



Montenegro

Permanent Mission of Montenegro to the  
United Nations Office and other International Organizations  
in Geneva

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The Permanent Mission of Montenegro to the United Nations Office and other International Organizations in Geneva presents its compliments to the Office of the High Commissioner for Human Rights and has the honor to enclose herewith answers of Montenegro to the questionnaire of the Special Rapporteur on the rights of education.

The Mission would highly appreciate if the later could be conveyed to the esteemed recipient.

The Permanent Mission of Montenegro avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration. *fmj*

Geneva, 1 February 2023



**Office of the High Commissioner for Human Rights**

**Mandate of the Special Rapporteur on the right to education**

**CALL FOR CONTRIBUTIONS:  
THE RIGHT TO EDUCATION, ADVANCES AND CHALLENGES**

**I. Assessing the achievements made by the mandate of the Special Rapporteur on the right to education over the last 25 years**

**In your country, are education issues approached through the lens of the human right to education, and if so, with what challenges and results? In your view, what is the added value of such an approach in your work?**

- The Government of Montenegro has committed itself to implementing the international human rights framework exercising the right to education in line with the international human rights law.

The progress made over the last decade in the development of regulatory and strategic frameworks has shown an increased progress. The set of laws and strategies adopted in 2017 in the field of education show clear commitment to aligning the national legislation to meet the international human rights standards and norms.

- The preschool education strategic goals are guided by the principles of guaranteeing the equal opportunities of development for every child by strengthening preschool education in terms of availability, quality and fairness. Though preschool education in Montenegro is not compulsory, the new Strategy for Early and Preschool Education (2021-2025) with an Action Plan, adopted in October 2021, sets as one of its objectives to increase the coverage of early childhood education for all children, targeting particularly those from the age of 3 and above in preschools<sup>1</sup>. Indeed, one of the crucial achievements recorded over the last 10-15 years lies in significant increase of the number of children in preschool institutions (for 36%), according to the progress reports on the implementation of the former strategy for the period 2016 - 2020. The progress is also made in relation to the expansion of the preschool infrastructural capacities (construction and reconstruction of kindergartens).
- Significant progress in the increase of the preschool coverage (52% in school 2019/2020) has been recorded, but still below the EU average (95% in 27 EU countries was in 2017), according to the strategy. This still remains a challenge, alongside the need for further improvements in overall capacities in terms of preschool education infrastructure and professional development programmes.

<sup>1</sup> Education Sector Analysis, 2015 -2020

Brief summary of the key achievements in preschool education:

- **The awareness raising campaigns** (such as programme "I will shine in kindergarten") - to influence on the strengthening of the competencies of the preschool staff and services, but also to change the attitudes of parents and general public towards the importance of preschool education - a departure from the traditional opinion that preschool education and education is a "babysitting service".
- The amendments to the education laws in 2017 introduced the principle of discrimination aimed to achieve higher level of inclusiveness in the preschool practice.
- Free preschool education was ensured for **children with special educational needs, children from Roma and Egyptian population, families beneficiaries of the material aid programme and without parental care**, the fees for stay and nutrition covered by the Ministry of Labour and Social Welfare, and 50% of costs covered for children of single parents by the Ministry of Education.
- For Roma and Egyptian children, **preparatory kindergartens** are organised during April to June, with the aim to prepare the children for primary school.
- **New occupation "Associate in social inclusion for Roma and Egyptian children"** is developed in order to provide professional support to families during the children enrolment in preschool education and to provide additional assistance to children in the municipalities with the recorded highest number of Roma and Egyptian children.
- **Early intervention services for children with special education needs** provided by the resource centres, in order to support preschool teachers in their work with children with special needs. The resource centres also provide professional training for preschool teachers, partner with the healthcare experts. The goal is to improve competences of preschool teachers for identifying child's needs and customising the education programmes accordingly.
- Following the success of the campaign "Learn at Home" during the pandemic crisis in 2020 and 2021, Ministry of Education and UNICEF launched in 2020 a **campaign for the promotion of the enrolment in preschool education**, by way of an electronic enrolment platform with information video materials, available at [www.upisi.edu.me](http://www.upisi.edu.me).
- **The Comprehensive and high-quality developmentally adequate early learning of all children** family parenting project was implemented in cooperation with UNICEF ended on 31 December 2021, to support children and parents, improve the organisation and quality of preschool education delivery, and to provide measures to ensure equity in ECD programmes with focus on vulnerable children.
- During 2022, a **new kindergarten** opened in Podgorica in Block VI, JPU "Ljubica Popović", built from the loan fund of the Development Bank of the Council of Europe with the participation of the local community. An area of 6,980 m<sup>2</sup> is intended for the accommodation of around 215 children, of which 1,512 m<sup>2</sup> are built facilities with all the contents of a modern and functional building for the stay and learning of children from 0 to starting school. The facility was completed in April 2022 and will receive the first children from September 2022. Three new private preschool institutions from Podgorica have been licensed.
- Improving professional capacities of preschool teachers and medical staff is reported in the Preschool Education Strategy as **one of the challenges**. Another challenge is **to increase the number of staff in kindergartens** as, according to the UNICEF analysis<sup>2</sup>, the ratio between the number of children and the number of preschool staff directly working with children is 14,7 children per employee which is higher than the EU average (EU 27 average is 12,7) and overcrowded and disproportionate children groups.

<sup>2</sup> <https://www.unicef.org/montenegro/en/reports/education-sector-analysis-2015-2020>

- **The statistics on the number of children attending public and private preschool institutions** is available at the Ministry of Education's official database<sup>3</sup>.
- Other challenges reflect in the need to transform general approach to early childcare programmes **by making shift from a traditional medical healthcare model to more whole-child centred model** which would cover biological, psychological and also social aspects, and improvement of **intersectoral cooperation**.

With regards to keeping data on students attending bilingual teaching, in the Montenegrin and Albanian languages, at all levels:

- Preschool education: JPU "Kindergarten" in Plav, JPU "Đina Vrbica" in Tuzi, JPU "Vukosava Ivanović - Mašanović" in Bar and JPU "Solidarnost" in Ulcinj. There are a total of 503 children in pre-school education (male 280 - female 223).
- Primary education and upbringing: In Ulcinj - Elementary School "Maršal Tito", Elementary School "Marko Nukulović" and Elementary School "Boško Strugar"; In Tuzi - Primary School "Mahmut Lekić"; In Plav - Elementary School "Hajro Šahmanović" and in Gusinje - Elementary School "Džafer Nikočević". In school year 2022/2023 year, there are in total 2599 students in primary education (M 1329 - F 1270).
- Secondary education: Tuzi - Secondary mixed school "25. May", Ulcinj - Secondary Mixed School "Bratstvo Jedinstvo" and Plav - Secondary Mixed School "Bećo Bašić". In school year 2022/2023, there are in total 885 students in secondary education (male 446 - female 439).
- There are 203 students (male 69 - female 134) in music schools with lessons in the Albanian language, who attend the Primary Music School in Ulcinj and the Regional Institution of the Primary Music School "Vasa Pavić" in Tuzi.
- In the academic year 2022/2023, 67 university students were enrolled in the programme for teachers in Albanian. And for this academic year, the Ministry has decided to award 10 scholarships for students who are being educated for deficit occupations for teaching in the Albanian language.
- Teaching in the Albanian language: in the Albanian language, teaching takes place in 6 elementary schools: Elementary School "Đerđ Kastrioti Skanderbeg" in Bar; Elementary school "29. November", Primary School "Jedinstvo" and Primary School "Đerđ Kastrioti Skanderbeg" in Tuzi; Elementary school "Bedri Elezaga" in Ulcinj, and elementary school "Daciće" in Rožaje.
- According to the European Commission's progress report on Montenegro for 2020, the progress is made in increasing the enrollment rate of Roma and Egyptian students in primary schools, which increased slightly in 2019/2020 compared to 2018/2019. Although the school dropout rates are moderately decreasing, **the overall completion rates are still dramatically low**, which is one of the problems that will be given significant attention in the upcoming period of public policy implementation, the report states.
- Brief overview of the activities targeting students of Roma and Egyptian population includes the following measures put in place:  
**Promotion** - organised by the Ministry of Education in cooperation with the Ministry of Human and Minority Rights, the Institute of Education, the National Roma Council and non-governmental organizations in order to promote enrollment in preschool education, in first grade of primary school and secondary schools in Podgorica, Nikšić, Berane and Tivat. Teams of representatives of the aforementioned institutions

<sup>3</sup> <https://www.skolskastatistika.edu.me/>

visit the four municipalities every March in order to have conversations with children old enough to enroll in pre-school education and in the first grade of primary school and with their parents, in order to present to them their rights and promote the importance of preschool and primary education. They also have talks with the ninth grade elementary school students to encourage them to enroll secondary schools. The idea behind the promotion is to raise parents' awareness on how important is their support on their child's path to education. The opportunities to electronically enrol their children and receive assistance with online enrolment by contacting the educational institution or associates in social inclusion<sup>4</sup>, are also presented during the promotion campaigns.

- **Transportation** - Free transportation to school and back is provided for elementary school students of RE in several towns (in school 2022/2023, the transportation is provided for around 600 primary school students).
- **Associates (mediators)** - The engagement of associates (mediators) is part of the social inclusion measures for RE in education, in accordance with the legal obligations set by the law. This practice has proven to be extremely useful for the inclusion of Roma and Egyptian children in the education system as well as for reducing drop-outs. According to the MoE's report for 2022, more than 24 associates (mediators) were hired in primary schools in Podgorica, Nikišić, Bar, Berane, Ulcinj, Herceg Novi and Tivat. From June 10 to July 3, 2022, training was organized for teaching associates in the social inclusion of Roma and Egyptians in education, in which members of the Roma and Egyptian community were especially encouraged to apply for this call. Out of a total of 23 registered candidates, 19 candidates from the RE community attended the training and obtained the title of the "Associate in Social Inclusion of Roma and Egyptians in Education". The training programme for the occupation of organizer of social inclusion of Roma and Egyptians in education was initiated and financed by the Ministry of Education.
- **Scholarships** - In line with the Action Plan for the Implementation of the Strategy of Social Inclusion of Roma and Egyptians in Montenegro 2021-2025, the Ministry of Education announces every year a competition which lasts throughout September and October in order to award scholarships to secondary and higher education students of the Roma and Egyptian community.
- **Student dormitories** provide free accommodation for students with disabilities, students of the RE population and beneficiaries of material security. According to the feedback MoE received from the student dormitories, in school 2021/2022 two university students belonging to RE community are beneficiaries of free accommodation.
- Statistical data on RE pre-school, primary and secondary students from 2019 to 2023<sup>5</sup>: In preschool education in the 2019/2020 school year, there were 208 RE children (male 104-female 104). In preschool education in the 2020/2021 school year, we had 224 RE children in kindergartens (male 106 - female 118). In 2021/2022 year, there were 192 RE children (m 99 - f 93). In preschool education school year 2022/2023 year, there are total of 202 RE children (m 92 - f 110) enrolled.

In primary schools in the 2019/2020 school year, there were 1834 RE students (m 976 - w 858). In the 2020/2021 school year, there were 1793 students from the RE community from I to IX grades (m 929 - f 864). In the 2021/2022 school year, from I to IX, 1856 students of the RE community were enrolled (m 960 - f 896). In the 2022/2023 school year, from the I to IX grade, there are 1833 primary school students of the RE population (M 950 - F 883).

<sup>4</sup> Ministry of Education's report on education of minority peoples and minority communities

<sup>5</sup> Work progress report of the Ministry of Education, 2022

In secondary schools during the 2019/2020 school year, there were 149 students of RE (m 85 - f 64) attending secondary schools. In school year 2020/2021 year, there were 174 RE students enrolled from I to IV grades (m 101 - f 73). In the 2021/2022 school year, 207 RE secondary school students were enrolled. (m 115 - f 92). As of 2022/2023 school year, 214 high school students (M 122 - F 92) were enrolled.

- Other activities include celebration of the important dates (European day against human trafficking, International Roma day, International human rights day) organised with MoE, MHMR and partners; trainings (in line with the Strategy for the fight against human trafficking 2019-2024, a two-day training for teachers was held in December 2022, on the topic of the educational system in the prevention of child trafficking, illegal marriages and economic exploitation of children); the implementation of the Montenegrin language education programme for asylum seekers and foreign citizens under subsidiary protection as a non-native in "Slobodan Škerović" Gymnasium in Podgorica.
- Concerning inclusive education, the most important achievements over the last decade are reflected in the plans and programmes developed and mechanisms in place.
- Individual Development -Education Programmes serve as the basis for working with children with special needs in education (IDEP). Kindergartens and schools develop IDEPs for every child, thus prescribing educational and developmental objectives to be reached.
- Individual Transition Plan-1 (ITP-1) serves to facilitate the transition of students with special needs in education from elementary to secondary school.
- Individual Transition Plan-2 (ITP-2), which links education and employment, was designed and adopted to facilitate students' transition to the labour market, while ITP – 3 regulates makes easier and allows student transition to the faculty.
- The Resource centres support inclusive education by means of the following: providing advice and expertise; provision of teacher training and training of expert assistants to work with children with special needs in education; use of sign language; preparation, adaptation, design and training on the use of specialised textbooks (in Braille and in DAISY format<sup>6</sup>) and other specialised teaching aids. The resource centres implement Early Intervention programmes.
- Resource materials: the "School network" portal<sup>7</sup> includes section on inclusive education with news, publications, video recordings with examples of good practice, ideas how to solve various challenges.
- Enrolment of students with special education needs in higher education is based on the principle of affirmative action, the same principle is applied when it comes to students from the Roma and Egyptian background. The affirmative action principle has been applied in vocational education and higher education as well with regard to marginalised students.
- We are continuously working on understanding the necessity of equal access to school buildings and on raising awareness of the importance of equal access to the process of education. In addition to the architectural, physical and technical accessibility of educational institutions, it is necessary to ensure that a child's developmental and educational needs are met with the help of available equipment and improved teaching materials, and aids, work methods, programmes, literature, in accordance with the principle of reasonable adaptations. The literature pertaining to this area needs to be

<sup>6</sup> DAISY - Digital Accessible Information System, audio-visual versions of books.

<sup>7</sup> <https://www.skolskiportal.edu.me/Pages/Inkluzivnoobrazovanje.aspx>

prepared in accordance with the assessment of the needs of the teaching process. Nevertheless, schools have action plans in place to improve basic principles of accessibility. The school management and teachers have passed training about the accessible format which explains how important it is to create and present information in an accessible way. Ministry of Education is the part of the C-board initiative – an application that assists children to improve interaction and communication.

- Equipment and training is provided to schools for the preparation of specialized teaching materials and aids and training undertaken with focus on preschool teachers and didactics. With the Faculty of Mathematics and Natural Sciences and Electro-technical Faculty we created a platform and 3D didactics for the improvement of developmental and educational outcomes (addressing teaching, behavioral and socio-emotional skills).
- Regarding vocational education, following the introduction of modular education programmes in VET and work-based learning in line with the relevant laws on vocational education and national qualifications framework, students are offered a chance to acquire vocational qualifications or/and education level qualifications and receive formal recognition of the part of education or whole education programme after completing of specific module/s. Such VET model is especially favourable for students from marginalised groups for their steady progression through secondary education and transition into employment.
- With reference to this, with the support of the Instrument for pre-accession (IPA II) funds under the EU-MNE Joint Programme for Employment, Education and Social Policies (i.e. SOPEES 2015 -2017), 21 education programmes in vocational education were modularised to meet the needs of students with special education needs and Roma and Egyptian students<sup>8</sup>. In addition, over 160 teaching and non-teaching staff were training for social inclusion. The Montenegrin Education Information System database was updated to provide comprehensive data on students from vulnerable groups attending education. Within the IPA project, 40 schools received computer and specialised equipment for special education needs children. The third activity is aimed to remove infrastructural barriers and adapt eight educational institutions to meet the needs of students with disabilities.
- As part of the support programme for students from Ukraine a number of activities have been implemented in 2022: Data and needs analysis and preparation of an inclusion model for the inclusion of children in the education system; professional support provided in the creation of information materials for parents on enrolment procedures in preschools, primary and secondary schools, design and printing of information materials for parents; professional support provided in the preparation of the analysis of legal regulations for the enrolment of Ukrainian children in preschool, primary and secondary schools, as well as support in the preparation of the analysis of additional risk conditions and recommendations for dealing with identified risks (disorders and hindrances etc.), supply activities with furniture and didactic materials/teaching aids; upgrade of the information system (MEIS) for tracking record of Ukrainian students in and out of the system; consultations of support teams carried out through the engagement of Ukrainian pedagogical workers as support associates and the engagement of special education teachers.

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<sup>8</sup> IPA projects– Service contract “Improving education programmes and service to meet the needs of marginalised groups”, Supply contract “Provision of equipment for marginalised groups” and Works contract “Works for the adaptation of school infrastructure in order to improve accessibility for students with reduced mobility and students with disabilities”

- National Education for Sustainable Development curricula were developed in 2013, 2014 and 2015 for preschool, primary and general secondary education. Education for sustainable development curriculum strives to introduce a multidisciplinary, cross-curricular and competences-oriented teaching and learning linked to the universal values laid down in the UN Agenda on sustainable development - SDG 4 on quality education. The overarching document is the Montenegrin National Strategy for Sustainable Development to 2030. Though there is no specific national ESD strategy or legal framework on the education for sustainable development yet in place, the ESD goals are integrated and present across many national strategies and programmes. ESD is based on equal opportunities, fairness, multicultural and intercultural dialogue. It applies integrative and whole-institution transformative approach to planning and implementation, monitoring and evaluation of school environment, organisation and practice.
- As step forward, the National Key Competences Framework is developed during 2019 - 2021 in line with the European Key Competences Framework for Lifelong Learning from 2008. One of the eight key competences is the citizenship competence. The National Key Competences Framework was developed as part of the IPA project<sup>9</sup> under the multi-sectoral EU-MNE Programme for Education, Employment and Social Policies (IPA II).

**How do you assess the 4 A's framework of availability, accessibility, acceptability and adaptability as conditions for realizing the right to education? Is such a framework integrated in legal and policy documents relating to education in your country, as well as used in practice? If not, what are the key obstacles? Should the framework be reviewed to include other dimensions? If so, which?**

- Over the last few years the efforts have been made to harmonize the national legal and policy documents in order to achieve full integration of the 4 A's framework of availability, accessibility, acceptability and adaptability, and meet the requirements of the international legally binding regulation.
- *The National Strategy for Sustainable Development by 2030 (NSSD)* from July 2016 is a key overarching innovation-based development strategy which defines long-term national priorities for achieving the country's social and economic growth and sustainable development goals by 2030. With regards to education, the NSSD sets as one of its priority - *Ensuring inclusive and quality education and promoting lifelong learning opportunities for all*, proposing measures to improve conditions for strengthening the comprehensiveness of pre-school education and the quality of primary and secondary education, lifelong learning, informal education and adult education.
- *The Strategy of Early and Preschool Education 2021-2025* aims to provide equal opportunities for early development of all children in Montenegro by strengthening the availability, quality and fairness of preschool upbringing and education with the focus of improving coverage, quality, equal opportunities.
- *The Strategy of Inclusive Education (2019-2025)* aims to provide children with special educational needs with accessible and quality inclusive education at all levels and to achieve accessibility, equality, fairness, continuity and quality.

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<sup>9</sup> IPA project, Service contract "Improving the quality of education by addressing key competences and quality assurance, with special focus on STEM disciplines" (SOPEES 2015 – 2017)



- *The Strategy for Development of Vocational Education in Montenegro (2020-2024)* with the Action plan for 2020 -2021 sets as its strategic objective - quality and inclusive system of vocational education which is the basis for lifelong learning, economic and social integration, personal and professional development of the individual, with an effective system of management and financing. Strategic objectives are to create vocational education that is relevant to the individuals, the labour market and society, accessible and innovative.
- *The Strategy for Teacher Education in Montenegro (2017-2024) with the Action Plan for 2017 and 2018.* The strategy aims to create policies and practices of initial and continuing teacher education, which will provide support to teachers in achieving complex role and prepare them for educational work as basis for the quality, permanence and applicability of knowledge that students acquire at all levels of education, their personal and professional development, social inclusion and readiness for active citizenship.
- *The Strategy for Digitalization of the Education System of Montenegro (2022 - 2027) with an Action plan for 2022 and 2023.* The aim of drafting this Strategy is to encourage greater use of ICT in teaching for improving the quality and inclusiveness of the teaching process, but also to influence the development of digital competencies of students and employees in educational institutions. In addition, it aims to improve and modernize all processes in the education system, from pedagogical electronic record-keeping to data exchange and the launch of a range of electronic services for citizens and other institutions. In this regard, three strategic goals have been identified: the improvement of the education information system, the development and improvement of the digital ecosystem, and the development and improvement of digital skills and competencies.
- *The draft Strategy of Higher Education 2020 - 2025 with the Action Plan for 2020.* The strategy aims is to improve the university's enrolment policy by directing it towards meeting the needs of the labour market, contribute to achieving a high level of employment of higher education students and creating a flexible workforce ready for the world of work and to continue reforms and modernization of the legal and regulatory framework to modernize employment policies, which provide an incentive for formal employment.
- *The Strategy for Adult Education of Montenegro (2015-2025) with the Plan for Adult Education 2019-2022* sets as its objectives to increase the social inclusion of adult citizens through lifelong learning and education activities, improve the knowledge, skills and competencies of adults for employability, labour market mobility and competitiveness, increase the competencies of employees in order to achieve faster economic growth, establish a quality assurance system in adult education, and provide a flexible and sustainable adult education system.
- *Youth Strategy 2017-2021* aims to support young people in their transition to adulthood through six priorities: improve access to labour market and employment; improve access to quality education; for young people to become active citizens, involved, motivated, proactive and participate in decision-making and community development processes, in creation of policies and their implementation; quality cultural content as creators and consumers; normative and institutional framework for the implementation of youth policies.

- *Entrepreneurship Lifelong Learning Strategy 2020-2024* sets out to ensure the improvement of the development of entrepreneurial competence at all levels of formal education, realization of entrepreneurial learning within non-formal education and increasing the efficiency of the functioning of the entrepreneurial learning system.
- *The National Strategy for Gender Equality 2021–2025 with the Action Plan for 2021–2022* year was prepared by the Ministry of Justice, Human and Minority Rights in cooperation with the OSCE Mission to Montenegro, aimed to raise the level of gender equality through improving the normative framework and implementation of policies aiming at achieving higher levels of gender equality for protection against discrimination, also addressing education, media, and mainstream culture intending to reduce gender-based stereotypes, and other goals.
- *Strategy for integration of persons with disabilities in Montenegro 2016 -2020*, sets out a strategic goal to ensure rights to education without discrimination and inclusive system of education at all levels, as well as learning throughout life directed towards a full development of human potentials, dignity and selfvalue by inclusion in general education system, with reasonable adaptation in accordance with one individuals' needs. The main document author is Ministry of Labour and Social Welfare with partners.
- *Strategy for the integration of persons with disabilities in Montenegro 2008 – 2016*, adopted in 2007, the first strategic document where the analysis of present situation in relation to persons with disabilities has been carried out. The latest official data from the survey on population showed that 11% of the population in Montenegro declared themselves to have longterm disabilities or illnesses. However, no accumulated official data at state level exist.
- *Strategy for the protection of persons with disabilities from discrimination and the promotion of equality for the period 2017-2021 year*, whose strategic goal in the field of upbringing, education and professional training is to enable inclusive education at all levels, for all pupils and students.
- *Strategy for the protection of persons with disabilities and promotion of equality 2022 -2023*: “According to the UN Convention on the Rights of Persons with Disabilities, inclusive education is essential for realizing the right to education for all members of society without discrimination and on an equal basis opportunities, including persons with disabilities. Based on Article 24 of the Convention, the signatory states must ensure the realization of the right of persons with disabilities to education through an inclusive education system at all levels levels, including preschool, primary, secondary and higher education, professional training and lifelong learning, extracurricular and social activities, for all students, including persons with disabilities, without discrimination and on an equal footing with others. Inclusive education provides a platform for fight against stigmatization and discrimination”.
- In September 2021, the Government of Montenegro adopted *the Strategy for the Social Inclusion of Roma and Egyptians in Montenegro 2021-2025* (Ministry of Human and Minority Rights) with the Action Plan for 2021. The key goal of the Strategy is to improve the socio-economic and legal position of Roma and Egyptians in Montenegro, through the creation of an inclusive and open society based on the fight against and elimination of all forms of discrimination.

**The human right to education entails States' obligations to respect, protect and fulfil the right to education in international human rights law. To what extent are these obligations clearly identified in your country's legislation and in practice?**

- Following the proclamation of independence on 3 June 2006, and with the adoption of the Constitution of Montenegro on 22 October 2007, Montenegro became independent and sovereign state, of republican form of governmental rule. As stated in the Constitution, Montenegro is also a civic, democratic, ecological and state of social justice, based on the rule of law (Article 1 of the Constitution).
- Montenegro on 23 October 2006 by order of succession ratified the top-level UN treaties such as the International Covenant on Civil and Political Rights (ICCPR), Convention on the Rights of the Child (CRC). Montenegro also ratified the Convention on the Rights of Persons with Disabilities (CRPD) in 2009, Convention on the Prohibition of Discrimination in 2009, International Convention on the Elimination of All Forms of Racial Discrimination (CERD), the International Covenant on Economic, Social and Cultural Rights (ICESCR), Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), Convention for the Protection of All Persons from Enforced Disappearance (CED), Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).
- According to Article 9 of the Constitution of Montenegro, "confirmed and published international treaties and generally accepted rules of international law are an integral part of the internal legal order, they have primacy over domestic legislation and are directly applied when they regulate relations differently from internal legislation". In addition, Article 15 sets out to establish relationships with other countries and international organizations, therefore Paragraph 1 of Article 15 states that Montenegro, "based on the principles and rules of international law, cooperates and develops friendly relations with other countries, regional and international organizations".
- Also, special minority rights are integral part of the Constitution in Article 79, which guarantees the rights and freedoms to persons belonging to minority nations and other minority national communities, which they can exercise individually or collectively with others. Namely, by the following provisions: (a) The right to exercise, protect, develop and publicly express national, ethnic, cultural and religious particularities; (b) The right to choose, use and publicly post national symbols and to celebrate national holidays; (c) The right to use their own language and alphabet in private, public and official use; (d) 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; (e) The right, in the areas with significant share in the total population, to have the local self-government authorities, State and court authorities carry out the proceedings in the language of minority nations and other minority national communities; (f) The right to establish educational, cultural and religious associations, with the material support of the State; (g) The right to write and use their own name and surname also in their own language and alphabet in official documents; (h) The right, in the areas with significant share in total population, to have traditional local terms, names of streets and settlements, as well as topographic signs written in the language of minority nations and other minority national communities; (i) The right to

authentic representation in the Parliament of Montenegro and in the assemblies of the local self-government units in which they represent a significant share in the population, according to the principle of affirmative action; (j) The right to proportionate representation in public services, State authorities and local self-government bodies; (k) The right to information in their own language; (l) The right to establish and maintain contacts with citizens and associations outside of Montenegro, with whom they have common national and ethnic background, cultural and historic heritage, as well as religious beliefs; (m) The right to establish councils for the protection and improvement of special rights. In addition, forceful assimilation of the persons belonging to minority nations and other minority national communities shall be prohibited and the obligation of the State to protect the persons belonging to minority nations and other minority national communities from all forms of forceful assimilation, is regulated by article 80 of the Constitution.

As acknowledged in the “Education sector analysis 2015–2020” developed by UNICEF and partners in 2020, Montenegro has over the last decade “progressively been strengthening its legal and political systems and programmes in accordance with the international standards”.

Indeed, more advanced efforts on the improvement of the legislative and regulatory processes took place after Montenegro was awarded the status the EU candidate country in December 2010 and after the accession negotiations towards the EU membership began in June 2012.

During the negotiation preparations, the efforts were invested in improving the strategic planning of the country and developing quality standards for all strategies in order to improve their quality in many respects, based on the Decree on methodology and procedure for drafting, aligning and monitoring of the implementation of strategy documents adopted by the Government of Montenegro in July 2018 and followed with the development of guidelines for their preparation and methodology documents<sup>10</sup>. The Decree prescribes the ways and procedures of writing the strategies and programmes proposing internal and external policies in specific fields, the activities, and also to monitor to what extent the strategies have been aligned with the strategic plan and general development directions of the country and with financial strategy documents.

The principal strategic documents and programmes which guide the development directions of Montenegro are: the Montenegro Development Directions (MDD) (2018-2021) and for years 2022 – 2025, the Economic Reform Programme (2021-2023), the Accession Programme of Montenegro (2021-2023) plans the legislative alignment and administrative capacity needed for Montenegro to be able to assume the obligations of membership and the long-term development strategy National Strategy for Sustainable Development by 2030 (NSSD).

As stated in a number of strategic and analysis reports, “Montenegro has been one of the first countries to fully embrace and integrate into its system the United Nations’ requirements set out in the 2030 Agenda for Sustainable Development of the United Nations”. Special focus of our interest is the Sustainable Development Goal 4 on Quality Education – Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all, is broadly present and addressed in all up-to-date

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<sup>10</sup> Metodology of development of policies, development and monitoring of the implementation of strategic documents: <https://javnepolitike.me/wp-content/uploads/2020/11/Metodologija-razvijanja-politika-draft3-preview-22SEP20.pdf>

national strategic documents covering the fields of education, sustainable development, human rights and social policies and mentioned in further related strategies.

The top-level national institutions in charge of planning and regulating the matters related to the right to education and education issues as well as rights of marginalised groups are the Ministry of Education, Ministry of Human and Minority Rights, Ministry of Labour and Social Welfare, Protector of the Human Rights and Freedoms, Ministry of Justice, Ministry of Health etc. The obligations are clearly recognized in the national legislation and education laws: General Law on Education, Law on Preschool Education, Law on Primary Education, Law on General Secondary Education, Law on Vocational Education, Law on Higher Education, Law on the Education of Children with Special Education Needs, the Law on Minority Rights and Freedoms, the Law on Social and Child Protection, Family Law, The Law on Prohibition of Discrimination, The Law on Prohibition of Discrimination against Persons with Disabilities. The laws are followed by set of regulations and sub-laws which regulate specific areas of work/field.

In Article 9 of the Constitution of Montenegro, it is clearly stated that “confirmed and published international treaties and generally accepted rules of international law are an integral part of the internal legal order, they have primacy over domestic legislation and are directly applied when they regulate relations differently from internal legislation”.

Therefore, primary education in Montenegro is compulsory and free from 6 -15 years, in accordance with the General Law on Education and the Law on Primary Education.

The General Law on Education (Official Gazette of the Republic of Montenegro no 64/02, 31/05 and 49/07; Official Gazette of Montenegro no 4/08 – oth. law 21/09 – oth. law, 45/11, 26/13 – Decision of the CC11, 39/13, 44/13 – corr, and 47/17059/21 from 04.06.2021) which regulates the organization and conditions for performing educational work in preschool, primary and general secondary education, vocational education, special needs education and education of adults. The Article 2 of this Law defines the key education goals which to a broad extent set out to ensure the possibilities for a comprehensive individual development regardless of the sex, age, social and cultural background, national and religious affiliations and of physical and psychological structure; meeting the needs, interests, wishes and ambitions of individuals for life long learning; ensuring that individuals reach internationally comparable levels of knowledge, skills and competences; develop the awareness, the need and abilities for protecting and improving the human rights, legal state, natural and social environment, multiethnicity and diversity etc.

In addition, the Law in Article 9 prescribes equal rights to education both for Montenegrin and foreign citizens, meaning that foreign citizens with permanent or temporary stay in Montenegro are equal to exercise the right to education as Montenegrin citizens, which is regulated by separate law. This provision is present in other education laws, at other education levels as well (e.g. the laws on general secondary education and vocational education).

A separate provision of *the General Law on Education* includes the chapter on the prohibition of any type of discrimination – physical, psychological, social violence and child neglecting; physical punishment of students and employees and other forms of discrimination (Article 9). In the conflict resolution procedure between children, parents, fosterparents, caretakers and employees in the institutions, as conflict solution measure is prescribed the engagement of mediators, in line with the law (Article 9b).

*The Law on Primary Education* ("Official Gazette of the Republic of Montenegro", num. 64/2002, 49/2007 and "The Official Gazette of Montenegro", num. 45/2010, 40/2011, 39/2013 and 47/2017) in its amendments from 2017 includes the accessibility to education: "Primary education shall be accessible to all persons and may not be constrained, directly or indirectly, on any grounds: sex, race, colour, language, religion, marital status, political or other beliefs, national, ethnic or other background, financial standing, disability or any other similar ground, position or circumstance." (Article 2a). This provision is also part of the Law on Preschool Education, the Law on Gymnasium and the Law on Vocational Education.

*The Law on Minority Rights and Freedoms* in a number of articles describes the wide-ranging rights of minority peoples and other national minority communities: the right to schooling in their own mother language, the right to adequate representation of their mother language in general and vocational education, right to teaching in the mother language and right in relation to the content in education programmes respecting the history, art, culture and tradition of minority peoples and communities, founding of the education institutions etc. In addition, *Article 19* of the Law prescribes for the purpose of the full enjoyment of minority rights, the University of Montenegro, following the proposal of the Minority Council, may admit, each academic year, a certain number of students from the ranks of minorities, in accordance with the University Charter. When submitting the set of documents for admission, prospective students are required to submit the application in which they state their affiliation with a certain minority group.

*Article 6 of the Law on Higher Education* defines that higher education is available to all and may not be directly or indirectly restricted on the grounds of: gender, race, marital status, skin colour, language, religion, political or other affiliation, national, ethnic or other origin, financial status, disability or other similar grounds, position or circumstances, in line with the specific law. The University Charter regulates the rules of admission and studying to more detail.

With regards to education to meet the needs of vulnerable i.e. marginalised groups of children, in cooperation with Ministry of Labour and Social and Welfare and Ministry of Human and Minority Rights, Ministry of Education is part of the process of accomplishing the expectations and recommendations related to the Convention on the Rights of Child and other international documents. These mechanisms are integrated as integral parts of the Strategy for the Inclusive Education 2019-2025 and Strategy for Early and Preschool Education 2021-2025. The Inclusive Strategy's theoretical framework shapes the aspects of an inclusive education system as set out by the General Comment No. 4 (2016) of UNCRPD Article 24 on the Right to Inclusive Education.

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**Has the right to free education been progressively implemented at all levels of education in your country, based in particular on article 26 of the Universal Declaration of Human Rights, articles 13 and 14 of the International Covenant on Economic, Social and Cultural Rights, and article 28 of the Convention on the Rights of the Child? If yes, please provide examples. If not, please explain why not.**

- According to the Constitution of Montenegro and the laws in the fields of general and primary education, primary education is compulsory and free. From the school 2021/2022 school year, all children in Montenegro are provided with free textbooks for primary schools while the members of the RE population had them before.

- According to the provisions of the general secondary and vocational education laws, students with regular attendance in public gymnasium and vocational schools do not pay scholarship fees. Example of the provision: “In order to acquire vocational education in the institution financed from public expenditures a regular student, i.e. entrant of the higher secondary school, shall not pay scholarship fees (Article 2a, the Law on Vocational Education).
- The Article 9 of *the Law on Education of Children with Special Educational Needs* (“Official Gazette of the Republic of Montenegro”, no. 080/04 of 29.12.2004, “Official Gazette of Montenegro”, no. 045/10 of 04.08.2010, 047/17 of 19.07.2017) on Financing prescribes that the upbringing and education of children with special educational needs is financed from the budget of Montenegro.
- The Preschool Education Strategy is developed based on “respecting the obligations of Montenegro from the Human Rights Convention and recommendations of the Committee for Child Rights and obligations from the negotiation chapters 23 – Justice and fundamental rights and 26 – Education and culture in the negotiation process towards the accession in the EU in relation to meeting the principles of fairness and equal chances offered by early learning and preschool education”. The strategy is aligned with EU reference documents and recommendations addressing preschool education, and goes also along with the Sustainable Development Goals striving to achieve that each child has equal access to quality early development and care. It also relates to the UN Integrated programme for Montenegro 2017 – 2021 intended to ensure improved and equal access to quality, inclusive, and mutually sustainable health, education, social protection and dignified work systems, and mostly Indicator 1 and enrolment rate into preschool institutions (3 – 6 years) with target value of 80% (2020/2021)”<sup>11</sup>.
- Other mechanisms and incentives to improve the access to free education for children and students of marginalised groups are in place. Free preschool education for children with special educational needs, children from Roma and Egyptian population, families beneficiaries of the material aid programme and without parental care, the fees for stay and nutrition being covered by the Ministry of Labour and Social Welfare, and 50% of costs covered for children of single parents by the Ministry of Education. According to *the Law on Education of Children with Special Educational Needs*, Article 9 on Financing prescribes that “the upbringing and education of children with special educational needs is financed from the budget of Montenegro”.
- Free transportation is provided for elementary school students of RE population in towns with the highest number of RE students - in Podgorica, Nikšić, Berane and Cetinje (data for school 2021/2022 show that 600 primary students benefit from this measure, according to the Ministry of Education’s reports). Free textbooks are provided for children from RE population who attend primary schools. Free scholarships for students of Roma and Egyptian population are provided in accordance with the measure 5.8 and measure 5.11 from the Action Plan for the Implementation of the Strategy of Social Inclusion of Roma and Egyptians in Montenegro 2021-2025, the scholarships being awarded on the basis of the yearly public calls announced by the Ministry of Education. Free accommodation in student dormitories is provided for students with disabilities, students of the RE population and other students beneficiaries of material welfare (the student dormitories

<sup>11</sup> *The Strategy of Early and Preschool Education 2021-2025*

designatin up to 5% of its capacity for accommodation), which is regulated in line with the law.

- The overall goal of the introduction of the above-mentioned measures is to progressively create conditions within education settings which would lead to improved schooling opportunities for students from vulnerable and marginalized population.

**Is the right to education considered a justiciable right in your country and if so which aspects of that right? If so, please provide a short summary of emblematic cases.**

The right to education is a justiciable right in Montenegro as it constitutionally guarantees the right to education. The right to education is incorporated into the national legislation.

**To what extent are the non-discrimination and equality principles respected in implementing the right to education in your country? Have past recommendations made by the Special Rapporteur on the right to education of vulnerable and marginalized populations been taken into account? If so, can you list which ones?**

- The *Criminal Code of Montenegro* ("Official Gazette of the Republic of Montenegro", no. 70/2003, 13/2004 - corrected and 47/2006 and "Official Gazette of the Republic of Montenegro", no. 40/2008, 25/2010, 32/2011, 64/2011 – other aw, 40/2013, 56/2013 - amended, 14/2015, 42/2015, 58/2015 – other law, 44/2017, 49/2018 and 3/2020), in Article 159 on violation of equality prescribes the following -(1) Who, because of national or ethnic affiliation, race or religion or because of the absence of such affiliation or because of differences in terms of political or other beliefs, gender, language, education, social position, social origin, sexual orientation, gender identity, disability, property state or some other personal characteristic, denies or limits human rights and freedoms established by the Constitution, laws or other regulations or general acts or confirmed international treaties, or gives him privileges or benefits based on this difference, shall be punished by imprisonment for up to three years. (2) If the offense referred to in paragraph 1 of this article is committed because of hatred towards a member of a group determined on the basis of race, skin color, religion, origin, state or national affiliation, it shall be punished by imprisonment from three months to five years. (3) If the act referred to in paragraph 2 of this article is committed by an official in the performance of his duties, he shall be punished by imprisonment of one to eight years.

*The Law on Prohibition of Discrimination* ("Official Gazette of Monenegro", num. 46/2010, 40/2011 – other law, 18/2014 and 42/2017) regulates the area of protection against discrimination in a systemic manner. In it, the protection against discrimination is elaborated and specified, as well as the institutional mechanisms of protection are defined: the Protector of Human Rights and Freedoms, to whom citizens can turn with complaints; courts, that is, the right to file a lawsuit in court; authorities for misdemeanors; as well as inspections in terms of supervision in the areas of: provision of services, construction, health, education and sports, work and employment, safety at work, traffic, tourism and other areas. The amendments to this Law from 2014 introduced the promotion of equality aimed at preventing discrimination. The Law recognizes "disability" as a basis for discrimination (Art. 2), and defines discrimination against persons with disabilities as the unavailability of access to facilities and areas in public use for persons with reduced mobility and persons with disabilities, i.e. preventing, limiting or hindering the use of said facilities, in a way that is not a disproportionate burden for



the legal or natural person who is obliged to make it possible. Discrimination of persons with disabilities also exists in cases where no special measures have been taken to eliminate the limitations, that is, the unequal position in which these persons find themselves. Data show that nearly 60% of persons with disabilities live close or below the poverty line.

*The Law on Prohibition of Discrimination against Persons with Disabilities* ("Official Gazette of Montenegro", num. 035/15 from 07.07.2015, 044/15 from 07.08.2015) is the most important legal act, which guarantees the prohibition of discrimination against members of the mentioned population, respecting the principles of equality, tolerance and equality. The new Law on Prohibition of Discrimination against Persons with Disabilities is fully compliant with the UN Convention on the Rights of Persons with Disabilities. This law, in a high-quality and comprehensive manner, recognizes and regulates the prohibition of discrimination against persons with disabilities and introduces penal provisions that threaten very high penalties for committed discrimination against members of this population.

The Ministry of Human and Minority Rights has additionally been empowered with the introduction of set of measures to their jurisdiction, one of which is the obligation of developing strategic documents to address the laws in fields of discrimination and creation of conditions for achieving equality of persons with disabilities. The Strategy for the protection of persons with disabilities from discrimination and the promotion of equality for the period 2017-2021 year, with the strategic goal in the field of upbringing, education and professional training is to enable inclusive education at all levels, for all pupils and students. Montenegro ratified the Convention on the Prohibition of Discrimination in 2009.

Education based on the principles of inclusiveness is one of the priorities of Montenegrin education system.

*The Law on the Upbringing and Education of the Children with Special Educational Needs* ("Official Gazette of the Republic of Montenegro, no. 80/2004, "Official Gazette of Montenegro", num. 45/2010 and 47/2017) defines the term 'children with special education needs' to cover children with developmental difficulties, physical, intellectual and sensory difficulties, speech and language difficulties, behavioral disorders, severe chronic diseases, children with longterm diseases and other children having difficulties in learning and difficulties caused by emotional, social, language and cultural barriers. In addition, Article 8a of the same law prescribes the prohibition of discrimination asserting that the "physical, psychological and social violence is not allowed in the school and resource center; abuse and neglect of children and students; physical punishment and personal insult, i.e. sexual abuse of children and students or employees and any other form of discrimination in accordance with a special law.

Inclusive education in MNE is based on the principle of equal opportunities, which means that it aims to provide opportunities for children in line with their individual abilities, and education without discrimination. Inclusive education is also based on the social model where accent is put on the society which adapts to the needs of children, for example, the removal of the barriers related to the environment, the services and attitudes and not vicevers, i.e. with on child's disability.

The vision laid down in the opening chapters of the present *Strategy of Inclusive Education* is: to ensure access, availability and quality of inclusive education. It is clearly

stated that the Strategy is guided by the principles of equality, relevance, availability, efficiency and effectiveness. There are three resource centres for primary and secondary education in Montenegro educating around 150 children. These resource centres also provide early intervention service programmes, relevant training for teachers and professional staff, preparation for primary education etc. In the strategic document is clearly highlighted that the strategy has been developed based on the recommendations set out in the Convention on the rights of children with disabilities and the Convention on the child's Rights and other important European and international standards and classifications, as well as on the key national laws regulating this field.

A set of laws and strategies have been adopted in order to regulate the integration of marginalised groups and ensure the protection against any types of discrimination. In general, the strategic planning is based on the analysis of the results of the previous strategies for period with special attention to key international principles and recommendations of the UN conventions.

With regard to gender equality, in the Montenegrin Education Information System (MEIS), Ministry of Education's statistical database, are collected and stored overall statistical information up to university level, as well as data on adult and non-formal education. Within these statistics is also tracked record on the number of male and female students in preschool, primary and secondary education, as well as the statistics on the students from marginalised backgrounds. Data are available at the following online website of the at: <https://www.skolskastatistika.edu.me/> and <https://www.skolskamreza.edu.me/>.

Like many countries in the world, Montenegro as well, and its education system, has been fighting to ensure the continuity of learning in the times of global pandemics and crisis. Undoubtedly that the right to education was severely affected by the pandemic COVID – 19 during the school 2019/2020, 2020/2021 and 2021/2022 years. The shift to remote schooling (the distance and blended forms of teaching and learning) had positive results in terms that the school years have ended with success and students completed their school terms, therefore, the safety and education measures put in place by the national authorities had success in preventing any long-term educational interruption.

In order to monitor the situation in education in relation to the pandemic COVID-19, a dedicated website <https://www.covid19.edu.me/> was developed with the help of the key healthcare authorities, where data were regularly uploaded and updated providing information on the education institutions, the number of teachers and students per education level, region, town and institution that were affected by pandemic COVID -19 during school 2019/2020, 2020/2021 and 2021/2022 years in terms of school closures and number of infected children and teaching staff at that time. #

The urgent need to rapidly adapt to the unpredictable and complex situation and flexibly make transition to online instruction resulted in the development of several online platforms. Students followed instruction via national TV and online platforms. The school lessons were recorded by teachers and broadcasted according to an agreed programme schedule. The digital learning materials developed during the health crisis will remain even after the pandemic a useful and valuable tools and resources to be further used in the school instruction and impetus for further digitalisation and improvement of digitalisation frameworks in schools and in accordance with the new progressive education digitalisation strategy adopted at the end of 2021.

The good examples of the distance-learning platforms developed as response to the pandemic crisis: #LearnAtHome: [www.ucidoma.me](http://www.ucidoma.me), Teacher's portal: [www.skolskiportal.edu.me](http://www.skolskiportal.edu.me), Digital School platform: <http://www.digitalnaskola.edu.me/>; the School register and evidence book: [www.dnevnik.edu.me](http://www.dnevnik.edu.me); the eEnrollment: [www.upisi.edu.me](http://www.upisi.edu.me); Digital textbooks for primary school 1<sup>st</sup> graders: [www.uci.me](http://www.uci.me); the AAC app *C-board for SEN*.

The learning platform “Digital school”, broader in its scope, targets the whole school community. Besides the space for teachers to deliver lessons and assign homework to students, there is also an online space created for the school management and organisation, for the exchange school policy and administrative documents (e.g. yearly school plans) and also space for teachers and teacher groups to exchange teaching plans, lesson preparations and scenarios for classes.

Unquestionably, the pandemic crisis had the most severe consequences on the most vulnerable groups of people and children. Efforts were made to apply individualised approach when it comes to marginalised groups of children and children from families in social need. The distance learning and teaching was customised in order to meet the developmental, educational but also psycho-social needs of these children and provide support in times of school closures and isolation at home. Other support to marginalised groups included also support in digital technology (such as provision of smartphones and free internet during online lessons for RAE children), development of teaching and information materials, engagement of teacher assistants to help students participation at online learning platforms etc. The assessment tools targeting children with special education needs were developed during the health crisis to assist teachers to estimate how children progress or regress in their learning during COVID 19, as a means of support in introducing SEN individualised and targeted activities and teaching. Also, many video and audio materials, specialised applications and other teaching aids were produced/provided in order to facilitate students' learning at home during school closures and play during summer vacation etc.

The loss of learning will remain a long-term problem and an issue which would need to further reflection and addressing in the years to come. While a reliable support lies in the key global, international, regional and national organisations, partners and funds, more systemic analysis and attention would be needed from the national authorities in order to make proper and full evaluation of the extent of ‘damage’ made during education interruption.

Ministry of Education of Montenegro  
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