



General Assembly

Distr.
GENERAL

A/HRC/WG.6/3/MNE/3
25 September 2008

Original: ENGLISH

HUMAN RIGHTS COUNCIL
Working Group on the Universal Periodic Review
Third session
Geneva, 1-15 December 2008

**SUMMARY PREPARED BY THE OFFICE OF THE HIGH COMMISSIONER FOR
HUMAN RIGHTS, IN ACCORDANCE WITH PARAGRAPH 15 (C) OF
THE ANNEX TO HUMAN RIGHTS COUNCIL RESOLUTION 5/1**

Montenegro *

The present report is a summary of seven stakeholders' submissions¹ to the universal periodic review. It follows the structure of the general guidelines adopted by the Human Rights Council. It does not contain any opinions, views or suggestions on the part of the Office of the High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. Lack of information or focus on specific issues may be due to the absence of submissions by stakeholders regarding these particular issues. The full texts of all submissions received are available on the OHCHR website. The periodicity of the review for the first cycle being four years, the information reflected in this report mainly relates to events that occurred after 1 January 2004.

* The present document was not edited before being sent to the United Nations translation services.

I. BACKGROUND AND FRAMEWORK

A. Scope of international obligations

1. Human Rights Action (HRA) noted that the Convention on the Rights of Persons with Disabilities, signed in 2007, has still not been ratified.²
2. Sexual Rights Initiative (SRI) expressed concern about limited direct implementation of international standards as the primacy of international standards is provided only in “legislation” but not in “law”(which includes Constitution and legal provisions), so that misinterpretations are to be expected in the practice of courts and other state bodies. There is no explicit recommendation in the Constitution that ratified international human rights treaties should be implemented in line with the practice of international bodies.³ SRI recommended incorporating all international human rights treaties ratified by the State in national law.⁴

B. Constitutional and legislative framework

3. According to HRA, the new Constitution adopted in October 2007 fails to attain the level of human rights guarantees previously provided by the Charter of Human and Minority Rights of Serbia and Montenegro and to provide for effective guarantees of independence of the judiciary. While, the Constitution guarantees the right to compensation of damage caused by publication of incorrect information in variance with the European standard of freedom of expression and the national Law on Obligations, it omits the right of habeas corpus, prohibition of imprisonment due to non-fulfilment of contractual obligations, prohibition of inhuman and degrading punishment, guarantee of the right to life, full guarantees of the right to defence and fair trial in compliance with the European Convention of Human Rights, right to an effective legal remedy.⁵
4. Furthermore, Amnesty International (AI) expressed concerns regarding the restrictive definition of the term “minorities”, which provides inadequate protection against discrimination and indicated that the new Constitution uses the term “minority national communities” whereas a pre-independence Law on Minority Rights and Freedoms, 2006, does use the term “minority”. However, there is no national community in Montenegro representing a majority in absolute terms, which makes defining “minorities” or “minority national communities” rather difficult.⁶ As noted by AI, the Law on Minority Rights and Freedoms, adopted on 10 May 2006, had envisaged positive discrimination with regard to election rights of minorities; however, on 11 July 2006, the Montenegrin Constitutional Court subsequently annulled those respective articles of the law, arguing that they were not in line with the Constitution in force at that time. The new Constitution does envisage affirmative action and representation of minorities in national and local state administrative bodies. However, these constitutional provisions still have to be implemented in national legislation providing effective protection against discrimination of minorities and their representation. AI notes that a harmonization of the existing Law on Minority Rights and Freedoms and the new Constitution is still due, especially given Montenegro’s ethnically diverse society, in which none of the various national groups forms the majority.⁷

C. Institutional and human rights infrastructure

5. HRA maintained that in addition to the judiciary, the Constitutional Court and the police, national human rights institutions exist in terms of Ombudsman, parliamentary committees for Human Rights, gender equality, defense and security, and the Council for the Civilian Control of the Police. Although the capacity and impact of those institutions vary, from the police and

judiciary on the rather negative side of the scale to the Ombudsman on a positive one, noting that none can be considered as an uncompromised promoter of human rights.⁸

6. During his official visit to the country in June 2008, the Council of Europe Commissioner for Human Rights noted that since its independence, Montenegro has invested considerable efforts to upgrade its legislative and institutional framework, while emphasizing the crucial need for the effective translation of these standards into practice. He prioritized freedom of the media, the functioning of the judiciary and the unresolved situation of refugees in the country. Other areas highlighted included the situation of national minorities, in particular the Roma population, detention and imprisonment, police abuse and effective complaints mechanisms, rights of persons with disabilities and national human rights mechanisms including the Ombudsman.⁹

II. PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND

A. Implementation of international human rights obligations

1. Equality and non discrimination

7. According to HRA, a general anti-discrimination act has not yet been adopted, despite a good draft developed by the Government with the assistance of the OHCHR office in Montenegro in 2005. On a positive side, the Constitution prohibits “any direct and indirect discrimination on any ground and provides“ for affirmative action (positive discrimination) favoring vulnerable groups in unequal position on any grounds. The adopted Gender Anti-Discrimination Act is of more programatic nature according to HRA, with no firm obligations and sanctions for its breach. An important Act for the Employment of Persons with Disabilities has been awaiting adoption since 2005. The Draft Law on the Protection of Persons with Disabilities from Discrimination approved by the Government in 2007 remains to be adopted.¹⁰

8. HRA reported that the Governmental Draft Labor Act needs to be amended regarding anti-discriminatory treatment of women and men especially regarding the right to maternity leave, equal pay guarantees, protection of pregnant women (an employer should not be allowed to require proof of not being pregnant before applying for a job), prohibition and protection from sexual harassment and mobbing.¹¹

9. As highlighted by AI, article 7 of the Law on Minority Rights and Freedoms notes that Roma are not sufficiently integrated into the social and political life and that, therefore, the Government should adopt a strategy aiming at promoting decent living conditions and their full integration. In Montenegro, AI described the situation of the Roma as dire, noting that their basic human rights, including economic and social rights, are violated more than for any other national group. A large number of Roma houses and sheds in settlements have no electricity, water supply or sewage system.¹² The European Roma Rights Centre recommended that the authorities in Montenegro protect the human rights of Roma, and investigate and strongly condemn racial discrimination and other violations.¹³

10. Regarding the LGBT population, ASZ highlighted that no attention is dedicated to their status and rights nor have any notable measures been taken in order to create a more tolerant and safe environment for their life, work and action. No individuals or groups are publicly declaring themselves as members of the LGBT community.¹⁴ According to ASZ, family law defines both marital and extramarital union as a union of a man and woman, which means that couples of the same sex cannot have a right to alimony and other rights which are granted to members of extramarital union.¹⁵ SRI recommended including explicit mention of sexual orientation as a

protected category against discrimination in the existing laws on Labour and Employment, and the legislation on hate speech and hate crimes.¹⁶

2. Right to life, liberty and security of the person

11. According to HRA, from September 2006 until the end of 2007, 29 cases of ill-treatment by police officers were reported that had not resulted in indictments by the year's end. Criminal proceedings against police officers for extortion of evidence, ill-treatment and torture are instituted relatively rarely. Verdicts are reached in a small number of reported cases only to be followed by admonitions, suspended sentences and fines. Disciplinary procedure for misuse of office and exceeding official powers as stipulated in the *Law on Civil Servants and Employees* is seen as a more lenient alternative to criminal procedures although they are of a different nature and should be conducted in parallel.¹⁷

12. HRA reported that the State prosecutor's office was inefficient and ineffective in acting on torture reports. It referred to the case of a torched Roma settlement in Danilovgrad (1995), where the Committee against Torture found a violation of the Convention against Torture by the State and ordered, in addition to the payment of just compensation, an effective investigation of responsible police officers. The investigation was not conducted. There was no investigation into mass beating of prisoners in Spuz Prison by special units of the Interior Ministry on 1 September 2005. As for the criminal charges for police torture filed on 14 September 2006 by ethnic Albanians charged with terrorism (police operation "Eagle's Flight"), the prosecution opened an investigation against five police officers as late as October 2007. Media reports led to a conclusion that the police did not cooperate efficiently with the prosecutor's office. By the end of 2007, the persons who reported torture had not yet been informed that an investigation had been initiated. The only investigation that has been initiated was on the basis of reports of ill-treatment of the father of one of the indictees (who died in the meantime). This situation is especially problematic as the criminal trial for terrorism is coming to its end whereas the torture allegations have not been processed.¹⁸

13. Regarding the protection of rights of the LGBT population, ASZ referred to cases of torture, threats and physical assaults towards some NGO activists.¹⁹ SRI reported on human rights violations perpetrated by the police against gay individuals and stated that those cases have been registered in which members of the police have on several occasions used the term "faggot" to abuse prisoners, including in cases of serious torture. In other cases, prisoners have been threatened with being left at the mercy of "faggots" if they did not confess to a particular crime that the police wanted them to.²⁰

14. GIEACPC noted that corporal punishment is lawful in the home. There is no specific recognition of a "right" to administer corporal punishment in the Penal Code (2004) but corporal punishment is not explicitly prohibited. Corporal punishment is prohibited in schools and in the penal system. There is no explicit prohibition of corporal punishment in alternative care settings.²¹

15. HRA noted that specific legislation on domestic violence has been under governmental consideration since 2005.²² ERRC reported that interviews conducted by the organisation 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'. Some Romani women reported being forced to remain in abusive relationships due to their inability to make a living on their own.²³

16. Highlighting the problem of overcrowding in prison system, the European Committee for the Prevention of Torture recommended that the authorities take measures to develop and implement a comprehensive policy designed to combat prison overcrowding, in light of the CPT's comments and standards developed by the Council of Europe.²⁴

3. Administration of justice, including impunity, and the rule of law,

17. According to HRA, the reform of the judiciary is on its way, judges are no longer to be appointed by the Parliament but by a Judicial Council. However, the appointment of prosecutors and Constitutional Court judges still waits to be disburdened from a decisive majority vote of politicians. The judiciary is inefficient and largely ineffective in protecting human rights, and impartiality and professionalism among members of the judiciary is still exceptional.²⁵

18. HRA noted that the Draft Criminal Code has deficiencies regarding right to defence from the very moment of someone being "criminally charged" in terms of the ECHR art. 6, as it provides for the assistance of a lawyer from the moment of the first interrogation, although a person may be detained for hours before that occurs.²⁶

19. A special concern for HRA in view of overall respect for human rights in Montenegro is a climate of impunity surrounding controversial murders, war crimes, torture incidents, threats and physical assaults on NGO activists and journalists. There has been some progress towards improving the situation of members of vulnerable social groups, but without satisfactory pace and effective results.²⁷

20. AI provided information that there has been no progress in the criminal proceedings against six police officers indicted in February 2006 for the enforced disappearance of at least 83 Bosniak civilians from Montenegro to Bosnia and Herzegovina, where they were handed over to the Bosnian Serb army and subsequently extra-judicially executed. In related civil proceedings brought by the victims' families, in 25 out of 38 first instance decisions, Montenegro was found responsible for the enforced disappearance or death of the Bosniak civilians, and compensation was awarded to the survivors of the deportation or to family members for the death of their relatives. The state appealed each decision. The appeal court rejected the finding that the authorities had violated the relatives' right under Article 3 of the ECHR in failing to provide information on the fate and the whereabouts of the disappeared. AI is concerned over both the degree of political obstruction in this case and the inefficiency of the court proceedings, noting that sixteen years on, impunity for this crime continues. Given the slow speed at which Montenegro dealt with another war crime falling under its jurisdiction, AI remains seriously concerned about the continuing impunity for this crime. The prosecutor's office in Podgorica did initiate criminal proceedings against six police officers alleged to have been directly involved in the enforced disappearances. However, no charges were filed against more senior figures widely believed to also have been involved.²⁸

21. In another case reported by AI, the District Court in Bijelo Polje opened an investigation in February 2007 into the actions of 12 officers and soldiers of the Podgorica Corps of the former Yugoslav Army suspected of killing at least 20 ethnic Albanian refugees from Kosovo, among them one child and an elderly woman, in Kaluđerski Laz and other villages near Rožaje during the 1999 NATO intervention. In December 2007, the same court opened an investigation into accusations that seven former Montenegrin military and police members committed war crimes against Bosniaks in 1992 and 1993 in the region of Bukovica, at the border with Bosnia and Herzegovina. According to the head of the Bukovica organization which campaigns for the investigation of war crimes in the region, six people were killed, 74 were tortured and 24 out of

the 39 villages in the region were ethnically cleansed. Hundreds were forced to flee Bukovica, never to return again, after homes were torched, and three mosques were robbed and set on fire. In June 2008, both investigations were completed. It is now up to the State Prosecutor's Office to decide if indictments will be issued.²⁹

22. Another unresolved chapter of Montenegro's wartime legacy of crimes against civilians, as reported by AI, is linked to the events in the Morinj and Kumbor camps, just outside Herceg Novi. Between October 1991 and at least May 1992, the Yugoslav People's Army held over 300 Croatian prisoners there, almost all of them civilians. Eight died, allegedly as a consequence of torture or from hunger. The Dubrovnik Court in neighbouring Croatia issued ten arrest warrants, some of them for Montenegrin citizens in connection with these events. However, despite a cooperation agreement between the Croatian and the Montenegrin State Prosecutors after Montenegrin independence in 2006, no progress has been made for the arrest and the extradition of these individuals.³⁰

23. HRA reported that there is no information on the opening up of the investigation into war crimes committed during the attacks on Dubrovnik in 1991-1992 when the shelling of the city resulted in over 80 civilian casualties, over 400 injured persons, over 11,000 damaged buildings, a large number of which was under UNESCO protection at the time. The attack was the responsibility of the Yugoslav Army, the territorial defence forces of the Republic of Montenegro, the Ministry of the Interior of the Republic of Montenegro, and volunteer units composed mostly from Montenegrin citizens. War crimes committed during the attack resulted only in the conviction of the General P. Strugar by the ICTY to eight years in prison.³¹ AI called on the Government to investigate all other reports of war crimes that happened on its territory or that were reportedly carried out by or against its citizens; bring to justice the perpetrators and cooperate with neighbouring countries as necessary to bring the perpetrators to justice.³²

4. Right to privacy, marriage and family life

24. HRA reported that, in violation of the right to privacy, Article 230 of the Criminal Procedure Code provides the police with the authority to require telecommunication companies to provide information on identity of telephone and mobile phone numbers which have established contact and the duration of such contact (so called "metering") without a warrant issued by the court and without any other mechanism of control of the use of such authority. It also provides the police with the authority to take away a PC for a check-up, without a warrant or any other control mechanism over the scope and manner of exercise of such authority. In the meantime, the Government has formulated an Action Plan for Combating Corruption that explicitly allows the police to conclude direct agreements with telecommunication companies to guarantee them direct access to their databases, and the police has confirmed in a letter to the NGO MANS that they have indeed already concluded such an agreement with "M-tel" company for mobile telephone communications. The new Draft Criminal Procedure Code does not provide for such police authority without a court order, but also does not explicitly mention the practice of "metering", and if the current law and concluded agreements on the subject are not challenged, they would most likely continue to be enforced even under the new Code, if and one the one is adopted.³³

5. Freedom of movement

25. The lack of personal documents for a number of Montenegrin Roma presents a serious obstacle to the enjoyment of numerous human rights, as reported by ERRC. This is particularly the case with Romani displaced persons and refugees in Montenegro. 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 only have temporary refugee IDs without any other personal documents of permanent nature.³⁴

6. Freedom of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life

26. HRA noted that although the Criminal Code has been amended not to include prison sentence for defamation, there is still the possibility for a person accused of defamation not paying the penalty to go to prison. The Criminal Code of Montenegro still prescribes as crimes violation of the reputation of Serbia and Montenegro (S&M), of a member state, of nations, national and ethnic groups of S&M, or of a foreign state or an international organization, including offending flags, coat of arms and national anthems of states and international organizations.³⁵

27. HRA recommended that the Constitution, Criminal Code and Code of Obligations should be amended to incorporate all international standards of freedom of expression in relation to defamation, especially standards developed by the jurisprudence of the European Court of Human Rights in relation to difference between societal status of plaintiffs - state bodies, politicians, public figures, etc. The Constitution proclaims a right to award of damages for publication of incorrect information, which is not in accordance with either the national Code of Obligations or international standards of freedom of information. The Constitution emphasizes the right to protection of "honor, reputation and dignity" but, although it does protect freedom of media and prohibits censorship, fails to emphasize that freedom of expression encompasses the right to receive information and ideas in accordance with the formulation of freedom of expression in art. 19, para. 2 ICCPR. HRA notes that as there is no limit in Montenegro for award of damages for defamation, dubious sums have been awarded.³⁶

28. HRA reported that the draft Electronic Communications Act diminishes the autonomy of the current Agency for Radio-Diffusion, competent for deciding on allocation of frequencies to media. The Draft Act currently awaiting adoption in the Parliament transforms the currently independent agency into a governmental body. There is still no act providing for transparency and prohibiting concentration of ownership in media.³⁷

29. According to AI, well-known journalists have been physically attacked since the second half of 2007. The killing in 2004 of the editor of *Dan* newspaper and, in 2006, of the bodyguard of a writer, are still unsolved. On 1 September 2007, the director of Podgorica daily *Vijesti*, was assaulted and seriously injured reportedly by three persons in downtown Podgorica. After the attack, he told reporters that he believed it was a politically motivated attack, in response for *Vijesti's* negative coverage of alleged government corruption and mafia influence. On 10 December 2007, the trial of two persons who confessed to attacking the director began in the Podgorica Lower Court. One month later, each was sentenced to four years of imprisonment. However, according to eyewitnesses the sentenced men were not the perpetrators. The victim is convinced that both men are innocent and were offered money for their confessions.³⁸ No one has yet been indicted in connection with the October 2006 murder of the bodyguard of a prominent writer and president of the Doclean Academy of Arts and Science, as noted by AI. The attackers also inflicted serious injuries on the writer himself, who has speculated that his most recent novel, which dealt with cigarette smuggling and the nexus between politics and organized crime, had provoked the attack. The killing in 2004 of the director and editor-in-chief of the leading opposition daily *Dan*, continued to be a concern, despite the controversial

December 2006 acquittal of the person charged with the crime. In 2005, a police official investigating this death and other unresolved killings was himself killed.³⁹

30. AI called on the Government to address effectively and without further delay politically motivated attacks against journalists and other human rights defenders, including by undertaking prompt, thorough, and impartial investigations into these crimes and bring those responsible to justice.⁴⁰ SRI recommended passing a law for the protection of human rights defenders, followed by proper training for law enforcement personnel and the creation of mechanisms that will allow civil society to monitor human rights violations against human rights defenders and to act against them immediately, with full support of the relevant state bodies.⁴¹

7. Right to social security and to an adequate standard of living

31. SRI reported that according to the official information, around 12 per cent of the population lives in complete poverty, while 20 per cent is economically endangered and in a zone of increased risk of poverty. The unemployment rate was around 12 per cent by the end of 2007 and the number of unemployed non-residents has grown by about 68 per cent in comparison to the previous period (23.000 people). The average salary in 2007 has increased by about 20 per cent.⁴² in comparison to the previous period.

32. According to ERRC, a significant proportion of Roma living in Montenegro are unemployed and live in poverty. The effects of extreme poverty are particularly noticeable amongst Romani refugees and displaced persons. Unemployment or involvement in the informal sector is particularly widespread amongst Romani women. There is a scarcity of jobs available for Roma, as well as racial discrimination in both hiring procedures as well as within the workplace. Children often need to work instead of or besides going to school, which hinders their education and places their health at risk. 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.⁴³

33. ERRC also noted that many Romani women report 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”. Many Roma also cannot afford medical treatment and medicines not covered by their insurance.⁴⁴

34. The ERRC research results indicate that a number of health practitioners reportedly complain about having to treat Roma, claiming that they 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 discriminatory treatment they suffer when accessing medical services. Romani displaced persons and refugees often do not have valid health insurance cards and other personal documents, which enables them to access health care in state institutions. Some of them have difficulties with the national language, reporting problems in communicating with health practitioners, and not receiving adequate explanations and instructions from doctors.⁴⁵

35. The ERRC research suggests that most Romani women do not have adequate information on reproductive rights and cannot access and/or afford adequate advice and treatment. Moreover,

an interviewee alleged a case of sterilization undertaken without her full informed consent: she was allegedly 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.⁴⁶

36. Regarding the right to housing, AI reported that in 2007, the Nikšić local authorities demolished two sheds forming a settlement inhabited by 32 Roma, including 22 children. There was no plan as to where to accommodate the citizens after the demolition. The Red Cross eventually provided them with tents, which were set up on the site of the previous settlement, but the authorities warned them twice to remove the tents. These people continue to live in derelict sheds, located in the proximity of the former settlement, which do not provide the most basic living conditions.⁴⁷

37. AI called on the Government to do their utmost to implement the plans to ameliorate the desperate situation of the majority of the Romani population as quickly as possible.⁴⁸

8. Right to education and to participate in the cultural life of the community

38. HRA maintained that elementary education has still not been provided for a significant population of Roma children and not enough has been done to suppress a regular and massive school drop-off. Except for Albanian, education in minority languages has not yet been provided. Children and students with disabilities still suffer from exclusion from officially proclaimed inclusive education at all levels.⁴⁹

39. Regarding early drop out rates of Romani children, the major contributing factors relate to 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 in Montenegro live in extreme poverty, under highly substandard living conditions. Under these conditions, 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. 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. The ERRC noted that drop out rates are especially prevalent amongst Romani girls.⁵⁰

40. ERRC noted that 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 available 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. 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. 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.⁵¹

41. ERRC recommended that the authorities in Montenegro prioritize education in its Roma-related policies.⁵²

42. SRI noted that the introduction of “civic education” lessons in primary and secondary schools two years ago significantly contributes to developing a society which cherishes a culture of human rights. However, SRI considers that even though significant attention is paid to minorities, tolerance, solidarity and gender equality in the curriculum and textbooks, the status and promotion of the rights of sexual minorities is not addressed at all. On the other side, civil society has developed several alternative and very successful educational programmes on human and minority rights that include references to LGBT rights.⁵³

9. Migrants, refugees and asylum-seekers

43. AI highlighted the particularly worrying situation of Roma who came to Montenegro as refugees from Kosovo. According to UNHCR figures from June 2008, as noted by AI, some 4,300 Roma, Ashkali, and Egyptian refugees are still living in Montenegro, usually sharing the same plight as other refugees from Kosovo. They are caught in a legal limbo, having no citizenship. The main problem for refugees in Montenegro is their lack of legal status. Refugees displaced from Kosovo have the status of internally displaced persons in Montenegro.⁵⁴ AI provided information that, according to the UNHCR, a small percentage of those remaining in the country are still considering voluntary repatriation to Kosovo. However, the vast majority would prefer to be integrated in Montenegro due to their long-term residence in the country, but because of their current status they still do not enjoy full and free access to employment and social welfare. Despite Montenegro’s “Strategy for Resolving the Issues of Displaced Persons in Montenegro, 2005”, and the continued efforts of the international community to promote integration, the authorities so far largely failed in issuing refugees with personal documentation to ensure that they have access to social, economic, civil and political rights.⁵⁵

III. ACHIEVEMENTS, BEST PRACTICES, CHALLENGES AND CONSTRAINTS

N/A.

IV. KEY NATIONAL PRIORITIES, INITIATIVES AND COMMITMENTS

N/A.

V. CAPACITY-BUILDING AND TECHNICAL ASSISTANCE

N/A.

Notes

¹ The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org. (An asterisk denotes a non-governmental organization in consultative status with the Economic and Social Council.)

Civil society

AI

Amnesty International*, London, UK.

ASZ	Aleksandar Sasa Zekovic, Podgorica, Montenegro
GIEACPC	Global Initiative to End All Corporal Punishment of Children, London, UK.
ERRC	European Roma Rights Center*, Budapest, Hungary.
HRA	Human Rights Action, Podgorica, Montenegro.
SRI	The Sexual Rights Initiative, Buenos Aires, Argentina, jointly with Mulabi - Latin American Space for Sexualities and Rights, Action Canada for Population and Development*, Creating Resources for Empowerment, Action-India, and others (joint submission).

Regional intergovernmental organization

COE	Council of Europe, Strasbourg, France, submission consisting of: <ul style="list-style-type: none">- Parliamentary Assembly, Documents on the Accession of the Republic of Montenegro to the Council of Europe (Report and opinion, Doc. 11205 and 11204, 12 March 2007; Opinion, Doc. 11207, 29 March 2007; Opinion No. 261 (2007), 17 April 2007)- Report to the Government of Serbia and Montenegro on the visit to Serbia and Montenegro carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), May 2006, CPT/Inf (2006) 19- Interim response of the Government Serbia and Montenegro to the report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) on its visit to Serbia and Montenegro, May 2006, CPT/Inf (2006) 18- Replies of the Government of Serbia and Montenegro to the Secretary General of the Council of Europe in response to his letter under Article 52 of the ECHR, 5 April 2005 and 21 February 2006.- Table of treaties signed- European Social Charter fact sheet- Commissioner for Human Rights, Press release, 6 June 2008.
-----	---

² HRA, 1-2.

³ SRI, p.3; see also HRA, p.1; ASZ, p.3.

⁴ SRI, p.3.

⁵ HRA, p.1; see also SRI, p.2; AI, p.3

⁶ AI, p.3 ; see also HRA, p.1.

⁷ AI, p.3.

⁸ HRA, p.4.

⁹ COE Commissioner for Human Rights, Press release, 6 June 2008.

¹⁰ HRA, p.1.

¹¹ HRA, 1-2.

¹² AI, p.5.

¹³ ERRC, p.5.

¹⁴ ASZ, p.2.

¹⁵ ASZ, p.3; see also SRI, p.4.

¹⁶ SRI, p.4.

¹⁷ HRA, p.5.

¹⁸ HRA, p.5.

¹⁹ ASZ, p.2; see also for information on individual cases.

²⁰ SRI, p.6 and ASZ, p.5, including for information on individual cases..

²¹ GIEACPC, p.2.

²² HRA, 1-2.

²³ ERRC, p.4, see also for information on individual cases.

²⁴ CPT, para. 270; 308. The State provided a response to the CoE CPT on these recommendations; see CoE Interim response of the Government Serbia and Montenegro to the report, p.54, 59.

²⁵ HRA, p.4.

²⁶ HRA, p.3.

²⁷ HRA, p.3, for information on individual cases see HRA, p. 5.

²⁸ AI, p.3-4; see also HRA, p.4.

²⁹ AI, p.4.

³⁰ AI, p.4.

³¹ HRA, p.4.

³² AI, p.6.

³³ HRA, p.3.

³⁴ ERRC, p.5.

³⁵ HRA, p.2.

³⁶ HRA, p.2.

³⁷ HRA, p.2-3.

³⁸ AI, p.5-6; see also HRA, p.4.

³⁹ AI, p.6; see also for more information on individual cases. See also HRA, p.4.

⁴⁰ AI, p.7.

⁴¹ SRI, p.7.

⁴² SRI, p.1.

⁴³ ERRC, p.4; see also AI, p.5.

⁴⁴ ERRC, p.3.

⁴⁵ ERRC, p.3-4.

⁴⁶ ERRC, p.4.

⁴⁷ AI, p.5.

⁴⁸ AI, p.7.

⁴⁹ HRA, p.4.

⁵⁰ ERRC, p.2.

⁵¹ ERRC, p.3, see also for information on individual cases.

⁵² ERRC, p.5.

⁵³ SRI, p.4.

⁵⁴ AI, p.5. See also COE Commissioner for Human Rights, Press release, 6 June 2008.

⁵⁵ AI, p.5.
