

Submission by Society for Threatened Peoples

Contact Person: Ulrich Delius

asien@gfbv.de

+49 (0)551-49906-0

www.gfbv.de

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Montenegro

1. When Montenegro gained independence on 3 June 2006, the joint state union with Serbia as the successor of the Federal Republic of Yugoslavia was ended. That same year, Montenegro was approved as a member of the United Nations, the Organization for Security and Co-operation in Europe (OSCE), and the Council of Europe. Today Montenegro is recognized under international law and has been included in numerous international organizations.
2. According to the census in April 2011 ca. 625,000 people live in Montenegro: 45% Montenegrins, 29% Serbs, 8.6% Bosniaks, 3.3% Muslim, 5% Albanians, 1% Croats and 1% Roma. In 2010, 6.8% of Montenegro's population lived below the poverty line (170€/month). In 2008 it was 4.9%.

The legal situation of refugees living in Montenegro

3. A rough total of 12,000 refugees are living in Montenegro. The Bureau for the Care of Refugees differentiates between Internally Displaced Persons (IDPs - these are mostly persons who fled from Kosovo during the war in 1999) and Displaced Persons (DPs - mostly ethnic Serbs from Bosnia-Herzegovina and Croatia who fled to Montenegro between 1991 and 1995). Since both groups did not cross any recognized borders during their flight, Montenegrin authorities do not consider these people refugees. The United Nations High Commissioner for Refugees (UNHCR), on the other hand, considers both groups to have been refugees at the time of their arrival.¹ For that reason we will use the term refugee in our report when talking about both, Internally Displaced Persons and Displaced Persons. In October 2011, 3,776 Displaced Persons and 9,367 Internally Displaced Persons were registered. About 3,000 IDPs belong to the minorities of Roma, Ashkali and Egyptians.
4. Many refugees are still living in sub-standard dwellings, struggle with rental costs (those who live in private accommodations), or fear evictions from illegally occupied facilities (so-called 'informal collection centres'). Amendments enacted in 2009 caused a change in refugee policy in Montenegro. All refugees were required to register as either permanent or temporary foreign residents. The registration deadline has been moved from 7 November 2011 to 31 December 2012, as many refugees had not been able to collect the necessary papers from their country of origin in time, due to financial and bureaucratic obstacles. The OSCE and UNHCR organized tours to Kosovo to help the affected IDPs to acquire the papers they need. The status as a

permanent foreign resident is supposed to provide the refugee with access to the labour market and health care. A temporary foreign resident supposedly enjoys the same rights as a permanent foreign resident for three years. During this time they can collect the necessary papers for a permanent registration.

5. Registered foreign residents have by law access to the same rights as Montenegrin nationals – except for the right to vote. In practice, however, they do not have the right to own real estate and have only a limited access to employment and education. The rights of temporary foreign residents are severely limited in the fields of employment and medical care. In July 2011 a new strategy to deal with the problems of DPs and IDPs was introduced. It is as yet still too early to evaluate the results.
6. The Montenegrin constitution and laws prohibit discrimination based on race, sexual orientation, gender, disability, language or social status. However, the government has not been able to effectively enforce these prohibitions. Despite the passing of the law in July 2010, the ombudsman and his office do not have enough human, technical, and financial resources to implement the law. Also, the individual and collective rights of minorities, which are protected by the constitution, are limited. For these reasons, Roma are still deprived of the access to social benefits and are strongly affected by persistent social discrimination.

The situation of the minorities

7. The members of minorities suffer most heavily from the limited access to the labour market. In 2010 legislation was enacted that allowed refugees the right to work (in 2000 they had been deprived of that right by law), in praxis however, the access to the labour market remains difficult – especially for members of ethnic minority groups. Lack of language skills, poor education and discrimination by employers are the largest hurdles in the labour market for minorities. According to data from the United Nations Development Program (UNDP), in 2009 70% of the minority population were illiterate, 50% unemployed and 30% were living below the poverty line.
8. Roma particularly suffer from the unequal access to education, housing, employment and medical care. Most of them live in extreme poverty. Roma experience widespread social prejudice and lack political representation. Most Roma from Kosovo live in the Camps Konik I and II in the suburbs of Podgorica. In 2010 2,450 Roma, Ashkali and “Egyptians” (RAE) lived in the two camps. They live in poverty and under extremely precarious conditions. There is neither medical care nor sanitation facilities. The camps mainly consist of barracks that were set up by the International Red Cross in 1999. Since then, there have barely been any renovation works around the camps. Lots of the barracks are falling apart and cannot be repaired as the refugees do not have the resources to make them. Health and safety are at stake in this environment. In winter, there are no heating facilities within the barracks, in the summer the camps are dry and dusty, and when it is raining mud and debris are washed into the huts. Snakes and rats live between – and inside – the barracks. One Romani man living there informed the European Roma Rights Centre (ERRC) that his hut was burned down due to faulty electrical connections. His two little daughters were killed during the fire. The Municipality of Podgorica provided him with 1,000 Euros to rebuild the hut, but according to him, this does not cover the actual cost.

9. Roma face even more challenges and problems on the education sector. According to the Roma Education Fund, only about 25% of Roma children of school age go to primary school (as opposed to nearly 97% from the majority society). And no more than 18% of the Roma kids remain in school until the end of primary school (only 2% of the majority population drop out of primary school). One reason for the high drop-out rate and the generally low rate of pupils from Roma families lies in the discrimination they face in the school system. More than 20% of Roma pupils are placed in de facto segregated schools or classes (often they have to visit schools for mentally disabled children). Also, there are no Romani teachers, or school books in the Romani language. Poverty and sub-standard housing are major problems for the school participation and performance of Roma children. Due to the lack of electricity, the children do not have the possibility to study in winter. Many cannot afford to buy school supplies and the transportation to school is oftentimes too expensive for Roma families. According to the government, the low numbers are a result of the parents' behaviour: They do not want their kids to go to school; especially girls are to stay at home and get married at an early age.
10. In Montenegro, elementary school is free and mandatory. The government, however, does not adequately monitor the school attendance of Roma children. Another problem is the inadequate provision of school books to children from families receiving social assistance, orphans, special social cases as well as RAE children. The ombudsman criticises that the government is often late handing out the books – especially to pupils in higher classes. The ombudsman must be provided with enough human, technical and financial resources to implement the government's strategies. There also needs to be an autonomous institution monitoring the implementation.
11. Children belonging to the RAE minorities oftentimes start to work (at home or in the streets) at a realtive young age. Children as young as seven years old have to help support the family income doing a variety of work. Typically, they wash car windows, collect scrap metal, or sell old newspapers. Because of the prevailing poverty, many children are forced by their parents or other relatives to go begging in the streets. In 2010, 332 children beggars between the ages of 10 and 16 years were registered by the authorities. According to the report of the ombudsman, the registered beggars were almost exclusively non-Montenegrin nationals.
12. In 2009, the Montenegrin authorities spent about 600,000 Euro on the improvement of the situation of the minorities. Furthermore, the government appointed a new national coordinator and established a commission to examine the implementation of the strategy. However, the government's intentions did not lead to any practical improvements in the minorities' situation. In 2011, a budget of 325,000 Euro was provided by the government for the implementation of the plan – significantly less than envisaged by the strategy-plan. In August 2011, the government created incentives to persuade private employers to hire RAE. But also in the public sector, in the government administration, the judiciary, and state-owned economic enterprises, minorities are significantly underrepresented. Montenegrins, who constitute less than half the population, hold about 79% of the public administration positions. The government of Montenegro has to follow through, emphasize and promote the

implementation of their strategy of Roma inclusion more closely and thoroughly. The minorities must be granted access to education, better health care, public housing and employment. More programs and measures by the government are needed to enhance the societal recognition of the refugees and minorities in Montenegro. The majority has to be informed and educated about the culture and history of the Roma and other minorities. Stereotypes must be fought and corrected as to improve the minorities' situation. This can be achieved e.g. via (school) education, the media or public events.