

Universal Periodic Review (29th session, Jan-Feb 2018)
Contribution of UNESCO
Contribution of UNESCO to Compilation of UN information
(to Part I. A. and to Part III - F, J, K, and P)

[Montenegro](#)

I. Background and framework

Scope of international obligations: Human rights treaties which fall within the competence of UNESCO and international instruments adopted by UNESCO.

Title	Date of ratification, accession or succession	Declarations /reservations	Recognition of specific competences of treaty bodies	Reference to the rights within UNESCO's fields of competence
Convention against Discrimination in Education 1960	Ratified (26/04/2007)	Reservations to this Convention shall not be permitted		Right to Education
Convention on Technical and Vocational Education 1989	Not-ratified			Right to Education
Convention concerning the Protection of the World Cultural and Natural Heritage 1972	26/04/1972 Notification of succession			Right to take part in cultural life
Convention for the Safeguarding of the Intangible Cultural Heritage 2003	14/09/2009 Ratification			Right to take part in cultural life
Convention on the Protection and Promotion of the Diversity of Cultural Expressions 2005	24/06/2008 Ratification			Right to take part in cultural life

Right to education

II. Promotion and protection of human rights on the ground

1. The right to education is enshrined in the **Constitution of Montenegro** (last revised in 2013). For instance, Article 75 states that elementary education should be mandatory and free of charge. The Constitution also guarantees to national minorities 'the right to education in their own language and alphabet in public institutions and the right to have

included in the curricula the history and culture of the persons belonging to minority nations and other minority national communities' (Article 79).

2. The main law on education is the General Law on Education from 2001 (last revised in 2013) which concerns preschool education, primary education, secondary, general and vocational education, education of persons with special needs and adult education.¹ It guarantees equal access and non-discrimination.
3. Other laws on education include the law on primary education, the law on preschool education, the law on higher education (last amended in 2013)², the law on high school (last amended in 2013) the law on adult education and the law on national vocational qualifications (last amended in 2013).
4. In terms of reporting to UNESCO, within the framework of the latest Consultations of Member States on the measures taken to implement the Convention against Discrimination in Education, Montenegro did not submit a national report for the 9th Consultation of Member States (2016-2017), but it reported on the measures taken for its implementation within the framework of the 8th Consultation (2011-2013).
5. Montenegro did not report on the measures taken for the implementation of the UNESCO Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms within the framework of the 5th (2012-2013) and the 6th (2016-2017) Consultations of Member States.

Freedom of opinion and expression

➤ Constitutional and Legislative Framework:

6. Freedom of expression is guaranteed in Montenegro's constitution 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."³ The Constitution also prohibits censorship and protects freedom of the press as well as the right to access information for everyone, including non-citizens and legal entities.
7. Freedom of information is regulated under the new law on Free Access to Information that entered into force in 2013. Other laws also regulate the media, including the Media Law⁴ (2004), the Law on Public Broadcasting Services of Montenegro⁵ (2008), the Law on

¹ Ministry of Education and Science Montenegro, General Law on Education, 2001 available at : <http://www.unesco.org/education/edurights/media/docs/6a564df8728556fbb1e5ea7dad9e9e547dcf8d75.pdf>. Law as amended in 2013 available in the Official Gazette of Montenegro, No. 44/ 13.

² It seems that a new law on Higher Education has been adopted in 2014, repealing the previous one. It is available at http://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=99384&p_count=1&p_classification=09 (in Montenegrin).

³ https://www.constituteproject.org/constitution/Montenegro_2007.pdf?lang=en

⁴ http://www.ardcg.org/en/index.php?option=com_docman&task=cat_view&gid=43&Itemid=4

⁵ http://www.ardcg.org/en/index.php?option=com_docman&task=cat_view&gid=43&Itemid=4

Electronic Media⁶ (2010) and the Digital Broadcasting Law⁷ (2011). Montenegro decriminalized defamation and libel in July 2011.

➤ Implementation of legislation:

8. The Agency for Electronic Media⁸ (AEM) is the regulatory body for audiovisual media services. The council is composed of five members appointed by the Parliament of Montenegro. The AEM is, among others, responsible for implementing the Electronic Media Law.

➤ Safety of journalists:

9. UNESCO⁹ has recorded no killings of journalists in Montenegro since 2008.

III. Recommendations

10. Below are the recommendations made within the framework of the 2nd cycle of the Working Group (23rd session) on the Universal Periodic Review (March 2013)¹⁰:

117.16. *Continue its efforts to further strengthen the capacity of social service providers and civil servants working on cases involving children, including through continued human rights education and training,*

117.27. *Take steps to more effectively foster the integration into Montenegrin society of particular vulnerable groups, through addressing discrimination in areas such as education and employment,*

117.45. *Continue and strengthen the efforts to combat against all kinds of gender violence and approve education and awareness-raising policies in that area,*

117.78. *Maintain the good inter-ethnic relations model to achieve full reconciliation and integration. To do this, it is recommended to facilitate and promote access to ethnic, religious and political minorities to education, health care, justice, property and public positions,*

117.87. *Strengthen minorities' training for teachers in order to overcome such challenges as communication barriers due to language so as to integrate children of minorities into the local education system,*

117.88. *Continue to raise awareness of the needs of the Roma population, including children, and establish an adequate system that provides for their social and educational inclusion,*

118.3. *Step up efforts to provide equal access to education and health care to all children, irrespective of their immigration status,*

118.4. *Establish a monitoring system for special care institutions for children and develop an action plan to gradually integrate such children in the general school system,*

⁶ http://www.ardcg.org/en/index.php?option=com_docman&task=cat_view&gid=43&Itemid=4

⁷ http://www.ardcg.org/en/index.php?option=com_docman&task=cat_view&gid=43&Itemid=4

⁸ <http://www.ardcg.org/en/>

⁹ http://en.unesco.org/sites/default/files/unesco_condemns_killing_of_journalists_montenegro_en.pdf

¹⁰ <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G13/124/70/PDF/G1312470.pdf?OpenElement>

118.5. *Explicitly prohibit corporal punishment in all settings, including the home, schools and alternative care facilities, and establish appropriate complaints mechanism for children,*

118.6. *Consider the next phase of the Action Plan on Gender Equality to include comprehensive and achievable goals to combat discrimination towards women in all spheres of life, including work and education.*

Review and specific recommendations

11. When reviewing progress made since 2013, it is striking to note that Montenegro has significantly invested into policy action to improve the situation of education. Number of strategies and action plans have been adopted in the main areas of recommendation made during the last UPR cycle. Challenges now rest on their successful implementation and translation into concrete and effective measures.
12. First, Montenegro should be commended for having adopted strategies specific to each level of education: a 2016-2020 strategy for early and pre-school education, a Primary Education Development Strategy (2011-2017), a Vocational Education Development Strategy (2015-2020), a Strategy and Action Plan for the development of higher education (2016-2020) and a 2016- 2020 Strategy for lifelong career orientation.
13. Moreover, other strategies have been adopted, including in areas specifically mentioned in the last UPR recommendations. Some recommendations concerned inclusive education and equal access regarding minorities. Montenegro has to be commended for the adoption of several strategies related to these issues. Indeed, the Strategy of Inclusive Education (2014-2018) aims to improve quality and access to education for all children and youth with special educational needs. However, there is still a lack of access to several public universities.¹¹
14. The National Roma Integration Strategy (2012–2016), followed by the strategy for social inclusion of Roma and Egyptians in Montenegro (2016 – 2020) have been adopted to improve their educational inclusion.¹² In the field of education, the latest strategy sets five main goals which are: increasing the enrolment level and reducing drop-out rate at all levels of education, increasing the level of enrolment of Roma and Egyptian children in preschool education, enhancing school achievements of Roma and Egyptian children, implementing specific measures aimed at reducing the drop-out rate and raising awareness on the importance of education. This new Strategy is needed as the inclusion of Roma within the education system has improved at all levels but but their full inclusion and participation in

¹¹ European Commission, Commission staff working document, Montenegro 2016 Report, November 2016, available at https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/key_documents/2016/20161109_report_montenegro.pdf

¹² Montenegro Ministry of Human and Minority Rights, the strategy for social inclusion of Roma and Egyptians in Montenegro 2016 – 2020, March 2016, available at: <http://www.mmp.gov.me/ResourceManager/FileDownload.aspx?rid=236962&rType=2&file=The%20Strategy%20for%20Social%20Inclusion%20of%20Roma%20and%20Egyptians%20in%20Montenegro%202016-2020%20and%20AP%20for%202016.pdf>

education remains a challenge for the country. In fact, in 2015, the gross enrolment rate for upper-secondary education of Roma was only of 14% for male and 12% for female, while it was of 59% and 65% for non-Roma male and female. Similarly, the average years of education was of 5 for Roma male and 2.6 for Roma female, while it was of 11 and 10.2 for non-Roma male and female.¹³ Unfortunately, limited budget allocation weakens the full implementation of the Strategy.¹⁴

15. Other recommendations made during the last UPR cycle concerned gender issues, particularly on violence against women and gender discrimination. Montenegro was notably encouraged to ensure access to education and to engage in awareness-raising activities. In this regard, the action plan for achieving gender equality 2013-2017 needs to be noted.¹⁵ The Strategic goal of this action plan is to introduce gender-sensitive education at all levels of education, to be achieved through seven main activities among which the introduction of gender equality programmes into the overall educational system. According to the action plan, special emphasis is to be placed on peaceful resolution of conflict and suppression of all forms of gender discrimination, educating employees of the educational system about gender equality, increasing the level of education and inclusion of Romani and Egyptian population and members of other excluded groups in the educational system and encouraging introduction of gender studies in higher education institutions. Regarding gender based violence, it is planned to increase information and awareness of the public about occurrence and consequences. In 2015, the gross enrolment rate at the pre-primary level was of 60% for girls and 61% boys and of 100% for both at the primary level.¹⁶ However, gender-based violence continues to be a problem.¹⁷
16. Finally, there was also a recommendation concerning the prohibition of corporal punishment of children. The prohibition of corporal punishment in all settings has been addressed under the ‘Specific Objective 3.3: Improve the protection of all children against violence, abuse, neglect and other forms of degrading treatment and punishment’ of the National Plan of Action for children 2013-2017. An amendment to the family law was proposed in this sense in 2016¹⁸. However, the amended law could not be accessed online and analyzed for the purpose of this contribution. Another positive step made by the country is the current drafting of a Strategy for the Prevention and Protection of Children from Violence (2017 – 2021).

¹³ World Bank Group, Europe and Central Asia, Gender at a Glance, Montenegro, March 2015, available at: <http://documents.worldbank.org/curated/en/397111468054560770/Montenegro-Gender-at-a-glance>

¹⁴ Op.cit. fn 3.

¹⁵ Government of Montenegro, Ministry of Human and Minority Rights, *action plan for achieving gender equality 2013-2017*, January 2013, available at: <http://extwprlegs1.fao.org/docs/pdf/mne151332.pdf>

¹⁶ World Bank Group, Op.cit. fn 5.

¹⁷ European Commission, op.cit. fn.3.

¹⁸ Government of Montenegro, National Plan of Action for children 2013-2017, 2013, available at <https://www.google.fr/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&uact=8&ved=0ahUKEwiZwv2h27LSAhXJthOKHRLzAEsQFggaMAA&url=http%3A%2F%2Fwww.minradiss.gov.me%2FResourceManager%2FFileDownload.aspx%3Frid%3D178608%26rType%3D2%26file%3DNational%2520plan%2520of%2520action%2520fo%2520children.docx&usq=AFQjCNEXWACeAy9TSHDjysiz6weH3QaFzw&bvm=bv.148073327.d.d24>

➤ **Specific recommendations:**

1. Montenegro should be encouraged to pursue its efforts towards inclusive education for minorities and to allocate an appropriate budget to ensure the full and successful implementation of the Strategy for Social Inclusion 2016-2020.
2. Montenegro should be encouraged to further its efforts towards awareness-raising and education against gender-based violence and violence against children.
3. Montenegro could be encouraged to increase its efforts towards inclusive education for people with disabilities notably by ensuring that educational facilities are accessible.
4. Montenegro could be encouraged to pursue its efforts towards gender equality in education.
5. Montenegro should be strongly encouraged to submit state reports for the periodic consultations on UNESCO's education-related standard-setting instruments.
6. Montenegro should be encouraged to share with UNESCO any relevant information to update its country profile on UNESCO's Global Database on the Right to Education.¹⁹

Freedom of expression

17. Montenegro is recommended to continue with its current dispensation on freedom of expression and opinion.

Cultural Rights

18. As a State Party to the Convention concerning the Protection of the World Cultural and Natural Heritage (1972)²⁰, the Convention for the Safeguarding of the Intangible Cultural Heritage (2003)²¹, and the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005)²², 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 the civil society as well as vulnerable groups

¹⁹ <http://www.unesco.org/new/en/education/themes/leading-the-international-agenda/right-to-education/database/>

²⁰ Periodic Report available at: <http://whc.unesco.org/document/136521>

²¹ Periodic Report not available

²² Periodic Report available at: <http://en.unesco.org/creativity/monitoring-report/quadrennial-reports/available-reports/periodic-report-montenegro>

(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.