

**LAW ON
MINORITY RIGHTS AND FREEDOMS**

(Unofficial translation)

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I. BASIC PROVISIONS

Article 1

The Republic of Montenegro (hereinafter referred to as: the Republic) shall ensure the protection of rights to autochthones minority peoples, national minorities, ethnic minorities and persons belonging to them (hereinafter referred to as: Minority), in accordance with the Constitution of the Republic of Montenegro, Charter on Human and Minority Rights and Civil Freedoms, and generally accepted rules of international law and ratified international treaties, in addition to general human and civil rights and freedoms guaranteed to all citizens, as well as the protection of particular minority rights and freedoms.

Article 2

For the purpose of the present Law, the minority shall mean any group of citizens¹ of the Republic, numerically smaller than the rest of predominant population, having common ethnic, religious or linguistic characteristics, different from those of the rest of the population, being historically tied to the Republic and motivated by the wish to express themselves and maintain their national, ethnic, cultural, linguistic and religious identity.

Article 3

Persons belonging to minorities can exercise their rights and enjoy freedoms individually or in community with others.

Article 4

Persons belonging to minorities shall be deemed equal to other citizens² before the law and shall enjoy equal legal protection.

Any violation of rights of minorities shall be deemed unlawful and punishable.

¹ Remark of the translator: in the original text of this Article the word 'citizen' is employed to designate those possessing the citizenship of Montenegro, and not the citizens in general, as it was the case of Article 1 ('građani' vs 'državljeni').

² Citizens – citizenship.

Article 5

In addition to rights provided for by the generally accepted international rules and ratified international treaties, the present Law shall ensure to minorities and persons belonging to them full exercise of rights, which may not be reduced with respect to the achieved level, under equal terms and with a view to provide their substantial equality with other citizens.

Article 6

The Republic shall enter into international agreements on protection of rights of persons belonging to minorities with other states.

When entering into international agreements as of paragraph 1 of this Article, the Republic shall stand for creation and promotion of conditions necessary for preservation, development and protection of national, ethnic, cultural, linguistic and religious identity.

Article 7

The Government of the Republic of Montenegro (hereinafter referred to as: the Government) shall adopt the Strategy of the Minority Policy.

With a view to providing conditions for an unhindered exercise and cherishing of national and ethnic specificities of minorities and persons belonging to them, state bodies shall have a duty to undertake appropriate measures, in accordance with the Strategy of the Minority Policy.

The Strategy as of paragraph 1 of this Article shall in particular define measures for implementation of the present Law and promotion of the living conditions, measures and activities related to minorities, as well as the greatest possible integration of Roma into the social and political life of the Republic.

II. RIGHTS AND FREEDOMS OF MINORITIES AND PERSONS BELONGING TO THEM

Article 8

Minorities and persons belonging to them shall have the right to express, preserve, develop, transmit and publicly manifest their national, ethnic, cultural, religious and linguistic identity, as a part of their tradition.

The Republic shall develop and promote studying of history, tradition, language and culture of minorities.

In accordance with the present Law and accepted international commitments, the competent bodies shall provide for the protection of cultural heritage of minorities and persons belonging to them.

Article 9

With a view to preserve and develop national or ethnic identity, minorities and persons belonging to them shall have the right to establish institutions, societies, associations and non-governmental organizations in all fields of social life.

The Republic shall also take part in funding organizations as of paragraph 1 of this Article, in accordance with its financial means.

Article 10

Persons belonging to minorities shall have the right to national determination in free and independent manner, right to free choice and use of their first name and surname and the first name of their children, as well as the right to register those names in public registers and identification documents in their language and alphabet.

Right to name and registration of the name in the language and alphabet of the minority can also be exercised by organizations from Article 9 of the present Law.

Article 11

Minorities and persons belonging to them shall have the right to use their language and alphabet.

In the local self-government units in which persons belonging to minorities make majority or considerable part of the population, pursuant to results of the last census, the language of that minority shall be in official use.

The official use of the language of minorities, for the purpose of paragraph 2 of this article, shall particularly imply the following: use of language in administrative and court proceedings and in conducting administrative and court proceedings, issuance of public documents and keeping official records, ballot papers and other electoral material as well as in the work of representative bodies.

On the territory of the local self-government units as of paragraph 2 of this Article the names of public bodies, name of the local self-government unit, settlements, squares and streets, institutions, businesses and other entities and the topographical indications shall also be written in the language and alphabet of the minority.

Article 12

Minorities and persons belonging to them shall be provided with the freedom of information at the level of standards that are set forth in international documents on human rights and freedoms.

Persons belonging to minorities shall have the right on free establishing of the media and their unhindered work based on: freedom of expression, research, collection, dissemination, publishing and receiving information, free access to all sources of information, protection of personality and dignity and free flow of information.

Competent managing and program developing bodies of the media founded by the Republic shall provide appropriate number of hours of broadcast, for the purpose of broadcasting information, cultural, educational, sports and entertainment programs in the languages of minorities and persons belonging to them, as well as the program contents

related to life, tradition and culture of minorities and shall provide financial means for funding of those program contents.

The program contents which refer to life, culture and identity of minorities shall be broadcast in the official language, through the public services, at least once a month.

The Republic can, in accordance with its financial means, provide translation (subtitling) of programs from the minority languages into the official language.

The Government can also undertake incentive measures to provide broadcasting of programs as of paragraph 3 of this Article within other radio and television programs.

Article 13

Minorities and persons belonging to them shall have the right on education in their language and on adequate representation of their language in general and vocational education, depending on the number of pupils and financial means of the Republic.

The rights as of paragraph 1 of this Article shall be exercised at all education and pedagogic degrees.

The rights as of paragraph 1 of this Article shall be exercised through special schools or special classes in regular schools.

The teaching shall be fully delivered in the language of minority.

When the teaching is delivered in the language of minority the official language and alphabet shall be compulsory.

The pupils and students who do not belong to minorities can learn the language of the minority they live with.

Article 14

Classes in which the language and alphabet of minority is taught can be established even for a smaller number of pupils than what the standard for such an institution prescribes, and which can not be less than 50% of the number of pupils proscribed by the law.

Article 15

The curricula for the purpose of education as of Article 13, paragraph 1 of the present Law shall contain the topics in the fields of history, arts, literature, tradition and culture of the minority.

Before adopting the curricula for the subjects which reflect specificities of the minorities, the Council of the minority shall provide its opinion to the competent body in charge of adoption of the curricula for the subjects concerned.

In the institutions and schools in which teaching is delivered in the official language the curricula shall contain topics on mother tongue and literature, history, art and culture of minorities and other contents that promote mutual tolerance and cohabitation.

On territories where the language of minority is also in the official use, the curricula of the institutions delivering classes in the official language can also provide for a possibility to learn the language of the minority.

Article 16

For educational needs regarding the language of respective minority, as of Article 13, paragraph 1 of the present Law, Chairs, faculties or institutes of higher education can be established to educate pre-school and school teachers and professors in the language of that minority.

In order to have an effective participation of minorities, the Republic can foster international educational, scientific and technical cooperation with a view to enable persons belonging to minorities to study abroad in their mother tongue and to have their diplomas recognized, in accordance with the law.

Article 17

Minorities and persons belonging to them shall have the right to establish educational and pedagogic institutions.

Financing of the institutions as of paragraph 1 of this Article shall be the obligation of the founder.

Article 18

Pedagogic and educational work in schools or in special classes of regular schools that provide teaching in the language of the minority shall be delivered by teachers belonging to the respective minority who have full command of language of the minority, i.e. teachers not belonging to the respective minority provided that they have a full command of language and alphabet of that minority.

Schoolmaster of a school founded by the Republic or municipality that deliver teaching in the language and alphabet of the minority who fulfils conditions from paragraph 1 of this article shall be selected in accordance with the law.

A competent body of state administration, prior to election of the person as of paragraph 2 of this Article, shall have a duty to obtain the opinion from the Council of that minority.

Article 19

For the purpose of ensuring full exercise of minority rights, the University of Montenegro, at the proposal of the Council of minority, can enrol at the beginning of each academic year certain number of students, belonging to minorities, in accordance with the University statutes.

Article 20

Minorities and persons belonging to them shall have the right to use their national symbols, in accordance with the law.

Article 21

Minorities and persons belonging to them shall have the right to celebrate important dates, events and personalities from their tradition and history.

Article 22

Persons belonging to minorities shall have the right to free association, in accordance with the law and principles of international law on freedom of association.

Minorities and persons belonging to them shall have the right to free expression of their interests, effective participation in the governance and public control of the governance.

Minorities and persons belonging to them can, in order to exercise common interests, cooperate with governmental and non-governmental organizations in the country and abroad.

Article 23

Electoral legislation, through application of the principle of affirmative action, shall prescribe additional number of mandates for the representatives of persons belonging to minorities.

Minorities who, in accordance with the last census, make between 1% and 5% of the total population shall be represented with one mandate in the Assembly of the Republic of Montenegro, through a representative elected from the minority candidates list.

Minorities who, in accordance with the last census, exceed 5% of the total population shall have three guaranteed mandates in the Assembly of the Republic of Montenegro, through representatives elected from the minority candidates lists, provided that linguistic and ethnic specificities, as well as acquired electoral rights of Albanians in the Republic are taken into account.

Article 24

In assemblies of the local self-government, minorities who make between 1% and 5% of the population of that local self government shall elect one representative, and minorities above 5% shall elect representatives in accordance with the electoral legislation.

Article 25

Minorities shall have the right to proportional representation in public services, state bodies and local self government bodies.

Competent bodies in charge of human resources, in cooperation with the Councils of minorities, shall look after the representation of persons belonging minorities in the sense of paragraph 1 of this Article.

Article 26

Minorities and persons belonging to them shall have the right to participate in the process of adopting and proposing the decisions of state bodies that are of interest for exercising rights of minorities, in accordance with the law.

The participation as of paragraph 1 of this Article shall comprise of consultations, opinion polls, dialogue and special procedures undertaken by those who are directly concerned by the respective decision.

Article 27

In the local self-government units from Article 11 paragraph 2 of the present Law statutes, decisions or other general legal acts shall be adopted by the bodies of the local government in the official language and in the language and alphabet of the minority.

Article 28

In the local self-government units in which minorities make either majority or a considerable part of the population, the local government bodies shall have a duty, when adopting plans and programs for effective participation of the local population in performing public affairs or special plans and programs through the Council of the respective minority, to provide conditions for participation of minorities in the adoption of development plan of the municipality, land and urban planning, budgets and general acts stipulating rights and obligations of citizens as well as to regulate the procedure for participation of minorities in performing public affairs and appoint the body in charge of organising public debates related to these or other legal acts.

Article 29

Should representatives elected from the minority candidate list consider that a proposed act or regulation substantially interferes with interests of that minority, the proponent and these representatives shall harmonise their stands thereon.

The harmonisation, in the sense of paragraph 1 of this Article, shall relate to:

- issues pertaining to changes in the ethnic composition of the population contrary to Article 39 paragraph 1 of the present Law;
- issues pertaining to educational curricula adopted without opinion of the Council of minorities;

- issues pertaining to preservation of linguistic and national identity of minorities.

Article 30

Rights from Articles 9,12,13 and 17 of the present Law shall be exercised in accordance with special regulations.

Article 31

Minorities and persons belonging to them shall have the right to establish and maintain free and peaceful relations across borders with the parent countries and with their compatriots residing in other countries, in particularly those whom they share ethnic, cultural, linguistic and religious identity with.

The right from paragraph 1 of this Article can not be exercised contrary to the interests of the Republic.

Article 32

Minorities and persons belonging to them can receive material and financial assistance from domestic and international organizations, foundations and private persons.

In case of financial or other material assistance to associations, institutions, societies and non-governmental organizations of minorities received from abroad, the state can provide special tax or other relieves or customs exemption, in accordance with the law.

Article 33

Minorities and persons belonging to them, in order to improve rights and freedoms of minorities, can establish the Council.

The minority can elect only one council.

The Council is elected to a four-year tenure.

The Council cannot comprise of more than 17 members.

The Council shall comprise of: the members of parliament elected from the minority candidates list, members of the Government at the proposal of the candidates from that minority candidates list, mayors of municipalities in which the majority of the population belongs to the minority and other members of the parliament and Government, as well as mayors of municipalities from the respective minority who wishes to participate in the Council, presidents of minority parliamentary parties and presidents of the caucuses of the minority parties in local assemblies.

Other members of the Council shall be elected by secret ballot on the constitutive assembly of the minority concerned.

The state administration body competent for minority rights (hereinafter referred to as: The Ministry) shall pass rules and instructions for the first election of the Council and supervise their application.

Members of the Council shall elect the president and the secretary of the Council from amongst its members, by a secret ballot.

The Council shall adopt the budget, statute and rules of procedure regulating issues of significance for its work.

The funds for the Council shall be provided from the Budget of the Republic.

Article 34

The Ministry shall keep the register from Article 33 of the present Law.

By registration, the Council shall acquire the status of legal person.

The Ministry shall prescribe the form and manner of keeping the register.

The decision on registration of the Council shall be published in the "Official Gazette of the Republic of Montenegro".

Article 35

The Council shall:

- represent and act on behalf the relevant minority ;
- submit proposals to state bodies, local self-government bodies and public services in charge of promotion and development of the rights of minorities and persons belonging to them;
- lodge initiative towards the President of the Republic for refusal to promulgate a legal act by which the rights of minorities and persons belonging to them are violated;
- participate in planning and founding of educational and pedagogic institutions;
- provide an opinion on curricula which reflect specificities of minorities;
- suggest enrolment of certain number of students at the University of Montenegro;
- launch initiative for amendment of legislation and other acts that regulate rights of persons belonging to minorities
- also perform other activities in accordance with the present Law.

On issues falling within the competence of state bodies and public services which relates to rights of minorities and persons belonging to them, a necessary cooperation with the Council shall be established in order to build mutual confidence.

Within 30 days from the day of launching the initiative or request in the sense of paragraph 1 of this Article, state and other competent bodies shall inform the Council about undertaken measures.

Article 36

The Assembly of the Republic shall establish the fund for minorities (hereinafter referred to as: the Fund) for the purpose of supporting the activities important for

preserving national, i.e. ethnic specificities of minorities and persons belonging to them in terms of their national, ethnic, cultural, linguistic and religious identity.

The financial means for functioning of the Fund shall be secured from the Budget of the Republic and other sources.

The means from paragraph 2 of this Article shall be allocated in accordance with proportional share of minorities in the population of the Republic.

Representatives of minorities shall also participate in decision-making on allocation of means from paragraph 3 of this Article, in accordance with the decision of the Council of minority.

III. PROTECTION OF RIGHTS

Article 37

Protection of rights of minorities shall be provided by state, *i.e.* local government bodies and courts.

Article 38

The Ministry shall propose to the Government the policy for development and protection of the rights of minorities.

At least once a year, the Government shall submit to the Assembly the report on development and protection of the rights of minorities.

Article 39

It shall be forbidden to undertake measures and activities as to change the structure of the population on the territories where persons belonging to minorities live, and which are aimed at restricting legal rights and freedoms.

Every direct or indirect discrimination on any basis shall be forbidden, including race, colour, gender, national belonging, social origin, birth or similar status, religion, political or other option, income, culture, language, age or mental or physical disability.

IV. TRANSITIONAL AND FINAL PROVISIONS

Article 40

Laws and other regulations establishing rights of minorities and persons belonging to them shall be harmonized with the provisions of present law no later than six months from entry into force of the present Law.

Article 41

The statute and other general legal acts of the local self-government bodies shall be harmonized with the provisions of present law within the time period of six months from the day the present Law enters into force.

Article 42

The Ministry shall adopt regulations for implementation of the present Law within the time period of six months from the day the present Law enters into force.

Article 43

The Strategy of the Minority Policy shall be adopted within the time frame of one year from the day the present Law enters into force.

Article 44

The Fund for minorities shall be established within the time frame of six months from the day the present Law enters into force.

Article 45

The present Law shall enter into force on the eighth day from the day it is published in the "Official Gazette of the Republic of Montenegro".