

To What Extent Does Montenegro Protect the Right to Education for the Roma Minority?

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Around the world, people of ethnic, linguistic, and religious minorities often face many obstacles to achieving equitable education outcomes, such as discrimination, language barriers, geographical distance, and additional costs.² Data gathered from the United Nations Children’s Fund (UNICEF) from 22 countries reveals foundational reading skills of religious and ethno-linguistic minority groups are often lower than their peers and “on average, the most advantaged group is more than twice as likely to have foundational reading skills compared to the minority group”.³ This poses a significant problem because foundational reading skills serve as the building blocks for obtaining reading comprehension skills—skills essential to succeeding in formal education.⁴ Reasons for this gap, as well as the disparities in education outcomes of minority groups in general, often trace back to the obstacles mentioned above,⁵ raising concerns regarding how well countries are protecting the right to education for minority groups. Roma⁶,

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² United Nations Educational, Scientific and Cultural Organization (UNESCO), ‘The Right to Education of Minorities: Overview of State’s Measures Reported in the 10th Consultation of the 1960 Convention and Recommendation Against Discrimination in Education’ (UNESCO 2023) 6 <<https://unesdoc.unesco.org/ark:/48223/pf0000385259>> accessed 5 April 2024.

³ United Nations Children’s Fund (UNICEF), *Rights Denied: The Impact of Discrimination on Children* (UNICEF, New York 2022) 21.

⁴ Pamela Spycher, ‘Developing Foundational Reading Skills in the Early Grades: Teaching Decoding Skills Through Small-Group Lessons’ (WestEd 2017) 1 <https://www.wested.org/wp-content/uploads/2023/10/Developing_Foundational_Reading_Skills_in_the_Early_Grades-revised-12.23.pdf> accessed 5 April 2024.

⁵ United Nations Children’s Fund (UNICEF), *Rights Denied: The Impact of Discrimination on Children* (UNICEF, New York 2022); United Nations Educational, Scientific and Cultural Organization (UNESCO), ‘The Right to Education of Minorities: Overview of States’ Measures Reported in the 10th Consultation of the 1960 Convention and Recommendation Against Discrimination in Education’ (UNESCO 2023) <<https://unesdoc.unesco.org/ark:/48223/pf0000385259>> accessed 5 April 2024.

⁶ The word “Roma” refers to various subgroups of people in Europe. It must be remembered that the experiences and cultures of these individuals vary. See Council of Europe, ‘Council of Europe Descriptive Glossary of Terms Relating to Roma Issues’ (CoE 2012) <https://childrenofprisoners.eu/wp-content/uploads/2019/11/Glossary_Roma_18May2012_CoE.pdf> accessed 5 April 2024.

“the largest ethnic minority group in Europe”⁷, face particularly high levels of discrimination along with other barriers such as high poverty, inability to access social services, child marriage, and child labour, contributing to serious disparities in their access to quality education.⁸ In fact, within Montenegro, North Macedonia, and Kosovo, over 20% of children living in Roma settlements did not attend school in 2022.⁹ Roma children are more likely to drop out, less likely to finish school (at both the primary and secondary levels), and “have a lower chance of acquiring foundational skills across education levels, age groups and countries”.¹⁰ This, in turn, impacts their employment opportunities. According to the European Commission’s 2022 report on Montenegro, “Around 96% of the Roma registered [with the National Employment Bureau] have the lowest level of education and less than 1% are educated to secondary level”,¹¹ thus greatly restricting the work opportunities available to them. Despite increases in school enrolment for Roma children in Montenegro, language barriers make it challenging for Roma children to understand lessons and the quality of education appears lacking, as evidenced by instances of Roma children completing primary school illiterate.¹² Due to these concerns, this article seeks to examine the extent to which the government of Montenegro is protecting the right to education for the Roma minority group.

⁷ United Nations Children’s Fund (UNICEF), *Rights Denied: The Impact of Discrimination on Children* (UNICEF, New York 2022) 23.

⁸ Ibid 23.

⁹ Ibid 23.

¹⁰ Ibid 23.

¹¹ Commission, ‘Montenegro 2022 Report’, COM SWD (2022) 528 final 44 <<https://neighbourhood-enlargement.ec.europa.eu/system/files/2022-10/Montenegro%20Report%202022.pdf>> accessed 5 April 2024.

¹² Center for Investigative Journalism of Montenegro (CIN), ‘Roma and Egyptian Children and the Education System: They Finish School, but Some Can Not Write’ (*CIN*, 5 October 2022) <<https://www.cin-cg.me/roma-and-egyptian-children-and-the-education-system-they-finish-school-but-some-can-not-write/#:~:text=These%20children%20do%20not%20attend,how%20they%20pass%20the%20classes>> accessed 5 April 2024.

While international human rights law provides obligations for states to protect the right to education for everyone in the International Covenant on Economic, Social, and Cultural Rights (ICESCR)¹³ and the Convention on the Rights of the Child (CRC),¹⁴ the Council of Europe's Framework Convention for the Protection of National Minorities sets out state obligations related to protecting the right to education for minorities specifically.¹⁵ Additionally, the European Charter for Regional or Minority Languages¹⁶ and the UN Economic and Social Council's General Comment No.13¹⁷ discuss additional measures pertaining to minorities and the right to education. Furthermore, the minority right to education is addressed in the Council of Europe's Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR). Article 2 Protocol No. 1 ensures the right to education for all.¹⁸ When viewed in the context of Article 14, which prohibits discrimination on the basis of multiple factors, including minority status,¹⁹ states must take additional precautions to ensure minority groups, such as Roma, do not face discrimination in education.²⁰ This entails ensuring any differential treatment in educational settings is motivated by aims that are both "legitimate" and "proportionate".²¹

¹³ International Covenant on Economic, Social, and Cultural Rights (adopted 16 December 1966, entered into force 3 January 1976) 993 UNTS 3 (ICESCR).

¹⁴ Convention on the Rights of the Child (adopted 20 November 1989, entered into force 2 September 1990) 1577 UNTS 3 (CRC).

¹⁵ Framework Convention for the Protection of National Minorities (adopted 1 February 1995, entered into force 1 February 1998) ETS 157.

¹⁶ European Charter for Regional or Minority Languages (adopted 5 November 1992, entered into force 1 March 1998) ETS 148.

¹⁷ UN Economic and Social Council (ECOSOC), General Comment No. 13: The Right to Education (Art. 13 of the Covenant) (8 December 1999) UN. Doc. E/C.12/1999/10.

¹⁸ Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), as amended by Protocols Nos. 11 and 14 (adopted 4 November 1950, entered into force 3 September 1953) ETS 5 protocol 1 art 2.

¹⁹ Ibid art 14.

²⁰ Council of Europe (CoE): European Court of Human Rights (ECtHR), *Guide on Article 2 of Protocol No. 1 to the European Convention on Human Rights - Right to Education*, 28 February 2025, paras 49, 50, 51 <https://ks.echr.coe.int/documents/d/echr-ks/guide_art_2_protocol_1_eng> [accessed 18 September 2025].

²¹ Ibid paras 50, 51.

This article will examine minority education rights, specifically the obligations spelled out in the Framework Convention for the Protection of National Minorities, to determine Montenegro's status in adhering to these obligations. It will first provide a broad overview of the right to education included in the ICESCR. Afterwards, it will define 'minority right to education' and detail the obligations related to protecting the right to education for minorities. With these obligations in mind, the article will narrow its focus to Montenegro itself to evaluate how it has succeeded in implementing these obligations to protect the education rights of the Roma minority specifically, arguing that while Montenegro has made improvements in protecting the right to education for the Roma people, more action is still needed for members of this minority to fully realise the benefits of this right.

Human Rights Law and the Right to Education for Minority Groups

The General Right to Education

The right to education is undeniably important, as it is linked to the realisation of many other rights.²² When looking at international human rights law, the right to education, as spelled out in Article 13 of the ICESCR, encompasses several aspects. Article 13 (2) lists obligations required by states to achieve this right, including free and mandatory primary education for everyone²³ and secondary education (including vocational and technical education) that is "made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education".²⁴ The Article lists similar obligations for higher education,²⁵ while also requiring the implementation of fundamental education that is

²² Sandra Fredman, 'The Right to Education' in *Comparative Human Rights Law* (Oxford University Press, Oxford 2018) 356.

²³ International Covenant on Economic, Social, and Cultural Rights (adopted 16 December 1966, entered into force 3 January 1976) 993 UNTS 3 (ICESCR) art 13 (2) (a).

²⁴ Ibid art 13 (2) (b).

²⁵ Ibid art 13 (2) (c).

“encouraged or intensified as far as possible for those persons who have not received or completed the whole period of their primary education”.²⁶ Following this, Article 13 (3) explains states must recognise that parents and guardians can choose to enrol their children in schools not affiliated with the state “to ensure the religious and moral education of their children in conformity with their own convictions”,²⁷ noting these schools must follow education standards “laid down or approved by the State”.²⁸ General Comment No. 13: The Right to Education deems “availability, accessibility, acceptability, and adaptability”²⁹ paramount for achieving the right to education and asserts states must “respect, protect and fulfil”³⁰ these principles. The Convention on the Rights of the Child mirrors the obligations for the right to education listed in the ICESCR but addresses several other obligations, including for states to actively strive to lower dropout rates and ensure children attend school, as well as including provisions on school discipline that recognise the child’s dignity.³¹

Similarly, the ECHR declares in Protocol 1 Article 2 the right to education, highlighting “No person shall be denied”³² this right and that parents have a right to educate their children in a manner aligning with their beliefs³³, reflecting Article 13 (3) of the ICESCR.³⁴ However, parental rights regarding the education of their children can be limited in some instances. For example, in *Konrad and Others v. Germany*, the European Court of Human Rights (ECtHR)

²⁶ Ibid art 13 (2) (d).

²⁷ Ibid art 13 (3).

²⁸ Ibid art 13 (3).

²⁹ UN Economic and Social Council (ECOSOC), General Comment No. 13: The Right to Education (Art. 13 of the Covenant) (8 December 1999) UN. Doc. E/C.12/1999/10 para 50.

³⁰ Ibid para 50.

³¹ Convention on the Rights of the Child (adopted 20 November 1989, entered into force 2 September 1990) 1577 UNTS 3 (CRC) art 28.

³² Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), as amended by Protocols Nos. 11 and 14 (adopted 4 November 1950, entered into force 3 September 1953) ETS 5 protocol 1 art 2.

³³ Ibid protocol 1 art 2.

³⁴ International Covenant on Economic, Social, and Cultural Rights (adopted 16 December 1966, entered into force 3 January 1976) 993 UNTS 3 (ICESCR) art 13 (3).

ruled that denying a request for parents to homeschool their children for religious reasons did not violate Article 14 of the ECHR.³⁵ The Revised European Social Charter also lists obligations pertaining to education, such as prohibiting any employment of people involved in compulsory education that would impede their ability to experience the benefits of education in full³⁶ and providing “free primary and secondary education as well as to encourage regular attendance at schools”.³⁷ All of these obligations address ensuring the right to education for all people.

Minority Right to Education

Minority Rights

While the right to education indeed applies to everyone, the minority right to education specifically addresses this right in relation to minorities. Understanding what differentiates this from a general right to education requires an understanding as to why minority rights exist in the first place. The definition of ‘minority’ within human rights practice has been contested for quite some time.³⁸ However, in 2019, as the result of a study accounting for the many definitions of ‘minority’ employed by the United Nations throughout the years, the UN Special Rapporteur on Minority Issues suggested this definition, as it encompasses elements from a variety of prior definitions:

An ethnic, religious or linguistic minority is any group of persons which constitutes less than half of the population in the entire territory of a State whose members share common characteristics of culture, religion or language, or a combination of any of these. A person can freely belong to an ethnic, religious or linguistic minority without any requirement of citizenship, residence, official recognition or any other status.³⁹

³⁵ *Konrad v Germany* App no 35504/03 (ECtHR, 11 September 2006).

³⁶ European Social Charter (Revised) (adopted 3 May 1996, entered into force 1 July 1999) ETS 163 art 7 (3).

³⁷ *Ibid* art 17 (2).

³⁸ Jelena Pejic, ‘Minority Rights in International Human Rights Law’ (1997) 19 HRQ 666, 668.

³⁹ UNGA ‘Report of Special Rapporteur on Effective Promotion of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities: Note by the Secretary-General’ (2019) UN Doc. A/74/160 para 53.

Often, religious, ethnic, and linguistic, minorities face discrimination and oppression preventing them from fully participating in society.⁴⁰ Their identification as individuals outside the majority even leads to discrimination in citizenship, and stateless and non-citizen minorities may face many obstacles in having their human rights recognised.⁴¹ Additionally, ethnic and linguistic minorities have specific cultural and linguistic needs not demanded by the majority population.⁴² These obstacles have led to the implementation of rights specifically addressing minorities in order to better protect their human rights.⁴³ A 2010 publication by The United Nations Office of the High Commissioner (OHCHR) states “Minority rights are about ensuring respect for distinctive identities while ensuring that any differential treatment towards groups or persons belonging to such groups does not mask discriminatory practices and policies”.⁴⁴ Note ‘differential treatment’ as allowed by international human rights law is acceptable “if its objective is to overcome past discrimination or address persisting inequalities”.⁴⁵ However, measures encompassing differential treatment (such as affirmative action) differ from ‘minority rights’. While special measures are temporary in nature, minority rights constitute permanent protections, though minorities may be the beneficiaries of special measures.⁴⁶ Minority rights are

⁴⁰ Office of the High Commissioner for Human Rights (OHCHR) ‘Minority Rights: International Standards and Guidance for Implementation’ (HR/PUB/10/3, OHCHR 2010) 7
<https://www.ohchr.org/sites/default/files/Documents/Publications/MinorityRights_en.pdf> accessed 9 April 2024.

⁴¹ Ibid 5,6.

⁴² United Nations Educational, Scientific and Cultural Organization (UNESCO), ‘The Right to Education of Minorities: Overview of States’ Measures Reported in the 10th Consultation of the 1960 Convention and Recommendation Against Discrimination in Education’ (ED-2023/WS/4, UNESCO 2023) 6
<<https://unesdoc.unesco.org/ark:/48223/pf0000385259>> accessed 5 April 2024.

⁴³ Office of the High Commissioner for Human Rights (OHCHR) ‘Minority Rights: International Standards and Guidance for Implementation’ (HR/PUB/10/3, OHCHR 2010) 1
<https://www.ohchr.org/sites/default/files/Documents/Publications/MinorityRights_en.pdf> accessed 9 April 2024.

⁴⁴ Ibid 8.

⁴⁵ Ibid 9.

⁴⁶ Ibid 10.

addressed in Article 27 of the ICCPR⁴⁷, Article 30 of the CRC,⁴⁸ and the UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities.⁴⁹

Additionally, regional human rights mechanisms have protections for minorities, such as those listed in the Council of Europe's Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages.⁵⁰

Defining Minority Right to Education

As mentioned previously, the various barriers minorities face in fully realising their human rights extend into the realm of education. Therefore, it is vital to discuss the right to education for minorities specifically, as they often require additional measures to help lessen the effects of these barriers. The United Nations and Council of Europe recognise this and provide additional clarifications and obligations for states to address the gaps between minorities and the majority population when it comes to the right to education.⁵¹ General Comment No. 13 on the right to education in the ICESCR states that fulfilling the obligations required by the 'acceptability' principle requires states to "fulfil (facilitate) the acceptability of education by taking positive measures to ensure that education is culturally appropriate for minorities and indigenous peoples, and of good quality for all".⁵² State obligations regarding the right to

⁴⁷ International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171 (ICCPR) art 27.

⁴⁸ Convention on the Rights of the Child (adopted 20 November 1989, entered into force 2 September 1990) 1577 UNTS 3 (CRC) art 30.

⁴⁹ Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (adopted 18 December 1992) UNGA Res 47/135 UN. Doc. A/RES/47/135.

⁵⁰ European Charter for Regional or Minority Languages (adopted 5 November 1992, entered into force 1 March 1998) ETS 148; Framework Convention for the Protection of National Minorities (adopted 1 February 1995, entered into force 1 February 1998) ETS 157.

⁵¹ United Nations Educational, Scientific and Cultural Organization (UNESCO), 'The Right to Education of Minorities: Overview of States' Measures Reported in the 10th Consultation of the 1960 Convention and Recommendation Against Discrimination in Education' (ED-2023/WS/4, UNESCO 2023) 11, 12, 14 <<https://unesdoc.unesco.org/ark:/48223/pf0000385259>> accessed 5 April 2024.

⁵² UN Economic and Social Council (ECOSOC), General Comment No. 13: The Right to Education (Art. 13 of the Covenant) (8 December 1999) UN. Doc. E/C.12/1999/10 para 50.

education of minorities in the Council of Europe's Framework Convention for the Protection of National Minorities include promoting tolerance in education, implementing understanding of minority cultures and history into education, providing training for teachers so they can deliver education on minority cultures, providing equal education access, understanding minorities can establish their own education institutions, and striving to offer education in or of minority languages should demand require it.⁵³

The Commentary on Education Under the Framework Convention for the Protection of National Minorities elaborates on these obligations, making particular links between the right to learn one's own language and the right to education.⁵⁴ This is also reflected in the European Charter for Regional or Minority Languages whose Article 8 obliges states to provide all levels of education in "relevant regional or minority languages"⁵⁵ to the best of their abilities, especially "to those pupils whose families so request and whose number is considered sufficient".⁵⁶ In a similar vein, the OSCE Hague Recommendations Regarding the Education Rights of National Minorities & Explanatory Note explains that research supports providing primary education and most of secondary education in a child's mother-tongue, while also providing education of the official language by bilingual teachers.⁵⁷ Referencing the obligations of states to "provide adequate opportunities for minority language education",⁵⁸ it asserts states

⁵³ Framework Convention for the Protection of National Minorities (adopted 1 February 1995, entered into force 1 February 1998) ETS 157 arts 6 (1), 12 (1), 12 (2), 12 (3), 13 (1), 14 (2).

⁵⁴ Advisory Committee on the Framework for the Protection of National Minorities, 'Commentary on Education Under the Framework Convention for the Protection of National Minorities' (ACFC/25DOC[2006]002, CoE 2006) 35 <<https://rm.coe.int/09000016800bb694>> accessed 5 April, 2024.

⁵⁵ European Charter for Regional or Minority Languages (adopted 5 November 1992, entered into force 1 March 1998) ETS 148 art 8 (1) (a) (i).

⁵⁶ Ibid art 8 (1) (a) (iii).

⁵⁷ OSCE High Commissioner on National Minorities (HCNM), *OSCE Hague Recommendations Regarding the Education Rights of National Minorities & Explanatory Note* (OSCE HCNM, The Hague 1996) paras 11, 12.

⁵⁸ Ibid para 14.

must strive to implement these recommendations, which involves ensuring the correct institutions exist to train teachers to provide education in minority languages.⁵⁹

Regarding tolerance and equal access to education, the ECtHR's *Guide on Article 2 Protocol No. 1 to the European Convention on Human Rights—Right to Education* states Roma “require special protection”⁶⁰ in education and other areas due to vulnerabilities experienced as a result of historical hardships.⁶¹ This is expressed in rulings made by the ECtHR in the cases of *D.H. and Others v. the Czech Republic*⁶² and *Sampanis and Others v. Greece*.⁶³ Moreover, cases such as *Oršuš and Others v. Croatia*,⁶⁴ *Horváth and Kiss v. Hungary*,⁶⁵ *Lavida and Others v. Greece*,⁶⁶ *Elmazova and Others v. North Macedonia*,⁶⁷ and *Szolcsán v. Hungary*,⁶⁸ address discrimination against Roma children in education, and the ECtHR obliges states to engage in positive duties to combat this.⁶⁹

Taking all this into account, states that are signatories to the ICESCR, the Framework Convention for the Protection of National Minorities, the European Charter for Regional or Minority Languages, and the First Protocol to the ECHR must adhere to the following measures to protect the right to education for minorities: tolerance in education, education on minority

⁵⁹ Ibid para 14.

⁶⁰ Council of Europe (CoE): European Court of Human Rights (ECtHR), *Guide on Article 2 of Protocol No. 1 to the European Convention on Human Rights - Right to Education*, 28 February 2025, para 60<
https://ks.echr.coe.int/documents/d/echr-ks/guide_art_2_protocol_1_eng> [accessed 18 September 2025].

⁶¹ Ibid paras 60, 61.

⁶² *D.H. and Others v Czech Republic* (Grand Chamber) (2007) ECHR 2007-IV, App no 57325/00 (ECtHR, 13 November 2007).

⁶³ *Sampanis and Others v Greece* App no 32526/05 (ECtHR, 5 June 2008).

⁶⁴ *Oršuš and Others v. Croatia* (Grand Chamber) (2010) ECHR 2010 App no 15766/03 (ECtHR, 16 March 2010).

⁶⁵ *Horváth and Kiss v. Hungary* App no 11146/11 (ECtHR, 29 January 2013).

⁶⁶ *Lavida and Others v. Greece* App no 7973/10 (ECtHR, 30 May 2013).

⁶⁷ *Elmazova and Others v. North Macedonia* App nos 11811/20 and 13550/20 (ECtHR 13 December 2022).

⁶⁸ *Szolcsán v. Hungary* App no 24408/16 (ECtHR, 30 March 2023).

⁶⁹ Council of Europe (CoE): European Court of Human Rights (ECtHR), *Guide on Article 2 of Protocol No. 1 to the European Convention on Human Rights - Right to Education*, 28 February 2025, para 62<
https://ks.echr.coe.int/documents/d/echr-ks/guide_art_2_protocol_1_eng> [accessed 18 September 2025].

culture and history (including provision of training for teachers), cultural appropriateness in education, allowing minority groups to set up their own educational institutions, providing education in or of minority languages (especially at the primary and secondary levels where children have the best opportunity to succeed in the classroom when instructed in their native language) and equal access to education.⁷⁰ As Montenegro is a signatory to all four of these, the obligations above provide an effective framework for determining to what extent it currently protects the right to education for the Roma minority population.

Montenegro and the Protection of the Right to Education for Roma

Research suggests the history of Roma in the Balkans dates back to at least the 14th century (possibly as early as the 9th century), as “a significant number of them passed by and stayed in this region on their way from India to Western and Central Europe”.⁷¹ While the various sub-groups of Roma living within Montenegro (Kovači, Roma Čergari, and Roma-Muslims)⁷² differ in terms of their history, experiences, and relationship to the Roma identity and Romani language, they face similar levels of discrimination and societal exclusion.⁷³ This analysis acknowledges this reality, as various societal factors can impact an individual’s right to education. The following analysis addresses some of these factors as it investigates Montenegro’s status in protecting the right to education for the Roma minority. The analysis will

⁷⁰ European Charter for Regional or Minority Languages (adopted 5 November 1992, entered into force 1 March 1998) ETS 148 art 8; Framework Convention for the Protection of National Minorities (adopted 1 February 1995, entered into force 1 February 1998) ETS 157 arts 6 (1), 12 (1), 12 (2), 12 (3), 13 (1), 14 (2); OSCE High Commissioner on National Minorities (HCNM), *OSCE Hague Recommendations Regarding the Education Rights of National Minorities & Explanatory Note* (OSCE HCNM, The Hague 1996) para 14; UN Economic and Social Council (ECOSOC), General Comment No. 13: The Right to Education (Art. 13 of the Covenant) (8 December 1999) UN. Doc. E/C.12/1999/10 para 50.

⁷¹ Danijela Vuković-Ćalasan and Rajka Đoković, ‘Roma in the History of Montenegro – Displacement, Marginalization and Discrimination’ (2022) 23 SEEBSS 845, 845.

⁷² Ibid 846, 847.

⁷³ Ibid.

consist of subsections organised by obligation. Each section will evaluate Montenegro's status on adhering to that obligation.

Tolerance in Education

As briefly discussed above, the Roma population in Montenegro historically and presently faces high levels of discrimination, prejudice, and social exclusion. This extends into education. Within Montenegrin schools, Roma children face stigmatisation and bullying, particularly regarding poverty.⁷⁴ A 2019 press release from the Council of Europe states “urgent efforts are needed”⁷⁵ to improve the economic and social issues faced by Roma and Egyptian minorities.⁷⁶ It further explains that “civic education must be reintroduced in the compulsory curriculum and other measures taken to promote intercultural understanding at schools”.⁷⁷ The Montenegrin government has recently acknowledged this through its Strategy for Inclusion of Roma and Egyptians 2021-2025. This document discusses “Anti-Gypsyism”, a form of racism perpetuated against those viewed as “gypsies”⁷⁸ (a term widely considered derogatory towards Roma).⁷⁹ It lists education as an area where fostering appreciation for diversity and combatting stereotypes should occur,⁸⁰ showing an awareness for the importance of increasing tolerance in

⁷⁴ UNICEF, ‘A Dignified Life for Every Roma Child’ (*UNICEF*, 7 April 2022)

<<https://www.unicef.org/montenegro/en/stories/dignified-life-every-roma-child>> accessed 15 April 2024.

⁷⁵ Council of Europe (CoE), ‘National Minorities in Montenegro: Good Progress on Legislation, Displaced Persons Issue, but Situation of Roma and Egyptians Must be Improved’ (2 October 2019) Press Release Réf. DC 155(2019) para 1

<https://search.coe.int/directorate_of_communications/Pages/result_details.aspx?ObjectId=09000016809800c4> accessed 10 April 2024.

⁷⁶ Ibid.

⁷⁷ Ibid para 1.

⁷⁸ Montenegro Ministry of Justice, Human and Minority Rights, ‘Strategy for Social Inclusion of Roma and Egyptians 2021-2025’ (Montenegro Ministry of Justice, Human and Minority Rights 2021) 28

<https://adssdatabase.ohchr.org/IssueLibrary/MONTENEGRO_Strategy%20for%20Social%20Inclusion%20of%20Roma%20and%20Egyptians%20in%20Montenegro%202021-2025.pdf> accessed 5 April 2024.

⁷⁹ Council of Europe, ‘Council of Europe Descriptive Glossary of Terms Relating to Roma Issues’ (CoE 2012) 8 <https://childrenofprisoners.eu/wp-content/uploads/2019/11/Glossary_Roma_18May2012_CoE.pdf> accessed 5 April 2024.

⁸⁰ Montenegro Ministry of Justice, Human and Minority Rights, ‘Strategy for Social Inclusion of Roma and Egyptians 2021-2025’ (Montenegro Ministry of Justice, Human and Minority Rights 2021) 31

schools. Therefore, it appears Montenegro recognises the lack of tolerance towards Roma in education and has acknowledged the importance of remedying this in principle, but it has yet to detail specific measures on how exactly it will foster tolerance in education.

Education on Minority Culture and History (Including Training for Teachers)

Examining Montenegro's compliance with this obligation can provide better insight into how it has achieved the previous obligation of promoting tolerance in education because increasing knowledge on a culture can potentially kindle tolerance.⁸¹ Article 15 of Montenegro's Law on Minority Rights and Freedoms reflects this through stating the curriculum should include minority history and culture to "promote mutual tolerance and cohabitation".⁸² This includes teaching minority "mother tongue and literature, history, art and culture".⁸³ However, with regards to Roma communities, it appears this has not been implemented into practice. Roma history and culture are not routinely incorporated into school curricula.⁸⁴ Though, within its Strategy for Inclusion of Roma and Egyptians 2021-2025, Montenegro cites the Council of Europe's Recommendation CM/Rec (2020)2 of the Committee of Ministers which urges member states to include the history and culture of Roma and Travellers into the education curriculum,⁸⁵

<https://adsdatabase.ohchr.org/IssueLibrary/MONTENEGRO_Strategy%20for%20Social%20Inclusion%20of%20Roma%20and%20Egyptians%20in%20Montenegro%202021-2025.pdf> accessed 5 April 2024.

⁸¹ Advisory Committee on the Framework for the Protection of National Minorities, 'Commentary on Education Under the Framework Convention for the Protection of National Minorities' (ACFC/25DOC[2006]002, CoE 2006) 16 <<https://rm.coe.int/09000016800bb694>> accessed 5 April 2024.

⁸² Law on Minority Rights and Freedoms (LMRF) (*Zakon o manjinskim pravima i slobodama*), Official Gazette of Montenegro 31/06, 51/06 and 38/07, 02/11 and 08/11 2006 (Montenegro) art 15.

⁸³ Ibid art 15.

⁸⁴ Andrea Jelic, 'Curricula Without Roma People' (*Vijesti*, 12 March 2023)

<<https://en.vijesti.me/news/society/647410/curricula-without-the-Roma-people>> accessed 15 April 2024.

⁸⁵ Montenegro Ministry of Justice, Human and Minority Rights, 'Strategy for Social Inclusion of Roma and Egyptians 2021-2025' (Montenegro Ministry of Justice, Human and Minority Rights 2021) 19

<https://adsdatabase.ohchr.org/IssueLibrary/MONTENEGRO_Strategy%20for%20Social%20Inclusion%20of%20Roma%20and%20Egyptians%20in%20Montenegro%202021-2025.pdf> accessed 5 April 2024; see Committee of Ministers, 'Recommendation CM/Rec (2020)2 of the Committee of Ministers to Member States on the Inclusion of the History of Roma and/or Travellers in School Curricula and Teaching Materials' (CoE 2020) <https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016809ee48c> accessed 5 April 2024.

there remains an absence of Roma history and culture in schools as well as a lack of training on the subject for teachers across education levels,⁸⁶ revealing Montenegro has yet to fully fulfil this obligation.

Cultural Appropriateness in Education

Cultural appropriateness is mentioned in General Comment No.13 of the ICESCR.⁸⁷

Though not legally binding, the comment frames cultural appropriateness as paramount for meeting the obligations of the ICESCR.⁸⁸ ‘Cultural appropriateness’ involves operating with an awareness that cultural beliefs and practices play a role in how individuals interact with the environment.⁸⁹ This includes assuring the education system considers the diverse backgrounds of students. Montenegro seems to be addressing this obligation through the use of mediators.⁹⁰

These mediators, members of Roma communities themselves, bridge communication between schools and Roma students and their families, helping with tasks ranging from schoolwork to enrolment.⁹¹ The presence of these mediators has proven effective, as evidenced through slowly increasing the number of Roma children involved in education, decreasing dropout rates⁹² and reducing barriers to services.⁹³ As members of Roma communities, mediators can relay

⁸⁶ Andrea Jelic, ‘Curricula Without Roma People’ (*Vijesti*, 12 March 2023)

<<https://en.vijesti.me/news/society/647410/curricula-without-the-Roma-people>> accessed 15 April 2024.

⁸⁷ UN Economic and Social Council (ECOSOC), General Comment No. 13: The Right to Education (Art. 13 of the Covenant) (8 December 1999) UN. Doc. E/C.12/1999/10 para 50.

⁸⁸ Ibid para 50.

⁸⁹ Zeynep Isik-Ercan, ‘Culturally Appropriate Positive Guidance with Young Children’ (2017) 17 *Young Children* 15.

⁹⁰ United Nations Children’s Fund (UNICEF), ‘Montenegro Should Urgently Increase the Number of Roma Mediators’ (*UNICEF*, 27 August 2023) <<https://www.unicef.org/montenegro/en/stories/montenegro-should-urgently-increase-number-roma-mediators#:~:text=Montenegro%20should%20urgently%20increase%20the%20number%20of%20Roma%20mediators,-Roma%20mediators%20have>> accessed 10 April 2024.

⁹¹ Ibid.

⁹² Commission, ‘Montenegro 2023 Report’ COM SWD (2023) 694 final 112 <https://neighbourhood-enlargement.ec.europa.eu/system/files/2023-11/SWD_2023_694%20Montenegro%20report.pdf> accessed 5 April 2024.

⁹³ United Nations Children’s Fund (UNICEF), ‘Montenegro Should Urgently Increase the Number of Roma Mediators’ (*UNICEF*, 27 August 2023) <<https://www.unicef.org/montenegro/en/stories/montenegro-should-urgently-increase-number-roma-mediators#:~:text=Montenegro%20should%20urgently%20increase%20the%20number%20of%20Roma%20mediators,-Roma%20mediators%20have>> accessed 10 April 2024.

information to families in a way that is culturally appropriate and considerate of cultural differences. While Montenegro's implementation of Roma mediators has proven successful, more mediators are needed.⁹⁴ Additionally, while the use of mediators can indeed address cultural appropriateness in education, education on Roma culture is still not implemented in schools on a wide scale.⁹⁵ Furthermore, Montenegro is on the right track in terms of its incorporation of mediators, but it must still continue its efforts to make education culturally appropriate for Roma, which involves fulfilling obligations to teach Roma history and culture in the curriculum, as well as resourcing more mediators in schools throughout the country.

Allowing Minority Groups to Establish Their Own Educational Institutions

After much research, no information was found on the presence of Roma schools in Montenegro. While this does not mean none exist, it does signify the lack of publicity of such establishments and infers schools and training centers founded for Roma are likely scarce. However, Article 17 of the Law on Minority Rights and Freedoms includes this obligation⁹⁶, and with no evidence suggesting the state has prohibited Roma from establishing and owning their own educational institutions, it can be reasonably inferred Montenegro presently respects this obligation. Still, more data is needed in this area.

Providing Education in or of Minority Languages

Article 13 of Montenegro's Law on Minority Rights and Freedoms states minorities have "the right to education in their own language"⁹⁷. This is mirrored in Article 79 (4) of

mediators#:~:text=Montenegro%20should%20urgently%20increase%20the%20number%20of%20Roma%20mediators,-Roma%20mediators%20have> accessed 10 April 2024.

⁹⁴ Ibid.

⁹⁵ Andrea Jelic, 'Curricula Without Roma People' (*Vijesti*, 12 March 2023)

<<https://en.vijesti.me/news/society/647410/curricula-without-the-Roma-people>> accessed 15 April 2024.

⁹⁶ Law on Minority Rights and Freedoms (LMRF) (*Zakon o manjinskim pravima i slobodama*), Official Gazette of Montenegro 31/06, 51/06 and 38/07, 02/11 and 08/11 2006 (Montenegro) art 17.

⁹⁷ Ibid art 13.

Montenegro's revised constitution.⁹⁸ However, based on reports, Montenegro has not fulfilled this obligation for the Roma people, as Romani remains absent from the curriculum.⁹⁹ In the Sixth Evaluation Report on Montenegro by the Committee of Experts of the European Charter for Regional or Minority Languages (released in 2023), Montenegro had still “not fulfilled”¹⁰⁰ its responsibilities according to Article 8 of the charter to implement Romani in pre-school and primary education.¹⁰¹ The report states “Romani is still absent from formal and regular education, due mainly to the non-existent teacher training and the lack of teaching materials”.¹⁰² A barrier, as the report suggests, is that Montenegro does not officially consider Romani “a language in official use”,¹⁰³ even whilst the language is protected under the European Charter for Regional or Minority Languages.¹⁰⁴ This is because the Romani language is not standardised across all Roma communities and few qualified instructors are available to teach it.¹⁰⁵ This disconnect may contribute significantly to Montenegro's lack of improvement in providing education in Romani. However, it constitutes a major obstacle for Roma students, given that in 2016, data shows just 40% of Roma in the country could speak Montenegrin (the official language) “satisfactorily”.¹⁰⁶ Despite the lack of recognition at the domestic level, there is a great need for schools to provide education in Romani, particularly for younger children. Parents have even requested these services per Article 8 of the charter, yet it seems no action has resulted from

⁹⁸ Constitution of Montenegro (Official Gazette of Montenegro, No. 1/2007 and 38/2013) Art 79 (4).

⁹⁹ Committee of Experts of the European Charter for Regional or Minority Languages, ‘Sixth Evaluation Report on Montenegro’ (CoE 2023) 4 <<https://rm.coe.int/montenegroecrml6-en/1680ac7742>> accessed 5 April 2024.

¹⁰⁰ Ibid 24.

¹⁰¹ Ibid 24.

¹⁰² Ibid 4.

¹⁰³ Ibid 4.

¹⁰⁴ Ibid 4.

¹⁰⁵ Civil Rights Defenders, ‘The Wall of Anti-Gypsyism: Roma in Montenegro’ (Civil Rights Defenders 2018) 15 <<https://crd.org/wp-content/uploads/2018/02/The-Wall-of-Anti-Gypsyism—Roma-in-Montenegro-Eng.pdf>> accessed 5 April 2024.

¹⁰⁶ Ibid 15.

these requests.¹⁰⁷ Taking all this into account, Montenegro has not yet fulfilled this obligation for the Roma minority, despite this obligation's enshrinement in domestic law.

Equal Access to Education

According to a 2019 report by Montenegro's Ministry of Human and Minority Rights, geographical segregation remains an issue for Roma children and can impede their ability to attend school. The report states that just 76% of Roma and Egyptian children between the ages of six and fifteen were attending primary school at the time this report was published.¹⁰⁸ Barriers to access, such as "unfavourable social conditions, including poverty, social segregation, lack of family support, and early marriages"¹⁰⁹ accounted for 11% of Roma children not in school.¹¹⁰ However, Montenegro has implemented measures to address these issues, such as providing transportation for students in Roma and Egyptian communities,¹¹¹ as well as scholarships, free textbooks, and community initiatives.¹¹² Montenegro has also undertaken efforts to provide free preschool for certain groups, including Roma children,¹¹³ making early childhood education more accessible. While this can be considered a positive step, a 2023 report from the European

¹⁰⁷ Committee of Experts of the European Charter for Regional or Minority Languages, 'Sixth Evaluation Report on Montenegro' (CoE 2023) para 61 <<https://rm.coe.int/montenegroecrml6-en/1680ac7742>> accessed 5 April 2024.

¹⁰⁸ Montenegro Ministry of Human and Minority Rights, 'Report of Montenegro on the Implementation of the Beijing Declaration and Platform for Action (BPfA) and 2030 Agenda for Sustainable Development (2030 Agenda)' (Montenegro Ministry of Human and Minority Rights 2019) 66 <<https://www.unwomen.org/sites/default/files/Headquarters/Attachments/Sections/CSW/64/National-reviews/Montenegro.pdf>> accessed 5 April 2024.

¹⁰⁹ Ibid 66.

¹¹⁰ Ibid 66.

¹¹¹ Ibid 67; Permanent Mission of Montenegro to the United Nations Office and Other International Organizations in Geneva, 'Call for Contributions: The Right to Education, Advances and Challenges' (2023) 4 <<https://www.ohchr.org/sites/default/files/documents/issues/education/cfi-hrc53/submission-education-hrc53-state-montenegro-en.pdf>> accessed 5 April 2024

¹¹² Srdjan Vukadinovic, 'The Education Situation of Roma in Montenegro' in Andrea Óhidy and Katalin R. Forray (eds), *Lifelong Learning and the Roma Minority in the Western Balkans* (Emerald Publishing Limited, Leeds 2023) 119.

¹¹³ Permanent Mission of Montenegro to the United Nations Office and Other International Organizations in Geneva, 'Call for Contributions: The Right to Education, Advances and Challenges' (2023) 2 <<https://www.ohchr.org/sites/default/files/documents/issues/education/cfi-hrc53/submission-education-hrc53-state-montenegro-en.pdf>> accessed 5 April 2024.

Commission states that Montenegro's "legal framework still does not sufficiently support the enrolment of Roma students in higher education"¹¹⁴ and that "Overall, the quality of education of Roma children remains an area of great concern".¹¹⁵ While child marriage and child begging constitute barriers limiting Roma children from attending school, Montenegro lacks systemic protections against these.¹¹⁶ The sentiment expressed in this report indicates while Montenegro has made progress in increasing access to education, its measures and incentives remain limited, and more protections are needed to assure access to high quality education for Roma in Montenegro.¹¹⁷

Recommendations

To better protect the right to education for the Roma minority, the Montenegrin government should actively implement education programs combatting "Anti-Gypsyism" in schools and encourage teachers to confront their biases, especially when teaching Roma children. With recent spikes in online hate speech towards members of various minorities, Roma included,¹¹⁸ Montenegro must acknowledge the potential of cyberbullying in schools and require educational establishments to handle any cases of hate speech towards Roma students seriously. Montenegro should implement training for teachers on Roma history and culture, so they have access to accurate information to embed into the curriculum. Programs in Romology or "the

¹¹⁴ Commission, 'Montenegro 2023 Report' COM SWD (2023) 694 final 51 <https://neighbourhood-enlargement.ec.europa.eu/system/files/2023-11/SWD_2023_694%20Montenegro%20report.pdf> accessed 5 April 2024.

¹¹⁵ Ibid 51.

¹¹⁶ Ibid 51.

¹¹⁷ Ibid.

¹¹⁸ Commissioner for Human Rights, 'Montenegro: Seize the Moment to Strengthen Protection of Human Rights' (CoE, 22 March 2024) <<https://www.coe.int/en/web/commissioner/-/montenegro-seize-the-moment-to-strengthen-protection-of-human-rights#:~:text=Montenegro%20should%20take%20advantage%20of,her%20visit%20to%20Montenegro%20from>> accessed 18 April 2024.

science of the life of Roma men and women”,¹¹⁹ such as the program implemented at the Institute of Foreign Languages, could be useful courses to include in training programs for teachers to better equip them to educate students on Roma history and culture.¹²⁰

The Ministry of Education should invest in implementing more mediators into schools through continuous funding that would allow more Roma students and families to experience the benefits associated with mediators.¹²¹ To further increase equal education access for Roma students, Montenegro should invest in Roma communities through analysing factors contributing to barriers to education (such as poverty, child marriage, child labour, etc.)¹²² and implement strategies to lessen their effects, such as enacting legislation that systemically addresses child marriage and child begging.¹²³ Additionally, actively communicating the importance of education to members of Roma communities is also crucial for helping make education more accessible for Roma students.¹²⁴

Lastly, Montenegro should officially recognise the Romani language in legislation. As mentioned previously, the lack of standardisation of Romani serves as a main reason the government has yet to officially recognise the language and implement it into education.¹²⁵

¹¹⁹ Andrea Jelic, ‘Curricula Without Roma People’ (*Vijesti*, 12 March 2023) para 44 <<https://en.vijesti.me/news/society/647410/curricula-without-the-Roma-people>> accessed 15 April 2024.

¹²⁰ Ibid.

¹²¹ United Nations Children’s Fund (UNICEF), ‘Montenegro Should Urgently Increase the Number of Roma Mediators’ (*UNICEF*, 27 August 2023) <<https://www.unicef.org/montenegro/en/stories/montenegro-should-urgently-increase-number-roma-mediators#:~:text=Montenegro%20should%20urgently%20increase%20the%20number%20of%20Roma%20mediators,-Roma%20mediators%20have>> accessed 10 April 2024.

¹²² Srdjan Vukadinovic, ‘The Education Situation of Roma in Montenegro’ in Andrea Óhidy and Katalin R. Forray (eds), *Lifelong Learning and the Roma Minority in the Western Balkans* (Emerald Publishing Limited, Leeds 2023).

¹²³ Commission, ‘Montenegro 2023 Report’ COM SWD (2023) 694 final 51 <https://neighbourhood-enlargement.ec.europa.eu/system/files/2023-11/SWD_2023_694%20Montenegro%20report.pdf> accessed 5 April 2024.

¹²⁴ Srdjan Vukadinovic, ‘The Education Situation of Roma in Montenegro’ in Andrea Óhidy and Katalin R. Forray (eds), *Lifelong Learning and the Roma Minority in the Western Balkans* (Emerald Publishing limited, Leeds 2023) 122.

¹²⁵ Civil Rights Defenders, ‘The Wall of Anti-Gypsyism: Roma in Montenegro’ (Civil Rights Defenders 2018) 15 <<https://crd.org/wp-content/uploads/2018/02/The-Wall-of-Anti-Gypsyism—Roma-in-Montenegro-Eng.pdf>> accessed 5 April 2024.

Another is the “5% threshold”¹²⁶ requirement that Romani speakers do not meet in the capital or any administrative units, as their population is too small.¹²⁷ While the Strategy for Social Inclusion of Roma and Egyptians 2021-2025 lists standardisation of the Romani language as a special area of focus, it makes no mention of acknowledging Romani as a spoken language in legislation. Montenegro’s efforts to standardise the Romani language must include recognising it as “a language in official use”,¹²⁸ if it is to receive the same treatment as other minority languages when it comes to its presence in education. Part of this entails waiving the 5% requirement to better serve this population’s needs and fulfil obligations.¹²⁹ Montenegro should also facilitate training for teachers to provide instruction in Romani.¹³⁰ This includes “provid[ing] sufficient financing, remov[ing] administrative obstacles, and co-operat[ing] with the neighbouring states where Romani is in a more favourable situation.”¹³¹ This would better allow Montenegro to comply with its obligations to ensure the education rights of the Roma minority.

Conclusion

While Montenegro has indeed taken measures to better protect the right to education for the Roma minority, it has yet to fully fulfil its obligations to provide the conditions needed for Roma to fully engage with the right to education. As Roma in other Balkan countries face similar barriers and discrimination,¹³² collaborating with other countries to better secure the right to

¹²⁶ Committee of Experts of the European Charter for Regional or Minority Languages, ‘Sixth Evaluation Report on Montenegro’ (CoE 2023) para 57 <<https://rm.coe.int/montenegroecrml6-en/1680ac7742>> accessed 5 April 2024.

¹²⁷ Ibid para 57.

¹²⁸ Ibid para 56.

¹²⁹ Ibid para 57.

¹³⁰ Ibid para 64.

¹³¹ Ibid para 64.

¹³² Bernard Rorke, ‘EU Enlargement and the “Call of History” but Little Progress on Roma Inclusion in the Western Balkans’ (*European Roma Rights Center*, 15 November 2023) <<https://www.errc.org/news/eu-enlargement-and-the-call-of-history-but-little-progress-on-roma-inclusion-in-the-western-balkans>> accessed 20 April 2024.

education for the Roma minority could prove beneficial. For example, the city of Tuzla Canton in Bosnia and Herzegovina recently added the Romani language to its curriculum in schools,¹³³ making it an excellent source of inspiration. Through legislation, funding measures, and collaboration, Montenegro could better address the barriers and challenges preventing Roma from fully realising their inalienable, ever-important human right to education.

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¹³³ Council of Europe & European Union: Joint Programme Romacted, ‘Tuzla Canton Marks a Historic Milestone by Introducing Roma Language in School Curriculum’ (*CoE*, 4 November 2023) <<https://pjp-eu.coe.int/en/web/roma-local-governance/-/tuzla-canton-marks-a-historic-milestone-by-introducing-roma-language-in-school-curriculum#:~:text=The%20inclusion%20of%20the%20Romani,educational%20opportunities%20for%20all%20residents>> accessed 20 April 2024.

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