



**International Convention on
the Elimination of All Forms
of Racial Discrimination**

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Committee on the Elimination of Racial Discrimination

**Information received from Montenegro on follow-up to the
concluding observations on its combined fourth to sixth
periodic reports***

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* The present document is being issued without formal editing.



Follow-up information relating to paragraph 15 (e) of the concluding observations (CERD/C/MNE/CO/4-6)

1. As of 1 April 2020, IDPs submitted a total of 10,191 applications for obtaining permanent and temporary residence permits of up to three years. Out of this number, 10,025 applications have been considered, while 166 applications are pending.
2. Of the 10,025 resolved applications, applications were granted for 7,852 persons and they obtained permanent or temporary residence for up to three years, 262 applications were rejected, while 1,911 cases were dismissed/suspended (due to double or incomplete applications).
3. In order to establish mechanisms for cooperation in resolving the status issues of internally displaced persons from Kosovo residing in Montenegro, in the part of subsequent registration in the basic registers (birth, marriage and death) and the register of citizens of the Republic of Kosovo, in 2013 an Agreement was signed between the Government of Montenegro and the Government of the Republic of Kosovo on the subsequent registration of internally displaced persons from Kosovo residing in Montenegro in the basic registers and the register of citizens of the Republic of Kosovo.
4. In accordance with this Agreement, the combined mobile biometric teams of the Ministry of Interior of Montenegro, Ministry of Interior-Kosovo's Civil Registration Agency, UNHCR and the NGO "Legal Center" are intensively providing legal and practical assistance to these persons residing in Montenegro.
5. With the support of the UNHCR and the OSCE, 22 visits of the Kosovo's mobile team were organized, covering 1,380 persons.
6. This number of persons is divided into three categories, being as follows:
 - (a) Completed applications – persons who received the travel permits of Kosovo-1.221;
 - (b) Pending applications for 39 persons;
 - (c) Suspended applications – persons who deceased or moved – 120.

Follow-up information relating to paragraph 15 (f) of the concluding observations

7. Pursuant to the Law on Birth Registry, the birth of a child whose parents are unknown is registered with the Birth Registry in a municipality where the child was found. The registration is made on the basis of the executive decision of the guardianship authority, which includes name, surname, gender and place of birth. The place where the child was found is registered as the place of birth. The executive order of the guardianship authority is made on the basis of the record made upon finding a child. The record, accompanied by the decision, is forwarded to a competent officer.
8. Pursuant to the Law on Administrative Procedure, when carrying out the procedure of registering a child with the Registry of Birth, in cases where the mother does not possess the identification document, all means suitable for establishing the facts can be used as an evidence on a case by case basis, such as documents, statements of witnesses and parties, findings and opinions of court expert witnesses, interpreters and inspection. Well-known facts, facts known to a public authority and legal assumptions need not be proven.
9. If a negative decision has been brought on the registration of a child with the Birth Registry pursuant to the Law on Administrative Proceeding, a party has the right to a judicial protection pursuant to the Law on Extrajudicial Proceedings.

10. In accordance with the aforementioned, the conditions for exercising the right of universal registration of the birth registration have been fully created, for all children without exception, which is also the objective pursued by the Ministry of the Interior.

11. In addition, the Ministry of the Interior, in cooperation with the Association “Parents”, recognized in the Montenegrin public for taking care of the rights of parents and children, has completed the production of brochure describing 4-step Infant Registration Booklet. The initiative was also supported by the UHNCR, which provided the funds for the translation of the brochure into Albanian and Roma languages and its printing. Based on this brochure, the parents are instructed on the procedure and steps they need to pursue for the purpose of registering their child with the Birth Registry immediately after birth. This guide for parents was implemented in line with the Ministry of Interior’s efforts to serve as a good and efficient service to citizens, to simplify procedures and make all relevant information easily accessible. The Family Law prescribes protection for the children abandoned by their mothers.

Follow-up information relating to paragraph 25 of the concluding observations

12. Pursuant to the latest data issued by the State Prosecution Service, two criminal charges were brought against three persons for hate crimes, resulting in three convictions for the criminal offense – Endangering safety referred to in Article 168 paragraph 1 of the Criminal Code in connection with Article 42a, (“aggravating circumstance”) imposing a prison sentence of seven months on one person, and charging them for committing a criminal offense – Violent behavior under Article 399 of the Criminal Code for the criminal offense – serious bodily injury under Article 151 in connection with Article 42a and they received the prison sentence of one year and seven months, or the prison sentence of one year and nine months.

13. State Prosecution Service instituted a pre-criminal procedure against three persons for the criminal offense – Torture referred to in Article 167 of the Criminal Code.

14. One person was charged and remitted for the criminal offense Violation of Equality under Article 159 of the Criminal Code of Montenegro.

15. A pre-criminal proceeding has been instituted for the criminal offense – Inciting national, racial and religious hatred under Article 370 of the Criminal Code, against one person.

16. Due to the criminal offense – Violent behavior at a sporting event or public gathering referred to in Article 399a of the Criminal Code of Montenegro, five persons have been reported to the State Prosecution Service, and against one person an indictment has been filed and the court proceeding is pending, while the pre-criminal proceeding is ongoing for four persons.

17. From August 2018 from submitting conclusions to present, only one criminal proceeding has been instituted before the competent court that has been qualified as the racial discrimination. This case was instituted before the Basic Court in Podgorica, for the criminal offense Violation of equality referred to in Article 159 paragraph 1 of the Criminal Code of Montenegro, and the trial is pending.

18. There have been no civil cases brought before the courts under the Law on Prohibition of Discrimination (Basic Racial Discrimination), while misdemeanor charges (Law on Public Order and Peace) have been elaborated in this Report.

19. As it can be concluded based on this Report, racial discrimination in Montenegro exists at the level of isolated cases.

20. The Supreme Court of Montenegro, as the highest judicial authority in the country, remains committed to creating a legal space that prohibits discrimination on any basis, including racial discrimination.

21. We also support all campaigns aimed at raising public awareness of the general public, especially towards members of the Roma, Ashkali and Egyptian communities, asylum seekers, refugees and internally displaced persons.
