

**Submission by the United Nations High Commissioner for Refugees**  
**For the Office of the High Commissioner for Human Rights' Compilation Report**  
**Universal Periodic Review: 3rd Cycle, 29th Session**

## MONTENEGRO

### I. BACKGROUND INFORMATION

Since Montenegro restored independence on 3 June 2006 and became a UN member state, it succeeded to all UN treaties ratified by its preceding country, including the *1951 Convention relating to the Status of Refugees* and its *1967 Protocol*, as well as the *1954 Convention relating to the Status of Stateless Persons*. In 2007, Montenegro joined the Council of Europe and in 2010 ratified the *2006 Convention on the Avoidance of Statelessness in relation to State Succession and the European Convention on Nationality* (with reservation on Article 16, as Montenegro is restrictive on dual citizenship). In December 2013, Montenegro acceded to the *1961 Convention on the Reduction of Statelessness* (the *1961 Convention*).

Montenegro has been an EU candidate country since November 2010. So far, Montenegro opened 26 out of 35 EU negotiation chapters, including chapters 23,<sup>1</sup> Judiciary and Fundamental Rights and Chapter 24,<sup>2</sup> Justice, Freedom and Security, which are most relevant to persons under UNHCR's mandate. For these two chapters, Montenegro adopted relevant action plans and recognized UNHCR as a partner.

UNHCR provides support to the Government of Montenegro (GoM) in finding durable solutions for refugees from the former Yugoslavia as well as in strengthening the asylum system and in the identification, prevention and reduction of statelessness.

According to the Government's statistics, at the end of 2016 there were 11,451 refugees from the former Yugoslavia (11,035 with permanent residence and 416 with temporary residence) who acquired foreigner status.<sup>3</sup> The applications of 945 refugees from the former Yugoslavia are still pending and, as a consequence, they continue to hold the insecure and ambiguous legal status of either "internally displaced persons" (IDPs) or "displaced persons" (DPs).<sup>4</sup>

Since its independence in June 2006 until the end of 2016, Montenegro has received 9,624 asylum applications. Pursuant to the *2006 Law on Asylum*,<sup>5</sup> 30 persons were recognized as refugees and

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<sup>1</sup> Chapter 23, among other things, covers durable solutions for refugees from the former Yugoslavia residing in Montenegro and statelessness issues.

<sup>2</sup> Chapter 24 covers asylum and migration-related issues.

<sup>3</sup> In 2009, the Government of Montenegro introduced a privileged access to the status of foreigner. This status secures access to many rights guaranteed to citizens (work, except in state institutions where Montenegrin citizenship is required, health care, social care, possession of real estate, etc.) in line with relevant legislation. The status of foreigner with permanent residence is not time-limited and is a pathway to Montenegrin citizenship after 10 years of permanent residence. For more information please see: The Law on Foreigners (OGM, no. 82/08, 72/09, 32/11, 53/11, 27/13 and 61/13) and the Law on Foreigners (OGM, no. 28/15), available at: <http://www.refworld.org/cgi-bin/texis/vtx/rwmain/opendocpdf.pdf?reldoc=y&docid=555315c04>.

<sup>4</sup> The status of "internally displaced" and of "displaced" person is not officially defined in the national legislation. In order to ensure protection of internally displaced and displaced persons, the Government issued the *Decree on Temporary Access to Rights by IDPs and DPs in 2010* to recognize their rights, while waiting for their applications for the foreigner's status to be processed. However, this decree does not supersede the law, and access to rights guaranteed by the decree is challenging in practice.

<sup>5</sup> Montenegro: Law No. 01-993/2 of 2006 on Asylum (2014) [Montenegro], 11 July 2006, available at: <http://www.refworld.org/docid/48650f132.html>.

20 persons were granted subsidiary protection.<sup>6</sup> Currently, 15 refugees and 14 persons under subsidiary protection are residing in Montenegro.

The 2011 Population Census identified 4,312 persons who declared to be without any citizenship in Montenegro. Based on the number of persons assisted since 2011, UNHCR estimates that some 70 persons remained at risk of statelessness in Montenegro at the end of 2016.

## II. ACHIEVEMENTS AND POSITIVE DEVELOPMENTS

### **Positive developments linked to 2<sup>nd</sup> cycle UPR recommendations**

**Linked to 2nd cycle UPR recommendation no. 117.91: “Continue addressing the situation of displaced and internally displaced persons in a durable, sustainable manner, such as through the Strategy for Permanent Resolution of the Problems of displaced and internally displaced persons (Slovakia).”**

In October 2009, the GoM amended the *Law on Foreigners*<sup>7</sup> to facilitate the local integration of refugees from the former Yugoslavia through their access to the status of foreigner. The amendment was followed by the launch of a national campaign for registration for the status of foreigner. The GoM further extended the deadline for registration three times until 2014 with the aim of enabling all refugees from former Yugoslavia to acquire the mentioned status. In the final call in 2014, the GoM lowered the requirements to a valid IDP and DP ID cards only.<sup>8</sup> However, the approval of incomplete applications remained conditioned to the submission of all required documents. As a result, out of a total of 12,800 applications for the status of foreigner, 945 applications from ex-Yugoslav refugees are yet to be adjudicated by the Ministry of Interior (MoI). Some 1,200 applicants, originating from Bosnia and Herzegovina and Croatia,<sup>9</sup> have been granted Montenegrin nationality, while the others have found different solutions, including through return to their countries of origin. For instance, from 2014 to date, the GoM and the Kosovo authorities have stepped up the joint efforts to find durable solutions for the refugees from former Yugoslavia. Through 11 visits of Kosovo MoI mobile team to Montenegro, some 1,000 refugees obtained a passport and birth and citizenship certificates from Kosovo, completing their application process for the foreigner’s status. This collaboration will continue in 2017 as some 350 persons, out of the 945 pending applications, lack proof of date and place of birth to acquire the necessary documents to complete their registration.

Furthermore, in 2011 the GoM adopted the 2011-2015 “*Strategy for Durable Solutions of Issues Regarding Displaced and Internally Displaced Persons in Montenegro, With Special Emphasis on the Konik Area*” to set a number of activities to enable durable solutions to ex-Yugoslavia refugees, through voluntary return or local integration, and to define and establish coordination mechanisms for the implementation of the foreseen activities. Since the 2011-2015 Strategy expired, the GoM accepted UNHCR’s proposal to expand its validity for the period 2017-2019, since many activities

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<sup>6</sup> Subsidiary protection is accorded to a foreigner who has not met the requirements for the recognition of refugee status but who would be subjected to torture or inhuman or degrading treatment or punishment, or whose life, safety or freedom would be threatened on account of generalized violence, foreign aggression, internal conflict, massive violations of human rights or other circumstances which seriously threaten life, safety or freedom, in case he or she is returned to his or her country of origin or another state. In comparison to recognized refugees, holders of subsidiary protection have unequal access to education, health care, acquisition of immovable property, and naturalization.

<sup>7</sup> See the Article 105a of the 2009 Law on Foreigners (OGM no 72/09 from 30.10.2009.), available at: <http://www.mup.gov.me/ResourceManager/FileDownload.aspx?rid=104845&rType=2&file=Foreigners%20law.doc>. And articles 139 and 142 of the 2014 Law on Foreigners (OGM no 56 from 24.12.2014.), available at: <http://www.refworld.org/docid/5552f8384.html>.

<sup>8</sup> The original requirement was to submit the following documents: certificate on valid DP/IDP status; copy of ID card for DP/IDP in Montenegro; certificate on clear criminal record in Montenegro; birth certificate; citizenship certificate; and valid travel document/passport;

<sup>9</sup> Kosovo refugees from the 1999 conflict, granted IDP status at the time, have not been given the possibility to acquire Montenegrin nationality upon the IDP status.

related to local integration, foreseen by the 2011-2015 Strategy, had not been implemented fully, including the resolution of the legal status. The GoM included most of UNHCR's recommendations in the new Strategy and defined concrete measures to be taken to achieve durable solutions for the remaining 945 pending applications from ex-Yugoslav refugees.

**Linked to 2nd cycle UPR recommendation no. 117.96:** “Pursue the implementation of the regional refugee housing programme in municipalities (Austria).”

Montenegro is the only country in the region that included Kosovo refugees among the beneficiaries of the Regional Housing Programme (RHP) as they were recognized as the most vulnerable group of refugees in the country. Through the RHP, to date six projects have been approved by the Assembly of Donors for Montenegro. These projects are at different stages of implementation: the construction of 62 apartments in Niksic was completed in June 2016; the construction of 120 apartments for residents of Konik Camp 1 in Podgorica started in March 2016 and is expected to be completed in August 2017, while the construction of an elderly home in Pljevlja with a capacity of 68 beds is expected to be completed by November 2017. The remaining projects, namely the provision of 94 housing units in Berane for residents of refugee settlements Rudesh 1 and Rudesh 2, the delivery of 50 houses in 11 municipalities throughout Montenegro, along with the purchase of 36 apartments for refugees in Herzeg Novi, as well as an additional 51 apartments at Konik camps are in the initial or preparatory phase. The ultimate success of the RHP in Montenegro will be assessed through the extent to which sustainable solutions are found for the most vulnerable refugees.

**Linked to 2nd cycle UPR recommendation no. 119.5:** “Ratify the 1961 Convention on the Reduction of Statelessness and take concrete steps at national level to prevent and eliminate the causes that lead to statelessness (Germany).”

In December 2013, Montenegro acceded to the *1961 Convention*, thus completing the accession to both universal and regional instruments on statelessness. The accession to the *1961 Convention* provided a stronger legal basis for legal aid providers to work on the prevention and reduction of statelessness, having in mind that the *Constitution of Montenegro* stipulates that generally accepted rules of international law shall have the supremacy over national legislation and shall apply directly.

### **III. KEY PROTECTION ISSUES, CHALLENGES AND RECOMMENDATIONS**

#### **Challenges linked to outstanding 2<sup>nd</sup> cycle UPR recommendations**

##### **Issue 1: Integration of refugees from former Yugoslavia**

**Linked to 2nd cycle UPR recommendation no. 117.27:** “Take steps to more effectively foster integration into Montenegrin society of particular vulnerable groups, through addressing discrimination in areas such as education and employment (Canada).”

As per the *2009 Law on Foreigners*, refugees who acquire the status of foreigner should have access to all basic rights (employment, health care, social welfare, etc.). However, in practice, access to many of these rights is still theoretical or partial, due to inconsistencies in the Law's implementation.

In 2016, UNHCR observed changes in legislation and practice, which often did not include safeguards to former Yugoslavia refugees. Changes introduced in 2016 to the legislation on health insurance failed to address the specific circumstances relating to refugees, by imposing an obligation to all foreigners to submit certificates from their countries of origin proving they are not beneficiaries of a state health insurance scheme. As a result, for too many, particularly the elderly, health care has become unaffordable, as they would be confronted with the high costs of transport, accommodation, food and the payment of administrative taxes in their countries of origin to get such

certificates. In addition, the administrative fees for the status of foreigner were significantly increased in 2016, affecting those whose applications remain pending. Despite several announcements from the Mol, this issue has not been completely resolved yet.

UNHCR is particularly concerned about the situation of 416 refugees from the former Yugoslavia who acquired a temporary residence for foreigner, while awaiting for a passport from their country of origin.<sup>10</sup> This document will enable them to obtain a permanent residence permit for foreigners, securing enjoyment of all basic rights necessary for their local integration. Despite the Government's commitment to enable privileged access to permanent residence to all willing former Yugoslav refugees, the *2014 Law on Foreigners* introduced a restrictive approach to employment, by reducing the access to the labour market only for seasonal jobs to former I/DPs, holders of temporary residence. Furthermore, it removed the procedure for a simplified transition to permanent residence upon obtaining a passport, initially foreseen by the 2009 legislation and related strategy. Consequently, the only way for these persons to continue living legally in Montenegro is through the annual extension of temporary residence for foreigners. After five years of temporary residence, these persons may qualify for permanent residence if they submit proofs of secured accommodation, incomes and health care in Montenegro, in addition to the possession of personal documents and a clear criminal record. These requirements are not affordable to most of these 416 persons, as health care and income are obtained through a stable employment, which is not legally accessible to foreigners with temporary residence in Montenegro. Furthermore, the unclear procedure for transition to permanent residence may lead to arbitrary decisions and to an eventual expulsion.

We also wish to note that, despite advancements on the implementation of RHP and the inclusion of Kosovo refugees among its beneficiaries, according to UNHCR's data obtained through field verification, 419 refugee families will remain without decent and durable housing solution as they will not be covered by any housing projects.

### **Recommendations:**

UNHCR recommends that the Government of Montenegro:

- a) Secure full-fledged access to health care for refugees who acquired status of foreigners, as well as for those still holding the legal status of "internally displaced" or "displaced" persons until the Mol will process their applications for the status of foreigner;
- b) Enable access to the labour market for the former Yugoslav refugees who acquired temporary residence up to 3 years as a safeguard until they acquire permanent residence;
- c) Define a clear procedure for the transition from temporary to permanent residence, for those refugees who manage to obtain all documents requested for permanent residence status;
- d) Continue with the implementation of housing programmes in order to meet the needs of all vulnerable persons, including the 419 households identified; and
- e) Fully implement the 2017-2019 *Strategy for Durable Solutions of Issues Regarding Displaced and Internally Displaced Persons in Montenegro, with Special Emphasis on The Konik Area*, which includes the reform of the remaining relevant legal acts and particularly the full implementation and appropriate interpretation of the strategy and pertinent legislation, as well as the lowering of administrative taxes for the acquisition of the status of foreigner.

### **Issue 2: Birth registration**

**Linked to 2nd cycle UPR recommendation no. 119.11: "Establish a simple and accessible procedure of birth registration to guarantee that all children have access to it (Brazil)".**

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<sup>10</sup> This is mainly due to the fact that many of them are not registered in birth registries and cannot obtain passport before they complete their birth or citizenship registration, and their residence registration subsequently, which are both time consuming and costly procedures.

In 2015, the Government amended the *Law on Non-Contentious Proceedings*<sup>11</sup> to introduce a court procedure for establishing the date and place of birth of persons born outside of the health system in Montenegro. The adoption of the amendments was followed by training sessions for judges on the new procedure, organized by the Ministry of Justice, in cooperation with UNHCR and UNICEF.

The amendments to this Law significantly improved late birth registration in Montenegro, thus reducing the main risk of statelessness (between May 2015 and end January 2017, more than 90 persons acquired birth registration through this procedure). However, UNHCR still observes challenges in birth registration, particularly for children who were abandoned by their mothers, since the Mol refuses to register a child if the requested data on the mother are unknown.

Despite several UNHCR's initiatives, there was no progress in the inclusion of the Social Welfare Centers, which are authorized to determine the best interest of child in the birth registration procedure in the instances where one parent/mother is unknown.

#### **Recommendations:**

- a) UNHCR recommends that the Government of Montenegro: Secure timely birth registration, as well as late registration, for all children born in Montenegro, in light of the best interest of child.

#### **Additional protection challenges**

#### **Issue 3: Integration of refugees and beneficiaries of subsidiary protection**

One of the biggest challenges of the asylum system in Montenegro remains integration. According to the *2006 Law on Asylum*,<sup>12</sup> refugees and persons granted subsidiary protection are upon recognition entitled to accommodation for up to 6 months and to a monthly social income for 12 months. In practice, however, such social allowance is often not made available due to the Government budget constraints. In addition, access to economic and social rights (such as health care, employment and education) remains difficult due to language and cultural barriers and would require the timely development and implementation of tailored-made integration programmes, as already foreseen by the *2016 Asylum Law*<sup>13</sup> whose implementation will start on 1 January 2018.

In terms of durable solutions in Montenegro, the legal framework allows for both the acquisition of the Montenegrin nationality for refugees and of the permanent residence for holders of subsidiary protection, which in turn enables access to the Montenegrin nationality after ten years. As Montenegro does not allow dual citizenship, beneficiaries will have to renounce to their current nationalities to attain the Montenegrin one.

#### **Recommendations:**

UNHCR recommends that the Government of Montenegro:

- a) Pending the implementation of the *Law on International and Temporary Protection of Foreigners*, develop tailored-made integration programs for persons granted refugee status/subsidiary protection in line with the current legislation; and
- b) Timely harmonize other relevant pieces of legislation with the new *Law on International and Temporary Protection (2016 Law on Asylum)* in order to ensure the full-fledged implementation of the Law as from early 2018.

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<sup>11</sup> See articles 70a to 70i of the 2015 Law on Non-Contentious Proceedings (OGM no 20 from 24.04.2015.), available at: <http://www.refworld.org/docid/5552036d4.html>.

<sup>12</sup> See articles 44 and 45 of the 2006 Law on Asylum (OGRM no 45. from 17.07.2006.), available at: <http://www.refworld.org/docid/48650f132.html>.

<sup>13</sup> On 29 December 2016 the Parliament of Montenegro adopted the new law, to replace the 2006 Law on Asylum. The title of the new law is "The Law on International and Temporary Protection of Foreigners". The creation of the tailor made integration programmes is foreseen with articles 84 and 85 of the 2016 Law on International and Temporary Protection of Foreigners (OGM no. 2 of 10.01.2017.), available at: <http://www.refworld.org/docid/48650f132.html>.

#### **Issue 4: Identification of stateless persons**

Despite the fact that Montenegro is a State party to all statelessness-related international treaties, the country still lacks a mechanism to identify, register and protect stateless persons, notwithstanding the inclusion of the international definition of stateless person in Article 2(3) of the *2014 Law on Foreigners*. As a recent development which unfolded in March 2017, UNHCR-proposed statelessness determination procedure was removed from the draft new *Law on Foreigners, scheduled for the adoption by the Parliament for the third quarter of 2017*. As a result, Montenegro will continue to lack a mechanism to recognize stateless persons, which would enable them to enjoy the attached rights, as foreseen by international law.

As a result, stateless persons continue to face destitution and marginalization, with difficulties in enjoying basic human rights, including education, health care and lawful employment. Most of the people affected belong to the Roma and Egyptian communities.

#### **Recommendations:**

UNHCR recommends that the Government of Montenegro:

- a) Establish a dedicated procedure for the identification and protection of stateless persons. .

**UNHCR  
June 2017**



## ANNEX

### Excerpts of relevant Recommendations from the 2nd cycle Universal Periodic Review, Concluding Observations from UN Treaty Bodies and Recommendations of Special Procedures mandate holders

#### MONTENEGRO

We would like to bring your attention to the following excerpts from the 2nd cycle UPR recommendations, UN Treaty Monitoring Bodies' Concluding Observations, and recommendations from UN Special Procedures mandate holders' reports relating to issues of interest and persons of concern to UNHCR with regard to Montenegro.

#### I. Universal Periodic Review (Second Cycle – 2012)

Recommendation <sup>14</sup>	Recommending State(s)	Position <sup>15</sup>
<b>Refugees and asylum-seekers</b>		
117.89. Conduct public awareness campaigns within the refugee community on the importance of registration and ensure strong implementation of the Action Plan for Solving the Status of Internally Displaced Persons	United States of America	Supported
117.96. Pursue the implementation of the regional refugee housing programme in municipalities	Austria	Supported
<b>Trafficking in persons</b>		
117.46. Maintain and continue actions aimed at decreasing and eliminating violence, ill-treatment, sexual exploitation and trafficking in persons and at the same time provide appropriate care and protection to victims and prosecute those responsible	Holy See	Supported
117.47. Improve and adopt measures to combat trafficking in persons, including through the draft 2012-2018 action plan, and the provision of	Sri Lanka	Supported <sup>16</sup>

<sup>14</sup> All recommendations made to Montenegro during its 2nd cycle UPR can be found in: "Report of the Working Group on the Universal Periodic Review of Montenegro" (21 March 2013), A/HRC/23/12, available at: <http://www.ohchr.org/EN/HRBodies/UPR/Pages/MESession15.aspx>.

<sup>15</sup> Montenegro's views and replies can be found in: *Addendum* (18 April 2013), A/HRC/23/12/Add.1, available at: <http://www.ohchr.org/EN/HRBodies/UPR/Pages/MESession15.aspx>.

<sup>16</sup> *Addendum*: "The activities outlined in the recommendations have been continuously implemented by the competent authorities. The Strategy for the Fight against Human Trafficking 2012-18 and the accompanying Action Plan identified the aims, principles and directions of fighting human trafficking and some measures for greater efficiency of the system for fighting human trafficking in the following areas: prevention and education; victim identification; victim assistance, protection and reintegration; efficient criminal prosecution; international cooperation; coordination and partnership. Current regulations and the Agreement on Cooperation between state institutions and NGOs regulate protection of adult/child trafficking victims to detail."

training to judges, prosecutors and law enforcement officers		
117.49. Strengthen programmes for the reintegration of victims of trafficking in society	Republic of Moldova	Supported
<b>Discrimination and related intolerance</b>		
117.19. Take steps to fully implement the Law against Discrimination by introducing additional enabling legislation and strengthening the institution of the Human Rights and Freedoms Ombudsman	Canada	Support
117.20. Take further measures to implement the Anti-Discrimination Law, including through awareness raising activities	Lithuania	Supported <sup>17</sup>
117.24. Effectively combat negative attitudes based on sex, age, race, nationality, ethnicity, religion and disability, especially to prevent discrimination against children of minority groups, refugee children and children with disabilities	Poland	Supported
117.25. Strengthen actions to combat discrimination and negative attitudes against women, including women belonging to Roma and migrants and against children of minority groups	Bangladesh	Supported
<b>Integration and access to rights</b>		
117.27. Take steps to more effectively foster the integration into Montenegrin society of particular vulnerable groups, through addressing discrimination in areas such as education and employment	Canada	Supported
117.78. Maintain the good inter-ethnic relations model to achieve full reconciliation and integration. To do this, it is recommended to facilitate and promote access to ethnic, religious and political minorities to education, health care, justice, property and public positions	Holy See	Supported
117.83. Continue its positive measures in advancing the rights of its minority groups, including Muslims, through the allocation of sufficient funding	Malaysia	Supported
117.87. Strengthen minorities' training for teachers in order to overcome such challenges as communication barriers due to language so as to integrate children of minorities into the local education system	Thailand	Supported
118.3. Step up efforts to provide equal access to education and health care to all children, irrespective of their immigration status	Philippines	Supported
<b>Roma people</b>		
117.80. Strengthen the efforts aimed at the full integration of the Roma	Algeria	Supported <sup>18</sup>

<sup>17</sup> **Addendum:** “Legislative improvements in this field will result from amendments to the Law on the Protector of Human Rights and Freedoms and Law on Prohibition of Discrimination that are currently being drafted. [...] Surveys of discrimination and public campaigns on legal protection set out by anti-discrimination legislation will continue, along with the establishment of records and database for all the reported discrimination cases.”



population and other minorities		
117.81. Continue the efforts started in order to fight against discrimination of minorities, especially Roma	Argentina	Supported
117.85. Implement the Strategy for Improvement of the Position of Roma and Egyptians in Montenegro 2012-2016	United States of America	Supported
117.86. Continue its efforts aimed at improving the human rights situation of the Roma population and resolve their precarious living conditions in camps, in close cooperation with international partners	Morocco	Supported
117.88. Continue to raise awareness of the needs of the Roma population, including children, and establish an adequate system that provides for their social and educational inclusion	Austria	Supported <sup>19</sup>
<b>Displaced and internally displaced persons</b>		
117.90. Assist the Roma and Ashkali persons displaced from Kosovo to allow them to obtain the necessary official documents to get permanent or temporary resident status in Montenegro	France	Supported <sup>20</sup>
117.91. Continue addressing the situation of displaced and internally displaced persons in a durable, sustainable manner, such as through the Strategy for Permanent Resolution of the Problems of displaced and internally displaced persons	Slovakia	Supported
117.92. Consider further extension for application resolving the status of displaced or internally displaced persons	Slovakia	Supported
117.93. Continue efforts to address the issue of IDPs with a view to finding a durable solution	Sri Lanka	Supported <sup>21</sup>
117.94. Take further steps to regulate the legal status of the IDPs with the focus on children born outside of health institutions	Czech Republic	Supported
117.95. Continue to expand efforts to register, document and subsequently integrate displaced and internally displaced persons into Montenegrin	Australia	Supported

<sup>18</sup> **Addendum:** “Montenegro will continue to implement activities aimed towards improvement of the position of minority nations and other minority national communities, particularly Roma and Egyptians. Already good legislative framework will be improved even further, while strengthening the existing institutions will ensure consistent implementation of strategic documents in this field. Measures for preserving the identity of minority nations that have been taken in certain fields of social life have resulted in full compliance with international standards and achievements of modern multi-national democracies.”

<sup>19</sup> **Addendum:** “A continuous upward trend in the number of Roma and Egyptian children in elementary schools has been recorded. Activities to prevent school drop-out have been undertaken by means of detection mechanisms and case management.”

<sup>20</sup> **Addendum:** “Recommendations have been implemented intensively over a longer period of time. Significant progress has been made concerning regulation of the legal status, in particular of IDPs from Kosovo. The competent authorities have continuously implemented activities to identify the most vulnerable persons in need of assistance with acquisition of documents and payment of administrative fees. The proposed law is in the Parliamentary pipeline; it extends the deadline for application for the status of foreigner with permanent residence until 31 December 2013.”

<sup>21</sup> **Addendum:** “The 2013 Action Plan has been adopted for implementation of the Strategy for Durable Solution to the Issues of DPs and IDPs, with particular emphasis on Konik area. The Plan includes a set of concrete activities and measures for 2013 pertaining not only to the status, but all other issues concerning full integration (employment, education, health and social insurance, housing, information campaigns etc). The Regional Housing Program envisages funds for resolving the housing problem of the most vulnerable categories (persons placed in informal collective centres and vulnerable persons living in private accommodation, with particular emphasis on the Konik Camp).”

society		
<b>Sexual and gender-based violence</b>		
117.30. Make further efforts to promote gender equality and protect all women and girls from all forms of violence	Brazil	Supported
117.38. Take all necessary legal and other measures to curb violence against women and to provide support for victims of violence against women, and their children	Germany	Supported
117.43. Complete the procedure of ratification of the European Convention on Preventing and Combating Violence against Women and Domestic Violence	Republic of Moldova	Supported
117.45. Continue and strengthen the efforts to combat against all kinds of gender violence and approve education and awareness-raising policies in that area	Spain	Supported
<b>SOGI</b>		
117.33. Further strengthen efforts to implement the principles contained in the Law on Anti-Discrimination, including by combatting discrimination against members of the LGBT community	Norway	Supported <sup>22</sup>
117.36. Take measures necessary to protect the rights of LGBT persons effectively and investigate and prosecute alleged cases of violence and discrimination against LGBT persons	Netherlands	Supported
118.8. Consider amending the Criminal Code so that hate crimes against LGBT persons are considered serious criminal offences or at least aggravating circumstances	Belgium	Supported
<b>Birth Registration</b>		
117.32. Continue the efforts to achieve an effective registration of all births, with special attention to children belonging to ethnic minorities	Holy See	Supported
119.11. Establish a simple and accessible procedure of birth registration to guarantee that all children have access to it	Brazil	Supported <sup>23</sup>

<b>Stateless persons</b>		
119.5. Ratify the 1961 Convention on the Reduction of Statelessness and take concrete steps at national level to prevent and eliminate the causes that lead to statelessness	Germany	Supported <sup>24</sup>
119.6. Ratify the 1961 Convention on the Reduction of Statelessness	Austria	Supported

<sup>22</sup> **Addendum:** “The Law on Prohibition of Discrimination particularly prescribes protection against discrimination on grounds of gender identity and sexual orientation. For that purpose, necessary measures will be taken to eliminate discrimination against LGBT. The Strategy for Improving the Quality of Life of LGBT persons will be adopted soon.”

<sup>23</sup> **Addendum:** “The currently applied procedure for subsequent birth registration in Montenegro is a universally accepted standard in the given field. This procedure safeguards the identity of each person for whom subsequent registration is required and prevents potential abuse, in particular with regard to potential child trafficking. Montenegro will endeavour, by means of appropriate amendments to the Law on Non-Contentious Proceedings, to simplify the procedure for subsequent registration of children born in Montenegro outside health institutions.”

<sup>24</sup> **Addendum:** “Montenegro will ratify the Convention on the Reduction on Statelessness 1961.”

## II. Treaty Bodies

### Committee on the Elimination of Discrimination against Women

Concluding Observations, (4 November 2011), [CEDAW/C/MNE/CO/1](#)

#### **Violence against women**

18. While noting the adoption of the Law on Protection from Family Violence, the Committee is concerned about the high incidence of domestic and sexual violence against women and girls; its underreporting; the lack of prosecutions, the limited use of protection orders; the lenient sentences imposed on perpetrators; the fact that marital rape is subject to private rather than ex officio prosecution; the absence of State-run shelters and psychosocial rehabilitation; the limited support for NGOs providing assistance to women victims of violence; and the lack of research and disaggregated data on violence against women.

**19. Recalling its general recommendation No. 19 (1992) on violence against women, the Committee urges the State party to:**

- (a) Ensure that all reports of domestic and sexual violence against women and girls are effectively investigated and that perpetrators are prosecuted and sentenced commensurate with the gravity of their crimes;**
- (b) Provide mandatory training to judges, prosecutors and police officers on standardized procedures for dealing with victims in a gender-sensitive manner and on the application of protection orders under the Law on Protection against Family Violence, expedite the adoption of implementing regulations under the Law and identify any gaps in the application of protection orders in criminal proceedings;**
- (c) Provide adequate assistance and protection to women victims of violence, in particular psychosocial rehabilitation and an adequate number of shelter facilities funded by the State party, as well as funding for NGOs that assist victims;**
- (d) Conduct research and collect comprehensive statistical data on violence against women, disaggregated by sex, age and relationship between the victim and perpetrator and carry out an in-depth analysis of the research and statistical data and utilize them to design policies and measures to combat violence against women; and**
- (e) Set a time frame for ratifying the Council of Europe Convention on preventing and combating violence against women and domestic violence (2011).**

#### **Trafficking and exploitation of prostitution**

20. While noting that the State party gives high priority to combating trafficking in human beings, in particular women and children, the Committee is concerned about the low number of prosecutions and the lenient sentences imposed on traffickers; the limited capacity of the competent authorities to identify (potential) victims of trafficking, including women and girls from vulnerable groups; and the lack of victim protection and compensation. It notes that the State party cooperates with only very few NGOs in implementing the National Strategy and the Action Plan for the Fight against Trafficking in Human Beings.

**21. The Committee recommends that the State party:**

- (a) Review its sentencing policy in trafficking cases and provide mandatory training for judges, prosecutors, and police officers on the appropriate application of article 444 of the Criminal Code and of relevant provisions on witness protection in the Criminal Procedure Code and the Witness Protection Law;**
- (b) Intensify training for immigration and other law enforcement officials on early identification of (potential) victims of trafficking, with a special focus on women and girls who are particularly vulnerable to trafficking such as Roma, Ashkali and Egyptian women, displaced women, and unaccompanied or street girls;**
- (c) Expedite efforts to establish a national mechanism for compensating victims of trafficking and strengthen programmes for their reintegration into society;**
- (d) Broaden the cooperation with NGOs in implementing and monitoring the National Strategy for the Fight against Trafficking in Human Beings and the related Action Plan and provide funding for anti-trafficking activities of NGOs;**
- (e) Provide information in its next periodic report on the number of temporary residence permits granted to trafficking victims, including where those victims are unwilling or unable to cooperate with the prosecution authorities; and**
- (f) Further intensify efforts to combat sexual exploitation of girls and boys.**

**Disadvantaged groups of women**

34. The Committee is concerned about multiple forms of discrimination against Roma, Ashkali and Egyptian women, the lack of birth registration or proof of such registration of many local and displaced/refugee Roma, Ashkali and Egyptian women placing them and their children at a risk of statelessness, and the lack of basic services and infrastructure in the Roma, Ashkali and Egyptian refugee camps in Konik. It also notes with concern that displaced/refugee women, including many Roma, Ashkali and Egyptian women, face difficulties in accessing the procedure for obtaining permanent residence status under the amended Law on Foreigners and the Strategy for Durable Solutions of Issues Regarding Displaced and Internally Displaced Persons in Montenegro (2011–2015) when they are unable to access certain documents needed to process such status.

**35. The Committee recommends that the State party:**

- (a) Adopt temporary special measures to eliminate the multiple forms of discrimination against Roma, Ashkali and Egyptian women, including in education, employment and health care, collect disaggregated data on the situation of Roma, Ashkali and Egyptian women, and include such information in its next periodic report;**
- (b) Effectively implement the Strategy for the Improvement of the Status of the Roma, Ashkali and Egyptian Community in Montenegro (2008–2012) and intensify efforts to improve women's and girls' access to basic services in the Roma, Ashkali and Egyptian refugee camps in Konik;**

- (c) **Strengthen the assistance provided to displaced/refugee women, including Roma, Ashkali and Egyptian women, in civil registration in Montenegro and cooperate with their countries of habitual residence to facilitate access to passports or other documents required for the status of foreigners with permanent residence in the State party; and**
- (d) **Consider ratifying the Convention on the Reduction of Statelessness.**

### **Committee on the Elimination of Racial Discrimination**

Concluding Observations, (13 March 2014), [CERD/C/MNE/CO/2-3](#)

#### **Relevant statistical data**

5. While noting the statistical data, based on the April 2011 census, provided orally by the delegation of the State party, the Committee regrets the delay in the processing of the data obtained from the census and the absence of disaggregated data it had requested previously on the socioeconomic situation and, in particular, the situation of the various ethnic minorities (art. 2).

**Recalling its revised reporting guidelines (CERD/C/2007/1), the Committee reiterates that disaggregated data on the ethnic or national origin and on the socioeconomic and cultural status of different groups are useful tools for assessing the representation of the various minority groups in public bodies and institutions that would enable the State party to enhance the equal enjoyment by all of the rights enshrined in the Convention. The Committee recommends that the State party analyse the data obtained during the 2011 census and provide the Committee with information on the ethnic composition of the population, disaggregated data on the socioeconomic situation in the State party, in particular with regard to the different ethnic groups, including persons of Roma, Ashkali and Egyptian origin.**

#### **Legislation prohibiting racist organizations**

7. The Committee notes the absence of legislation in the State party declaring organizations which promote and incite racial discrimination illegal (arts. 2 and 4 (b)). The Committee recommends that the State party amend its legislation to declare organizations that promote and incite racial discrimination illegal.

#### **Racist motivation as an aggravating circumstance**

8. The Committee is concerned that racial, national, ethnic or ethno-religious motivation is not regarded as an aggravating circumstance in determining the punishment of crimes (art. 4).

**The Committee recommends that the State amend the Criminal Code to include racial, national, ethnic or ethno-religious motivation as an aggravating circumstance when determining the punishment of crimes.**

#### **Stigmatization of and discrimination against persons of Roma, Ashkali and Egyptian origin**

11. The Committee is concerned at the negative attitudes, stigmatization and discrimination against people of Roma, Ashkali and Egyptian origin, in particular persons from Kosovo (arts. 2, 5 and 7).

**In accordance with its general recommendations No. 7 (1985) on legislation to eradicate racial discrimination (art. 4), No. 15 (1993) on organized violence based on ethnic origin (art. 4), No. 27 (2000) on discrimination against Roma and No. 30 (2005) on discrimination against non-citizens, the Committee recommends that the State party:**

- (a) **Organize human rights training for law enforcement officials, judges, teachers, medical staff and social workers in order to foster an awareness of tolerance, interethnic dialogue and harmony, on the basis of the Convention and relevant national legislation;**
- (b) **Conduct information campaigns for the general public focusing on the prevention of discrimination against persons of Roma, Ashkali and Egyptian origin;**
- (c) **Intensify efforts to end discrimination against persons of Roma, Ashkali and Egyptian origin, in particular those from Kosovo, in all spheres of public life.**

**Legal status of “displaced” and “internally displaced” persons**

12. While taking note of the strategies and action plans adopted by the State party to find a durable solution to the uncertain legal status of “displaced” persons (from the former Yugoslav republics) and “internally displaced” persons (from Kosovo) in Montenegro, the Committee is concerned that many such persons are at risk of becoming stateless. It is concerned that a number of “internally displaced” persons of Roma, Ashkali and Egyptian origin have difficulty obtaining certain personal documents required to apply for the status of foreigner under the Law on Amendments to the Law on Foreigners (arts. 2, 4, 5, 6 and 7).

**Recalling its general recommendation No. 30 on discrimination against non-citizens, the Committee recommends that the State party:**

- (a) **Simplify the procedure for “displaced” and “internally displaced” persons to qualify for the status of foreigner under the Law on Amendments to the Law on Foreigners;**
- (b) **Raise the awareness of the persons concerned in a simple, accessible and well-publicized manner about the importance of registering, having proof of registration or having documents for themselves and their children;**
- (c) **Enhance assistance to persons facing problems with the payment of administration fees and continue to organize bus visits in order to help them obtain the documents required to apply for foreigner status in Montenegro;**
- (d) **Establish a simplified birth registration procedure and issue documents to all persons born in the territory of the State party;**
- (e) **Devise a strategy and take administrative and judicial measures to register or retroactively register children born outside of established health institutions.**

**Housing situation of persons of Roma, Ashkali and Egyptian origin in the Konik camp**

13. The Committee is seriously concerned that persons of Roma, Ashkali and Egyptian origin who were “internally displaced” from Kosovo continue to live in deplorable conditions in the Konik camp near Podgorica, which is located on the site of a garbage dump and has been subject to flood and fire in the recent past. The Committee is particularly concerned that, despite the adoption of the strategy for durable solutions in 2011, the camp continues to lack basic utilities and services, such as electricity, running water and sanitation, and that the construction of housing for the inhabitants of the Konik camp has still not begun. The Committee is also concerned that the inhabitants of the camp live in de facto segregation (arts. 2, 3 and 5).

**Recalling its general recommendations No. 3 (1972) on reporting by States parties, No. 27 (2000) on discrimination against Roma and No. 30 (2004) on discrimination against non-citizens, the Committee recommends that the State party:**

- (a) Take urgent measures to improve the living conditions in the Konik camp and implement a sustainable strategy aimed at its prompt closure;**
- (b) Urgently begin building the 60 housing units for Konik residents that were announced for 2014 by the delegation of the State party, start construction of the other several hundred housing units without delay, and continue to ensure the availability of funds, including through fundraising with donors;**
- (c) Foster the local integration of persons of Roma, Ashkali and Egyptian origin, including the residents of Konik, in communities throughout the country and ensure that they are provided with adequate living and housing conditions, in order to avoid segregation.**

**Children of Roma, Ashkali and Egyptian origin in the educational system**

14. The Committee is concerned about the low rate of enrolment, low school attendance and high drop-out rate among children of Roma, Ashkali and Egyptian origin, especially after the age of 11, including for reasons of child labour, child marriage and forced marriage in the case of girls. The Committee is also concerned at the high number of Roma children living and working in the streets, which makes them vulnerable to trafficking and economic and sexual exploitation. In addition, the Committee is concerned at the lack of instruction in the Roma language and the de facto segregation of children of Roma, Ashkali and Egyptian origin studying at the Konik branch of the Božidar Vuković Podgoričanin school (arts. 2, 3, 5 and 7).

**In the light of its general recommendations No. 19 (1995) on racial segregation and apartheid and No. 27 (2000) on discrimination against Roma, the Committee recommends that the State party:**

- (a) Provide free education, textbooks and transportation to children of Roma, Ashkali and Egyptian origin in order to avoid segregation, ensure their integration in local educational facilities and close the Konik branch of the Božidar Vuković Podgoričanin school;**
- (b) Ensure that children of Roma, Ashkali and Egyptian origin without birth registration or identity documents do not suffer discrimination in accessing education and in the school environment;**
- (c) Intensify efforts to increase enrolment and reduce the drop-out rate among children of Roma, Ashkali and Egyptian origin, by raising the awareness of parents about the value of continued education for their children's long-term socioeconomic wellbeing and about the adverse consequences to their health and future prospects of child labour, child marriage and forced marriage;**
- (d) Enhance the enrolment of children of Roma, Ashkali and Egyptian origin in kindergartens and other preschool educational facilities in order to improve their knowledge of the Montenegrin language;**
- (e) Increase the use of Roma teaching assistants and mediators in schools and encourage teachers to consider dedicating part of the curriculum to the Roma language;**



- (f) **Monitor child labour, in particular in the informal and domestic sectors, and provide protection and information to children of Roma, Ashkali and Egyptian origin living in the street in order to prevent them from becoming victims of trafficking and economic and sexual exploitation.**

#### **Socioeconomic situation of persons of Roma, Ashkali and Egyptian origin**

15. The Committee is concerned at the difficult economic situation and high unemployment rate of persons of Roma, Ashkali and Egyptian origin in the State party due to their lack of qualifications and high levels of illiteracy, but also to direct and indirect discrimination. While noting that members of these minority groups are classified as “hard to employ persons” owing to their lack of qualifications and high illiteracy rate, the Committee is concerned that the members of these minority groups are also subjected to direct and indirect discrimination (art. 5).

**Recalling its general recommendation No. 27 (2000) on discrimination against Roma, the Committee recommends that the State party:**

- (a) **Monitor and remedy cases of direct or indirect discrimination against persons of Roma, Ashkali and Egyptian origin and take special measures to achieve equality for them in keeping with article 5 of the Law on Prohibition of Discrimination;**
- (b) **Strengthen efforts to increase the employability and employment of persons of Roma, Ashkali and Egyptian origin through adult literacy and vocational training programmes, and enhance affirmative action by implementing the active employment policy as well as by granting them tax exemptions, subsidies and interest free loans;**
- (c) **Raise awareness about the double discrimination against women of Roma, Ashkali and Egyptian origin in education, employment and health care, and take specific measures to address and overcome this form of discrimination.**

#### **Situation of asylum seekers**

16. The Committee is concerned at the delay in the opening of the reception centre for asylum seekers near Podgorica, which should have been operational by late 2011 (arts. 5 and 6).

**In the light of its general recommendation No. 22 (1996) on article 5 and refugees and displaced persons, the Committee recommends that the State party:**

- (a) **Provide asylum seekers currently living in private facilities with sufficient food and basic medical care;**
- (b) **Complete without delay the construction of the reception centre for asylum seekers near Podgorica, taking into account current numbers, and provide it with the necessary staff and facilities to enable it to function correctly.**

#### **Human Rights Committee**

Concluding Observations, (21 November 2014), [CCPR/C/MNE/CO/1](#)

#### **Discrimination on the grounds of sexual orientation and gender identity**

8. While welcoming various legislative and institutional measures adopted to protect the rights of lesbian, gay, bisexual and transgender (LGBT) persons, the Committee is concerned at the

prevalence of stereotypes and prejudices against LGBT persons. In this regard, it is particularly concerned about reports of acts of violence against LGBT persons and the lack of effective investigation and prosecutions. In particular, the Committee is concerned that human rights violations which occurred during the Budva and Podgorica Prides were not thoroughly investigated (arts. 2 and 26).

**The State party should intensify its efforts to combat stereotypes and prejudice against LGBT persons, including by launching a sensitization campaign aimed at the general public and providing appropriate training to public officials so as to put an end to the social stigmatization of LGBT persons. The State party should ensure that all reports of violence against LGBT persons are effectively investigated and that perpetrators of violence based on sexual grounds are prosecuted and sanctioned.**

### **Violence against women**

11. While noting the 2013 amendments to the Criminal Code which have introduced new security measures to protect women from domestic violence, the Committee notes with concern the continuing reports of gender-based violence, sexual harassment and domestic violence against women and children in the State party. The Committee is particularly concerned at reports of lack of investigation and prosecutions as well as lenient sentences imposed on perpetrators. Finally, the Committee is concerned about the lack of a sufficient number of shelters for victims of domestic violence (arts. 3, 7 and 24).

**The State party should adopt a comprehensive approach to preventing and addressing gender-based violence in all its forms and manifestations. In this regard, it should intensify its awareness-raising measures among the police, judiciary, prosecutors, community representatives, women and men on the gravity of domestic violence and its detrimental impact on the lives of victims. The State party should ensure that cases of domestic violence are thoroughly investigated and that the perpetrators are prosecuted, and if convicted, punished with appropriate sanctions, and the victims adequately compensated. The Committee should also ensure the availability of a sufficient number of shelters with adequate resources.**

### **Prohibition of torture and ill-treatment**

12. While welcoming the measures taken to combat and prevent cases of torture and ill-treatment committed by law-enforcement personnel, the Committee is concerned at the high number of reported cases of ill-treatment in detention centres and the low number of prosecutions of such cases (arts. 7 and 10).

**The State party should establish and reinforce the already existing mechanism to deal with allegations of ill-treatment. In this regard, the State party should ensure that law enforcement personnel receive training on investigating torture and ill-treatment, by integrating the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol) in all training programmes for law enforcement officials. The State party should ensure that allegations of ill-treatment are effectively investigated, alleged perpetrators are prosecuted and, if convicted, punished with sanctions commensurate with the seriousness of the crime, and that victims are adequately compensated.**

### **Trafficking in persons**

14. While taking note of the progress made with regard to combating trafficking in persons, the Committee is concerned at the prevalence of trafficking in persons, particularly of Roma, Ashkali

and Egyptian girls and women. The Committee is also concerned at the low number of prosecutions and the lenient sentences imposed on traffickers (art. 8).

**The State party should vigorously pursue its public policy to combat trafficking, in particular of Roma, Ashkali and Egyptian girls and women. It should continue its efforts to raise awareness and to combat trafficking in persons, including at the regional level and in cooperation with neighbouring countries. The State party should also train its police officers, border personnel, judges, lawyers and other relevant personnel in order to raise awareness of this phenomenon and the rights of victims. It should ensure that all individuals responsible for trafficking in persons are prosecuted and punished commensurate with the crimes committed, and that victims of trafficking are rehabilitated.**

**Rights of minorities, birth registration, refugees and internally displaced persons and early marriage**

17. While welcoming the efforts to address the challenges in the registration of births, the Committee is concerned about the frequent failure to issue birth certificates for Roma, Ashkali and Egyptian children. The Committee takes note of the Draft Law on Amendments to the Law on Non-Contentious Procedure, but regrets the lack of comprehensive strategy to identify children lacking birth registration and/or identity document, and to issue those documents retroactively (arts. 16 and 24).

**The State party should increase its efforts to improve birth registration and the provision of birth certificates, particularly among Roma, Ashkali and Egyptian children, through appropriate interventions such as awareness-raising programmes aimed at changing mindsets regarding the need to register births or obtain birth certificates. The State party should also take immediate measures to identify children lacking birth registration and/or identity document and to ensure retroactive birth registration and issuance of documents for these children.**

18. The Committee is concerned that displaced persons and refugees, in particular Roma Ashkali and Egyptians, are not provided with sufficient support to obtain official documents for the purposes of applying for permanent residence status under the amended Law on Foreigners. The Committee is also concerned at the lack of infrastructure and basic services in the Roma, Ashkali and Egyptian refugee camps. In particular, the Committee is concerned that, despite the adoption of a strategy in 2012 to provide housing to Roma, Ashkali and Egyptians, the construction of housing for the inhabitants of the Konik camp has still not begun (arts. 2, 12 and 26).

**The State party should pursue its efforts to facilitate access by displaced persons and refugees to the procedure for obtaining permanent residence status and to ensure equal access to social and economic opportunities in the State party. It should also adopt and implement a sustainable strategy, in consultation with Roma, Ashkali and Egyptians living in camps, to improve their living conditions and access to basic services. The State party is reminded that any relocation must be carried out in a non-discriminatory manner and must comply with international human rights standards, including the rights of individuals concerned to be fully informed and consulted, to an effective remedy, and the provision of adequate alternative housing.**

19. While welcoming the efforts to address the de facto discrimination against Roma, Ashkali and Egyptians, the Committee is concerned that they continue to face discrimination in accessing housing, employment, education, social services and participating in political life. The Committee is

also concerned at the persistence of child labour, particularly among Roma Ashkali and Egyptians, who are often engaged in harmful and exploitative labour, particularly in begging (arts. 2, 8, 24, 25, 26 and 27).

**The State party should take immediate steps, in consultation with the Protector of Human Rights and Freedoms, civil society organizations, and the Roma, Ashkali and Egyptians communities to improve their rights with regard to access to housing, health care, employment and their participation in the conduct of public affairs. The State party should redouble its efforts to eliminate child labour and should ensure that violations are effectively investigated and that those responsible are prosecuted and punished. The State party should also adopt sustainable strategies for providing support to families at risk of becoming victims of such practices and reinforce its awareness-raising campaigns.**

20. The Committee is concerned at reports of the persistence of early marriages in the State party, in particular among Roma, Ashkali and Egyptian communities (arts. 2, 3, 24 and 26).

**The State party should further strengthen measures to combat early marriage by pursuing community awareness-raising strategies focusing on the consequences of early marriages, in particular among Roma, Ashkali and Egyptian communities. The State party should also collect data on early marriages and provide it to the Committee in its periodic report.**

### **Committee on Economic, Social and Cultural Rights**

Concluding Observations, (15 December 2014), [E/C.12/MNE/CO/1](#)

#### **Data collection**

6. The Committee expresses concern that the State party has not provided sufficient disaggregated and detailed data in its report or its replies to the list of issues to allow the Committee to assess the impact of the measures taken by the State party to give full effect to the provisions of the Covenant or to measure the enjoyment of economic, social and cultural rights in the State party (art. 2).

**The Committee recommends that the State party:**

- (a) Set up a system to collect statistical data on the implementation of economic, social and cultural rights set forth in the Covenant, disaggregated by year, sex, age, urban/rural population, ethnic origin on the basis of anonymity and voluntary self-identification, disadvantaged and marginalized groups, and other relevant criteria, and include such statistical data in its next periodic report;**
- (b) Undertake regular and systematic assessments, against a clear set of indicators, of the level of enjoyment of all economic, social and cultural rights by various segments of the population, taking into account the conceptual and methodological framework for human rights indicators developed by the Office of the High Commissioner for Human Rights (HRI/MC/2008/3);**
- (c) Apply human rights indicators, particularly those related to economic, social and cultural rights, as part of its national development strategies.**

#### **Non-discrimination**

10. The Committee regrets the lack of comprehensive statistical data available to identify discrimination in the enjoyment of the Covenant rights on the basis of the different grounds outlined in article 2, paragraph 2, of the Covenant. In addition, while noting the adoption of amendments to the Law on Amendments to the Law on the Prohibition of Discrimination, in March 2014, the Committee is concerned that members of national and ethnic minorities, refugees, displaced persons, Roma, persons with disabilities, and members of other marginalized groups continue to face discrimination with regard to the enjoyment of their economic, social and cultural rights (art. 2, para. 2).

**The Committee recommends that the State party intensify its efforts to promote equality and combat discrimination against members of national and ethnic minorities, refugees and displaced persons, including persons of Roma, Ashkali and Egyptian origin, persons with disabilities, and other marginalized persons and groups, particularly in relation to their access to employment, social security, housing, health care and education. It also recommends that the State party ensure the systematic application of anti-discrimination legislation, taking due account of all prohibited grounds for discrimination as contained in article 2, paragraph 2, of the Covenant and elaborated in the Committee's general comment No. 20 (2009) on non-discrimination in economic, social and cultural rights.**

#### **Unemployment**

12. While noting the measures taken by the State party to combat unemployment, such as vocational employment programmes for university graduates, the Committee remains concerned at the high unemployment rate, particularly among young people and in the northern region, and at the high rate of long-term unemployment.

**The Committee recommends that the State party intensify its efforts to reduce the unemployment rate through an effective employment policy that includes requalification, local employment initiatives, the granting of loans to promote entrepreneurship, and placement initiatives. The Committee also recommends that the State party take special measures, such as tax benefits for employers, to promote the employment of persons from marginalized groups, particularly in rural areas. The Committee urges the State party to establish objectives on an annual basis for the employment of persons with disabilities and to collect reliable data on the extent of their unemployment.**

#### **Just and favourable conditions of work**

14. The Committee is concerned at reports of violations of the right of workers to remuneration and regular payment of their social and health contributions in the private sector, as well as at the practice of non-conversion of fixed-term contracts to indefinite contracts in spite of the requirements of the Labour Act in this regard. It also expresses concern at the inadequate capacity of the Directorate for Inspection Affairs, including the Labour Inspectorate, to regularize the informal economy, to sanction employers who violate the Labour Act, and to prevent occupational accidents and diseases (arts. 6 and 7).

**The Committee urges the State party to take effective measures to ensure that private companies respect their obligations to guarantee the right of workers to remuneration and regular payment of their social and health contributions, as well as their right to an indefinite contract as stipulated in the Labour Act. The State party should also increase the resources and the capacity of the Directorate for Inspection Affairs, including the Labour Inspectorate, to regularize the informal economy and to effectively ensure just and favourable conditions at work through the implementation of both preventive and punitive measures.**

### **Trafficking in persons**

18. While noting the measures taken to combat trafficking in persons, including the creation in September 2013 of the new post of national coordinator on trafficking in persons, the Committee remains concerned at the low number of prosecutions and the lenient sentences imposed on traffickers, the limited capacity of law enforcement authorities to identify victims of trafficking, and the lack of protection and compensation provided to victims (art. 10).

#### **The Committee recommends that the State party:**

- (a) **Take further measures to ensure the protection of victims and effective investigation and prosecution of perpetrators of trafficking, including adequate training of law enforcement officials and members of the judiciary;**
- (b) **Strengthen the collection of data on the victims, perpetrators, investigations and sanctions in relation to trafficking in persons, including on the sanctions imposed on law enforcement officials involved in trafficking;**
- (c) **Provide adequate medical, legal and social assistance to victims of trafficking, and ensure their access to judicial remedies, including compensation.**

### **Early and forced marriages**

19. The Committee is concerned that the practices of early and forced marriage are still prevalent within certain communities (art. 10).

**The Committee recommends that the State party strengthen its measures to combat the practices of early and forced marriage, in particular among the Roma, Ashkali and Egyptian communities, including by raising awareness about the prohibition of early and forced marriages and about the negative consequences of these practices. The State party should also collect data on such practices, disaggregated, inter alia, by age, sex, and ethnicity or nationality.**

### **Housing**

22. The Committee is concerned at the lack of information available on the number of persons who are homeless or inadequately housed, as well as at the lack of shelters for homeless persons. Additionally, while noting the adoption of the Law on Social Housing and a project to identify durable solutions for residents in the Konik camp, the Committee is seriously concerned that Roma communities continue to live in the camp and other informal settlements in environmentally polluted areas with deplorable conditions, without access to basic utilities and services such as electricity, running water and sewage (art. 11).

#### **The Committee recommends that the State party:**

- (a) **Collect data on the number of persons who are homeless or inadequately housed and periodically evaluate the effectiveness of housing policies;**
- (b) **Take policy and financial measures to expand the availability and quality of social housing for homeless persons and low-income families;**

- (c) **Accelerate the implementation of the project to identify durable solutions for residents in the Konik camp and ensure that all displaced persons have access to adequate and affordable housing with, inter alia, legal security of tenure, safe drinking water, adequate sanitation, and electricity, including by improving the conditions of existing settlements or by constructing new social housing units.**

### **Right to health**

23. The Committee expresses concern at reports of the low quality of public health-care services, of informal payments being provided by patients to health-care practitioners, of insufficient oversight of public procurement in the health-care sector, and of obstacles being faced by persons of Roma, Ashkali and Egyptian origin who do not have regulated legal status to effectively access health-care services. It is also concerned that persons in need of mental health care but not requiring hospitalization are nevertheless placed in psychiatric hospitals due to an absence of alternatives (art. 12).

#### **The Committee recommends that the State party:**

- (a) **Increase its budgetary allocations to the health sector to improve the quality of public health-care services, and take effective measures to counter corruption in the health-care sector;**
- (b) **Ensure that all individuals have access to health-care services, including by ensuring that those who do not have regulated legal status are in possession of the necessary documents;**
- (c) **Increase the availability of adequate alternatives to psychiatric hospitals and ensure that persons who do not require further treatment are placed in more appropriate settings.**

### **Right to education**

25. The Committee regrets the lack of disaggregated data on school enrolment and drop-out rates at various levels of education. It expresses concern at reports of a low rate of enrolment, low levels of school attendance, a high drop-out rate and low educational attainment among children of Roma, Ashkali and Egyptian origin, and a lack of enrolment of children with disabilities in mainstream schools (arts. 13 and 14).

#### **The Committee recommends that the State party:**

- (a) **Collect disaggregated data on school enrolment and drop-out rates at various levels of education, including in relation to children with disabilities, asylum-seekers, refugees, and displaced persons, that is also disaggregated by sex and national or ethnic origin, to identify obstacles to accessing and continuing education and to devise appropriate strategies;**
- (b) **Intensify its efforts to ensure that all children of Roma, Ashkali and Egyptian origin have access to education, including by ensuring that they have access to birth registration or identity documents, by providing free primary education, textbooks and transportation, by raising awareness among parents of the value of continued education for their children's long-term socioeconomic prospects, and by increasing the number of Roma teaching assistants and the use of the Roma language in schools;**
- (c) **Ensure that all children with disabilities have access to quality and appropriate education.**



## **Committee on Enforced Disappearances**

Concluding Observations, (16 October 2015), [CED/C/MNE/CO/1](#)

### **Non-refoulement**

22. The Committee, while welcoming the fact that an appeal postpones the execution of an order of extradition, notes that it has not received information in this respect concerning decisions of expulsion or deportation. The Committee also notes that it has not received information on the criteria applied in the framework of procedures of expulsion, return, surrender or extradition or on whether the appeals procedure for rejected asylum applications provides for a substantive review of the facts. In addition, the Committee observes that domestic law does not provide for a specific legal prohibition of refoulement when there are substantial grounds for believing that a person would be in danger of being subjected to enforced disappearance (art. 16).

**23. The State party should ensure that the appeals procedure for extradition also applies to cases of expulsion or deportation. The State party should consider explicitly incorporating into its domestic legislation a prohibition on carrying out an expulsion, return, surrender or extradition when there are substantial grounds for believing that the person involved would be in danger of being subjected to enforced disappearance.**