

UPR Pre-sessions

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# Roma position in Montenegro

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Issue I

Roma rights  
on:  
**access** to  
education and  
right to  
education in  
the **mother  
tongue**

Issue II

Civil and  
political rights  
of Roma in  
Montenegro

Issue III

Statelessness  
in Montenegro

## Presented issues

UPR 2018: 14 recommendation on Roma inclusion

Education 3 - realized 0 | Statelessness 1 - realized 0/1 | Political rights 0 - realized 0

## Issue I

Access to education and right to education in the mother tongue

## Roma situation in Montenegro ISSUE I

- **No procedure (responsibility) for organizing school transport** (about 250 children do not attend classes at the beginning of each school year for the first 2 months)
- There is **no affirmative action for college enrollment** and free education for Roma students
- The **right to education in mother tongue is denied** and not respected in accordance with the European Convention on Regional and Minority Languages

## RECOMMENDATIONS

### ISSUE I

Access to **primary and university** education

and

right to education in the **mother tongue**

## Roma situation in Montenegro ISSUE I

- I. Take measures to achieve **factual equality of Roma students** with children from other national and social communities to access basic education and upbringing.
- II. Eliminate discrimination and its further repetition, in such a way that the Ministry of Education will without delay **adopt and implement the appropriate Act on organizing school transport** for Roma children who are denied enrollment in the nearest primary schools in accordance with Protocol 12 of the European Convention on Human Rights.
- III. Take concrete measures to create preconditions and opportunities for **Roma children to be educated in their mother tongue** in accordance with the European Charter on Regional and Minority Languages.
- IV. **Amend and supplement the Law on Higher Education**, which will define **affirmative action** for students from the Roma community when enrolling in colleges.

## Issue II

## Civil and political rights of Roma

### Roma situation in Montenegro ISSUE II

- The Law on the Election of Councilors and Members of Parliament does **not guarantee an equal opportunity** for Roma to exercise their right to parliamentary and councilor mandate.
- The Law on the Election of Councilors and Members of Parliament **does not allow equal right to Roma on authentic political representation** in accordance with the **principle of affirmative action** provided in the Constitution of Montenegro (Article 73) and the UN Declaration on the Rights of Members of National or Ethnic, Religious and Linguistic Minorities from 1992.

## RECOMMENDATIONS

### ISSUE II

## Civil and political rights of Roma

### Roma situation in Montenegro ISSUE II

- I. Redefine existing electoral solutions to enable effective application of the principle of affirmative action in the candidacy procedure and election of political representatives of minorities.
- II. Adopt amendments to Article 94, paragraph 1, point 2 of the Law on the Election of Councilors and Members of Parliament (the legal principle of the right to one parliamentary mandate, which for now only applies to members of the Croatian nation) to realize the general principle of non-discrimination in political participation of the Roma community.

## Issue III

**SDP** and access to rights and Children's right to birth registration and to a nationality

### Roma situation in Montenegro ISSUE III

- Inflexible application requirements and no evidentiary rules to assess statelessness established in law
- Applicants do not have the right to work nor access other rights or assistance
- Only 9 people have been recognised stateless since 2018
- Legal status of ID Roma has not yet been resolved. In Podgorica, more than 400 persons without legal status.
- **No guidance for determining the child's nationality status** in case when one of the parents doesn't have an identification document or the mother has abandoned them. Practice shows that **children aren't enrolled in birth registration** accordance with UNHCR's recommendations.

## RECOMMENDATIONS

### ISSUE III

**SDP and access to rights and Children's right to birth registration and to a nationality**

## Roma situation in Montenegro ISSUE III

- I. Take concrete steps to facilitate access to the statelessness determination procedure - SDP for all stateless persons in Montenegro, regardless of their residence status, and ensure its implementation is harmonized across the territory and in line with UNHCR guidance and good practice.
- II. Amend the Law on Foreigners to allow for persons recognized as stateless to be automatically granted a residence permit and all rights protected under the 1954 Convention relating to the Status of Stateless Persons.
- III. Ensure that policies and practices relating to birth registration take into account UNHCR guidance and remove all practical barriers to birth registration, with a particular focus on minority groups including Roma and Egyptian communities.
- IV. Ensure that children's nationality status is determined as soon as possible after birth to ensure that otherwise stateless children born in Montenegro acquire a nationality.



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Thank you!

