rights except the right on political decision making, is guaranteed. According to Article 5 of the Law on Social and Children's Protection³⁴ rights from social and children's protection established by this Law and by international agreement may be exercised by a foreigner with approved temporary residence or with permanent residence in the country. Rights from social and children's protection established by this Law and by international agreement may be exercised by an asylum seeker and foreigner under subsidiary protection, in accordance with the Law. Exceptionally, a person not comprised in terms of paragraph 1, 2 and 3 of this Article who, due to particular circumstances and social risk, needs a certain form of protection, has the right to one-time financial assistance and the right to temporary accommodation.

98. In December 2019, the new Protector of Human Rights and Freedoms took office and during 2020, deputies in charge of protection against discrimination, vulnerable groups and gender equality, and also of the public administration and legislation, were elected. In July 2020, the new Rules of Procedure on Internal Organization and Job Classification in the institution of Ombudsman. In accordance with recommendations of relevant international organizations, staff recruitment and administrative capacities of this institution are strengthened.

99. In connection with Paragraph 9 of CERD/C/MNE/CO/4-6 it needs to emphasize that, at the proposal of the Ombudsman, the working group for amendments of the Law on Protector of Human Rights of Montenegro was formed by MHMR as the competent Ministry. Draft Law should establish issues related to a deputy nomination, self-employment, clearer and more transparent process of candidates for employment selection, and also improvement of financial status and all in order to improve position of the institution itself and accreditation with the status A by the Global alliance of National Human Rights Institutions (GANHRI).

100. The Office of Ombudsman continues to have a good visibility, productivity and to actively reach citizens. During the previous three years (2022–2024), the percentage of resolved cases was high (over 90%) which shows efficiency of working practices. Thereon, opinions of the Ombudsman are recognized as a good example of international standards and practice application. Information on number and outcome of complaints on all grounds and fields of the work of the institution of the Ombudsman, are precisely given in annual reports on work (in part Statistics of a case in proceedings before the Protector) and are available on official web page of the institution in the section Reports and Publications/Annual Reports.

101. In order to ensure that in exercising their duties, they respect and protect human dignity and support human rights of all persons notwithstanding a race, skin colour or nationality or ethnicity, trainings with the goal to strengthen capacities of relevant experts in all fields of work of this body are continuously implemented.

³⁴ Official Gazette of Montenegro, no. 27/13, 1/15, 42/15, 47/15, 56/16, 66/16, 1/17, 31/17, 42/17, 50/17, 59/21, 145/21 and 3/23.

102. So, in the field of human trafficking, in cooperation with the Human Resource Administration, MI/The Department for Combating Human Trafficking were continuously conducting trainings for representatives of state bodies that are or may be in contact with victims and potential victims of a human trafficking during the reporting period.

103. Directorate staff members for reception of foreigners seeking for international protection continuously attend trainings on different topics aiming to improve knowledge and skills, considering specificity of migration population: training on respect, protection and improvement of basic human rights and gender equality, cultural differences with an emphasize on the country of origin, early identification and referral of potential cases of smuggling and human trafficking, discrimination.

104. Directorate staff members for asylum are continuously trained and each individual procedure they implement without space for subjective attitude, prejudice, stereotypes, cultural and social assumptions and norms, thanks to clearly defined principles and indicators on which grounds credibility of requirements, is evaluated in order to provide the highest level of objectivity and accuracy of the procedure outcome.

105. More about trainings in the Appendix 4.

106. In connection with Recommendation no. 19 (d) Paragraph 19 of CERD/C/MNE/CO/4-6 we inform that the workshop “Criminal-legal response of Montenegro on illegal marriages and child exploitation in begging” held in Bijela from 28th to 30th June 2023 in organization of UNODC, in cooperation with the Center for Training in Judiciary and State Prosecution. The workshop was dedicated to multisectoral approach in prevention and suppression of human trafficking for purposes of illegal marriages and child exploitation in begging and it provided exchange of participants’ knowledge (Sector for combating against human trafficking/MI, Police administration, State Prosecution, courts, NGO sector...) in the field of combating against human trafficking through implementation of measures and activities from the jurisdiction of institutions they are coming from. In that way, a contribution to improvement of effects of a current practice in prevention and suppression of human trafficking for purposes of illegal marriages and child exploitation in begging, was given.

107. Despite the efforts made, there are still challenges in providing complete and efficient suppression of systemic discrimination, improvement of institutional responses and ensuring actual participation of minority groups in public and political life in the local level. Still, Montenegro continues to strengthen its institutional and legal mechanisms in order to improve essential equality and fulfillment of liabilities from Article 2 of the Convention.

C. Article 3

108. There is no racial segregation or apartheid in Montenegro and the country continues to unreservedly condemn those practices and each policy, practice or ideology that favors racial intolerance or hatred.

109. We ask you to see paragraph 63 of The second and the third consolidated periodical report of Montenegro (CERD/C/MNE/CO/2-3) and paragraph 65 in The fourth to the sixth consolidated periodical report of Montenegro (CERD/C/MNE/CO/4-6).

110. During the reporting period, Montenegro continued to fulfill its obligations from Article 3 of CERD. As a response to often very difficult situation of the RE community, Montenegro strengthened its legal and strategic framework through the Law on Prohibition of Discrimination and adoption of the Strategy for Social Inclusion of RE population (2021–2023) with a goal to resolve inequality in the field of a residency, education, employment and access to services. Efforts made on reduction of spatial segregation include programs of social residency and projects of infrastructure improvement, particularly in areas with the great concentration of RE population. In the field of education, the Government worked on reduction of informal segregation by integration of RE children in regular schools and by introduction of Roma mediators and assistants in teaching. There are still challenges in providing equal access to education and residency, with notified cases of continuing marginalization in the local level. Ombudsman continued to follow-up complaints related to

discrimination and segregation and the Government remain dedicated to implementation of recommendation of international bodies in order to reduce structural inequalities and encouragement of social integration in all communities.

D. Article 4

111. Montenegro has undertaken significant legal and institutional measures in order to fulfill its obligations from Article 4 of CERD and General recommendation no. 35 of the Committee (2013) on combating against racial hate speech in connection with paragraph 11 of CERD/C/MNE/CO/4-6.

112. In order to improve processing of hate speech cases, the acting Supreme State Prosecutor ordered in year 2023 to the Higher State Prosecutor Offices to give priorities and accelerate procedures in connection with encouragement of national, racial and religious hate. Despite those efforts, there are still challenges. In order to overcome them, the Government started programs on capacity building, including trainings for state officials on recognition and combat against gender-based hate speech, aiming to create more inclusive and more sensitive institutional framework. Although the judicial infrastructure is in accordance with international standards, efficient application of the law remains the main factor for comprehensive combat against racial discrimination and a hate speech.

113. State-Prosecutor organization intensified work on cases motivated by the hate, as well as the combat against a hate speech and all forms of a racial discrimination, and in the phase of drafting is the Instructions on handling in hate crimes cases and hate speech cases, and in those cases a special record shall be kept, timely reporting shall be done, equalization of prosecution practice and unique proceeding in this kind of cases.

114. Each form of hate speech, including the hate speech committed by politicians during political campaigns shall be investigated by the State Prosecutor Office and shall be prosecuted through criminal offences by which a substance of a criminal offence that are prosecuted ex officio is realized. For forms of a hate speech that are not criminalized, a misdemeanor prosecution is undertaken by the Police or by the competent State Prosecutor Office by submission of the request for initiation of a misdemeanor procedure.

115. Since year 2017, six laws on amendments of the Criminal Code were adopted and in amendments from year 2023³⁵ Article 42a was amended where for criminal offences committed out of hatred towards another person due to his national or ethnic affiliation, race or religion or due to the lack thereof, or due to disability, sex, sexual orientation or gender identity, such a circumstance shall be taken as aggravating by the court, as well as where a criminal offence is committed against a person who belongs to a particularly vulnerable category of persons (children, persons with disabilities, pregnant women, elderly persons, refugees) as well as amendment of a criminal offence of racial and other discrimination (Article 443) in the way that a new paragraph is prescribed "persons who keep in computers, spreads or in some other way make available material intended for execution" of that criminal offence.

116. Statistical data for the period from 2019 to 2023 for criminal offences from article 370 and Article 443 of the Criminal code from jurisdiction of the Higher State Prosecutor Office in Podgorica and Bijelo Polje, see in the Appendix 5.

117. The country ensures that foreign citizens are not returned or alienated to a country or a territory where they are exposed to a risk of serious violation of human rights.

118. By Article 12 of the Law on National Public Broadcaster-Public media Service of Montenegro³⁶ it is prescribed that the Public Media Service is obliged, with application of high standards of professional ethics and quality and without any form of discrimination, to produce and broadcast program contents.

³⁵ Official Gazette of Montenegro, no. 110/23.

³⁶ Official Gazette of Montenegro, no. 60/2024.

119. According to data of the Public Media Service of Montenegro, through program for minorities in RTCG undertakes all necessary measures in order to ensure the respect of human rights and to prevent a hate speech, including racial hatred.

120. RTCG has the Code of Ethics that forbids broadcasting of contents that could encourage a racism, discrimination and intolerance towards any group. Those guidelines help journalists and editors to carefully process topics related to minorities and vulnerable social groups.

121. In the Law on Media³⁷ in Article 35 it is prescribed that “beside assets from the Fund and in order to exercise rights of minorities and other minority national communities to be informed in their own language, guaranteed by the Constitution and the Law, particular assets for financing media founders may be allocated from the public revenues. Assets are allocated in independent and transparent way, with guarantee of editorial, program and institutional autonomy of the media founder”.

122. It is also stipulated by the Law on Media (Article 48) that “the Media must not spread, encourage or justify violence, hatred or discrimination on grounds of race, ethnicity, relation with some nation or national community, affiliation to a group or assumption on affiliation to a group, skin colour, sex, gender, language, religion, political or some other conviction, national or social background, property status, membership in a trade union organization, education, social status, marital or family status, age, health condition, disability, genetic inheritance, gender identity, sexual orientation and /or intersexual features, and also on ground of actual or assumed personal features.”

123. By the Law on Audio-Visual Media Services³⁸ it is prohibited “promotion of hatred, intolerance or discrimination on grounds of race, ethnicity and nationality, relation with some nation or national community, affiliation to a group or assumption on affiliation to a group, skin colour, sex, gender, language, religion, political or some other conviction, national or social background, property status, membership in a trade union organization, education, social status, marital or family status, age, health condition, disability, genetic inheritance, gender identity, sexual orientation and /or intersexual features, and also on ground of actual or assumed personal features.”

124. The Agency for Audio-Visual Media Services (Agency) is an autonomous regulatory body with public authorities acting in accordance with the Law on Audio-Visual Media Services and it acts in the public interest.

125. In order to eliminate all forms of racial discrimination in linear audiovisual media services (radio and television programs), the lawful framework in Montenegro contains clear prohibition and measures in case of its violation.

126. During the period from January 2018 to October 2024, the Agency conducted several proceedings and imposed appropriate measures to broadcasters because of broadcasting/re-broadcasting contents which promoted hatred, intolerance, insulting speech and discrimination on grounds of sex, race, nationality, religion or conviction, disability, age or sexual orientation (More about procedures the Agency conducted in the Appendix 6).

127. The Ministry of Culture and Media finances projects in the field of information, by providing financial assets for providing public services through the Fund for Encouraging Media Pluralism and Diversity. Assets from the Fund are used for encouraging media pluralism and diversity, particularly for production and publishing contents that are, among other, significant for promotion of cultural diversity, preservation of the culture and the identity of Montenegro, protection of rights and dignity of minorities and other minority national communities against discrimination, stereotypes and prejudices.

128. Through the Fund for Protection and Realization of Minorities of Montenegro, the country realizes activities significant for preservation and development of national or ethnical specificities of minorities and other minority national communities and their members in the field of national, ethnical, cultural, language and religious identity.

³⁷ Official Gazette of Montenegro, no. 54/2024.

³⁸ Official Gazette of Montenegro, no. 54/2024.

E. Article 5

129. Beside information on application of Article 5 of CERD, in this chapter shall also be treated recommendations from paragraph 13–23 of CERD/C/MNE/CO/4-6.

Right to equal treatment before courts and all other bodies implementing justice

130. Montenegro respects the right of each individual on equal treatment before courts and all other bodies implementing justice, in accordance with Article 5(a) of CERD. The Constitutional guarantee on equality before the Law and right to a fair trial for all persons, no matter on race, skin colour, ethnicity or nationality are implemented through the Law on Criminal Procedure, Law on Courts and the Law on Free Legal Aid. These Laws provide impartial court processes and access to justice for all, including members of minorities and vulnerable groups. The judiciary is autonomous, and anti-discriminatory provisions may be applied even before regular and before constitutional courts.

131. In practice, however, certain structural obstacles still have an impact on access to justice for marginalized population, especially Roma and Egyptians community that is often faced with challenges such as limited knowledge of law, language barriers and economic difficulties. In order to decrease those inequalities, the Government improved the system of free legal aid, and organizations of a civil society have a significant role in providing legal aid and education on rights.

132. Continuing training programs for judges, prosecutors and police officers on standards of anti-discrimination and human rights realized by the Center for Education in judiciary and international partners, aiming to improve sensibility on racial and ethnical prejudices in court proceedings. Although the legal framework of Montenegro is pretty aligned with principles of equal treatment and non-discrimination, additional efforts are necessary in order to provide consistent application and remove de facto obstacles of access to justice, particularly for marginalized and minority communities. Development and improvement of the system of free legal aid is recognized as a strategic goal in the Strategy of the Judiciary Reforms 2029–2022 and accompanying Action Plan. Significant activities for strengthening of free legal aid are implemented, including: preparation of brochures, informative leaflets and their distribution in info-points in all municipalities in Montenegro, organized by Associations of Judges of Montenegro and NGO center for Democratic Transition, then promotion of free legal aid by lawyers through media appearances and direct contact with citizens. During the reporting period, 13 projects on promotion of free legal aid, realized by NGO, were implemented and were financed by the Ministry of Justice.

133. There is a particular section in the web sites of court with links related to free legal aid. In courts themselves there are brochures with information about users of this aid, where they can be informed and file a request and in which way this right is to be realized.

134. In order to overcome problems notified in practice of application of the Law on Free Legal Aid, in year 2024, the Law on Amendments of the Law on Free Legal Aid³⁹ is adopted. The adopted amendments recognize new vulnerable groups of persons who are allowed to exercise the right on free legal aid (a person asking to be confirmed the status of a stateless person and a stateless person; foreigner seeking for international protection, asylum seeker and foreigner under subsidiary protection; victim of a torture or inhumane or humiliating acting or punishment; victim of a criminal offence against sexual freedom; a child that initiated a procedure for a children's rights protection, in accordance with provisions of the Law family relations are regulated by). Those persons shall also be enabled to exercise rights to free legal aid in similar proceedings, after the final judgment confirms their status of a victim.

Political rights, particularly right to participation in election, right to vote and candidacy

135. Scope of rights of minorities and other minority national communities in Montenegro guaranteed by the Constitution, laws and other regulations, is limited in practice, having in

³⁹ Official gazette of Montenegro, no. 123/2024.

mind that the level of normative framework application is still incomplete. There are still lacks regarding authentic representation of minorities in the Parliament of Montenegro and representative bodies in the local level, and also in public services and bodies whose founders are the country and local self-governments.

136. Representation of minorities and other national communities in Montenegro in political and public life (Paragraph 13 of CERD/C/MNE/CO/4-6) is shown by following data.

137. In Parliament of Montenegro: There are six representatives in the Parliamentary caucuses of Bosniak party, two of whom are women, and there are six representatives of Bosniaks in other Parliamentary caucuses; Croatian Civic Initiative has one representative and two representatives of Croatian nationality are in other Parliamentary caucuses; Albanian Forum has two representatives, Democratic Union of Albanians has one and Albanian Alliance one and two representatives of Albanian nationality, out of whom one woman, are in clubs of civic parties; there is no representative of Muslim or Roma population in this Parliamentary convocation.

138. Bosniak Council in Montenegro considers that during mandate of the 42nd Government of Montenegro (2020–2022) there has been significant distancing of representatives of minorities, particularly Bosniaks, from the position for making decisions. They state that, although the 43rd minority Government adopted certain positive developments, there were no essential changes until the reconstruction of the 44th Government (July 2024) when it was significantly changed, especially in the executive government when a step toward returning to equality and more justified representation of Bosniaks in institutions of the system is made.

139. Within the political participation of RE population following activities are continuously performed: the first political party of Roma people are formed under the name “Democratic Party of Roma”; in the Parliament of the Capital city Podgorica rights of Roma and Egyptians population are represented by the new councilor; a session of Roma parliament due to celebration of the 8th April the World Roma Day is established the Parliament of Montenegro; workshops for young members of Roma and Egyptians population are regularly held aiming to empower them for more inclusion in a political life; the initiative for reduction of lawful elective census for Roma community from 0,7% to 0,35% is started.

Right to freedom of movement and residence

140. Citizens in Montenegro have the right to free movement and residence in the country. However, certain marginalized groups, especially RE community, including displaced persons from Kosovo, have faced with practical obstacles for complete exercise of this right, mostly due to lack of personal documents, irregular residence status or restricted access to ownership over immovable property. In order to resolve those problems, Montenegro has undertaken steps for regulating legal status of displaced persons, including application of the Law on Foreigners and participation in the Regional Housing program (RHP) directed towards provision of permanent residential solutions. Campaigns on raising awareness and initiatives on legal aid are implemented in cooperation with civic society, in order to support processes of providing documentation and registration. Although a significant progress in reduction of stateless persons and improvement of access to rights on residence is achieved, it is necessary to implement additional measures that should ensure that all individuals, particularly members of vulnerable communities, can completely and effectively exercise their right on freedom of movement and residence in the equal basis.

Right of everyone to leave any country, including own country

141. Montenegro acknowledges and protects the right of each person to leave any country, including his or her own country, without discrimination based on race, skin colour or national of ethnical background, in accordance with Article 5(d)(ii) of CERD. Although legal framework provides an equal access to this right, certain practical challenges are notified, particularly at members of marginalized communities, such as RE population and internally displaced persons from Kosovo, out of whom many did not historically have any personal documents or the status of citizenship. In order to resolve all these problems, Montenegro conducted campaigns for collection of documentation and registration in cooperation with

UNHCR and organizations of civil society, which significantly reduced number of persons at risk of being a stateless persons and improved access to travel and personal documents. Those efforts contribute to exercise of rights of each person to leave country without being discriminated.

Right on Citizenship

142. Pursuant to Article 1 paragraph 2 of the Law on Montenegrin Citizenship, Montenegrin citizenship presents a legal relationship between a person and Montenegro and it shall not indicate his or her national or ethnicity origin. Each person who fulfills conditions for acquiring Montenegrin citizenship by admission may file an application.

143. In order to prevent statelessness, the Directorate for Administrative Affairs, Citizenship and Foreigners of MI, in cooperation with UNHCR, finalizes drafting of standard operational procedures for application of Article 7 of the Law on Montenegrin Citizenship, by which acquiring citizenship for a child born or found on the territory of Montenegro shall acquire Montenegrin citizenship if both of his or her parents are unknown, if their citizenship is unknown, if they are stateless or if a child will remain without citizenship.

Right to marriage and selection of a partner

144. There are no lawful restrictions on basis of ethnicity or a race that influence on the right of a person to enter into marriage or to select a partner. Still, in practice, particular social and cultural norms, especially in traditional or marginalized communities, may influence on exercise of this right, particularly at RE population. Cases of early or arranged marriages often caused by poverty or lack of education are reported. In order to resolve this problem, Montenegro implements public campaigns, strengthen mechanisms for children protection and improves cooperation between social services, educational institutions and the police.

Right to property, to own property alone as well as in association with others

145. Although the legal framework does not allow discrimination in connection with the proprietary right, challenges still exist in practice, especially for RE communities that often live in informal settlements, without documentation and property right. In order to resolve those problems, the country implements measures from the Strategy for Social Inclusion of RE Communities (2021–2025) and RHP which facilitate legalization of objects and access to a housing right.

Right to Inheritance

146. Although the legal framework supports equal right on inheritance of a certain vulnerable group, particularly RE communities, they can face with practical obstacles in exercising rights on inheritance due to a lack of property legal registration, personal documentation or restricted knowledge of the Law. Those obstacles can prevent lawful heirs to exercise their rights through formal legal procedures.

147. As a response to these challenges, Montenegro implemented targeted legal aid programs and campaigns for the raise of awareness, often in partnership with civil society and international organizations in order to improve access to justice and to support individuals in the inheritance process. Activities within the framework of wider strategy on social inclusion, such as the Strategy for Social Inclusion of RE Population (2021–2025) also have a goal to reduce the influence of structural obstacles and to improve an equal access to civil rights, including the right to inheritance.

Right to freedom of thought, conscious and religion

148. Law on Freedom of Religion and the Legal Status of Religious Communities⁴⁰ provides a legislative framework for registration, functioning and protection of religious communities, providing equal legal status and non-discrimination treatment. Montenegro is

⁴⁰ Official Gazette of Montenegro, no. 074/19 and 008/21.

a multiethnic and multi-confessional country, and the country takes a secular stance, encouraging a tolerance and peaceful coexistence among religious groups.

149. Members of minorities and ethnical communities such as Bosniaks, Albanians, Roma and Egyptians practice their religion freely and they have access to places of worship and religious education.

150. Activities on implementation of signed agreements are continued: The Fundamental Agreement between Montenegro and the Holy See, Agreement with the Islamic Community in Montenegro and Agreement with the Jewish Community. The Fundamental Agreement with the Serbian Orthodox Church was signed in year 2022.

151. Negotiations on conclusion of the agreement with the Christian Adventist Church, as well as with six Protestant (Evangelical) Churches are in progress.

152. There are 20 religious communities registered in the unified register and three more are subsequently added.

Right to freedom of opinion and expression

153. The media and civil society in Montenegro function freely, and members of minority and ethnical communities, such as Albanians, Bosniaks, Roma and Egyptians, have the access to publishing and spreading the information in their own languages through public service, local media and cultural organizations. The Fund for Protection and Realization of Minorities' Rights supports media and cultural projects that promote multilingualism and ethnical diversity.

154. There are still challenges in the combat against the hate speech and ethnical stereotypes, especially in the online space and in a certain media segments. As a response, Montenegro strengthened monitoring, promoted media literacy and implemented public campaigns against discrimination and a hate speech. Constant trainings for journalists, public officials and members of the Police are ongoing, aiming to ensure responsible communication and protection of freedom of expression, at the same time preventing its abuse for encouragement on racial and ethnical hatred. These activities reflect commitment of Montenegro to preservation of this fundamental right on inclusive and non-discrimination way.

155. Laws from the field of the media are significantly changed two times during the reporting period. The first time, the process of complete changes was started in year 2018 and on 27th July 2020, the Law on National Public Broadcaster Radio and Television of Montenegro and the Law on Media were adopted.

156. Because of additional alignment of media laws with international standards, at the end of year 2021, Montenegro started drafting of the new Law on Media., Law on Public Service of Montenegro and Law on Audio-Visual Media Services, in accordance with relevant international recommendations, experiences in application of legislation and suggestions of media community and non-governmental sector. In October 2023, the Government adopted the Media Strategy 2023–2027, the first such strategic document stipulating series of measures for improvement of journalists' safety and strengthening of institutional mechanisms for processing all cases of attacks on journalists.

157. Considering the importance of freedom of the media and expression in each democratic society, by amendments of the Criminal Code from year 2021, a criminal-legal protection of journalists is enhanced. Article 142 is supplemented by introduction of the term "affairs of public interest" and amendments were done also in Article 144 (Aggravated murder), 151 (Aggravated bodily injury), 165 (Coercion), 168 (Endangering) and 179 (prevention of printing and spreading of press and program broadcasting) that are currently directed to protection of information of public importance disclosure and qualification of such attacks as aggravated circumstances.

158. State Prosecutor Offices delivers reports on attacks on journalist to the Supreme State Prosecutor Office. The main police inspector coordinating all activities of the State Prosecutor Office and the Police in the territory of Montenegro is appointed. In all police

regional centers, two crime inspectors each are in charge of these activities, regardless whether a reported event has elements of a criminal offence of a misdemeanor.

159. The new Commission for Monitoring Attacks on Journalist is formed in year 2021 and is composed of journalists, the media representatives, NGOs, professional journalists associations, the Media Council of Self-Regulation, Agency for National Security, State Prosecutor Offices and Police Administration. The new composition led to a more efficient work because representatives of the State Prosecutor Offices are now directly included in a work of this body. Particularly important jurisdiction of the Commission is monitoring of cases of attacks and threatens through social networks.

160. During the year 2025, it is expected that the new Law on Free Access to Information, whose draft received a positive opinion of the European Commission, shall be adopted.

Right to freedom of peaceful assembly and to freedom of association

161. Montenegrin legal framework provides free founding and functioning of associations, including those that present minority and ethnical communities such as Albanians, Bosniaks, Croats, Roma, Egyptians and other. Those communities actively participate in a civil society through cultural, educational, religious and political organizations, and are supported by state institutions such as the Fund for protection and Realization of Minority Rights.

162. Peaceful assemblies, including those organized by ethnical minorities due to promotion of cultural identity and human rights, are respected in most cases and are protected by the competent authorities. Still, there are occasionally concerns related to timely approval of assembly or safety of participants, especially when there are politically sensitive assemblies or assemblies connected to rights of minorities. As a response to that, Montenegro improved cooperation between public institutions, civil sector and law enforcement in order to provide that all groups may freely and safely exercise their rights on assembly and association. Trainings for police officers and administrative bodies, as well as continuing monitoring by the Ombudsman, contribute to strengthening of equal and non-discriminatory exercising of these fundamental rights.

Right to employment

163. Montenegro guarantees right to employment to all individuals without discrimination based on a race, skin colour or national or ethnical background, but still, in practice, members of marginalized groups, especially RE community, are still facing with structural obstacles, such as a low level of education, work in an informal sector, restricted access to professional training and discrimination at employment. In order to overcome these problems, the Government implemented targeted employment programs in cooperation with civil society and international partners, including mediation at employment, professional training and public works adapted to vulnerable groups. Employment Agency of Montenegro has a central role in these efforts, providing support and mediation to seekers of employment from minority communities. Even beside the achieved success, it is necessary to implement additional measures in order to eliminate differences in outcome of employment and to provide more efficient exercising of rights on employment for all individuals in equal and non-discriminatory way.

Right to housing

164. Despite the fact that Montenegro acknowledges the right to adequate housing for all individuals without discrimination based on a race, skin colour or national or ethnical background, RE community, internally displaced persons or other marginalized groups of persons are still facing significant obstacles regarding an adequate accommodation, including informal settlements, overcrowding, lack of infrastructure and restricted legal ownership over a property. In order to overcome these challenges, Montenegro implemented targeted measures such as the Regional Housing Program (RHP) which goal is to provide permanent housing solutions for internally displaced persons, and the Strategy for Social Inclusion of RE Population (2021–2025) that includes initiatives for legalization of informal objects, improvement of living conditions and provision of access to utility services.

165. With regard to the Recommendation no. 15(b) Paragraph 15 of CERD/C/MNE/CO/4-6 it should be emphasized that within the framework of the Regional Housing Program, 171 housing units are built for inhabitants of Camp Konik in Podgorica-total amount of the project is 7.430.215,61 €, out of which 6.226.662,00 € is a grant. The Ministry of Social Welfare, Family Care and Demography, in cooperation with NGO HELP, realizes the project on reconstruction of Roma settlement Trlica-Pljevlja through adaptation of all residential objects and revitalization of the drinking water supply system. In cooperation with the Council of Europe, an initiative for permanent care of RE population has been launched. As the Fund in which it is possible to apply for a multi-million project is recognized, the Ministry, in cooperation with the Ministry of Education, Science and Innovation, MHMR and HELP, organized and implemented a research in this field as a starting point for preparation of the economic feasibility study in Montenegro.

Right to public health, medical protection, social insurance and social services

166. Although the legal framework guarantees an equal treatment, marginalized communities, especially RE population, displaced persons and persons without permanent residence, are often faced with practical obstacles at the access of services, such as a lack of personal documents, low health literacy or geographical or economic barriers. As a response, Montenegro implemented targeted measure within the Strategy for Social Inclusion of RE Population (2021–2025) and national health strategies, including engagement of health mediators, mobile medical teams and campaigns in the field.

167. Steps toward improvement of access to vaccination, health protection of mothers and children are undertaken, as well as inclusion of vulnerable groups in systems of health insurance. In the field of social insurance and services, local centers for social welfare and programs in communities provide support adapted to needs of families at risk, with support of non-governmental organizations and international partners.

168. In connection with the Recommendation no. 15(e) and (f) Paragraph 15 of CERD/C/MNE/CO/4-6 it should be emphasized that children whose parents are unknown are protected by provisions of the Family Law and the Law on Registers and in accordance with the Law on Administrative Procedure, at entry of a child in Register of Births, in case when mother is not in possession of identification document, all assets convenient for confirmation of a factual state that correspond to the concrete case, such as documents, witnesses statements, statements of parties, findings and opinion of an expert, interpreter and investigation, may be used. Operational instruction for initiation of a registration in the Register of Births is adopted in year 2023, aiming to ensure to officers of competent state institution to autonomously manage the procedure of registration in the Register of births of all future persons they meet at work and also to fulfill their obligations stipulated by national legislation and international agreements Montenegro has signed. This Operational instruction is intended for officials of competent municipal Social Welfare Centers, health and educational institutions, so that in direct communication with regional units and Ministry of Interior Centers, they can initiate a registration in the Register of Births of those children born in Montenegro, but not registered in records. In accordance with mentioned above, conditions for exercising rights to universal entry of birth for all children, with no exception, are created, which was a goal of MI.

Right to education and training

169. National strategy for development of education in Montenegro (2019–2024) contains provisions on inclusive education aiming to provide an equal access for children from all ethnical, social and cultural communities.

170. Despite the fact that Montenegro guarantees the right to education and training for all persons without discrimination based on a race, skin colour or national or ethnical background, certain marginalized groups, particularly RE community, children with developmental disabilities and internally displaced persons still face challenges in complete access to quality education. These challenges include a restricted access to educational institutions, language barriers, economical restrictions and high percentage of early school leaving. In order to resolve this problem, Montenegro implements measures from the Strategy for Social Inclusion of RE Population (2021–2025) which includes initiatives for reduction

of segregation in school, provision of financial assistance for school supplies and support to integration of Roma children in a regular educational system.

Right to equal participation in cultural activities

171. Minority communities, such as Albanians, Bosniaks, Croats, Roma and Egyptians actively contribute to cultural life of Montenegro through activities supported by financing programs implemented by the Ministry of Culture and the Fund for Protection and Realization of Minority Rights. Besides that, national cultural institutions, including museums, theaters and galleries, encourage expression of culture and creation of space where minorities can present their heritage.

172. However, certain challenges still exist, particularly for marginalized groups such as RE population that can be faced with economical obstacles, restricted access to cultural premises or insufficient representation in the main cultural institutions. In order to alleviate these challenges, Montenegro implemented targeted programs directed towards the increase of visibility of minority culture and provision of support for cultural education, creative industries and public exhibitions that include different ethnical narratives.

The right to access places of service provision

173. Public services, including health protection, educational and social protection, are available to all citizens, and private service providers are obliged to respect laws against the discrimination. Still, marginalized groups, particularly RE community, may face challenges in accessing places of service provision due to factors such as geographic isolation, lack of documents, language barriers and social stigmatization. For example, members of RE communities are often faced with discrimination in a private sector, including housing, retail trade and public transport, where they can experience exclusion or unequal treatment.

174. As a response, Montenegro implemented a campaign for raising awareness on significance of non-discriminatory practice in service provision and strengthened mechanisms for implementation of law in connection with complaints on discrimination. The Ombudsman and Council for protection against the discrimination have a key role in monitoring complaints and providing a legal aid to discriminated persons.

Reliable and detailed information on social and economic situation of members of ethnical and minorities groups, migrants, refugees, asylum seekers and internally displaced persons with regard to the Paragraph 7 of CERD/C/MNE/CO/4-6

175. Department for returnees reintegration after readmission, within the framework of the Department for Administrative Affairs, Citizenship and Foreigners of MI, as the organization unit which autonomously manages reintegration process of persons and which is directly responsible for admission and support of readmitted migrants, or persons who are returning to Montenegro according to signed agreements on readmission. The Questionnaire which is filled in by returnees during conversation with officers of the Department and which, among all, contains questions connected to social and economic situation before leaving and questions on current situation of returnees (questions on education, property, health condition) is created. Information collected during the interview, from the Questionnaire and during implementation of the reintegration plan, are entered in the previously standardized Excel table, and at the and an annual report on returnees reintegration is prepared and is delivered to interested parties, and the report on implementation of the Action Plan for implementation of the Strategy for migrations and reintegration of returnees in Montenegro for the period from 2021 to 2025, is prepared.

Status of RE population, considering general recommendation no. 27 (2000) on discrimination of Roma population and paragraphs 15 and 17 of CERD/C/MNE/CO/4-6

176. In September 2021, the Government of Montenegro adopted “The Strategy for Social Inclusion of Roma and Egyptians in Montenegro 2021–2025”⁴¹ and adopted the Action Plan

⁴¹ <https://wapi.gov.me/download/ac62f522-fc63-4408-b164-546aefa52a4b?version=1.0>.

for implementation of the same for year 2021 which main goal is improvement of social and economic and legal position of Roma and Egyptians in Montenegro, through building an inclusive and open society based on combat and elimination of all forms of discrimination, anti Roma sentiment and poverty. In order to monitor realized activities, MHMR formed the Commission for monitoring of the Strategy implementation. In order to achieve the main strategic goal, main fields of acting are identified: Discrimination and anti Roma sentiment, Culture, Identity and Informing, Poverty, Political and Social participation, Housing, Education, Employment, Health, Legal status, Domestic violence, Child marriage and begging.

177. Discrimination and anti Roma sentiment: The level of discrimination against Roma and Egyptians is still high and is 21.3%, although it is lower for 0,9% compared to year 2020 when it was 22,2%.⁴² On the other hand, according to value of performance indicators, a decrease of ethnical distance toward RE population, can be notify, which at the end of year 2023 is 0,356⁴³ compared to 0,55 in year 2021. Drafting of the licensed accredited program “Combat against anti-Roma sentiment and each form of discrimination toward Roma and Egyptians” is finished and beginning of its implementation is planned during 2024–2025. The 2nd August is celebrated –International Day of Remembering Roma victims of Holocaust. For this occasion, in year 2023, MHMR in cooperation with NGO “Walk with us-Phiren amenca” organized a visit to a Memorial Center Auschwitz-Birkenau for 10 students from Montenegro. Within the period from 5th to 27th October 2023, The Exhibition on Roma Holocaust⁴⁴ was organized in Podgorica which was visited by 1 500 persons; In year 2024, an education for members of RE population on recognition of anti Roma sentiment, discrimination and a way of reporting cases of discrimination was organized in Budva.

178. Culture, identity and informing: Research of CEDEM Patterns and degree of discrimination in Montenegro in year 2022 in the field of culture showed that the estimated degree of discrimination of RE population is even 32,1% in year 2022 which is for 1,2% less compared to year 2020 when it was 33,3%; Center for preservation and development of minority culture of Montenegro published Dictionary of Roma-Montenegrin and Montenegrin-Roma language whose author is dr Hedina Tahirovic-Sijercic, in 3000 copies distributed all over Montenegro. The Dictionary is promoted in Podgorica and in Cetinje and promotion was visited by 50 people; The 5th November, World day of Roma Language is celebrated in year 2023 in KIC “Budo Tomovic” in Podgorica and for that occasion the Solemn Academy of Roma Language⁴⁵ was organized and 400 students participated in it; 44 projects in total are supported in year 2023 in the field of improvement of RE community inclusion and it was supported by MHMR in 27 projects in the amount of 400.000€ for which non-governmental organizations applied for and by the Fund for Protection and Realization of Minority Rights 17 projects in the amount of 108.975,00€, for which non-governmental organizations and also persons applied for. The support to non-government organizations by public calls of the Fund for Protection and Realization of Minority Rights in year 2024, ensured that 21 projects related to RE community with the total amount of 136.350,00€ are realized. Total amount of financial assets for projects of non-governmental organizations for “Improvement of status of Roma and Egyptians community in Montenegro”, supported by MHMR in year 2024 was 500.000,00€, by which 33 projects were supported; Radio show “Voice of Roma” is broadcasted on each Monday at 18;05 p.m. total 23 times in year 2024, and the television show “Savore” was broadcasted on the first program of RTCG on each Monday at 11.00 a.m., for total 20 times. Beneficiaries of assets that received the support

⁴² CEDEM research. Forms and level of discrimination in Montenegro, 2022. Financed by the European Union and the Council of Europe.

⁴³ CEDEM research, Ethnical distance in Montenegro, December 2023, available at: <https://www.cedem.me/wp-content/uploads/2024/02/Ethnical-distance-in-Montenegro-December-2023-2pdf>. (accessed: 07.03.2024.).

⁴⁴ More on: <https://romanet.me/vijesti/ngo-phiren-amenca-shall-open-the-first-exhibition-on-holocaust-of-roma-in-montenegro> (accessed: 07.03.2024.).

⁴⁵ More on: <https://www.gov.me/an-article/celebration-of-world-day-of-roma-language> (accessed: 07.03.2024.).

through the Fund for Encouragement of Pluralism and Diversity of the Media for year 2024 are internet publications from Roma.net (9.227,20€).

179. Poverty: On the occasion of the International Day of Roma population in year 2024, three vans for transportation of Roma children are donated; All RE families living in poverty in the territory of Municipality Pljevlja are registered. With the financial support of international organization HELP, drinking water, firewood and food staples are provided, directly improving quality of life of those families; 48 families without the access to social protection due to the lack of necessary documents for realizing rights from the scope of social protection received humanitarian aid packages (food, hygiene). Distribution of diapers for children was done through the Family Center and 180 children were covered by this kind of aid; 240 pupils received school supplies and 100 pupils received school bags. The Municipal organization of Red Cross Tivat was continuously during year 2024 providing assistance in a form of packet of clothes, baby packages, food and hygienic products for 15 families of RE population that are not registered in official registers. This assistance significantly contributed to improvement of living conditions of these families; In January 2024, the Memorandum on Cooperation between MHMR and Ministry of Labour and Social Protection was signed in order to improve social and economic and legal position of RE population in Montenegro, through building an inclusive and open society based on combating and elimination of all forms of discrimination, anti Roma sentiment and poverty, which predicts systematization of position of associates in the social protection of RE communities in the field of social protection in Social welfare Centers in municipalities: Bar, Berane, Bijelo Polje, Budva, Cetinje, Herceg Novi, Niksic, Pljevlja, Podgorica, Tivat and Ulcinj.

180. Political and social participation: Towards the celebration of the 8th April the World Roma Day, on 6th April 2023 in the Parliament of Montenegro was held the first session of Roma Parliament⁴⁶ and its holding continued in following years; The Government, at the 54th session held on 26th May 2023, adopted the Decision on forming Coordination Body responsible for Monitoring the Implementation of the Declaration on partners of the Western Balkans on integration Roma people within the process of European Union enlargement.⁴⁷

181. Housing: During the year 2023, a support to citizens of RE population is provided in the process of legalization of objects that does not have any obstacles to be legalized. Commission for selection of families that shall receive a support for object legalization is formed. A public call in which a selection for 18 families that are still in the legalization process is prepared; In year 2024, the Council of Europe approved projects which goal was financing of legalization of 50 illegal objects used by RE population.

182. Employment: Increased number of associates in the field of education, employment, health protection and social protection for 47 persons, with regard to the total number in the previous period; Paid internship in Municipality Niksic for three members of RE population is provided out of whom the one with the best results shall have an opportunity to be employed in Municipality Niksic; At the end of May 2023, drafting of the National program for Transformation of Informal Employment of Roma and Egyptians in Montenegro⁴⁸ started; Number of unemployed persons from RE population who were provided services of mediation at employment: 125 out of which 62 women (45,92%); Number of unemployed persons from RE population included in public works programs: 16 (3,16%) out of total number of 506 unemployed persons; Number of unemployed persons from RE population included in programs of education of adults: 3 (1,42%) out of total 506 unemployed persons; Number of persons from RE population who finished training at the job position at an employer: 3 (1,25%) out of total 506 unemployed persons.

183. Health: According to all researches, more than 90% of members of RE population have regulated health insurance; Acts on internal organization and systematization of job positions of Associates in a social inclusion of RE population in the field of the health (one

⁴⁶ More on: <https://www.parliament.me/me/articles/the-first-session-of-roma-parliament-was-held> (accessed:07.03.2024.).

⁴⁷ Available on: <https://www.gov.me/documents/8c66bbf5-5158-4acf-89e0-4312b42fbba5> (accessed:07.03.2024.).

⁴⁸ More on: <https://www.gov.me/article/for-full-inclusion-of-roma-men-and-women-and-egyptians-men-and-women-in-formal-labor-market-of-Montenegro> (accessed:07.03.2024.).

position in the Health Center Niksic and one position in the Health Center Bijelo Polje and Health Center Ulcinj) are amended. Public Health Institution Health Center Bijelo Polje performed amending of acts on internal organization and systematization of job positions, by which a work position of Mediator/Associate is predicted.

184. Civil status and personal documents: Number of persons from RE population who received aid during year 2024: received an aid from the Embassy of Republic Serbia and the Embassy of Republic Kosovo in Montenegro-5; received a legal or a financial aid for regulating a legal status in Montenegro-43; received support for entry into Registers-9; received legal aid – 112 persons. 68 persons received personal documents. Concluded with year 2024, there are 42 applications for temporary residence and permanent residence of RE population that remained unsolved due to the lack of documentation from the their native country.

185. Education:

- There are 312 RE children enrolled in the preschool education (163 boys and 149 girls). The rate of a preschool education attendance is increased from 16% in year 2021 to 57,69% in year 2024.
- 1.794 RE pupils (910 boys and 884 girls) are enrolled in a primary school (grades from 1–9). The rate of primary school finishing is increased from 56% in year 2021 to 86,46% in year 2024.
- 193 high-school students (103 boys and 90 girls) from RE community attend high school. The rate of high school finishing is increased from 3% in year 2021 to 22,79% in year 2024.
- 18 students from RE population are enrolled at universities with scholarships.
- Free preschool education is provided for all RE children no matter in which city they live.
- In order to prevent segregation in schools, free transportation for Roma pupils is provided in six different schools in order to ensure equal division and integration.
- Free transportation is provided for all pupils in primary schools in cities with a great number of RE people.
- Free textbooks and school supplies are provided for all RE pupils in primary schools.
- Scholarships of 60 € a month are provided for all RE high-school pupils and students receive 300€ a month.

186. The Ministry of Education, Science and Innovation recognized needs of the educational system regarding inclusion of greater number of mediators in the social inclusion and adopted the Ordinance on amendments of the Ordinance on standards and norms for obtaining assets from public revenues for institutions implementing public educational programs. Adopted amendments stipulate that one mediator for social inclusion provides assistance for 35 children from RE population, instead of 70 as it used to be stipulated.

Recommendation from Paragraph 19 and 21 CERD/C/MNE/CO/4-6: Child and forced marriages, domestic violence in RE community and combat against human trafficking

187. Since year 2010, MHMR is actively dealing with suppression of arranged and underage marriages, especially among RE population in Montenegro. Within the framework of its activities, MHMR organized numerous workshops, trainings and seminars, and also campaigns all over the country, aiming to raise the awareness and prevention of such phenomenon.

188. Besides that, non-governmental organizations that through their projects implement activities directed to the combat against arranged marriages are continuously financed. Particularly significant project is realized in year 2022 with the support of the European Union and the Government, within the program of European Union and Montenegro, in the total amount of 265.000,00 €. The Project titled “Campaign on child/arranged marriages,

domestic violence and begging”, with the slogan “My Life” had a goal to strengthen community and to educate on child’s rights.

189. MHMR shall in the future period, in cooperation with competent institutions, international partners and civil sector, continue to plan and to implement activities directed towards suppression of arranged and underage marriages in order to provide protection and better future for children from vulnerable families.

190. Center for Roma Initiative Niksic (CRINK) devotedly works for more than a decade on suppression of RE community problems, and before all on arranged child marriages and underage pregnancy. During year 2024, they identified 11 arranged child marriages in Niksic, Podgorica, Berane and Tivat. According to their statistics, they identify each year from 10 to 18 cases of arranged child marriages in RE population and process them to the competent bodies and what is interesting is that men are rarely underage, in all cases girls are underage.

191. CRINK also realized the project “Respecting Diversity as a Tool for Combat Against Gender-Based Violence” and within it 30 peer educators from 11 high schools.

192. A campaign with the topic “Protection from violence in a family, violence against children and forced marriages among RE population” was implemented within the reporting period by MI, Social Welfare Centers, local self-government, Red Cross of Montenegro and non-governmental sector.

193. In year 2020, the campaign “Children are Children” is implemented aiming to raise the awareness on harm of arranged marriages that seriously endanger mental and physical health of children and reduce their chances to have a healthy and happy life as adults. As the one of forms of human trafficking, arranged child marriages present a serious criminal offence punishable by laws of Montenegro. The Campaign was implemented by MI, Ministry of Labor and Social Welfare and the Police Administration, in cooperation with CRINK, with support of Great Britain Embassy in Podgorica.

194. In connection with Recommendation 19. (c) in paragraph 19 of CERD/C/MNE/CO/4-6 it should be stated that assets for functioning of the Department for Combating against Human Trafficking are allocated by the budget of MI. Also, MI allocates particular assets in order to strengthen efforts on prevention of this phenomenon and on protection of victims, so in the reporting period, on annual level, it supported financing of projects/programs of NGO in the field of protection and promotion of human and minority rights. We are also supported by international organizations in realization of planned activities.

Recommendations from paragraph 21 of CERD/C/MNE/CO/4-6: Human Trafficking

195. At the beginning of year 2023, within the Project “PACT-Prevention and Combat Against Human Trafficking in the Western Balkans”, that had a regional character and in which Montenegro was one of participant country, a research on knowledge and application of Protocol on treatment of children involved in life and work in streets of Montenegro by bodies, institutions and organization, with recommendation for further improvement of condition in this field.

196. The research resulted in certain conclusions and recommendations presented at round tables at the end of year 2023 in three cities: Bijelo Polje, Bar and Podgorica, on the subject “Improvement of inter-institutional cooperation of competent institutions in the local level in order to suppress a phenomenon of children involved in life and work on streets” all aiming more efficient application of the Protocol and suppression of this phenomenon. Round tables are held within the framework of realization of the Project “EU support for strengthening the combat against migrants smuggling and human trafficking in the Western Balkans-EU4FAST WB”.

197. In order to supplement the legislative framework and its harmonization with international standards in this field, with particular focus on full respect of human rights and protection of victims, in December 2023, amendments of the Criminal Code of Montenegro are adopted. Among other, following amendments are introduced: in Article related to the meaning of terms, or in Article 142 of the Criminal code, meaning of a child is aligned with Article 1 of the UN Convention on Rights of a Child (every human being below the age of

eighteen years); in Article 444 Human Trafficking, paragraph 1, kidnapping is added as one way of commitment of this criminal offence; aggravated form of this criminal offence is also added and it exists if due the offence from paragraph 3 of that Article a serious bodily harm was inflicted on a child, with prescribed imprisonment sentence of at least five years; explicit provision on victim's impunity is added in a form of new paragraph "The person, who as an immediate victim, was forced to participate in criminal activities from paragraph 1 of this Article, that person shall not be punished for offences from paragraph 1 of this Article".

198. Starting from the importance of respect of human rights and focus on victim protection, in year 2019, the Team for formal identification of human trafficking victims was formed and its main principle in its work was recognition of the status of victim according to violation of basic human rights, notwithstanding the course of a criminal procedure. Montenegro strengthened its response also in operational level through forming the Operational Team for Combat against Human Trafficking, governed by the State Prosecutor Office and which scope of activities was expanded in April 2024 on illegal state border crossing and human smuggling.

199. Series of measures on promotion of rights of victims is undertaken in order to systematically provide informing of people who are assumed to be victims, and also formal identification of human trafficking victims. In accordance with recommendations and goals from the national strategic document, capacities of lawyers for providing legal aid to human trafficking victims are additionally strengthened.

200. Steps on implementation of campaign on raising awareness on a free legal aid for victims of violence based on gender, including human trafficking victims are also undertaken. With a focus on respect of human rights and protection and on initiative of the Supreme Court of Montenegro and MI and with a help of international organizations, information material is made in order to raise the level of information on free legal aid. This material, in five languages: Montenegrin, English, Albanian, Farsi and Ukrainian, contains information on what an approved free legal aid means and also contact numbers of all services for free legal aid at Basic Court in Montenegro, to which people can address for information and finally, realization of this right. In celebration of the 18th October-European Day on Combat against Human Trafficking, MI distributed mentioned informative material to competent institutions, for which we believe that shall present a useful additional tool for informing of human trafficking victims when it is about a free legal aid.

201. Recognizing the importance of common action and a role of all segments of a society in combat against human trafficking, on 27th May 2024, revised Agreement on Mutual Cooperation in Combat Against Human Trafficking between 13 State Institutions and Non-governmental Organizations, whose consistent application shall contribute to improvement of current mechanisms of cooperation and finally, to strengthening of the state's response on different forms of human trafficking.

202. On the occasion of 30th July, the World Day on Combat Against Human Trafficking, the Department for Combat Against Human Trafficking, in cooperation with International Organization for Migrations (IOM), within the period from 27th July to 1st August, implemented campaign which goal was raising awareness of citizens, passengers and tourists staying in Montenegro on phenomenon of human trafficking, as well as on services of assistance and support. In 15 municipalities (Podgorica, Ulcinj, Bar, Budva, Kotor, Tivat, Herceg Novi, Cetinje, Niksic, Berane, Rozaje, Zabljak, Pljevlja, Kolasin and Bijelo Polje) officers of the Department for Combat Against Human Trafficking, together with representatives of the Red Cross of Montenegro, placed stands, were providing information and were sharing information material (leaflets) to people.

203. Considering that in the structure of human trafficking victims there are mostly persons younger than 18 years and considering challenges that are brought by advanced technologies and new way of recruiting of potential victims and their exploitation through Internet, MI in cooperation with the Ministry of Education, Science and Innovation implemented activities in order to raise awareness on human trafficking risks caused by the use of social networks and platforms, by organizing lectures to the mentioned topic in many high schools within the period from 17th to 18th October 2024. On this occasion, representatives of the Police Administration and the Department for Combat Against Human Trafficking informed high

school students about risks and possible consequences of the use of social networks and platforms, child pornography and other forms of sexual exploitations, child abuse through information-communication technologies.

204. Statistical data on human trafficking and number of children begging on streets, in connection with Recommendation 21 (e) in paragraph 21 of CERD/C/MNE/CO/4-6 show that during the period from 1st January 2020 to 18th October 2024, the Team for formal identification of victims of human trafficking granted the status of a victim to 115 persons, out of whom 37 persons were identified as victims of begging, and all of them were minors.

205. In connection with the Recommendation 21 (e) in paragraph 21 of CERD/C/MNE/CO/4-6 we emphasize that the Government adopted the Strategy for the Combat Against Human Trafficking for the period from 2019 to 2024, by which directions of the national policy for the combat against human trafficking are established in field: prevention, victims protection, criminal prosecution, as well as fields of partnerships, coordination and international cooperation. The Strategy provides approach directed to victims, which is in correlation with the goal to provide efficient prosecution of perpetrators of human trafficking. Starting from the fact that victims of human trafficking from whom women and children are the most vulnerable, are very hard to discover, but also to confirm the quality model for their protection and reintegration, the Strategy is focused on age and gender specificities of the crime itself, providing adequate response to their vulnerability.

206. Since the adoption of mentioned Strategy, 6 Action Plans for years 2019, 2020, 2021, 2022, 2023 and 2024 are adopted and implemented. After the evaluation of its application, the work on drafting of a new Strategy for the Combat Against Human Trafficking, which is planned for the period 2025–2028, with the accompanying Action Plan for year 2025, shall start.

Recommendation from paragraph 23 of CERD/C/MNE/CO/4-6: Improvement of conditions for asylum seekers reception and procedure on refugee status determination

207. Reception Center for Foreigners seeking for international protection started in year 2014, with capacity of 80 accommodations in location. Since the mentioned capacities were not enough for accommodation of all persons received at admission and considering increased inflow of foreigners seeking international protection, an alternative accommodation for adult men was provided in Vrela Ribnicka in Podgorica.

208. During the year 2018, MI with support of UNHCR has undertaken activities on the capacity increase, so the capacity in Reception Center in Spuz was enlarged on 104 places. Because of dilapidation and damages, current houses were replaced by 4 containers with the same housing capacity, with support of UNHCR. Considering that mentioned capacities were placed on the land of the Reception center, during the year 2019, a parcel with the area of 5.443 m² was bought, by which conditions for reception of foreigners seeking for international protection were significantly improved, in accordance with international standards.

209. Further activities in capacity increase can be seen in putting into operation the Department Bozaj in august 2020, conceived as a container settlement of capacity of 60 places with additional containers for accompanying needs (toilettes with bathrooms, reception, ambulance, playrooms-social center, logistic support).

210. Because of continuing provision of adequate living standards of foreigners received at the admission, during the year 2023, with the support of international organizations IOM and UNHCR, activities on reconstruction of accommodation of the Department Spuz that implied the replacement of furniture in rooms, reconstruction of floors in corridors, replacement of furniture and equipping of kitchens, adaptation of toilettes and bathrooms, were undertaken. Equipping of containers in a yard intended for social activities was also performed.

211. In the Department Bozaj, accommodation capacity for persons received during evening hours is provided by placing containers-waiting rooms, in order to provide adequate conditions for reception in such situations until implementation of administrative procedure

of registration and reception the following day. A canopy for sitting places and resting was also placed, by which adequate conditions are provided while foreigners wait implementation of administrative procedure, having in mind unfavorable weather conditions. Standard operational procedures on treatment of persons in the Department Bozaj are adopted, with particular focus on vulnerable categories that clearly and transparently define roles of all relevant participants in the reception procedure.

212. Foreigners seeking for international protection are guaranteed rights to accommodation, health protection (in all levels of health protection), primary and secondary education, social help and protection, freedom of religion, right to information needed for staying and legal advice in connection with a procedure for obtaining international protection, right to free legal aid, work, family unity, access to humanitarian and non-governmental organizations, etc.

213. Services provided to them are directed towards realization of these legally guaranteed rights, so all foreigners seeking for international protection, are offered collective accommodation at the Reception Center (with separated accommodation for men, women, families and vulnerable groups, with particular respect of family unity principles), food, personal and collective hygiene maintenance, laundry services, provision of necessary clothes and shoes, adequate psychological and social assistance and support, necessary health protection and assistance on primary level (with-if needed-referral to higher levels of health protection, as well as pediatricians for children), medications and protective means are provided in order to preserve and improve health condition, and also mediation and communication with state bodies, institutions and international partners if it is needed for realization of rights and satisfaction of needs of foreigners.

214. At the reception, during the year 2023, 3.093 persons seeking for international protection were received in the Division Bozaj and Division Spuz. Persons were staying for a short period of time, so capacities were sufficient for reception of all categories of persons seeking for international protection, but the tendency of the country, through recognized needs, is to undertake activities on increase of accommodation capacities.

215. When it is about procedures upon applications for international protection, the Directorate for asylum continued, in accordance with the Law on International and Temporary Protection of Aliens, to apply justifiable and efficient procedures for asylum, in order to timely identify those who need international protection and those who do not need it, avoiding in that way a long period of uncertainty for foreigners seeking for protection, discourage misuse of asylum system and facilitate complete functioning of the reception system. In accordance with it, the established practice is that decisions upon applications for international protection are made in deadlines shorter than 6 months, except in complicated cases that requires determination of complex factual situation or clarification of complex legal issues.

216. Considering European regulative that clearly orders evaluation of credibility and use of information on countries of origin, aiming to improve procedures and their outcomes, MI performed reorganization of the Directorate for asylum by forming two divisions: The Division for procedures upon applications for international protection and Division for collection of information on country of origin. Such structural approach ensured adoption of more objective and more justifiable decisions with full respect of legal standards in this field.

217. In Montenegro, a trend of granting international protection is recorded in the last three years (9 in 2022, 14 in 2023 and 21 in the first half of 2024).

218. Montenegro is one of countries that established a procedure for determination of a stateless person status, by adopting the new Law on Foreigners that entered into force in march 2018 and the Rules of Procedure by which a conduction of a procedure, content of application for determination of a stateless person status, content of application for issuance of travel documents for a stateless person, as well as appearance and content of travel document itself are closely determined. In accordance with this Law, activities on determination and recognition of a stateless person status are undertaken, providing exercising of fundamental human rights and freedoms, with due respect to ratified conventions.

219. In September 2020, the Government adopted the Strategy on Migrations and Reintegration of Returnees in Montenegro for period 2021–2025. Main goals of this strategy accompanying action plans are transmission of complete European regulative into national legislative framework, increase of housing and administrative capacities for reception of foreigners seeking for international protection and for persons who are granted international protection in Montenegro, establishment of electronic database and improvement of identification system, registration and collection of information for persons from the system of international protection, final resolution of legal status of internally displaced persons, resolving legal status of persons at risk of statelessness and creation of conditions for efficient access to rights for persons with acknowledged status of a stateless persons. It is also planned to work on improvement of readmission policy by conclusion of new agreements and protocols on readmission, on improvement of institutional framework for reintegration of returnees in the Montenegrin society through building and strengthening of local self-governments and establishment of electronic data exchange system between competent state bodies and strengthening of professional employees involved in the process of returnees reintegration.

220. MI, in cooperation with UNHCR, organized many workshops for training of officials in MI for application of the Law on Foreigners in the part related to stateless persons, as a proof of commitment of Montenegro to regulate this issue.

221. Through recognition of challenges in the field of a statelessness, the Strategy on Migration predicts drafting of two documents in order to resolve this issue: the first is a comprehensive analysis of national legislative in the field of social and economic rights for stateless persons; the second document are amendments to the Law on Foreigners, due to more detailed defining of procedure for determination of the stateless persons status, as well as rights and liabilities during the procedure and after possible recognition of that status.

222. The valid Law on foreigners prohibits non-refoulement to a country in which his life or freedom are endangered due to his/her race, religion or nationality, affiliation to a certain social group or political opinion, or where he/she could be exposed to torture, inhuman and humiliating acting or punishment, or where a death sentence may be imposed to him/her, and also when the return in the other country shall present the risk from non-refoulement to the country of origin. It is additionally prescribed that the non-refoulement is forbidden if it is contrary to the Convention on Protection of Human Rights and Fundamental Freedoms, European Convention on Prevention of Torture and Inhuman or Humiliating Treatment or Punishment, Convention on the Rights of the Child and Convention on the Exercise of the Rights of the Child.

223. The Directorate for asylum consistently implements the principle of non-refoulement in each individual proceeding, guaranteeing that a refugee shall not return in a country where his/her “life or freedom shall be endangered due to a race, religion, nationality, affiliation to a certain social group or due to a political opinion”.

224. Judgments of the European Court for Human Rights, which confirmed many times that the protection against abuse is provided pursuant to Article 3 of the Convention, that protects the principle of prohibition of forced deportation according to the European Convention on Human Rights and that it is absolute and consistently respected. It means that this protection is not endangered even by cases of national security or public order protection. Similar to that, Article 19(2) of the Charter on Fundamental Rights of the European Union provides absolute protection from deportation according to the primary law of the European Union.

F. Article 6

225. The legal system of Montenegro provides comprehensive mechanisms of protection for individuals that consider themselves as victims of racial discrimination.

226. Beside these legal means, in connection with Paragraph 25 of CERD/C/MNE/CO/4-6, Montenegro:

227. Implemented campaigns for raising awareness of the public in order to educate citizens on their rights within the framework of anti-discriminatory laws and encourage an individual to report cases of racial discrimination. Despite these measures, there are still challenges in providing complete access to these legal remedies for marginalized communities, especially RE population, due to factors such as lack of legal information, fear of retaliation and social stigmatization. Therefore, Montenegro continues to work on strengthening its legal framework, improvement of access to justice and building capacities of bodies for implementation of law and judiciary institution for efficient acting upon complaints on racial discrimination.

228. Within the period from year 2020 to 1st November 2024, Misdemeanor Courts had a total of 119 cases in which the basis for one of following forms of discrimination were: race, skin colour, background, national or ethnical origin. There were no cases in which CERD was directly applied.

229. With regard to the criminal offence from Article 370 of the Criminal Code “Incitement of national, racial and religious hatred” within the period from year 2019 to year 2023, and pursuant to data received from Regional Centers of the Police Administration, submitted were:

- Year 2019: 1 criminal charge against 1 person;
- Year 2020: 9 criminal charges against 11 persons;
- Year 2021: 7 criminal charges against 13 persons and 2 criminal charges upon unidentified perpetrator;
- Year 2022: 2 criminal charges against 4 persons;
- Year 2023: 3 criminal charges against 2 persons and 1 criminal charge upon unidentified perpetrator.

230. From the field of offences pursuant to Article 19 of the Law on Public Order and Peace (Whoever, in a public place, by speech, inscription, sign or in any other way insults another person on the basis of national, racial or religious affiliation, ethnic origin or other personal characteristics, shall be punished for a misdemeanor with a fine of 250 euros to 1,500 euros or imprisonment for up to 60 days.) within the period from 2019 to 2023, according to data from Regional Centers of the Police Administration, following misdemeanor charges were submitted:

- Year 2019: 30 misdemeanor charges against 27 persons;
- Year 2020: 31 misdemeanor charges against 33 persons;
- Year 2021: 20 misdemeanor charges against 22 persons;
- Year 2022: 75 misdemeanor charges against 77 persons;
- Year 2023: 46 misdemeanor charges against 46 persons.

231. In year 2024, the Ombudsman in his work had six cases from the field of hate speech and five from the field of public discourse and the media, which are dominantly related to hate speech. Compared to year 2023, when there was 12 cases from the field of hatred and seven from the field of public discourse and the media, a trend of decreased number of cases in which acting due to a hate speech as violation of freedom to expression was requested is observed.

232. Beside proceedings upon complaints and upon own initiative, the Ombudsman has spoken up many times calling for a culture of dialogue, tolerance and a speech without insults and humiliation of others.

233. Still, there is an observation that the hate speech, based on different personal features of potential victims, is most often processed in the procedure of determination of misdemeanor-legal responsibility and there is no criminal prosecution, so in that way a clear message that on these offences it must be reacted by imposing efficient, proportional and diverting sanctions.

G. Article 7

234. Montenegro integrated principles of tolerance, non-discrimination and respect of diversities in its national educational curriculum, including education on human rights in all schooling levels. Schools promote multiculturalism and organize activities in which a cultural heritage of minority communities such as Roma, Bosniaks, Albanians and Croats are celebrated, encouraging in that way an inclusive environment since the early age.

235. The Government also implemented campaigns for raising public awareness directed towards the combat against stereotypes and prejudices, including campaigns focused on suppression of discrimination against RE community. The media also encourage the support of inclusive programs and avoidance of hate speech and spreading racial contents. Training programs for public officials, particularly police representatives, social workers, teachers and state officials, are developed and implemented aiming to raise awareness and sensibility for issues of racial and ethnical discrimination.

236. Besides that, Montenegro supports cultural initiatives and events that encourage a dialogue between communities and promote intercultural understanding. These efforts are often realized in cooperation with organizations of a civil society, minority councils and international partners, such as Council of Europe and OEBS.

237. In accordance with Article 7 of CERD, significant efforts are made in Montenegro in order to encourage efficient communication and a dialogue between law enforcement and groups that are victims or potential victims of racial discrimination, as a part of a wider strategy for prevention of conflicts caused by racial prejudices and combat against racially motivated violence.

238. In order to prevent racial discrimination and violence, Montenegro implemented series of initiatives directed to strengthening the relationship between police officers and marginalized communities, especially Roma, Egyptians and other vulnerable groups. These initiatives include programs where officers are trained to cooperate with local communities in a non-violent way, encouraging trust and cooperation. Police officers also have trainings on cultural sensitivity and recognition of unconscious bias that help in suppression of discriminatory practice inside the security services.

239. MI and the Ombudsman promote dialogue through public forums and round tables with participation of police representatives, leaders of minority communities and organization of civil society.

240. In accordance with recommendation of CERD, Paragraph 27 CERD/C/MNE/CO/4-6, Montenegro additionally strengthened legislative framework for protection of victims of racial violence, ensuring at the same time that law enforcement have necessary tools and support for efficient research and processing of those acts. Cooperation with non-government organizations, organizations for human rights and international partners was a main factor for efficient and sustainable application of those measures, contributing to further promotion of racial equality and prevention of racial conflicts.

241. Different programs such as Initiative "My values and virtues" is started in cooperation with the Bureau for Education and UNHCR Office in Montenegro aimed to provide to pupils (boys and girls) and teachers (men and women) stronger support in development of social and emotional skills of children and youngsters who are inevitable element of quality education, to prepare them for further schooling, for complete personality development, active social life and successful entrance in the working world.

242. A school or a relevant center, are obliged to by rule, within 30 days following the enrollment of a child, bring individual developing-educational program for a child with special educational needs, in cooperation with a parent and inform the Bureau for Education, Center for Professional education and the Examination Center. Regarding preparation, application, monitoring and adjustment of individual developing-educational programs, a school or the Relevant Center forms a professional team composed of: teachers, professional associates from a school or the Relevant Center, with participation of parents. Individual developing-educational program may change during a year, or it may be adjusted, in accordance with a progress and development of a child.

243. At education of minorities for example at RE population, main challenges are language barriers, poverty, not educated parents, stereotypes, prejudices, stigmatization, housing in suburbs and /or non-conditional settlements and absence of real integration in the society.

244. In curriculum, in methodological framework the country prescribes 80–85% of contents and the rest 15–20% is autonomy of a school, teaching staff and teachers so that they can plan and realize contents in the part of a free curriculum. In that part, pupils can realize contents of a local significance in the field of culture, art, language, customs, history and in that way process contents of a local significance that can be used in activities against discrimination and development of pupils of all nationalities, races and religious communities. However, the challenge is implementation of the free curriculum.

245. Within the project “Multiculturalism, Minorities and Other National Minority Communities in Montenegrin Educational System”, the Agency DAMAR realized in April 2023 the research of public opinion on multiculturalism in Montenegro for need of NGO Center for Civic Education that implements the project with financial support of the Fund for Protection and Realization of Minority Rights. The dominant perception of citizens is that Montenegrin society is multicultural, what is the opinion of slightly more than 80% of respondents, but a little bit less than a fifth have an opposite attitude. However, citizens are divided in their attitude whether there is a discrimination based on religion exists in Montenegro-48,4% consider that there is such form of discrimination and 51,6% think that there isn't any. The perception of existence of discrimination based on nationality is more expressed –about 60% respondents confirm its existence in Montenegro. Respondents who recognize existence of discrimination based on nationality, mentioned Roma people as the most discriminated national group, then Albanians and Muslim. Almost two-thirds of respondents stated not to have felt threatened because of their ethnicity or religion, while one-third had a feeling of such threat.

246. Citizens consider that from institutions/organizations that contribute the most to reduction of discrimination against different groups the first position belongs to the Ombudsman (40,3%), Non-governmental organizations (36,2%) and the Government (29,8%), while National Councils (5,6%) and the Parliament (16,2%) are perceived as subjects that contribute the least to a discrimination reduction. Near 60% of respondents consider that Montenegrin Constitution and laws protect rights of minorities in Montenegro to the sufficient extent. Among those that do not have such attitude, precede respondents who nationally declare themselves as Roma people and Albanians. Two-thirds of respondents are not familiar with the fact that there are national councils of minority communities in Montenegro. The level of religious and ethnical distance is worrying. Restraint towards members of other ethnical group or religion is expressed by 30% of respondents. Almost 60% of respondents consider that topics considering culture of minorities are partially or adequately presented in school textbooks, and one-third (33.7%) stated that they are insufficiently presented. About 60% of respondents consider that majority of incidents we publicly testify in a society during the last two years, are dominantly motivated by religious or ethnical intolerance.

247. When it is about an openness of a society towards migrants and/or refugees, 60% of polled opinions are that Montenegrin society is open for them, and over 75% of respondents show an attitude that they shall accept them as a family member, a friend, a superior. A little less than a half (44,8%) of respondents consider that sufficient mechanisms for their integration already exist, while about a third think that it is necessary that the country provides more mechanisms in order to help migrants and refugees in their integration. It is important that every fifth respondent (20,8%) consider that migrants and refugees should not stay in the territory of Montenegro.

248. In the Teachers Professional Training Catalogue for the period 2022–2024, there are in total 279 programs, but number of programs that directly or indirectly relate to minorities issues, co-living, multiculturalism and interculturalism only 11 or 3,94% of all those programs. It relates to following programs: “Education on Human Rights as a cross-curricular topic”; “nationalism as a cause for peers conflict-challenge of teachers”; “Suppression of hate speech on the Internet”; “Educational work with children and youngsters from immigrants population”; “Educational work with children and youngsters from RE

population-elementary level”; “Educational work with children and youngsters from RE population-advanced level”; “Prevention of withdrawal from school”; “Intercultural education”; “Encouragement of democratic culture in a school”; “Development of intercultural competencies of teachers”; “Use of the media in participation in a democratic society”.

249. The need for more contemporary and more quality access to civic education and human rights in educational system of Montenegro is in the basis of the new project: Improvement of education for civil and human rights: educational reforms for stronger democracy”. Which implementation was started by the Center for Civic Education with the support of UNICEF in a partnership with non-governmental organizations. Human Rights Action and Center for Women’s and Peace Education ANIMA from Kotor.

III. Other Recommendations

Ratification of other agreements

Paragraph 28 of CERD/C/MNE/CO/4-6

250. Montenegro has not yet ratified the International Labor Organization Convention (ILO) on domestic workers from year 2011 (no.189).

251. The new program of dignified labor for the period 2024–2027 as a strategic medium-term framework of planning that governs the work of the International Labor Organization in the country, in accordance with priorities and goals conformed with tripartite constituents is signed by the Government, the Union of Employers, Confederation of Trade Union of Montenegro and the Union of Free Trade Unions of Montenegro and ILO on 18th September 2024. This program foresees as one of its outcomes: “The new labor legislation is in accordance with international labor standards and relevant acquis communautaire of the European Union”. Within this outcome, a technical and expert support of ILO is provided for the purposes of drafting analysis of conformity of legislature in Montenegro with requirements established in conventions Montenegro did not ratify. In that sense, we expect that during this program we shall implement analysis of conformity of legislation and practice in Montenegro with the ILO Convention on employees in household no.189, and depending on findings, adopt the decision on its ratification through social dialogue.

Continuation of Durban Declaration and the Action Plan

Paragraph 29 of CERD/C/MNE/CO/4-6

252. Montenegro has undertaken certain steps toward implementation of principle from the Durban Declaration and the Action Program, although there is no specific national document that directly refers to them. Instead, through different initiatives and policies, Montenegro showed commitment to the combat against discrimination, promotion of human rights and inclusion of vulnerable groups.

International Decade for people of African Origin

Paragraph 30 of CERD/C/MNE/CO/4-6

253. Montenegro did not adopt a specific national action plan dedicated to implementation of the International Decade for people of African Origin (2015–2024) and did not explicitly refer on General Recommendation no.34 (2011) of the UN Committee for Elimination of Racial Discrimination. However, through different policies and initiatives, the country showed commitment to principles of combat against racism, discrimination and promotion of equality, which in accordance with the spirit of these international documents.

Consultations with a civil society

Paragraph 31 of CERD/C/MNE/CO/4-6

254. Montenegro recognizes an importance of active role of the civil society in the combat against racial discrimination and encourages engagement of non-governmental organizations (NGO) through different mechanisms and initiatives. The Government includes representatives of the civil society in public hearings and consultations at drafting of laws

and strategies related to human rights and combat against discrimination. Through public calls and from the state budget, Montenegro provides financial support to local NGOs dealing with a combat against hate speech and discrimination. This support enables NGOs to implement projects directed to: improvement of mechanisms for protection from discrimination and their availability to vulnerable groups, education of citizens on human rights and combat against discriminations, problem identification, informing the public and proposing of concrete measures for improvement of human rights protection. NGOs in Montenegro also play a key role in monitoring and reporting on discrimination cases.

Continuation of current concluding observations

Paragraph 35 of CERD/C/MNE/CO/4-6

255. See paragraph 7 of this report.

Stances of particular importance

Paragraph 36 of CERD/C/MNE/CO/4-6

256. See a part of the report on application of Article 5 of CERD.

Dissemination of information

Paragraph 37 of CERD/C/MNE/CO/4-6

257. This State Report is published in the site of the Government after it was adopted at the session held on June 5, 2025. After the Committee delivers concluding observations on consolidated 7-9 report, it shall also be published in the site of the Government.
