

Thank you Chair and thank you to the Committee for giving us the opportunity to speak at this meeting.

## About CA

1. CA work is based on conviction that human rights and civil values represent the basis of open and advanced society to which we all strive. In its operations, CA is focused on protection of victims of violation of human rights, promotion of the rule of law, and promotion of democratic political culture. Civic Alliance has been monitoring human rights in Montenegro for ten consecutive years and has very good cooperation with institutions. Our quarterly and annual reports are highly respected by institutions and international organizations.

2. NGO Civil Alliance (CA) has been implementing a project for 4 years in a row with the financial support of the UNHCR office in Podgorica, which includes providing free legal aid to asylum seekers, persons under international and temporary protection and persons at risk of statelessness. We would like to emphasize that the views expressed in this report do not necessarily reflect the views of UNHCR.

**Themes: *G5 Refugees & asylum seekers* (105.143; Source of position: A/HRC/38/13 - Para. 105, Source of position: A/HRC/38/13/Add.1 - Para. 3)**

3. CA monitors individual cases from the moment a person expresses their intention to submit a request for international protection, until the final decision of the Ministry of the Interior (MoI), and later also during integration process. In the event that the Ministry of the Interior adopts a negative decision, the CA legal team offers its users the opportunity to file a lawsuit with the Administrative Court.

The normative and strategic mechanism has been significantly improved and strengthened in recent years, but this does not mean that it functions successfully as such. Article 36 of the Law on International and Temporary Protection of Foreigners states that a person who wants to express their intention can do so anywhere on the territory of Montenegro, which in practice does not fully function on the territory of Podgorica. Also, in practice it happens that inspectors for foreigners refer persons to express their intention only at the Reception Center in Božaj. Nevertheless, certain positive results have been recorded in this regard, since lately persons who want to express their intention can do so in municipalities on the coast. The room for improvement is still necessary and rather large. Furthermore, the actions of inspectors for foreigners must be uniform in all branches of the MoI. It is necessary to work on improving the working conditions in the Directorate for Asylum, as well as provide continuous training programs for employees. It is necessary to increase the number of employees in order to improve the efficiency of the Directorate for Asylum.

4. In Montenegro, for the first time, the institute of temporary protection was applied for persons from the territory of Ukraine who came as a result of the war in that country. Please note that the rights provided for in the Law on International and Temporary Protection of Foreigners are not in full agreement with the special laws in Montenegro, and these persons do not have access to all the provided rights. Specifically, the Law on Health Insurance does not recognize the category of foreigners with temporary protection, while the Law on Health Care and the Law on International and Temporary Protection does. The Law on Social and Child Protection does not recognize the

category of foreigners with temporary protection, which denies a large scope of rights to foreigners with temporary protection. The Law on International and Temporary Protection of Foreigners prescribes the right to work for foreigners with approved temporary protection, while the Law on Employment Mediation and Rights during Unemployment does not recognize this category of persons and therefore these persons cannot be registered with the Employment Office.

**Theme: D6 Rights related to name, identity, nationality**(Source of position: A/HRC/38/13 - Para. 105)

5. When it comes to the procedure for determining the status of a stateless person, we can say that Montenegro has a legally regulated way of submitting a request and conducting the procedure, which is commendable because there are not many countries in the world that have this procedure in their legislation. However, although according to the law, a request to determine the status of a stateless person can be submitted without any document, practice shows that an extract from the birth register is required, which is often impossible to obtain. In addition, although there is a clearly prescribed obligation that interviews with applicants must be conducted within 15 days at the latest, this is not the case in practice.

The biggest of all the problems, which we wish to particularly highlight, is the length of the procedure. According to the information at our disposal, there are currently 18 persons in Montenegro in the procedure for determining the status of a stateless person. The MoI, that is, the Directorate for Foreigners, Readmission and Returnees, failed to adopt a decision within the legally stipulated deadline for 15 of them. In addition to these shortcomings, another major issue is the fact that the rights of persons who initiated the procedure to determine the stateless status are almost completely unregulated, as well as the rights of persons whose status of a stateless person was formally recognized by Montenegrin authorities. And last, but perhaps the most important issue is that a person who receives stateless status does not automatically obtain and does not meet the requirements for obtaining an identity document. They must initiate a new procedure for submitting a request for temporary residence in Montenegro, for which special requirements prescribed by law must be met.

6. With regard to the subsequent registration in the registry of births of Montenegro, whether it is registration through a court in non-litigation court proceedings when a person was born outside a health institution, or before the MoI, based on the opinion of the Center for Social Work, practice shows a positive trend in the application of these procedures. It is certainly necessary to work on strengthening the capacity and coordination of the competent institutions for the implementation of these procedures, as well as raising awareness of the importance of registering births of persons affected by this issue.

#### **Recommendations:**

- The first recommendation refers to all branches of the Ministry of the Interior to receive applications for the status of stateless persons in the same way, to organize interviews within 15 days from the date of submission of the application, and most importantly - insure that the procedure be completed within the period provided for by law. We suggest that the

MoI make a decision that, if the neighboring countries fail to submit the requested documents within 6 months, a decision be made without resubmitting a request. Also, define access to the rights of persons who are in the process of determining the status of a stateless person.

- Harmonize the legislative framework, and enable access to rights for persons with approved temporary protection.
- Strengthen the capacities of the Directorate for Asylum. Provide the possibility to express one's intention on the territory of the entire Podgorica municipality, throughout the day. Organize trainings for inspectors for foreigners in order to ensure their uniform practice in all Montenegrin municipalities.