

Universal Periodic Review (43rd session)

Contribution of UNESCO

Montenegro

I. Background and framework

<i>Title</i>	<i>Date of ratification, accession, acceptance, or succession</i>	<i>Declarations /Reservations</i>	<i>Recognition of specific competences of treaty bodies</i>	<i>Reference to the rights within UNESCO's fields of competence</i>
Convention against Discrimination in Education 1960	26/04/2007	Reservation to this Convention shall not be permitted		Right to education
Convention concerning the Protection of the World Cultural and Natural Heritage (1972)	Succession on 3 June 2006			Right to take part in cultural life
Convention for the Safeguarding of the Intangible Cultural Heritage (2003)	Ratification on 14 September 2009			Right to take part in cultural life
Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005)	Ratification on 24 June 2008			Right to take part in cultural life

II. Promotion and protection of human rights on the ground

A. Education

1. The Constitution of Montenegro enshrines the right to education in its article 75 and contains a non-discrimination principle (Article 8).¹
2. The general law on education and training guarantees the right to education without discrimination (Article 9). Education is free and compulsory from six to 15 years old (Article 4 and 5 of the law on primary education)² and no tuition are required from students in general secondary education (article 4.a of the gymnasium act).³

B. Freedom of opinion and expression

Constitutional and Legislative Framework:

3. Freedom of expression is guaranteed in Montenegro's Constitution⁴ (Article 47) and "may be limited only by the right of others to dignity, reputation and honor and if it threatens public morality or the security of Montenegro." The Constitution also prohibits censorship and protects freedom of the press as well as the right to access information for everyone (articles 49, 50 and 51).
4. Freedom of information is regulated under the law on Free Access to Information⁵, which entered into force in 2012.⁶
5. The Media Law (2020),⁷ the Law on Public Broadcasting Services of Montenegro (2020),⁸ the Law on Electronic Media (2021)⁹ and the Digital Broadcasting Laws¹⁰(2011) regulate the media in the country. Montenegro decriminalized defamation and libel in July 2011.

Implementation of the law:

¹ <https://www.gov.me/dokumenta/d29244ae-f5a2-4fe2-a20d-716417b2351d>

² <https://www.gov.me/dokumenta/17fc9409-f431-411a-a3ef-2b316eaf1562>

³ <https://www.gov.me/dokumenta/9a94bf3d-da64-4c60-8959-0ef1930524fe>

⁴ https://www.constituteproject.org/constitution/Montenegro_2007.pdf

⁵ [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-REF\(2012\)004rev-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-REF(2012)004rev-e)

⁶ https://ec.europa.eu/neighbourhood-enlargement/system/files/2018-12/20161109_report_montenegro.pdf

⁷ <https://me.propisi.net/zakon-o-medijima/>

⁸ <https://me.propisi.net/zakon-o-nacionalnom-javnom-emiteru-radio-i-televizija-crne-gore/>

⁹ <https://www.paragraf.me/propisi-crnegore/zakon-o-medijima.html>

¹⁰ <https://aemcg.org/wp-content/uploads/2018/06/Digital-Broadcasting-Law-OG-34-11-31-12.pdf>

6. The Agency for Electronic Media (AEM)¹¹ is the regulatory body for audio-visual media services. The Agency is an independent legal entity. Its council is composed of five members appointed by the Parliament of Montenegro. The AEM is, among others, responsible for implementing the Law on Electronic Media (2021).
7. According to the European Commission's report on Montenegro (2016) "The Free Access to Information law (...) lacks effective monitoring and supervision". Nevertheless, "the proportion of requests [of information] refused by the administration fell from 24 % in 2014 to 18 % in 2015".¹²

Safety of journalists:

8. As of 5 August 2022, UNESCO has recorded no killings of journalists in Montenegro since 2006, when systematic recording by the organization began.¹³

III. Review and specific recommendations

A. Education

Legislative, regulatory and policy framework

9. To give effect to past recommendations focusing on strengthening inclusive education for children with disabilities (105.95 and 105.96), Montenegro has adopted a strategy for inclusive education covering the period 2019-2025,¹⁴ to continue the work started with the previous strategy. It focuses on education of children with special education needs and has for main goal to provide access and quality inclusive education at all levels for children with special needs in education.

¹¹ <https://aemcg.org/en/>

¹² https://ec.europa.eu/neighbourhood-enlargement/system/files/2018-12/20161109_report_montenegro.pdf

¹³ <https://en.unesco.org/themes/safety-journalists/observatory/country/223760>

¹⁴ <https://www.unicef.org/montenegro/media/7876/file/MNE-media-MNEpublication312.pdf>

Minorities

10. Several recommendations made during the last UPR cycle were about education of some minorities (105.94, 105.127, 105.131, 106.5). The advisory committee on the framework convention for the protection of national minorities of the council of Europe, in 2019, welcomed progress regarding the issue of displaced persons, mostly Roma and Egyptian, but still called for immediate action to improve their access to quality education and to further improve their attendance in education, as well as reintroducing civic education in the curriculum.¹⁵
11. Montenegro has adopted a Strategy for Social inclusion of Roma and Egyptians for the period 2021-2025¹⁶, with one part dedicated to education, with an analysis of the current situation, the impact of COVID-19 and the evolution between 2016, 2018 and 2020. It also contains performance indicators for the upcoming years:
- Increase the percentage of Roma and Egyptian children attending an early childhood education program: from 16% in 2021 to 30% in 2025
 - Increase the percentage of members of Roma and Egyptian population who have successfully completed primary school education: from 56% in 2021 to 75% in 2025
 - Increase the percentage of members of Roma and Egyptian population who have successfully completed secondary education: from 3% in 2021 to 20% in 2025
 - Increase the number of members of Roma and Egyptian population who enrolled in higher education institutions on an annual basis: from 4 in 2021 to 15 in 2025.

Monitoring

12. Montenegro has made available online a number of statistics regarding the different level of education with data from 2019 to 2022 (in Montenegrin): <https://skolskostatistika.edu.me/>

Distance learning and digital education

¹⁵ See advisory committee on the framework convention for the protection of national minorities, third opinion on Montenegro, 2019.

¹⁶ <https://www.gov.me/en/documents/84399482-95c3-43b8-af35-8333469dc72b>

13. To be able to continue teaching and learning during school closures, Montenegro has put in place a digital platform named Ucidoma (learn at home): <https://www.ucidoma.me/>
14. Trainings for teachers of primary and secondary education were planned in order to improve their skills in using Office 365.¹⁷ However, as noted in the Strategy for Social inclusion of Roma and Egyptians, many students did not have access to the online solutions during the pandemic, mainly because of lack of access to the internet, electricity and phones.
15. The UNESCO Initiative on the Evolving Right to Education¹⁸ highlights the need to ensure digital skills and digital inclusion. The country could be encouraged to improve access to internet for all and extend basic trainings to parents. This is even more crucial as Montenegro has put in place an online platform to enroll students to kindergartens, primary and secondary schools.¹⁹

Specific recommendations:

16. Montenegro should be encouraged to:
 - i. Pursue efforts towards inclusive education especially for students with special needs and ensure a solid monitoring of the implementation of the strategy
 - ii. In accordance with the 1960 Convention against discrimination in education ratified in 2007, strengthen efforts to end discrimination, including in education, especially against Roma and Egyptian students, notably by enforcing the dedicated strategy and ensure monitoring of the situation
 - iii. Work on improving the internet access to the entire population to ensure remote access to learning if needed and pursue the digital literacy trainings and extend it to parents

¹⁷ <https://www.unicef.org/montenegro/en/stories/distance-learning-developing-childrens-digital-literacy-during-covid-19-crisis>

¹⁸ <https://www.unesco.org/en/education/right-education/evolving>

¹⁹ <https://montenegro.un.org/en/46007-supporting-education-system-cope-covid-19>

- iv. Submit regularly comprehensive national reports for the periodic consultations on UNESCO's education-related standard-setting instruments, and notably on the Convention against Discrimination in Education.
- v. Share with UNESCO any relevant information to update its country profile on UNESCO's Observatory on the Right to Education²⁰ and Her Atlas²¹.

B. Freedom of opinion and expression

17. Montenegro is encouraged to ensure proper monitoring and supervision of the free access to information law.

C. Cultural Rights

18. As a State Party to the Convention concerning the Protection of the World Cultural and Natural Heritage (1972), the Convention for the Safeguarding of the Intangible Cultural Heritage (2003) and the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005), Montenegro is encouraged to fully implement the relevant provisions that promote access to and participation in cultural heritage and creative expressions and, as such, are conducive to implementing the right to take part in cultural life as defined in article 27 of the Universal Declaration of Human Rights and article 15 of the International Covenant on Economic, Social and Cultural Rights. In doing so, Montenegro is encouraged to give due consideration to the participation of communities, practitioners, cultural actors and NGOs from civil society as well as vulnerable groups (minorities, indigenous peoples, migrants, refugees, young peoples and peoples with disabilities), and to ensure that equal opportunities are given to women and girls to address gender disparities.

²⁰ <http://www.unesco.org/education/edurights/index.php?action=countries&lng=en>

²¹ <https://en.unesco.org/education/girls-women-rights>

D. Freedom of scientific research and the right to benefit from scientific progress and its applications

19. Montenegro did not submit its National Report on the implementation of the *Recommendation on Science and Scientific Researchers* (2017) for the consultation period from 2017 to 2020. Therefore, Montenegro is encouraged to report to UNESCO on its implementation actions, especially noting legislative, regulatory or other measures adopted by it and funding allocated, with the aim to ensure application of these norms and standards in national law, policy and practice.
20. Particular attention should be paid to measures towards the realization of the human rights of scientific researchers (freedom of association, freedom of research, expression and publication, working conditions, etc.) and also of human rights related to the practice of science. The latter include access to and uses of scientific knowledge and data, the sharing of benefits of scientific progress and its applications, the principle of equality and non-discrimination, with emphasis on removal of gender barriers in access to science education and scientific careers, the protection of human subjects of research, as well as the dialogue between scientific community and society.
21. Furthermore, Montenegro is encouraged to share data on national policy and practice and expand input on issues covered by the 2017 Recommendation in its national report to the UPR, particularly in relation to the right to share in scientific advancement and its benefits (article 27, Universal Declaration of Human Rights). This will allow further discussions thereon at the Human Rights Council and the formulation of specific recommendations. Within this framework, Montenegro is urged to consider addressing issues of equality and non-discrimination in access to education, as well as to scientific benefits and their applications, and to include reference to the relevant dimensions of the right to share in scientific advancement and its benefits in its reporting on the impact of the COVID-19 pandemic and the assessment of responses thereto. Finally, Montenegro is invited to expand the scope of application of freedom of expression to include scientists and scientific researchers.

