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CONTENT

1. Introduction.....	1
2. National legal framework	8
2.1. Treatment of sensitive data in national laws	8
2.2. Elimination of discrimination against minorities	11
2.3. Child protection and promotion of children's rights	21
3. Definitions and proxies	25
Matrix of definition	25
3.1 Definitions of ethno cultural characteristics that are used in data collection...29	
3.2. Current situation related to ethnic disaggregated data for children	31
4. Data collection practices	32
4.1. Sources for ethnic disaggregated data.....	32
4.2. Methods of identification with ethnic cultural group of questions	33
4.3. The formulation of responses for ethnic cultural questions	33
4.4. The formulation of questions for ethno cultural characteristics.....	34
4.5. Minority groups reluctant to self-identification	34
5. Possible disaggregation of TransMonee indicators by ethnicity	35
5.1. Availability of data disaggregated by ethnicity by area.....	35
5.2. An alternative to the existing variables	36
5.3 Possible limitations of collecting ethno cultural data.....	37
6. Conclusion	37
References.....	39

LIST OF ABBREVIATIONS

MONSTAT	Statistical Office of Montenegro
UNICEF	United Nations Children's Fund
UN	United Nations
CEDEM	Centre for Democracy and Human Rights
IISSS	Information System of Social Welfare
UNECE	Economic commission for Europe
MEIS	Montenegro Educational Information System
ISCED	International Standard classification of education
SILC	Survey on income and living conditions
LFS	Labour force survey
MICS	Multiple Indicator Cluster Survey

1. Introduction

During recent years, Montenegro made numerous efforts to promote the rights of children in all forms and to improve the position of those children. However, existing data show that there is still limited access to different rights experienced by these children, which is especially related to Roma and Egyptian children.

When it comes to the education, according to the Law on Preschool Education (Official Gazette of Montenegro No 80/10), all children in Montenegro are entitled to preschool education. In 2014/2015 in the public preschools there were registered 17,091 children, and in comparison with 2013/2014, the number of children in preschool education increased for 3.8%. Enrolment rate in preschool education, at national level, is 35.8% of children aged 0 to 5 years (2013/2014, MONSTAT). Number of Roma and Egyptian population in preschool education is much lower. According to the Strategy for Improving the Position of Roma and Egyptians in Montenegro 2012 – 2016, the coverage of Roma and Egyptian children in preschool education is 13.81%.

Primary education is regulated by Law on primary education, as well as Strategy of Development of Primary Education 2011-2017. In 2012/2013, enrolment rate in primary education in Montenegro was 97%. Number of Roma and Egyptian children in primary education is rising from year to year. In 2011/2012, the number of RE children involved in primary education was 1,582. In comparison with 2001/2002, the number of RE children enrolled in primary schools was 536. According to the Multiple Indicator Cluster Survey 2013 – Montenegro and Montenegro Roma Settlements (MONSTAT, UNICEF), 57.8% of children of primary school age are attending school, while the 41.6% of them are out of school when they are expected to be participating in school. Analysis by region indicates that there are differentials in primary school attendance by region. In the South region 76.1% of children are in school, while in the Central region and in the North this percentage is lower (55.7% and 56.2% respectively). Also, RE population get free textbooks in order to increase enrolment and completion rate. However, despite increase of coverage of RE children in primary education and conducted activities and projects¹ in order to

¹Project „The program of assistance for the reintegration and return of RE and other internally displaced persons residing in camps Konik“, realized by German humanitarian organization Help (HilfzurSelbsthilfe eV) and international non-governmental organization based in Budapest, Roma Education Found and Ministry of Education of Montenegro; Project “Providing scholarships and mentoring support for RE students and high school students in Montenegro”; Project “Teaching

increase number of RE children in primary school, enrolment and completion rate of them is not at satisfactory level. Also, According to the ‘*Study on the Obstacles to Education in Montenegro: Roma and Egyptian Children*’ low educational achievement among children belonging to these ethnic groups prevents their full inclusion into Montenegrin society. Only half of Roma and Egyptian children are attending primary school in Montenegro, and only one third complete it. Only 7% complete secondary education.

Drop out is strongly present among RE population. This is caused by bad socio-economic situation, as well as customs. Low level of living standard of RE population and numerous problems related to their status in society make these children grow with increased risk. In addition, language barriers make the cooperation between schools and RE families, very difficult and often ineffective. Also, due to the very low coverage of Roma children in preschool education, their chance is reduced to be involved in primary education. Research surveys conducted by civil society organizations ERRC and CRI indicate that the main reasons for girls’ drop out of school derives from fact that RE parents are less directed towards the education of girls, so that girls can take care of family or younger brothers and sisters. Reasons for poor education of girls were also identified in early and forced marriages and maintenance of negative aspect of tradition (Strategy of Development Primary Education 2011-2017).

In order to prevent and decrease drop out, through the project “Services of inclusive education”, Manual for professionals (teachers, professional associates, directors, RE assistants) has been prepared.

Due that RE population has a high dropout rates from primary school, number of them in secondary schools is very low. In 2011/2012 number of enrolled students of RE population in secondary schools was 72. When it comes to the secondary school attendance, it is lower compared to primary school, where only 5.5% of children of secondary school age (15–18 years) are attending secondary school. In total, 86.7% of children are out of school. Regarding to the gender, a higher percentage of girls of secondary school age (89.8%) are out of school compared to boys in the same age (83.4%).

In addition, in order to fit interests and needs of minorities, primary education in Albanian language is organised in twelve schools in Bar, Plav, Podgorica, Rozaje,

assistants to support the inclusion of RAE children in the education system in Montenegro, realized by Ministry of Education, education institutions, and Infants.

and Ulcinj (Strategy of Development Primary Education 2011-2017). In 2010/2011, 3076 pupils in total (or 4.3% of total number of primary school's students) attended courses in Albanian language. As a support of this, in 2004/2005, study programme for the teachers of Albanian language is introduced. This study programme is realised in Albanian (80%) and Montenegrin language (20%). Secondary education, general and vocational, is provided in the Albanian language, too.

All population In Montenegro is covered by health insurance. According to the Law on Health Insurance² (Article 3), compulsory health insurance represents a part of the health insurance system, which provides, based on the principles of obligatoriness, reciprocity, and solidarity, to all citizens of the Republic of Montenegro and to other individuals the right to health care and other entitlements, in line with the Law. Also, Law on Health Insurance stipulates that socially vulnerable categories – unemployed, children and youth are being educated, women during the pregnancy and one year after the child birth, people elder than 65 and those suffering from various diseases do not participate in treatment costs, i.e. they have free health care.

In addition, there are no official statistics on ethnic, national or some other affiliation of beneficiaries of health care. However, by an indirect insight in the category of “contributor” or “feature of the insured person”, one can come to the data whether members of Roma and Egyptian population enjoy health services in the health system of Montenegro Also, based on the insight in daily work of elected doctors, centres and units for support, it is evident that members of RE population (with the status of internally displaced or refugee persons or persons seeking for an asylum or special protection) enjoy services same as other beneficiaries of health care (Strategy on for Improving the Position of Roma and Egyptians in Montenegro 2012 – 2016).

In order to eliminate obstacles for members of RE population with no identity documents to enjoy right to health care as regular insured citizens, the Regulation on the implementation of health care for foreigners is adopted. This Regulation equalized the rights of foreign members of RE population with the rights of those insured.

² (Official Gazette of Montenegro No 39/04 from 09.04.2004, 23/05 from 12.04.2005, 29/05 from 09.05.2005 and Official Gazette of Montenegro No 12/07 from 14.12.2007, 13/07 from 18.12.2007, 73/10 from 10.12.2010, 39/11 from 04.08.2011, 40/11 from 08.08.2011, 14/12 from 07.03.2012, 36/13 from 26.07.2013)

Disaggregation of data on children by ethnicity – CAR, Montenegro 2015

Due that majority of children of RE population did not elect their paediatrician and do not go to school, vaccination of children is conducted in settlements where this population lives. Also, Institute for Public Health periodically organizes vaccination campaigns for RE children in Konik, which results in high percent of coverage. For some diseases, that percent is over 98 (Strategy on for Improving the Position of Roma and Egyptians in Montenegro 2012 – 2016).

When it comes to fertility, according to the Multiple Indicator Cluster Survey 2013 – Montenegro and Montenegro Roma Settlements (MONSTAT, UNICEF), 20.4% of women age 15–19 have already had a live birth, 2.1% are pregnant with their first child and 22.5% have begun childbearing, while 5.7% had a live birth before 15 years of age. On the other side, 36.9% of women age 20–24 had a live birth before age of 18. Regarding to the Low Birth Weight, 93.0% of last live births of RE population in the last two years were weighed at birth. In comparison with national average, this percent is lower for the 5.6 percentage points. According to mother's assessment of size at birth, 67.1% of those children were of average size at birth, which is lower than national average (71.1%). From the number of births, 17.8% were larger than average or very large, while 2.8% were very small and 8.5% percent were smaller than average. These deviations from the average are smaller at national average than RE population. In addition, 12.3% of live births in Roma settlements were below 2,500 grams. In comparison with national average this indicator amounts 4%.

According to the Strategy on for Improving the Position of Roma and Egyptians in Montenegro 2012 – 2016, there are no precise data on facilities in which RE population lives, whether they are habitable or inhabitable. There is general impression that housing conditions of most RE people in Montenegro are below minimal national and international standards. Some of these persons have almost no permanent accommodation, and many of them reside in premises which are far from being adequate for living. The fact is that housing facilities of majority of RE population are of temporary character which are often made of poor, insufficiently solid materials, small-scaled facilities without sanitary and sewage nodes, and the fact they often live near municipal waste landfills.

According to the Multiple Indicator Cluster Survey 2013 – Montenegro and Montenegro Roma Settlements (MONSTAT, UNICEF), 4.6% of children age 5–11

Disaggregation of data on children by ethnicity – CAR, Montenegro 2015

years were involved in an economic activity for at least one hour³. Among children age 12–14 years, 11.1% were involved in an economic activity for less than 14 hours in the last week preceding the survey, while 3.2% were involved in an economic activity for 14 hours or more. As for children age 15–17 years, 17.4% were involved in an economic activity for less than 43 hours.

There are also some data on formal and legal labour of those aged between 15 and 17 in Montenegro based on Census 2011 data. According to Census data, 443 children aged 15 to 17 years is active, which is 1.7% of the total number of children of that age. Over 6% of children are active in Savnik, which can be interpreted as the work of children in agricultural family estate. Gender structure of employed indicates the majority of the boys. However, this is the data on registered employment, which is in line with the Labour Act, according to which a person can enter into a contract of employment if he/she has at least fifteen years

However, the biggest problems exist in those forms of economic activities that constitute the exploitation and abuse of children. There is still no adequate statistics on such cases. Having in mind that begging is one of the most dispersed forms of economic exploitation of children in Montenegro and in the region, institutions from Montenegro and some regional countries conducted same research on the prevalence of child begging, causes that lead to such form of exploitation of children, measures taken by competent authorities, particularly in the area of prevention, record keeping and co-operation of the competent institutions. The research was conducted in order to analyse the existing situation for common actions and proposing solutions that would lead to improving the position of children and combating the problem of "street children".

According to this research for Montenegro, children caught in begging and vagrancy is mostly male and aged 10 to 13. Research also indicates that generally there are no proper records on cases of begging. In response of Centres for Social Work it is emphasized that in most cases children involved in begging (especially during touristic season) are not from Montenegro and they often come from Kosovo, Serbia or Bosnia and Herzegovina and centres do not work with children who are not citizens of Montenegro or register these cases of begging.

³ They were involved in an economic activity for at least one hour in the last week preceding the survey.

Police Administration data show that some registered children are residents of the Centre for Children and Youth "Ljubovic", which works with children in conflict with the law, children of foreign citizens and children of asylum seekers. Although these children because of social status or behavioural problems are addressed in institutions for social protection, easier rehabilitation and reintegration into society, they often come back to street lifestyle.

The research has shown that the main risk factor leading to the appearance of begging among children are related to the status of children of the Roma, Ashkali and Egyptians. The other important risk factors are assessed as position of marginalized groups of children and children of displaced persons, "street children" and children in conflict with the law. The most of children that reside on the street comes from socially vulnerable families where parents do not work and do not have permanent employment or they also are involved in begging. These are mostly families that do not have regulated residence, citizenship and legal status at all. Also, there are no precise data on the involvement of children engaged in begging in the regular educational system, or there are reasonable assumptions that children who live on the streets and beg, in most cases quickly leave the school. Given that the highest percentage of children living on the streets belong to Roma ethnicity, centres for social work emphasize (in addition to poverty) their cultural inherits, habits and behaviour by which begging is considered as indispensable to the provision of subsistence of their families.

The problem of inadequate statistics is also mentioned in the Progress Report for Montenegro for 2015. UN committee on the rights of the child also stressed out that child labour is a concern in Montenegro. Such children are exposed to exploitation and human trafficking. Capacity building activities have continued for judges and police dealing with children in conflict with the law; progress is needed in adapting the overall justice system to children's rights, including through collection of reliable statistical indicators.⁴ Also, the statistics on the institutionalized children is weak. There are no data on ethnic structure of children in institutional care.

When it comes to the incidents of early marriages, based on the Census data from 2011, approximately 1.2% of children aged 15 to 17 were in marriage (310 children). Observed by gender, of the total number of children who were married in 2011, 69% were girls and 31% were boys. In 2011, two 15-year aged persons (less than 1%) were married, which is contrary to the provisions of the Family Law

⁴European Commission, Montenegro, 2015, Progress Report, p. 60

(2007), which indicates that these marriages were concluded outside of Montenegro. Data show that 122 of married persons were 16-year aged (39%) and 186 of them (60%) at the age of 17. Of the total number of Roma children aged 15 to 17, 10% is married. The same percent for Egyptians and Bosniaks are 6% and 2% respectively. Of the total number of Roma girls aged between 15 and 17 years, 13% are married. Also, 10% of total Egyptian girls and 4% of Bosniak girls in Montenegro are also married. According to the Multiple Indicator Cluster Survey 2013 – Montenegro and Montenegro Roma Settlements (MONSTAT, UNICEF), in total 28.1% of women age 15–19 years of RE population are currently married or in a union. Analysis of education status of those women, a higher percentage of them with no education are currently married or in a union, compared to women with primary education (36 and 22 percent, respectively). In addition, 56.4% of Roma women age 20–49 years first married or entered a marital union before age 18.8% married before age 15. On another side, 18.2% of women age 15–49 first married before age 15. Almost one-quarter of women age 15–49 years with no education got married before age 15 (23.4%), compared to 11.0% of women with primary education. Also, according to the same survey, 16.5% of young men age 15–19 years are currently married or in a union, while the 34.9% of men age 20–49 years first married or entered a marital union before age 18 and 7.3% of them married before age 15.

The number of girls, aged between 15 and 17 years, who gave birth amounted 125 in 2011. The structure according to the number of births was similar: 94 of them had one child, while 29 of them had two of three children. In 2011, 44% of them were married. From the total number of girls who have given birth, more than one third belonged to Roma population (43 girls).

There is no record keeping on various aspects of children in conflict with the law (their ethnicity, etc.). However, there are some data provided by UNICEF Montenegro. According these data, out of the total number of juvenile offenders in Montenegro 3-5% are girls. The most common offenses committed by juveniles in Montenegro are property crimes: over 70%. The most common reaction of the state for juvenile offenders is the imposition of increased supervision (in over 80% of cases). Through the reform initiative "Justice for Children", the Government approached the juvenile justice system to international standards. As a result of greater use of alternative measures, i.e. attendance orders, instead of initiating judicial proceedings, the percentage of reported minors who are prosecuted in court has decreased by more than 20 percent per year. At the same time, the percentage of the imposed corrective orders increased by almost 25% from 2010 to 2013.

According to census data, there are 4312 stateless inhabitants in Montenegro (without citizenship), of whom 2,226 are children, which shows that more than half of stateless persons are children (51%). The vast majority (over 90%) of Montenegrin, Serbian, Muslim, Bosniak, Albanian and Croatian children in Montenegro has Montenegrin citizenship. In case of Roma and Egyptian children in Montenegro, this percentage is much smaller and amounts only 50% and 30%, respectively. There is an assumption that these children had much more problems to receive adequate social protection which was shown by certain research such as social position of Roma and Egyptians and state institutions' assistance to Roma and Egyptian population conducted by CEDEM. Still statistics on recipients of social benefits and those who have difficult access to these benefits due certain barriers should be improved.

2. National legal framework

2.1. Treatment of sensitive data in national laws

The Law on Protection of Personal Data (Official Gazette of Montenegro No 79/08 of 23.12.2008, 70/09 of 21.10.2009, 44/12 of 09.08.2012) has been adopted by the Government of Montenegro.

According to this Law, personal data are defined as any information relating to an identified or identifiable natural person. Also, personal data can be processed. Processing of personal data shall mean any operation which is performed upon personal data, whether or not by automatic means, such as collection, recording, organization, storage, adaptation or alteration, retrieval, use, consultation, disclosure by transmission, dissemination or otherwise making available, alignment or combination, blocking, erasure or destruction, as well any other operation performed upon personal data.

The main aim of the Law is the protection of personal data which shall be provided to every individual, regardless of nationality, domicile, race, skin colour, sex, language, religion, political or other belief, ethnicity, social origin, property, education, social position or other personal attributes (Article 4). In addition, the

same Law defines „special categories of personal data“. This category shall mean personal data concerning racial or ethnic origin, political, religious or other beliefs, social origin, trade-union membership, data concerning health, sex life or sexual orientation, biometric data, as well as data from registers of misdemeanour and criminal convictions.

According to the Article 13 of the Law, special categories of data may be processed where: 1) the data subject has given his consent to the processing of those data; 2) processing is necessary for the purpose of employment in accordance with the law which defines employment, and whereby the need to prescribe special protection conditions, 3) processing is necessary for the purpose of detecting, preventing or diagnosing of data subject illness or carrying out his medical treatment, as well for the improvement of health services, in so far as the processing is done by a health worker or other person subject to the duties of keeping professional secret; 4) processing is necessary to protect life, health or interests of the data subject or of another person where the data subject is not in the position to give his consent personally, as well as in other cases provided for by law; 5) the data subject has manifestly made personal data available to the public or the processing is necessary for the establishment or protection of legal interest; 6) processing is carried out in the course of activities of an association or any other non-profit-seeking body with political, religious or other aims, provided that the data relates solely to such association or other organization and that the data are not disclosed without the consent of the data subjects. The special categories of data shall be distinctively designated and protected in order to prevent unauthorized access.

There is also national legislative aimed at removing discrimination among minorities. There is the Law on the Minority Rights and Freedoms which prescribes that Montenegro shall ensure the protection of rights to autochthones minority peoples, national minorities, ethnic minorities and persons belonging to them in accordance with the Constitution of Montenegro, Charter on Human and Minority Rights and Civil Freedoms, and generally accepted rules of international law and ratified international treaties, in addition to general human and civil rights and freedoms guaranteed to all citizens, as well as the protection of particular minority rights and freedoms. Beside this law, there is the Law on Prohibition of Discrimination which prescribes that Ombudsman has a possibility to inform the public about the significant discrimination, conduct research in the field of discrimination, keep separate records of submitted complaints relating to discrimination, collect and analyse statistical data on discrimination cases, etc.

Disaggregation of data on children by ethnicity – CAR, Montenegro 2015

In recent period, Montenegro has conducted plenty of activities in order to protect or promote rights of the child. In 2006, Montenegro accepted and signed the Convention on the Rights of Child. The Convention on the Rights of Child in the Article 30 prescribes that a child who belongs to ethnic, religious or linguistic minorities or if it is a person of indigenous origin, has the right to enjoy their own culture, to profess and practice their religion or to use their own language. It means that the children of minority communities have the right to learn and use language and customs of their families, whether they are shared with the majority population in the country or not.

Also, there is the Protector of Human Rights and Freedoms of Montenegro - Ombudsman. In cooperation with UNICEF, Ombudsman – Child Right Defender conducted activities and prepared many papers and publications in order to promote rights of the child. These publications are: Guidelines for the Rights of Child, Short of overview of Convention on the Rights of the Child, Strip „Trouble with Roki and other stories on children's rights“, Guideline for the children with special education needs, Special Report on Children Begging in Montenegro, Abuse of Children Via Internet, etc.

Also, the Law on Social and Child Protection (Official Gazette of Montenegro No 27/13), Article 7, defines Ban of Discrimination of Children (beneficiaries) on the basis of race, gender, age, national belonging, social origin, sexual orientation, religion, political, trade union or other belonging, property owned, culture, language, disability, nature of social exclusion, belonging to particular social group or other personal characteristics.

Although the concept of "sensitive information" is not defined by law, in a statistical sense, the term is often used, particularly in the field of social statistics. Typically, the Statistical office themselves recognize sensitive variables.

Thus, Statistical Office of Montenegro by the decision of the Bureau of the Census (the body which has governed preparation, implementation and dissemination of census data) as sensitive variables define issues of national or ethnic affiliation, religion and mother tongue and only in cases when they are published in the lowest territorial level- settlement level . In practice there is a situation that all variables are defined as sensitive (for example the German Statistical Institute). "Sensitive " issues are considered as such because of their specificity in all stages of an investigation, from the first phase - the decision whether these issues will be an integral part of the research to the final phase - phase of dissemination of data . This

is especially pronounced in the phase of data publication, which is implementing legible mechanism for applying the rules of disclosure control. In fact, one of the basic rules of publication of statistical data is that in the case of small frequency of phenomena, data not published, in that cases it is used some of the methods of "disclosure control".

In statistical practice, there are several methods of "disclosure control": protection fields in the tables that have a frequency lower than the one for which we assume is possible to detect the individual; Rounding method ; Publication at higher territorial levels ; Other methods.

In practice, the Statistical office of Montenegro apply of the rules of "disclosure control " first time for the purpose of dissemination of the census data. The decision of the Bureau of the Census (body that has guided the preparation, implementation and dissemination of census data) in all fields where there is a phenomenon which has a frequency of 5 or fewer cases must be protected. This rule applies only in the case of the publication of sensitive issues.

2.2. Elimination of discrimination against minorities

Basis of the legal protection against discrimination in Montenegro consists of the constitutional guarantees for primacy and direct application of international legal norms over domestic legislation. In addition to the judicial protection, which ensures the exercise of freedom and human rights in Montenegro, it is possible to request, on the same basis, the protection before the Constitutional Court, which rules upon constitutional complaints filed after exhausting all permissible and effective means of national law.

The Constitution in Article 6 guarantees inviolability of human rights and freedoms, infliction or encouragement of hatred or intolerance on any grounds is prohibited (Article 7), direct or indirect discrimination on any grounds is prohibited (Article 8). Law on Prohibition of Discrimination (Official Gazette of Montenegro No46/10 of 06.08.2010, 40/11 of 08.08.2011, 18/14 of 11.04.2014) more closely defined discrimination. At the same time, this systemic law has supplemented the missing legal framework of the existing constitutional guarantees of Article 8 and 17 of the Constitution of Montenegro, which prohibits any director indirect discrimination on any grounds, and that all are equal before the law, regardless of any particularity or personal feature.

The principles of this systemic Law point to the definition of discrimination, i.e. the definition of direct and indirect discrimination and incitement to discrimination, as its special form (*Article 2 of the Law on Prohibition of Discrimination*):

„Discrimination is any unjustified, legal or actual, direct or indirect distinction or unequal treatment, or failure to treat a person or a group of persons in comparison to other persons, as well as exclusion, restriction or preferential treatment of a person in comparison to other persons, based on race, colour of skin, national affiliation, social or ethnic origin, affiliation to the minority nation or minority national community, language, religion or belief, political or other opinion, gender, gender identity, sexual orientation, health conditions, disability, age, material status, marital or family status, membership in a group or assumed membership in a group, political party or other organization as well as other personal characteristics“.

In addition to these definitions, the Law recognizes some of the principles that international standards contain, more precisely - provisions on the protection of persons who testify or provide information on the discrimination (protection against victimization); the principle of affirmative action in the form of special measures, which are aimed at creating conditions for national, gender and overall equality and protection of persons who may be in an unequal position on any grounds, and which may be imposed by state authorities, state administration bodies, local self-governments, public enterprises and other legal persons performing public functions, as well as other legal entities and individuals; principle that the consent of a person to be discriminated does not relieve from responsibility the person exercising discrimination, giving instruction to discriminate or inciting discrimination; and the principle of general application to all natural and legal persons to whom national legislation of Montenegro apply.

New Law on Prohibition of Discrimination establishes special forms and areas of discrimination, including the concept of **segregation** in Article 9, which is defined as any separation of a person or a group of persons on any ground referred to Article 3, paragraph 1 of this Law, provided that there is no objective and reasonable justification for such treatment. On this phenomenon, according to the Law, are obliged to react competent inspection authorities in the state, the Protector of Human Rights and Freedoms, and the Law leaves the possibility to the national courts to

Disaggregation of data on children by ethnicity – CAR, Montenegro 2015

decide on segregation, as well as its consequences (caused damage), on the request of discriminated person

An absolute novelty in Montenegrin legislation is a system of judicial protection, prescribed by this Law, exercised through the litigation institute in which the victim of discrimination through law suit may require following:

1. establishment of the fact that the respondent has acted discriminatory against the plaintiff;
2. prohibition of exercising the activity that bears potential treat of discrimination, i.e. prohibition of repetition of discrimination activity;
3. compensation of damage, in accordance with the law,
4. in case discrimination is performed through the media, publication in the media, on the expenses of respondent, of the judgment establishing discrimination;

In the legal system of Montenegro discrimination is incriminated by the criminal legislation. Relevant criminal legal protection is provided in the Criminal Code of Montenegro in the Title fifteen (XV) – criminal offences against freedoms and rights of individuals and citizens (Official Gazette of Montenegro No 40/08 of 27.06.2008, 25/10 of 05.05.2010, 73/10 of 10.12.2010, 32/11 of 01.07.2011, 64/11 from 29.12.2011, 40/13 of 13.08.2013, 56/13 of 06.12.2013, 14/15 of 26.03.2015, 42/15 of 29.07.2015, 58/15 of 09.10.2015).

Article 443 of the Criminal Code defines a criminal offence of *racial and other discrimination*, which refers to persons who, on grounds of a difference in race, colour of skin, national affiliation, ethnic origin or some other personal characteristic, violates fundamental human rights and freedoms guaranteed by the generally recognized rules of international law and international agreements ratified by Montenegro. For this criminal offence is prescribed an imprisonment sentence for a term of six months to five years. The same sentence shall also be imposed on persons who persecute organizations or individuals for their efforts to ensure equality of people. A person, who spreads ideas about the superiority of one race over the other one or promotes racial hatred or incites to racial discrimination, shall be punished an imprisonment sentence for a term of three months to three years.

The institutional framework of protection against discrimination in Montenegro is the institution of Protector of Human Rights and Freedoms/Ombudsman, who can be

addressed by anyone who believes that an act, action or failure to act of the authorities violated his/her rights or freedoms. In addition, a complaint can be filed by individuals or organizations involved in the protection of human rights, with the consent of the discriminated person or group of persons. Acting upon the complaint is conducted in accordance with the regulations governing the work and competencies of the Protector of Human Rights and Freedoms.

In addition, the relevant inspection authorities, as part of the state administration, have the right and obligation to act upon reported cases of discrimination in the field of labour and employment, work safety, health, education, construction, transport, tourism and other fields, when performing in section activities in these areas, in accordance with the law.

The Law also contains a number of penalty measures for sanctioning following the refusal to provide public services; providing services under the conditions not required by other persons or groups or intended delay or postponement of service, although the person or group of persons requested and qualify for the timely provision of services before others; disabling, restricting or impeding access to the building and land intended for public use for persons with reduced mobility and persons with disabilities; filing law suits without the written consent of the discriminated person or group of persons; the lack of specific records of all reported cases of discrimination or untimely delivery of data from records; not keeping specific records on filed complaints of discrimination or failure or untimely delivery of data from the records of the Ombudsman.

The Law on Minority Rights and Freedoms (Official Gazette of Montenegro No31/06 of 12.05.2006, 51/06 of 04.08.2006, 38/07 of 22.06.2007, 02/11 of 12.01.2011, 08/11 of 04.02.2011) prescribes that persons belonging to minority nations and other national minority communities are equal to other citizens and enjoy equal legal protection. Any violation of the rights of minority nations and other national minority communities is unlawful and punishable (Article4). Also, Article 39 prescribes following: "It shall be prohibited any direct or indirect discrimination on any ground, including race, colour, sex, national belonging, social origin, birth or similar status, religion, political or other orientation, material status, culture, language, age and mental or physical disability."

Disaggregation of data on children by ethnicity – CAR, Montenegro 2015

The Ministry has adopted the Rulebook on Contents and Manner of Keeping Records on Cases of Reported Discrimination, which means that public authorities and institutions that come into contact with cases of discrimination (courts, inspection services, and misdemeanour bodies), are required to keep accurate records of these cases, and submit it regularly to the Ombudsman, which, in that way, becomes an integral part of Ombudsman's Special reports in field of discrimination in Montenegro. Ombudsman submits that Report to the Parliament.

In order to implement the law, the Ministry has developed an Education Plan and Media Plan for promotion of anti-discrimination legislation. In cooperation with CEDEM, a survey of attitudes of Montenegrin citizens on marginalized social groups was conducted. The results of this research were presented to the Montenegrin public in June 2011.

Training of civil servants, judicial officials, and employees of other independent bodies and organizations performing in the field of protection against discrimination has been realized through a cycle of workshops, where key areas and forms of discrimination in society were analysed and discussed.

Media campaign on anti-discriminatory behaviour has been designed with the aim of creating a more humane and tolerant environment, and to educate the general public on the rights guaranteed by Law.

The Government of Montenegro adopted the Decision on the Establishment of the Council for the Protection against Discrimination (Official Gazette of Montenegro No 50/11, and 53/11), which consists of the Deputy Prime Minister, the Minister of Human and Minority Rights, Minister of Justice, Minister of Labour and Social Welfare, Minister of Health, Minister of Education and Sports, adviser to the Prime Minister for human rights and protection from discrimination, and four representatives of non-governmental organizations.

The Parliament of Montenegro adopted the Law on Free Legal Aid (Official Gazette of Montenegro No 20/11 of 15.04.2011, 20/15 of 24.04.2015) on 5 April 2011, and the Law entered into force on 1 January 2012. The law stipulates that socially vulnerable citizens or those with low incomes are entitled to free legal aid, thus meeting the constitutional provision that all must be equal before the court, regardless of any particularity or personal feature.

Disaggregation of data on children by ethnicity – CAR, Montenegro 2015

The law stipulates that legal aid include legal advice, drafting of documents, representation in proceedings before the court, before the Prosecutor's Office, the Constitutional Court, as well as in the procedure for the out-of-court dispute settlement. Circle of beneficiaries of free legal aid is defined, as a rule, on basis of the financial situation of the applicant. Financial status is determined based on the income and assets of the applicant and the income and property of the members of his family.

Pursuant to the Law, in addition to the Montenegrin nationals, stateless persons (apatrids) lawfully residing in Montenegro are also entitled the right to free legal aid, as well as persons seeking asylum in Montenegro, and the foreigners with permanent or temporary residence permit in Montenegro. It should be noted that the Law enables the provision of free legal aid to the poor and vulnerable groups, such as beneficiaries of family support, children without parents, persons with disabilities, victims of crime and domestic violence in the family, and victims of trafficking in human beings.

In addition to the basic human rights and freedoms, in order to protect total national identity, the Constitution, and the laws of Montenegro also grant a set of additional rights for minorities. Article 79 of the Constitution states that persons belonging to minority nations and other minority national communities are guaranteed the rights and liberties, they can exercise individually or collectively with others.

The Constitution guarantees following special minority rights, as follows:

- (1) the right to exercise, protect, develop and publicly express national, ethnic, cultural and religious particularities;
- (2) the right to choose, use and publicly post national symbols and to celebrate national holidays;
- (3) the right to use their own language and alphabet in private, public and official use;
- (4) 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;
- (5) 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 also in the language of minority nations and other minority national communities;
- (6) the right to establish educational, cultural and religious associations, with the material support of the state;
 - (7) the right to write and use their own name and surname in their own language and alphabet in the official documents;
 - (8) 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 also in the language of minority nations and other minority national communities;
 - (9) the right to authentic representation in the Parliament of the Republic 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;
 - (10) the right to proportionate representation in public services, state authorities and local self-government bodies;
 - (11) the right to information in their own language;
 - (12) the right to establish and maintain contacts with the citizens and associations outside of Montenegro, with whom they have common national and ethnic background, cultural and historic heritage, as well as religious beliefs;
 - (13) the right to establish councils for the protection and improvement of special rights;

These constitutional guarantees are additionally elaborated in the Law on Minority Rights and Freedoms, which more closely regulates set of minority rights and mechanisms for their protection. The Law relates to the preservation of the national identity of minorities, i.e. protection from assimilation of minorities, as well as enabling effective participation in public life. The Law encompasses several areas that are of importance for identity protection and ensuring equal chances for minority members:

- the right to express, preserve, develop, transmit and publicly manifest their national, ethnic, cultural, religious and linguistic identity, as a part of their tradition;
- the right to establish institutions, societies, associations and non-governmental organizations in all fields of social life, and the State shall take part in funding these organizations;

Disaggregation of data on children by ethnicity – CAR, Montenegro 2015

- the right to national determination in a free and independent manner, the right on free choice and use of their personal and family names, as well as the right to enter those names in public registers and personal documents in their language and alphabet;
- the right to use freely and officially their language and alphabet;
- the right to access to information and media, as well as to programmatic contents on minorities in public broadcasting services;
- the right to education in their language and to adequate representation of their language in general and vocational education, and principles of affirmative action in enrolment policy;
- the right to use their national symbols and the right to celebrate important dates, events and personalities from their tradition and history;
- the right to free association and realize undisturbed contact with compatriots outside Montenegro;
- right to political participation of minorities in the Parliament and in the assemblies of local communities;
- the right to proportional representation in public services, state bodies and local self-government bodies;
- right to mechanisms for protection of interfering in matters of vital interest to the life of minorities, at both the state and local level;
- right to articulate their demands through the possibility of forming a minority councils with special powers;
- right to establish the Minority Fund in order to ensure financial support from State for national particularities;
- protection of above mentioned rights through national and international legislation;

Strategy of Minority Policy and Strategy for Improving the Status of Roma and Egyptians in Montenegro 2012-2016 define measures of affirmative action in order to achieve full and effective equality for minorities and other minority ethnic groups in Montenegro.

Constitution in Article 7 prohibits “Infliction or encouragement of hatred or intolerance on any grounds”. In accordance with Article 15 of the Law on Minority Rights and Freedoms, the subject curricula for the purpose of education will contain topics in the fields of history, arts, literature, tradition and culture of minority nations

Disaggregation of data on children by ethnicity – CAR, Montenegro 2015

and other national minority communities. In the institutions and schools in which instruction is performed in the official language, the education curricula will contain topics from the mother tongue and literature, history, art and culture of minority nations and other national minority communities and other contents that promote mutual tolerance and cohabitation.

Article 2 of the Law on Media (Official Gazette of Montenegro No 51/02 of 23.09.2002, 62/02 of 15.11.2002, 46/10 of 06.08.2010, 73/10 of 10.12.2010, 40/11 of 08.08.2011) stipulates the following: „The Republic of Montenegro shall guarantee the right of free founding and undisturbed work of media based on: the freedom of expression; freedom of investigation, collection, dissemination, publicizing and receiving information; free access to all sources of information; protection of man’s person and dignity and free flow of information“. Article 23, paragraph 1 of this Law prescribes that „It is forbidden to publicise information and opinions that instigate discrimination, hatred or violence against persons or group of persons based on their belonging or not belonging to a certain race, religion, nation, ethnic group, sex or sexual orientation.“ Article 11 of the Law on Media also prescribes that „the competent court may ban the distribution of the publicised media programming that: invites forceful destruction of the constitutional system and violation of the territorial integrity of the Republic; infringes on the guaranteed human and citizen’s freedoms and rights; or instigates national, racial or religious intolerance or hatred. “

The Law on Culture (Official Gazette of Montenegro No49/08 of 15.08.2008, 16/11 of 22.03.2011, 40/11 of 08.08.2011, 38/12 of 19.07.2012), Article 3, point 3- the culture is realized and developed on the principles of equal preservation of all cultural identities and respect for cultural diversity.

Article 2 of the General Law on Education (Official Gazette of Montenegro No04/08 of 17.01.2008, 21/09 of 20.03.2009, 45/10 of 04.08.2010, 40/11 of 08.08.2011, 45/11 of 09.09.2011, 36/13 of 26.07.2013, 39/13 of 07.08.2013, 44/13 of 20.09.2013) prescribes that the education is aimed to provide the possibility for complete individual development regardless of sex, age, social and cultural background, national and religious affiliations, and of physical and psychological structure; develop the awareness, the need and the capabilities for the maintenance and the improvement of human rights, legal state, of natural and social environment, of multi-ethnic and diversity; develop the awareness on national affiliation, culture,

history and tradition. Article 9, paragraph 1 of the General Law on Education also prescribes that regardless of the national affiliation, race, gender, language, religion, and social background and of other personal characteristics, all citizens of Montenegro will be equal in the exercising of the right of education. Article 2 of the General Law on Education also prescribes that the goals of general education are, among other things, to ensure general education to all citizens, development of creative persons, to educate for respect of national values of history and culture, and to respect cultural and other specifications of other nations; to ensure education for mutual tolerance, respect of differences, cooperation with others, respect of humans and fundamental freedoms, which leads to development of capability to live in democratic society, development of democratic stances, tolerance and cooperation (in and outside of school), and the respect of rights. Article 2 of the Law on High School (Official Gazette of Montenegro No 45/10 of 04.08.2010, 73/10 of 10.12.2010, 39/13 of 07.08.2013) prescribes that education in high schools is aimed to enable students the acquisition of necessary knowledge, skills, capabilities and habits based on scientific, technical, culture and art achievements, all for the purpose of the continuation of education, developing of capabilities for life in a pluralistic and democratic society; and fostering of understanding, tolerance and solidarity.

Promoting mutual understanding and tolerance between all of Montenegrin the field of education is reflected in the creation of compulsory and optional subjects. The knowledge and skills in the field of human rights and multiculturalism, students can opt to study the compulsory and optional subjects. Compulsory subjects which have such facilities as: civic education in sixth and seventh grade, history in middle school and high school, geography in middle school and high school, sociology in high school, mother tongue (Montenegrin-Serbian, Bosnian, Croatian language and Literature, by amendments to the General Law on Education of 09.09.2011) in all primary and secondary schools. Elective courses in which topics are taught about human rights and multiculturalism are: exploring humanitarian law in eighth or ninth grade; the European Union eighth or ninth grade; history of religion in the eighth grade; citizenship education in high school; history religion in high school; and European integration in high school. Multiculturalism is, in addition, an imminent part of the study of musical cultures and languages, compulsory and optional subjects: English, French, Italian, German, Spanish, Russian, and Turkish languages.

In accordance with the recommendations of the Law on Minority Rights and Freedoms, the subject curricula for the purpose of education contain topics in the

fields of history, arts, literature, tradition and culture of minority nations, and other national minority communities. In the institutions and schools in which instruction is performed in the official language, the education curricula contain topics from the mother tongue and literature, history, art and culture of minority nations and other national minority communities, and other contents that promote mutual tolerance and cohabitation.

Pursuant to Article 46, paragraph 2, of the Constitution “no one shall be obliged to declare own religious and other beliefs”. The Constitution also guarantees the protection of personal data, prohibits use of personal data for purposes other than those for which they were collected. Everyone has the right to be informed about the personal data collected about him or her and the right to court protection in case of abuse (Article 43).

2.3. Child protection and promotion of children's rights

The Constitution in the basic provisions stipulates that Montenegro guarantees and protects rights and freedoms, and that everyone shall respect the rights and liberties of others (Article 6). According to Article 17 of the Constitution, the rights and freedoms of all, including children, shall be exercised on the basis of the Constitution, and ratified international agreements. All are equal before the law, regardless of any particularity or personal feature.

Under the Constitution, the family shall enjoy special protection. Parents are obliged to look after children, to bring them up and educate them. Children are obliged to care for their parents who need help. Children born out of wedlock have the same rights and responsibilities as children born in wedlock (Article 72).

Pursuant to Article 73 mother and child shall enjoy special protection. The state creates the conditions that encourage childbirth. A child shall enjoy rights and freedoms appropriate to his age and maturity. A child is guaranteed special protection from psychological, physical, economic and any other exploitation or abuse (Article 74).

Also, Article 40 of the Constitution guarantees everyone the right to respect for private and family life. The provisions of Article 75 guarantee the right to education under equal conditions. Primary education is compulsory and free.

The Constitution also guarantees that everyone has the right to health care. The child, pregnant women, elderly persons and persons with disabilities are entitled to health care from public revenues, if they are not covered by other insurance (Article 69).

In addition to the constitutional guarantees, Montenegro has adopted a number of laws and strategic documents in order to protect the rights of the child, namely: the Law on Social and Child Welfare (Official Gazette of Montenegro No 27/13 of 11.06.2013, 01/15 of 05.01.2015, 47/15 of 18.08.2015), the Law on Treatment of Juveniles in Criminal Proceedings (Official Gazette of Montenegro No 64/11 of 29.12.2011), the Law on Prohibition of Discrimination (Official Gazette of Montenegro No46/10 of 06.08.2010, 40/11 of 08.08.2011, 18/14 of 11.04.2014), the Law on Prohibition of Discrimination of Persons with Disabilities (Official Gazette of Montenegro No 35/15 of 07.07.2015, 44/15 of 07.08.2015), the Law on Amendments to the Criminal Code (2013), Strategy for Social and Child Care, the National Plan of Action for Children, the Strategy for Development of Foster Care Strategy for protection against domestic violence, etc.

Law on Social and Child Welfare stipulates the prohibition of discrimination of user based on race, sex, age, national origin, social background, sexual orientation, of religion, political, trade union or other opinion, property status, culture, language, disability, nature of social exclusion, membership of a particular social group, or other personal characteristics (Article 7).

The Law on Social and Child Protection regulates basic rights from social and child protection. The rights to social protection are: family allowance; personal disability; care and support; placement in an institution; placement in another family; assistance for the education of children and youth with special needs; health care; funeral expenses and one-time financial assistance. The rights of the child protection are: the new-born; allowance; fees based on the child's birth; compensation for salary with half working hours and rest and recreation of children.

The main financial benefits of child protection are: 1) fees for new-born babies; 2) allowance; 3) the cost of food in kindergartens; 4) support for the education of children and young people with special educational needs; 5) reimbursement of wage and salary compensation for maternity or parental leave; 6) fees based on the

child's birth; 7) reimbursement of wage and compensation for salary with half working hours. The state may also provide other financial benefits from the child protection system, in accordance with its material capacities. Detailed conditions for the exercise of these rights are stipulated by the competent government authority.

National Plan of Action for Children (NPAC) is a strategic document that identifies the main problems in achieving, protecting and promoting the rights of children in Montenegro and the basic directions of their solution. In June 2013, the Government of Montenegro adopted NPAC 2013-2017, which is a continuation of a strategic approach to issues of importance to children, which began development and application of the National Action Plan for Children in Montenegro 2004-2010. By creating NPAC in a systematic way to address the issues of the social status of children, as well as the fulfilment of international obligations arising from the ratification of the UN Convention on the Rights of the Child, its two Optional Protocols, signed the third Optional Protocol, as well as other signed and ratified international documents. The primary mission is to provide NPAC integrity and coherence of the country's policies towards children and coordinated implementation of actions and measures in all areas concerned with children. Structure of NPAC is in accordance with the structure recommended to Montenegro by the UN Committee on the Rights of the Child (2010), thus the document has seven key thematic areas. Within each of which is defined by one strategic and several specific objectives.

Promoting children's rights takes place through various forms:

- The Convention on the Rights of the Child is studied through the subject civil education, and knowledge of the company, which is adapted to age groups (elementary/high school). As a model of student participation in schools, children's parliaments are formed (primary school) and the community of students (high school).
- Since 2012, The Parliament of Montenegro is organizing a programme of civic education Democratic Workshop "Barbara Prammer" aimed at strengthening the link between Parliament and the young, particularly primary school population, and it is committed to the affirmation of children's rights to participation and advocacy, as well as significant social needs and values.
- Government has successfully implemented a series of campaigns. The campaign was led by UNICEF in collaboration with relevant government partners. The main results of the campaign are changing attitudes and practice towards

children with disabilities, which contributed to their better social inclusion, especially in mainstream education: Campaign "It's About Ability", which led to systemic improvements in the education sector; campaign "Every Child Needs a Family", which was aimed at raising public awareness of the importance of the family for the child's development, as well as the campaign of the Council of Europe "One in Five" whose activities are envisaged in the National Plan of campaign fully implemented.

- Office of the Human Rights and Freedoms in the framework of the project "Repent Protector!" began with the implementation of creative workshops on children's rights and competencies of the Protector. Through the project '*Children write to the Ombudsman*' published the first comic book about children's rights, which reflects the full child participation at all stages of its development. Department of Education and Department of textbooks Montenegro had accepted the inclusion of comics in the curriculum and the further distribution and printing of the comic book on children's rights as well as teaching aids in the teaching of Civic Education (VI and VII grade of elementary school). In this way, the children's rights within the framework of the subject presented in an interesting and accessible, understandable way to children.

The collection of data on children

The collection of data on children is made from a variety of sources; the ministries have their own systems for gathering data, depending on the jurisdiction. Of particular importance is the processing of data of the Statistical Office of Montenegro (MONSTAT) which is the competent authority for the preparation of official statistics. Statistical Office in cooperation with UNICEF produced a publication with a clear presentation of data on children in Montenegro *Children in Montenegro -data from 2011 Census*.

The Project Reforms of the social and child protection and social inclusion, which is funded by the European Union (IPA 2010), with technical support from UNICEF, the Ministry of Labour and Social Welfare has developed a unique methodology for collecting data on children in the system of social and child protection. This methodology is in line with international standards and national regulations. Based on the developed methodology was developed software that is installed in early 2013 in all social welfare centres and services at the local level in the Ministry of Labour and Social Affairs at the central level. This data collection system on children within

Disaggregation of data on children by ethnicity – CAR, Montenegro 2015

the system of social and child protection is in use since 15 January 2013. By introduction of social card there was stopped the data entering in the database on children,

With agreement of MRSS the highest number of developed indicators from the database on children will be integrated in the social card. The process of indicator integration is ongoing.

Data on children who are in the education system of Montenegro are recorded via the database in the ICT sector of the Ministry of Education. The database of children with special educational needs who are involved in other educational system is kept at the central level. However, the database is not yet systematized in the right way, especially when it comes to children from marginalized groups.

MEIS application - school electronic internet journal, intended only for teachers, was implemented in all primary and secondary schools in Montenegro. Data entry control and data analysis are performed every day. The system has about 9,000 users who do the data entry, and use a number of reports from the system. There is also initiated the introduction of MEIS applications in resource centres, pre-schools and music schools.

The project "Social Card - Social Welfare Information System" implemented by the Government of Montenegro in cooperation with the office of UNDP, as well as Phase I of the development of Integrated Information System of Social Welfare (IISSS), in the period 2012-2014, aimed at making social welfare information system (ISSS), which should support the majority of business processes in the centres for social work, as well as to connect to the information systems of the relevant institution to automatic exchange of information, that is, to provide the basis for improvement efficiency and effectiveness of financial support, and raising the level and quality of services. This system has enabled the creation of a single "social card" of citizens, or the families involved in the programs of social and child protection. A database was established for the criminal records of minors. Indicators are integrated into PRIS (Judicial Information System) database, and the Ministry of Justice concerning the execution of criminal sanctions, so that the available statistics on the number of juveniles committing crimes, their age, the type of offenses and the amount and type of sanctions imposed and corrective measures and juvenile prison.

3. Definitions and proxies

Matrix of definition

The matrix below provides an overview of terms that have been identified as the terms relevant for the collection of data on ethno cultural characteristics of the population. Among the suggested terms, existing legislation in Montenegro recognizes only three terms: citizenship, mother tongue, and religion. Other terms are not recognized through positive legal system of Montenegro, as indicated in the table below.

Term	Definition in national language	Source of definition	Translation of definition in English
Ethnicity	This term is not recognized by the legislation of Montenegro		
Ethnic group	This term is not recognized by the legislation of Montenegro		
Nationality	This term is not recognized by the legislation of Montenegro		
Citizenship	Crnogorsko državljanstvo je zakonska veza između fizičkog lica i Crne Gore i ne ukazuje na nacionalno i etničko porijeklo.	Law of Montenegrin Citizenship (Official Gazette of Montenegro No 13/08, 40/10, 28/11, and 46/11. See: Decision US CG , UI No 17/11 - 20/2014-13)	Montenegrin citizenship is a legal link between a natural person and Montenegro, and does not indicate any national or ethnic origin.
Ethnic nationality	This term is not recognized by the legislation of Montenegro		
Race	This term is not recognized by the legislation of Montenegro		
Mother tongue	Pod maternjim jezikom se podrazumijeva jezik koji lice	Methodology for Preparation, Organization and Conducting Census	Mother tongue is the language considered by a

Disaggregation of data on children by ethnicity – CAK, Montenegro 2015

	<p>smatra maternjim, ukoliko se u domaćinstvu govori više jezika, odnosno jezik koji je lice naučilo da govori u ranoj mladosti. Popisivač ne smije da utiče ni da vrši bilo kakav pritisak na lice koje daje odgovor, odnosno koje se popisuje. Ukoliko lice ne želi da se izjasni o maternjem jeziku popisivač je dužan da na liniju upiše „Ne želi da se izjasni“. Takav odgovor se smatra tačnim i potpunim.</p> <p>Za djecu mlađu od 15 godina odgovor na ovo pitanje daje jedan od roditelja, usvojitelj ili staratelj. Za gluva, nijema i gluvonijema lica će se navesti jezik kojim se u njihovoj kući pretežno govori.</p>	<p>of Population, Household, and Dwellings in Montenegro 2011, adopted on the basis of Law on Population Census (Official Gazette of Montenegro No 41/10 of 23 July 2010, 44/10 of 30 July 2010, 75/10 of 21 Dec 2010)</p>	<p>person to be mother tongue, if more languages are spoken in the household, i.e. as the first language spoken in early childhood at home.</p> <p>The enumerator is not allowed to put any pressure on person providing the answer, i.e. person that is enumerated. If person does not want to declare himself/herself on mother tongue, the enumerator is obliged to write down “He/she has not declared himself/herself”. This is considered as an accurate and complete answer.</p> <p>For children aged up to 15 years, the answer to this question is provided by one of parents, adopting parent or guardian.</p>
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Disaggregation of data on children by ethnicity – CAK, Montenegro 2015

			For deaf, mute and deaf-and-mute persons the language mainly spoken in their house will be entered.
Native language	This term is not recognized by the legislation of Montenegro		
Religion	Vjeroispovijest se zasnivana slobodnom samo izjašnjanju. Popisivač ne smije da sugerše kod odgovora i dužan je da na ovo pitanje upiše tačno onakav odgovor kako se lice izjasni. Za upisivanje odgovora na ovo pitanje nije važno da li je lice upisano u knjigu pripadnika neke vjeroispovijesti, već da li se lice smatra pripadnikom neke vjeroispovijesti ili ne. Prema Ustavu CG član 46, lice nije obavezno da se izjasni o vjeroispovijesti i u tom slučaju, popisivač je dužan da upiše „Ne želi da se izjasni“. Takav odgovor se smatra tačnim i potpunim. Ako	Methodology for Preparation, Organization and Conducting Census of Population, Household and Dwellings in Montenegro 2011 adopted on the basis of the Law on Population Census (Official Gazette of Montenegro No 41/10 of 23 July 2010, 44/10 of 30 July 2010, 75/10 of 21 December 2010)	Religion is based on a free self-declaration. The enumerator is not allowed to influence on answer, and he/she is obliged to write down exact answer to this question as a person declared himself/herself. For entering the answer to this question is not important if a person is recorded in the book on membership to certain religion community, but if a person is considered himself/herself to be the member of religion

Disaggregation of data on children by ethnicity – CAR, Montenegro 2015

	<p>lice kaže da nije vjernik, popisivač je dužan na liniji da upiše „Nije vjernik“. Za djecu mlađu od 15 godina odgovor na ovo pitanje daje jedan od roditelja, usvojitelj ili staratelj.</p>		<p>denomination.</p> <p>In accordance with the Constitution of Montenegro, Article 46, a person is not obliged to declare himself/herself on religion, and in that case, the enumerator is obliged to enter “He/she has not declares himself/herself”. This is considered as an accurate and complete answer.</p> <p>If a person says that he/she is not believer, the enumerator is obliged to put “None”.</p> <p>For children aged up to 15 years, the answer to this question is provided by one of parents, adopting parent or guardian.</p>
<p>Religious denomination</p>	<p>This term is not recognized by the legislation of Montenegro</p>		

3.1 Definitions of ethno cultural characteristics that are used in data collection

From the terms proposed in the Matrix above, a question of the widest use in Montenegro is *citizenship*. Montenegrin Citizenship is defined in the Law on Citizenship (Law of Montenegrin Citizenship, Official Gazette of Montenegro No 13/08, 40/10, 28/11, and 46/11. See: Decision US CG, UI No 17/11 - 20 /2014-13) as a legal link between a natural person and Montenegro, and does not indicate any national or ethnic origin. Montenegrin citizenship is acquired: origin; birth on the territory of Montenegro; reception; according to international treaties.

The matrix mentioned terms: mother tongue and religion, which are defined by the Methodology for Preparation, Organization and Conducting Census of Population, Households, and Dwellings in Montenegro 2011, adopted on the basis of Law on Population Census (Official Gazette of Montenegro No 41/10, 44/10, and 75/10).

In addition to the terms listed in the matrix, a term "national or ethnic affiliation" was used to collect the data on ethno cultural characteristics in the census. This term meets better the national requirements, primarily due to a broad understanding of the same. It is important to note that the same term is used in the 2003 Census, and therefore it is a much closer for a broad and public use. In accordance with the Methodology for Preparation, Organization and Conducting Census of Population, Households and Dwellings in Montenegro 2011, the term 'national or ethnic affiliation' is a national term, and it is the term common used for all ethnic groups in Montenegro. The data collected is based on a free self-declaration. National, i.e. ethnic affiliation has a strong subjective aspect. According to the Methodology, there is a strict rule that the enumerator is not allowed to influence on answers, and he/she is obliged to write down the answer to this question, exactly as it is given by a person. If a person does not want to declare himself/herself on national, i.e. ethnic affiliation, the enumerator is obliged to enter "He/she has not declared himself/herself" on the line. This is considered as an accurate and complete answer. For children up to 15 years, the answer is provided by one of parents, adopter or guardian.

When formulating and defining questions relating to ethno cultural characteristics, as the starting point Statistical Office used international recommendations for census rounds. According to the UNECE

Recommendations for Census 2011:

Point 424. Data on ethnicity should not be confounded with data on country of citizenship or country of birth. The use of the term nationality in place of ethnicity should be avoided.

Point 425. Ethnicity has necessarily a subjective dimension and some ethnic groups are very small. Information on ethnicity should therefore always be based on the free self-declaration of a person, questionnaires should include an open question and interviewers should refrain from suggesting answers to the respondents.

Point 426. Respondents should be free to indicate more than one ethnic affiliation or a combination of ethnic affiliations if they wish so.

Point 427. In order to guarantee the free self-declaration of ethnicity, respondents should be allowed to indicate “none” or “not declared” when asked for their ethnicity. Countries should explain in the census instructions and the census documentations how the ethnicity of children from mixed couples is determined.

However, to have a final definition of the ethno cultural question, Montenegro respected the requests of national users. This was done, especially because this set of ethno-cultural issues is non-core topic in the UN recommendations.

In addition, Article 2 of the Law on Minority Rights and Freedoms defines the term of minority nations and other minority communities, in terms of this law, as any group of citizens in Montenegro, smaller by number than the rest of predominant population, having common ethnic, religious or linguistic characteristics, different from the rest of the population, and historically related to Montenegro, and motivated by the desire to express and preserve national, ethnic, cultural, linguistic and religious identity.

3.2. Current situation related to ethnic disaggregated data for children

As mentioned earlier, among all issues listed in the matrix, the issue of *citizenship* has the most common use in statistical practice. This question is a regular question in surveys, like SILC (Survey of income and living condition), LFS (Labour force survey), in statistics of births and deaths, migration statistics as well as in censuses. Just to note that the questionnaire used in LFS and SILC is related to persons 15 and over years old.

In addition to the question of citizenship, Statistical Office of Montenegro – MONSTAT in censuses also collected the data for *nationality or ethnic affiliation, mother tongue, and religion*. Regarding other surveys, there are no such questions. When we talk about the census, we point out to a ten-year periodicity of the census, and hence the availability of data relating exclusively to the census year.

Statistical Office also can conduct an ad-hoc survey. This survey is usually based on the international methodology. One of the most important surveys is MICS survey, conducted in cooperation with UNICEF in 2005, and in 2013. The survey in both rounds collected the data for national or ethnic affiliation, and religion, but Statistical Office published just the data on religion.

Regarding current situation in administrative sources in Montenegro, it is important to note that there are no legal obligations to collect the data relating to ethno cultural characteristics. However, regardless of the database in Ministry of Education, the data are available on the RAE (Roma, Ashkali and Egyptians) population, based on a free declaration of parents. Namely, Ministry of Education is responsible for Montenegro Educational Information System – MEIS (hereinafter referred to as the “MEIS”). MEIS is the database for all students in the formal education system in Montenegro from preschool, primary to secondary schools (ISCED 1, 2 or 3). The data in this database are not disaggregated by national or ethnic affiliation.

Within a database of employees in state administration bodies which is on the disposal of Administration for Human Resources there are information’s on national or ethnic affiliation of persons. As national structure of employees in

state administration should suit to the national structure of the population, this data is exclusively used for the purposes of controlling the structure of employees and cannot be used for other purposes.

4. Data collection practices

4.1. Sources for ethnic disaggregated data

The most comprehensive source of data on ethno cultural characteristics of the population is definitely Census. Census data are collected by national or ethnic affiliation, religion mother tongue, and citizenship. For all questions in census (also for ethno cultural question), the answers are based on a statement-free declaration of respondent. The enumerator must not have any influence on the respondent answers. With this purpose, the question is entirely open, which allows a person freedom to declare him/her.

Earlier it was noted that the issue of the citizenship is collected by other statistical surveys. It is important to emphasize that in this case, the data are based on the responses of person who provides the information without any verification of documentation. According to the Law on Population Census (Official Gazette of Montenegro No 41/10 of 23.07.2010, 44/10 of 30.07.2010, and 75/10 of 21.12.2010) and the Law on Official Statistics and System of Official Statistics (Articles 54-61, Official Gazette of Montenegro No 18/12 of 30.03.2012), the data are collected for statistical purposes, and can be only used for these purposes.

Unlike the census and sample-based survey, when the data are obtained from administrative registers, the data are checked and proofed with documents. This relates to the question of citizenship in statistics of live births, statistics of deaths as well as statistics of migrations. The data in administrative data sources are collected for the purpose of achieving certain civil rights.

Ministry of Education is responsible for MEIS. This is the database for all students in the formal education system in Montenegro from preschool, primary to secondary schools (ISCED 1, 2 or 3). The data in this database are not disaggregated by national or ethnic affiliation. But, in MEIS there are data, as mentioned above, for

RAE (Roma, Ashkalian and Egyptians) students. This information is collected to achieve the rights to benefits, ex. free books for school, rights to have free transport from home to school, and back from school to home. These data cannot be used for other purposes, according to the opinion of Agency for Protection of Personal Data.

4.2. Methods of identification with ethnic cultural group of questions

For all variables in the census, the statement of respondent was used. For national or ethnic affiliation, religion, mother tongue, it should be noted that all questions have a subjective aspect, and that are based on a free self-declaration. The enumerator is not allowed to influence on the answer, and he/she is obliged to write down an answer exactly as it was given by a person enumerated. If a person does not want to declare himself/herself on national, i.e. ethnic affiliation, the enumerator is obliged to enter “He/she has not declared himself/herself” on the line. This is considered as an accurate and complete answer.

Regular surveys (for ex. SILC and LFS) also use the statement of respondent, without proofing with documents.

Administrative registers, as the source of data on citizenship, use the document basis data.

4.3. The formulation of responses for ethnic cultural questions

For national or ethnic affiliation, religion, mother tongue, there were used open questions in Census. Therefore, the enumerator on the blank line entered exactly answer given from the respondent. This formulation is designed in accordance with the UN recommendations for census, and Montenegro fully respected it. In this way, Statistical Office ensures a full freedom in declaration, and leaves no space for the enumerator to influence on the respondent.

Citizenship in census as well as in other surveys is semi-open question, as in example below. The following modality is used:

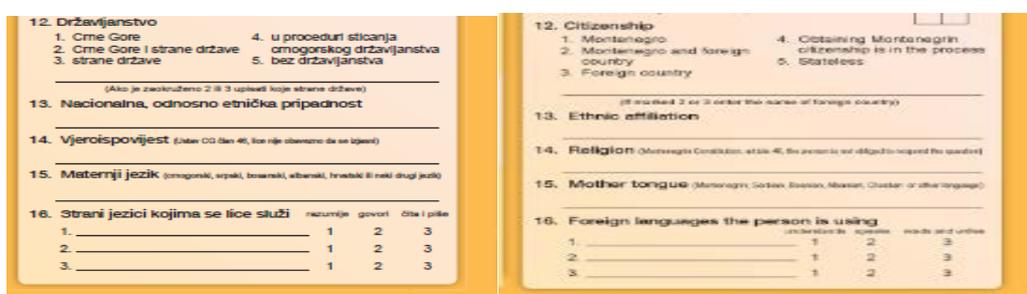
1. Montenegro citizenship
2. Montenegro and foreign country citizenship_____
3. Foreign country citizenship_____
4. Obtaining Montenegrin citizenship is in process (used in Census)
5. Stateless

If marked 2 or 3 enter the name of foreign country in empty line.

So, the question of citizenship was semi-open question, which was in the UNECE Census Recommendations treated as a set of questions in migration characteristics, not as ethno cultural characteristics.

4.4. The formulation of questions for ethno cultural characteristics

Below are examples of questions and answers from the 2011 Census in Montenegrin and English language. Characteristically, the question is not worded as question, it has only written the characteristics to be collected. So, instead of asking Statistical Office only listed previously described terms: citizenship, national or ethnic origin, religion and mother tongue. In summary, in the field of ethno cultural characteristics of five questions, there are four open questions, and one semi-open question.



4.5. Minority groups reluctant to self-identification

Reluctance to self-identify can be measured by number of population who do not want to declare themselves for sensitive questions in the censuses. 2003 Census and 2011 Census results are provided in the table below:

	National or ethnic affiliation	Mother tongue	Religion
2003	4.34%	2.24%	2.24%
2011	4.87%	3.99%	2.61%

Montenegro collects the data by national or ethnic affiliation, mother tongue, and religion. During the phase of census preparation, Statistical Office defined that an

enumerator should be from the place where he/she performs the enumeration. The purpose of this approach was to have enumerators belonging to an ethnic group which live in the enumeration area, if possible. Non-government organizations organized training for potential Roma enumerators, a year before the census took place. During the data collection, there was engaged a number of Roma supervisors as well as enumerators for areas where Roma population lives.

Additionally, in practice, during 2011 Census, it was a campaign parallel organized by specific national or ethnic group, with the purpose to inform the population about importance to declare for specific national or ethnic group.

Regardless of the above mentioned, the conclusion is that the data collected by the 2011 Census are very reliable, which is also confirmed by the experts who monitored the implementation of this census.

Statistical Office in cooperation with Ministry of Minorities and Human Rights, within project *Decade of Roma 2008-2009* conducted special survey 'Database of Roma population' with specific methodology for the enumeration of self-declared Roma population.

5. Possible disaggregation of TransMonee indicators by ethnicity

5.1. Availability of data disaggregated by ethnicity by area

Population (2005-2014)

In the reporting period 2005-2014, the data on population disaggregated by national or ethnic affiliation are available only for year of 2011 Census. Although, outside of the above mentioned period, the data provided in the excel table relate to 2003 year. Also, it should be noted that the data do not relate to the beginning of the year, as indicated in the table, but to the reference moment of the census. For 2003, it is 31 September, while for 2011 it is 31 March. For other years, the data are not available. Specifically, in Montenegro, Statistical Office does not produce yearly population estimates disaggregated according to national or ethnic affiliation, but only by gender and age, as well as at the level of municipalities.

Education (2005-2014)

The same explanation, as for the population, applies to the availability of data in the field of education. The data from this field disaggregated according to the ethnicity are available exclusively for the census year, as provided in the excel file. In this field, please have in mind, the differences from the definition given in the excel file. Namely, the data relate to school attendance, and not to enrolments, as required. Data on enrolments are not available.

Child protection (2005-2014)

According to our knowledge, data disaggregated by ethnicity in the field of child protection are not available.

The area in which it is impossible to collect the data, disaggregated by national or ethnic affiliation, is the area of child protection. The data relating to this area are collected from administrative sources, in which there is no information on ethno cultural characteristics of the population.

As a result, the data disaggregated by national or ethnic affiliation, are only available in the area of population and education from censuses. Thus, the data are available for 2003 and 2011.

5.2. An alternative to the existing variables

Statistical Office develops statistical surveys in accordance with current EU regulations and UN recommendations. Set questions of ethno-cultural characteristics are not recognized as core under the above international documents. In addition, existing laws do not provide obligation for these variables in administrative sources. One of the main directions for the development of the statistical system is the use of administrative data sources. For these reasons, Statistical Office in strategic plans and documents does not provide the development of statistics containing these variables.

As an example of good practice, Montenegro would like to mention and give more

attention to MICS survey which consisted of set of important indicators for children, and these data can be disaggregated by ethnic group of questions. For example, MICS5 in Montenegro produces the data disaggregated by religion, but not by national or ethnic affiliation.

5.3 Possible limitations of collecting ethno cultural data

Bearing in mind that the main direction of development of statistics is to use administrative sources, whenever they exist, the main limiting factor is that variables of the national or ethnic affiliation do not exist in administrative registers. This should be especially pointed out; having in mind that Montenegro is planning to implement the next census on the basis of register in 2021.

Since the international recommendations envisage the self-declaration as the main form of identification for ethnic characteristics, there is a question about the existence of these variables in the future.

6. Conclusion

Generally in Montenegro we can say that legal basis for issues regarding ethnicity is very comprehensive and wide spread. Montenegro has adopted a set of important laws and ratified all international Conventions in order to improve rights of ethnic minority.

We want to stress especially the importance of Law of protection of personal data which provides specific rules of usage of personal data.

Another important Law is Law on the Minority Rights and Freedoms which prescribes that Montenegro shall ensure the protection of rights to autochthones minority peoples, national minorities, ethnic minorities and persons belonging to them in accordance with the Constitution of Montenegro, Charter on Human and Minority Rights and Civil Freedoms, and generally accepted rules of international law and ratified international treaties, in addition to general human and civil rights and freedoms guaranteed to all citizens, as well as the protection of particular minority rights and freedoms. Other laws which are mentioned in this report are also important for assuming rights of ethnic groups in Montenegro.

Disaggregation of data on children by ethnicity – CAR, Montenegro 2015

There are significant obstacles to produce the data disaggregated by national or ethnic affiliation in Montenegro.

The main barrier is that the Statistical Office of Montenegro, in accordance with the strategic documents that were adopted, in the forthcoming period is going to pass on administrative data sources, which largely do not contain information on national and ethnic structure.

As previously stated in the current legislation there is no obstacle for collecting ethnic data sets in administrative registers, but in connection with this we want to point out the following:

- These data are collected on a voluntary basis, with the statement of the person,
- If in administrative registers data are divided by ethnic group, they can be used only for the purposes for which they were collected.

Data disaggregated by questions related to national or ethnic affiliation are the most comprehensive from census. Topics covered in censuses are: geographical, demographic, economic, educational characteristics, migrations, disability, household, and family characteristics. For the year of implementation of census, all this characteristics can be cross-tabulated with ethno cultural characteristics collected in census. Disadvantage of census is ten-year period of collecting the data.

Montenegro has not identified any other source of data disaggregated by ethnicity. Montenegro especially emphasizes the importance of MICS survey with the uniform methodology for the indicators on children.

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