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Submission of the European Roma Rights Centre Concerning Montenegro for Consideration under the Universal Periodic Review by the United Nations Human Rights Council (HRC) at its 3rd Session, 7-15 December 2008

1. Introduction

1.1. The European Roma Rights Centre (“the ERRC”) respectfully submits written comments concerning Montenegro for consideration by the Human Rights Council (HRC) within its Universal Periodic Review at its 3rd session, 7-15 December 2008. The ERRC is an international public interest law organisation engaging in activities aimed at combating anti-Romani racism and human rights abuse of Roma, in particular strategic litigation, international advocacy, research and policy development, and training of Romani activists.

1.2. The ERRC has been monitoring Roma rights in Montenegro since 1998, revealing a number of concerns regarding the respect for human rights of Roma and other people perceived as “Gypsies”.¹ Most recently, in the first half of 2008, the ERRC has undertaken a research project investigating and documenting human rights abuses of Roma in Montenegro, in partnership with three local Romani organisations. The preliminary research results indicate that the overall situation of Roma, and especially Romani women and girls, in Montenegro is problematic in general, and alarming in some cases. The information submitted to the Universal Periodic Review of Montenegro is based on this ongoing research, focused primarily on employment, education, health, and social assistance matters for women.

1.3. The latest population census from 2003 registered 2,826 Roma and Egyptians, or 0.46 per cent of the total population of Montenegro.² These numbers are thought to be much higher in reality, and some Romani NGOs estimate the number to be between 20,000 and 27,000. Over 90 per cent of Montenegrin Roma are Muslim, in a predominantly Christian Orthodox country, constituting a religious minority as well. Many Roma have been forcibly displaced from Kosovo: 26,679 refugees and displaced persons lived in Montenegro as of November 2006, including 16,195

¹ Ashkalia and Egyptians in Montenegro are also often perceived as “Gypsies” and discriminated as such. The abbreviation RAE is commonly used in Montenegro, covering Roma, Ashkalia and Egyptians.

² MONSTAT - Statistical Office of the Republic of Montenegro, Census of Population, Households and Dwellings in the Republic of Montenegro in 2003, available at: <http://www.monstat.cg.yu/engPopis.htm>.

displaced persons from Kosovo, of whom 18 per cent are Roma.³ The average Romani household lives in very difficult social and economic circumstances, with high poverty rates.⁴ For reasons of scope, the information submitted herewith does not constitute a comprehensive review of all issues regarding the human rights situation of Roma in Montenegro. It highlights some specific human rights concerns with respect to Romani communities in Montenegro, including:

- Access to education;
- Access to health care;
- Access to employment;
- Violence against women; and
- Personal documents.

2. Discussion: Access to Education

2.1. According to the ERRC research, the participation in formal education of Romani children in Montenegro continues to be low, and early drop out is especially prevalent amongst Romani girls.⁵ The major contributing factors to early drop out rates amongst Romani children relate to the violations of other economic and social rights, as numerous Romani parents cannot afford the costs associated with education – the general economic situation of Roma is dire, and significant proportions of Roma living in Montenegro live in extreme poverty, under highly substandard living conditions. Pressed by poverty, many Romani children have to start contributing to family income at a very early age. This seriously hinders their access to primary education; additionally, some of the income-generating activities, such as collecting scrap iron or rummaging through waste, pose health risks as well. Racial discrimination at school, taking place in forms such as harassment by non-Romani children, lack of attention or verbal abuse by non-Romani teachers, also contributes to the early drop-out rate. Some interviews in the ERRC research indicated that a number of parents was also considerably discouraged by the lack of opportunities that would await their children when completing education, as the unemployment rates among Montenegrin Roma are very high.

2.2. Some Romani interviewees reported that their children had been placed in special schools for children with mental disabilities, although their children had no disabilities themselves, merely for reasons such as difficulties speaking the majority language, or lack of free places in regular schools. In some cases, Romani children were referred for enrolment to schools for adults, or to “special Romani classes” at regular schools. This leads to disproportionate overrepresentation of Romani children in special schools, special classes or schools for adults, whereas education in such schools considerably limits the children’s future educational and career opportunities.

³ Office of the Commissioner for Displaced Persons of the Government of the Republic of Montenegro, Podgorica, 13 November 2006.

⁴ According to the official data included in the Montenegrin Development and Poverty Reduction Strategy, the poverty rate among the RAE population in Montenegro is 4.5 times higher than the national poverty rate.

⁵ Numerous sources confirm the lack of access to education for Montenegrin Roma: the 2006 UNDP survey indicated that only 55% of Roma in Montenegro were literate, compared to 99 % of literacy for domicile non-Roma. The same source reported that only 10% of adult Roma in Montenegro completed primary education, and only 2% graduated from a high school, whereas 38% of eligible Romani children attend primary schools (United Nations Development Program (UNDP), *At Risk: Roma and the Displaced in Southeast Europe*, UNDP, Bratislava, June 2006).

Also, many Romani women interviewees noted that their children were commonly placed at the back of mixed classrooms, away from other children, effectively creating spatial segregation within the classroom.

2.3. According to the ERRC research, many non-Romani children reportedly do not interact with Romani schoolmates, or participate in acts of harassment against Romani children. Adequate reactions by school officials are lacking: many of the Romani parents interviewed noted that teachers and school officials often refuse to intervene and protect Romani children, or they promise to intervene yet do not act on it. One Romani interviewee was compelled to take her two daughters out of elementary school because they were repeatedly physically attacked by non-Romani children. In another instance, a teacher who allegedly punished Romani children in a humiliating manner later denied the act indicating that “Romani children always lie.” The mother of the boys in question eventually decided to withdraw her sons from this school.

2.4. With regards to kindergarten attendance, numerous Romani families interviewed could not afford sending their children to kindergarten due to the lack of necessary financial means. Additionally, as Romani settlements are often separated from majority settlements or are placed on their outskirts, the location of kindergartens and their distance from Romani settlements was often noted to be a concern, in terms of both travel expenses as well as security issues. Without attending kindergartens, Romani children have a considerably smaller chance to successfully integrate into primary schools. As Romani children often do not attend kindergartens and schools, a large burden of care work falls upon Romani women, which prevents them from leaving home. Consequently, women miss on work opportunities, cannot seek adequate health care, etc.

3. Discussion: Access to Health Care

3.1. In the course of the ERRC research, many Romani women reported persistent discrimination in access to health care, with discriminatory treatment and harassment by health practitioners when attempting to access state health facilities. Health practitioners are reported to commonly leave Roma waiting longer than non-Roma for care, and oftentimes Roma are treated last. In addition, many Romani women reported frequent situations in which health practitioners yelled at them and addressed them in a pejorative manner, referring to them as “Gypsies” rather than individuals. Many Roma also cannot afford medical treatments and medicines not covered by their insurance.⁶

3.2. The ERRC research results indicate that a number of health practitioners reportedly complain about having to treat Roma, claiming that Roma seek medical assistance “too often”. However, most interviewees reported seeking institutional medical assistance only in the case of major health problems, which at least partly may be attributed to the ill-treatment they suffer when accessing medical services.

3.3. Romani displaced persons and refugees often do not have valid health insurance cards and other personal document, which enables them to access health care in state

⁶ According to the UNDP survey data, 62% of Roma reported situations within a year in which they could not afford to purchase prescribed medicines needed for a member of their household (UNDP, *At Risk*).

institutions.⁷ Some of them have difficulties with the Montenegrin language, reporting problems in communicating with the health practitioners, and not receiving adequate explanations and instructions from doctors.

3.4. With regards to reproductive rights of Romani women, the ERRC research suggests that most Romani women do not have adequate information on this issue, and cannot access and/or afford adequate advice, treatment and pharmaceuticals. Moreover, an interviewee alleged a case of sterilization undertaken without her full informed consent: the Romani woman in question was sterilised at a state hospital during her second childbirth in 1998, without being informed, and without having given any form of consent. She became aware of being sterilized only recently when she visited a gynaecologist, as she sought advice on getting pregnant again. A reversal operation is very costly, and the interviewee cannot afford paying for it.

4. Discussion: Access to Employment

4.1. A significant proportion of Roma living in Montenegro are unemployed and live in poverty.⁸ The effects of extreme poverty are particularly noticeable amongst Romani refugees and displaced persons in Montenegro. Unemployment amongst Romani women is particularly widespread, with a high number of women unemployed, or engaged in informal work with little to no job security or benefits. There is a scarcity of jobs available for Roma, as well as racial discrimination in both hiring procedures as well as within their workplaces. Children often need to work instead of or besides going to school, which hinders their education and places their health at risk. The employed interviewees also reported being very vulnerable vis-a-vis their non-Romani superiors.

4.2. In addition to general high unemployment of Montenegrin Roma, unemployment is particularly acute among Romani refugees and displaced persons. Their social vulnerability is exacerbated by their not being entitled to social assistance, at a time when humanitarian support is no longer widely available.

5. Discussion: Violence Against Women

5.1. The ERRC interviews show that police officers do not intervene effectively in cases of domestic violence in Romani households. Interviewees reported cases where police officers merely advised the couple to reconcile, as well as cases where officers made disparaging comments on the act of domestic violence as a ‘Gypsy matter.’ There were also cases of police violence relating to VAW situations: one Romani woman reported that police officers beat her husband at the police station after she filed a domestic violence complaint. Some Romani women reported being forced to remain in abusive relationships due to their inability to make a living on their own.

⁷ According to UNDP research, 7% of Romani respondents and 9% of displaced persons (including numerous Roma) reported being denied medical services due to a lack of relevant personal documents (UNDP, *At Risk*).

⁸ According to UNDP research, 36% of Roma in Montenegro stated that they were unemployed, and as much as 61% of the unemployed have actually never had a job (UNDP, *At Risk*).

6. Discussion: Personal Documents

6.1. The lack of personal documents for a number of Montenegrin Roma presents a serious obstacle to the enjoyment of numerous human rights. This is particularly the case with Romani displaced persons and refugees in Montenegro. The ERRC research showed that obtaining personal documents was a slow, complicated and costly process, often requiring travel to other places or even outside Montenegro, which many impoverished Roma cannot undertake and/or afford. As a result, some of the interviewees only had temporary refugee IDs, however they had no other personal documents of permanent nature.

7. Recommendations

In light of the concerns listed above, the ERRC recommends that the authorities in Montenegro undertake the following measures:

- Protect the human rights of Roma, as well as investigate and strongly condemn racial discrimination and other rights violations;
- Create a legal framework for combating discrimination in line with the requirements of the international human rights law;
- Take special measures to combat poverty and unemployment among Roma;
- Prioritize education in its Roma-related policies;
- Take all necessary steps to include Romani children in the public education system and prevent early dropout, including scholarships for eligible Romani students;
- Provide efficient health care, as well as basic medicines free of charge, for vulnerable Roma;
- Provide easier access to personal documents to Roma;
- Promote the empowerment of Romani women and girls in all Roma-related policies and activities;
- Design and effectively implement measures for protecting Romani women victims of domestic violence;
- Commit adequate financial and human resources to the implementation of the current strategies and initiatives striving to improve the situation of Roma in Montenegro, such as the Decade of Roma Inclusion .