



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

Distr.: General
12 February 2014

Original: English

**Committee on the Elimination of Racial Discrimination
Eighty-fourth session**

Summary record of the 2270th meeting

Held at the Palais Wilson, Geneva, on Thursday, 6 February 2014, at 10 a.m.

Chairperson: Mr. Calí Tzay

Contents

Consideration of reports, comments and information submitted by States parties under article 9 of the Convention (*continued*)

Second and third periodic reports of Montenegro (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent *within one week of the date of this document* to the Editing Unit, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.14-40668 (E) 100214 120214



* 1 4 4 0 6 6 8 *

Please recycle A symbol consisting of three arrows forming a triangle, used to encourage recycling.



The meeting was called to order at 10.05 a.m.

**Consideration of reports, comments and information submitted by States parties
under article 9 of the Convention** *(continued)*

*Second and third periodic reports of Montenegro (continued) (CERD/C/MNE/2-3;
CERD/C/MNE/Q/2-3)*

1. *At the invitation of the Chairperson, the delegation of Montenegro took places at the Committee table.*
2. **Mr. Šofranac** (Montenegro) said that, at one point, there had been some 120,000 to 140,000 refugees in Montenegro, equivalent to approximately 20 per cent of the population, which had placed a heavy social and economic burden on the State. There were currently some 16,000 refugees in the country on various legal grounds – 11,000 from Kosovo and 5,000 from Bosnia and Croatia primarily. As to the distinction between displaced and internally displaced persons, the former came from internationally recognized countries, primarily Bosnia and Croatia, while the latter were Kosovans, who were treated as internally displaced persons because at the time of their arrival Montenegro and Serbia had formed the State Union of Serbia and Montenegro and they had therefore been considered to be from the same country. He agreed that it was perhaps no longer appropriate to still refer to them as internally displaced, but the term had been retained and was accepted by the Office of the United Nations High Commissioner for Refugees (UNHCR) and the delegation of the European Union to Montenegro. It was a complex issue given the political dimensions of the relationship between Serbia and Kosovo. It was hoped that discussions on the refugee issue would be finalized by 2016–2017.
3. He stressed that there had never been any ethnic cleansing in Montenegro. The ethnic backgrounds of the displaced persons who had arrived in Montenegro were very diverse, including Serbs, Croats, Muslims, Bosnians, Roma, Egyptians Bosniaks and Albanians.
4. The Government had enacted important legislation in that area, including the laws on aliens, on Montenegrin citizenship and on asylum, and had also adopted a number of strategies and action plans defining the competences of the institutions. Montenegro also participated in many regional initiatives, including the Sarajevo Process together with Serbia, Bosnia and Croatia, in an effort to find lasting solutions to issues related to refugees and displaced persons.
5. Under the Sarajevo Process, funds were provided to construct housing for the most vulnerable categories of persons. Two waves of projects had already been completed, including the construction of a home for elderly refugees in Montenegro. As part of the next wave, there were plans to build 900 residential units and 60 prefabricated houses in Montenegro. The units would be built in a number of towns as well as in and around the Konik camp, which currently housed some 1,400 Roma from Kosovo. The situation of the people in the camp was a major concern for the Government. Several ministries, the Montenegrin Red Cross and various non-governmental organizations had been working to raise awareness of the situation of that population. Some 18 months previously there had been a huge fire in the camp, destroying the homes of 800 residents. Within four months, a prefabricated settlement had been built to replace part of the housing. More recently, a donation of 100 containers had been received from the United States of America, which would provide housing for a further 300 people. Those were medium-term solutions until the planned residential units were constructed.
6. On the question of persecution, he said that, with the exception of some Roma who had been persecuted in Kosovo, all those who had come to Montenegro had done so of their own accord and continued to live there voluntarily. It was not possible for them to acquire

dual nationality, as Montenegro had not concluded the necessary agreements with the countries of origin. However, displaced persons were entitled to apply for a special legal status under the Aliens Act. Not all had done so, however, as they feared that they would lose some of the rights they continued to exercise in their countries of origin. It was for individuals to freely decide whether they wished to avail themselves of the opportunity to have the same status as Montenegrin citizens. There were no restrictions on freedom of movement in Montenegro.

7. A new 65-bed centre had been built to accommodate asylum seekers, primarily women and children. As part of the negotiations with the European Union, action plans had been drawn up to deal with the issue of asylum seekers. The Government was aware that the influx of asylum seekers was seasonal, and that there was a need to provide alternative accommodation at certain times. It was working in cooperation with UNHCR and the European Union in that regard.

8. **Ms. Ademović** (Montenegro) said that displaced and internally displaced persons had the right to obtain permanent or temporary residence in Montenegro. The deadline for applying for residence had been extended several times, and the latest deadline has been set at December 2014. Some 3,400 displaced and internally displaced persons had not yet applied to regulate their status. The State had coordinated with the regional technical group within the Sarajevo process to remove all obstacles to registration of displaced and internally displaced persons. Displaced persons from Bosnia and Croatia could apply through their diplomatic and consular representatives in Montenegro. The Government had created the necessary legislative framework and applied the European Convention on Nationality and the Convention on the Reduction of Statelessness. All the necessary conditions were thus in place for the long-term settlement of those categories of persons and the elimination of the risk of statelessness.

9. Every effort was being made to identify the most vulnerable persons who required assistance to obtain documents from their countries of origin. Six thousand persons had benefited from a programme that organized group trips to Kosovo to obtain identity documents. The Ministry of Labour and Social Welfare and the agency for refugees and displaced persons conducted awareness-raising campaigns to inform the people concerned about the necessary procedures.

10. A new Aliens Act was currently being drafted, which would provide for a shorter procedure for foreigners to apply for work permits. Under the law on Montenegrin citizenship, citizenship could be acquired if applicants were over 18, had had a continuous legal stay of more than ten years in the country, had not been convicted in their country of origin to a sentence of more than 1 year, and there were no other security-related impediments.

11. **Ms. Milić** (Montenegro), replying to questions on the education of Roma and Egyptian children from the Konik camps, said that there had been a 400 per cent increase in school enrolment among those groups in the past ten years. Efforts were focused on inclusion rather than integration. Over the past six years, a growing number of children had been enrolled in schools in the town and no longer in the camp school. Free textbooks were provided and two vans had been made available to transport the children to and from school. A system of Roma mediators was being used to support the children's education, ensuring that they attended school, helping to communicate with the parents, and assisting the children with their homework. The number of Roma children attending high school had increased, and there was a system of scholarships to encourage that trend. There were plans to start a mentorship programme for Roma students in high school. Affirmative action was taken to ensure that Roma students had access to academic and vocational training. Adult literacy activities were also organized, and the year before some 270 Roma and Egyptian

adults had participated. There were also preschool and early learning programmes for Roma and Egyptian children.

12. **Ms. Šuković** (Montenegro) said that the Roma and Egyptian population was generally poorly educated and unqualified, which meant their employment prospects were limited. The Government used the opportunity of public works and seasonal labour requirements to provide jobs for those groups. Employers were given incentives in the form of subsidies for employing Roma and Egyptian workers, very few of whom, however, were on full-time or permanent contracts.

13. **Ms. Velimirović** (Montenegro) said that there had been two cases of incitement to racial hatred in 2011, one of which had resulted in a conviction and the other in acquittal. There had been a further two cases in 2013, one of which had been dismissed and the other discontinued. Incitement to racial hatred, including genocide denial, was a crime subject to a penalty of between 6 months and 5 years' imprisonment; both legal entities and individuals were liable. The reasons for the low number of court cases might include victims' fear of reporting offences, a low level of awareness of human rights or simply the general absence of discrimination. As to the low conviction rate, the judiciary was fully independent and the delegation could therefore not comment on its rulings.

14. With respect to the case of war crimes against prisoners in the Morinj camp, the case was pending following a complaint, but one part had already been tried, resulting in the sentencing of four people to prison terms ranging from 1 to 4 years. A number of other cases of war crimes had ended in acquittals.

15. Regarding a victim's position before the court, under the Criminal Procedure Code, if the State prosecutor dropped a case, the victim or a subsidiary prosecutor could institute private legal proceedings. There was a compensation scheme for victims of discrimination, available through criminal or civil proceedings. No information was available on cases in which the Convention had been directly invoked by the courts. However, the Constitution established the supremacy of international law, and the Criminal Code was regularly updated to bring it in line with international standards. The criminal procedure law clearly provided that all persons deprived of their liberty had to be informed of the details of their case in a language they understood. Court interpreters were made available. As to the number of ethnic minorities among persons deprived of their liberty, according to the most recent statistics, there were a total of 1,106 prisoners in Montenegro, 872 of whom were Montenegrin, followed by Serbs, Muslims, Croatians and a small number of Russians and other nationalities.

16. **Ms. Djonaj** (Montenegro) said that police oversight was conducted at three levels: internally, by Parliament and by civilians. An internal oversight unit had been set up in 2009 within the Ministry of Internal Affairs, while at the parliamentary level matters were dealt with by the Security and Defence Committee. At the civilian level, there was the Council for Civic Control of the Work of Police.

17. The Ministry of Internal Affairs had adopted a Code of Police Ethics, which set out a series of rules governing police work. Moreover, the Police Directorate had organized training courses, seminars and workshops with a view to developing personal, professional and institutional integrity within the police force.

18. Turning to the issue of trafficking in persons, she said that, in 2009, a tripartite commission had been established with representatives from the Supreme Court, the Public Prosecutor's Office and the Police Directorate. The commission was responsible for collecting statistics and submitting them on a monthly basis to the Office for the Suppression of Trafficking in Persons, which published the data on its website.

19. **Mr. Delić** (Montenegro), in response to questions about the protection of minorities, said that there were three very important institutions serving that purpose in Montenegro, including the Centre for Preservation and Development of Culture of Minorities and the Minority Fund, which offered grants to NGOs, individuals and councils for the realization of projects linked to minority languages and culture.

20. In response to questions on discrimination, he said that lawsuits alleging discrimination could be filed either by the victims or by an NGO acting on their behalf.

21. **Mr. Avtonomov** asked whether the Romani language was taught in schools, and whether Roma people had access to textbooks, magazines and newspapers. If not, it might be worth cooperating with the Russian Federation, which could provide textbooks in Romani. He also wished to know whether affirmative action had been taken to ensure the principle of non-discrimination towards the Roma, and whether there were any Africans living in Montenegro.

22. **Mr. Lindgren Alves** wished to know whether children from mixed marriages could choose their nationality without fear of discrimination, particularly from religious leaders. He also asked whether Roma graduates who had entered the workforce suffered from discrimination as a result of their ethnic background. Lastly, he wished to know whether training was provided to judges to ensure that they did not hold prejudices.

23. **Mr. Numanović** (Montenegro) said that children from mixed marriages were considered to be citizens of Montenegro. The Government, through its presidency of the Decade of Roma Inclusion 2005–2015, was working to encourage Roma children to enrol in school, but required donations and further assistance from the international community if it was to succeed in improving conditions for Roma people in Montenegro.

24. **Mr. Delić** (Montenegro) said that no Romani teaching was provided in Montenegro, partly because the Roma people were scattered across the country and could not attend classes in which everybody would understand the language, but also because there was no standardized form or staff qualified to teach it. With the exception of asylum seekers, there were no Africans living in Montenegro.

25. As children could not provide information during a census, it was the responsibility of parents to agree on their child's ethnic background. There was, however, no obligation to disclose ethnicity, religion or mother tongue, as that was considered to be very personal information. Parents also had the power to choose their child's language of instruction. Montenegro was a secular state, meaning that children who wished to attend religious classes would have to do so outside the national education system.

26. Responding to the question about Roma graduates, he said that scholarships were offered to all Roma students, including those in secondary school. There had recently been an exhibition in Geneva to celebrate the success of 33 high-achieving members of the Roma community.

27. The Government allocated a large portion of its budget to the education, social welfare and health care of displaced and internally displaced persons. It had also borne many of the costs related to the Konik camp, including construction fees and utility bills. Apart from the right to vote, foreigners in Montenegro were granted the same rights as nationals. With regard to the training of judges and prosecutors, a body called the Judicial Training Centre had been set up to provide permanent training with a view to eliminating any potential prejudice or discrimination.

28. **Mr. Kut** asked whether there were legal consequences to being classified as a displaced or internally displaced person in terms of the enjoyment of rights. He also wished to know whether any political parties or their members engaged in racially motivated discourse and, if so, whether there was a system in place to deal with it. The delegation

should indicate whether adequate hate speech laws were in place and, if so, how they were applied. It would also be useful to receive an evaluation of the activities and performance of the Office of the Ombudsman, which had been requested during the previous meeting.

29. **Mr. Khalaf** asked what criteria had been used to determine the religious groups listed in the table on page 7 of the country's core document (HRI/CORE/MNE/2012), as there appeared to be a mixture of religions and branches thereof. He also wished to know how long, on average, refugees and displaced persons stayed in Montenegro. Lastly, the delegation should clarify the figures it had provided in relation to the school enrolment rate of Roma children, as they appeared to account for just 50 per cent of those children.

30. **Mr. Numanović** (Montenegro) said that his delegation did not include a representative from the Office of the Ombudsman. The Parliament of Montenegro was currently reviewing proposed amendments to the Law on Protector of Human Rights and Freedoms, which aimed to strengthen the Office of the Ombudsman by rendering it financially independent and expanding its competencies to cover torture and ill-treatment. A report containing statistics on the activities undertaken by the Ombudsman would be sent to the Committee in due course. As far as he was aware, there had been no recorded cases of hate crimes in Montenegro.

31. **Mr. Šofranac** (Montenegro) said that all displaced and internally displaced persons were granted the same rights, although the State provided slightly more assistance to members of the Roma community, who were the most vulnerable. Refugees were not in transit as they stayed in the country and were incorporated into society. For asylum seekers, on the other hand, Montenegro could be both a transit country and a destination country. In 2013, the average stay had been 10 days. First and second instance asylum procedures lasted up to six months, during which time some asylum seekers elected to leave the country.

32. **Ms. Milić** (Montenegro) said that the school enrolment figures for Roma children did not necessarily take into account children under the age of 4, as that was the age at which preschool education in Montenegro tended to start. Greater focus should perhaps be placed on secondary education, in which only around one hundred Roma children were enrolled. Dropout mechanisms and committees had been established in order to tackle the issue of high dropout rates at some levels of education, and monthly meetings were held to discuss and attempt to resolve the problem in the six schools attended by children living in the Konik camp.

33. **Mr. Delić** (Montenegro) said that the Constitution prohibited political parties whose agenda contained racist elements. Prospective parties would not be registered if they submitted by-laws that included such elements. There were no parties, politicians or informal organizations in Montenegro expressing hatred towards particular ethnic groups.

34. With regard to the religious groups listed on page 7 of the country's core document, the enumerators tasked with conducting the census had merely reflected the answers given to them by the public.

35. **Mr. Diaconu** asked why demographic data presented in the State party's core document had not been included in their report (CERD/C/MNE/2-3). The State party should ensure that future reports contained complete data, as figures in the report under consideration did not appear to account for around 50,000 people.

36. He said that Romani teaching should be provided in Montenegro, and asked what Roma staff in the country were teaching instead. The danger of segregation could be averted by providing Romani lessons at the end of the day, particularly in preschool and primary school. It was the responsibility of the State to find ways of avoiding segregation that went beyond merely punishing those who instigated it.

37. **Mr. Kemal** (Country Rapporteur) said that the suggestions of the preceding speaker, who had significant knowledge of the region, set high standards for the delegation to pursue. The addition of “aggravating circumstances” in respect of hate crimes during reform of the criminal code was a positive development. However the absence of information relating to hate crimes in Montenegro raised questions as to the seriousness with which they were treated: he requested that consideration be given to the careful collection of data on hate crimes. He asked whether information was recorded concerning the treatment of ethnic minorities. It would be surprising, for instance, if there were no incidences of hate crimes against the Roma. There was a need for children to be taught sound values, particularly in the light of the rise in neo-Nazi underground culture that had spread among young people in Europe. He sought clarification on whether there had been any tension between visitors of Albanian origin and the Montenegrin community.

38. **Mr. Numanović** (Montenegro) agreed that more could be done to develop the use of the Roma language in accordance with Montenegro’s educational capacity. He was not aware of a neo-Nazi culture among young people in Montenegro, although appropriate measures would be taken if any were discovered. Unlike the situation in other Balkan States, ethnic groups in Montenegro had chosen to live in harmony. He was unaware of tensions with the Albanian community, apart from one criminal case concerning members of that community.

39. **Mr. Delić** (Montenegro) said that statistical information from the 2011 population census had not been available at the time the second and third periodic reports had been drafted. However, some had been included in the core document. The full data were available on the official website of the office of statistical data of Montenegro.

40. Concerning teaching in the Roma language, the relatively low number of some 5,169 people had been recorded as speaking the language in Montenegro. While coordinating activities as part of the Decade of Roma Inclusion, Montenegro had been obliged to seek interpreters from neighbouring countries and teachers of the Roma language had been hired from Serbia. Many Roma in Montenegro spoke Albanian. Results of two recent surveys had revealed that ethnic segregation did exist in Montenegro, but, as far as young people were concerned, no cases of neo-Nazi activity had been recorded. On 22 January, earlier that year, the victims of the Holocaust and of the Second World War had been remembered in schools throughout Montenegro. Russian and Chinese nationals were welcomed as investors and as traders throughout Montenegro. It was true that there had been some friction with the Albanian community in the 1990s at the height of the Balkan conflict but the current situation was much improved. In one case in 2006, a number of heavily-armed Albanians had been arrested and charged, but on the basis of Montenegrin legislation and not of their ethnic origin.

41. **Ms. Milić** (Montenegro) said that attempts had been made to organize classes in the Roma language for young children but, since most Roma children in Montenegro spoke Albanian, it had been decided that Roma language summer schools would be the best method. Teachers and educational psychologists were trained to encourage ethnic integration and various methods, including family visits, were used in order to combat segregation. Efforts were made to promote diverse heritages within the education system including through civic education classes, at which teenagers were taught civic values and discouraged from becoming members of neo-Nazi groups.

42. **Ms. Velimirović** (Montenegro) referred to the amendment to the criminal code which had included “aggravating circumstances” in relation to racial discrimination and hate crimes. Courts maintained electronic records but did not have separate data relating to racially-motivated crime. All cases of discrimination were reported to the national Ombudsman.

43. **Ms. Crickley** said that she was particularly concerned that no cases of racial discrimination had been recorded in Montenegro, since that was by no means an indication that racial discrimination did not exist. She urged the State party to improve their recording mechanisms.

44. With respect to the country's gender equality policy and the measures it had taken in respect of Roma women, she noted that all of the initiatives appeared to respond to what were perceived as the negative aspects of Roma culture. All cultures had negative dimensions and it was important that people were encouraged to enhance the aspects of their culture which they wished to retain. She was concerned about the comments made concerning arranged marriages, since although all present would resist the idea of forced marriages, arranged marriages in fact took place in many cultures.

45. The State party had spoken positively about non-governmental organizations but their representatives had not been present during examination of the reports. She encouraged Montenegro to include them in future sessions.

46. She had been particularly concerned with respect to the situation of the Roma. She reminded the State party that while the current meeting focused on implementation of the International Convention on the Elimination of All Forms of Racial Discrimination, the discussions on the Roma might also have implications regarding the implementation of the Council of Europe Framework Convention for the Protection of National Minorities, of whose Advisory Committee she was a member. The State party might also wish to consider the European Charter for Regional or Minority Languages in relation to the language issue.

47. Although effective action had been taken on training and education for the judiciary, the scheme should be extended to all State officials, since the first step in responding to racial discrimination was to deal with unconscious prejudices. Persons who experienced discrimination should not be categorized as being a burden on the State but should have their rights vindicated under the Convention.

48. **Mr. Yeung Sik Yuen** referred to the primacy of international law in Montenegro and sought clarification of the procedure set out in paragraph 3 of the State party report regarding the role of the Constitutional Court of Montenegro in assessing the conformity of domestic regulation with international law. What were the issues encountered in "so-called boundary cases".

49. **Mr. Numanović** (Montenegro) agreed that the absence of recorded cases did not mean that no discrimination had taken place in Montenegro. Concerning national minorities and the use of language, both teachers and local officials in direct contact with national minorities received training. Specific initiatives had been taken in respect of women's entrepreneurship and assistance in the event of domestic violence and forced marriages.

50. **Mr. Delić** (Montenegro) said that one of the first anti-discrimination laws to have been passed in Montenegro had been on gender equality. An activity plan on gender equality for 2013 to 2017 had been adopted. The presence of women and gender balance had improved in Parliament, in the judiciary and in local government since 2007. Economic empowerment of women had been promoted in training and workshops, in particular for those from rural areas. Suppression of domestic violence would be further enhanced through legislation. Special sensitivity was displayed to Roma women with regard to forced marriage, while communication had been improved through information campaigns and recent contact with Roma women's groups. Article 44 of the Law on the Constitutional Court of Montenegro stipulated that the Court could determine whether national legislation was in accordance with the Constitution and with the international agreements which Montenegro had ratified.

51. **Mr. Karanikić** (Montenegro) explained that “borderline cases” were examined in the light of international agreements which Montenegro had ratified.

52. **Mr. Kemal** (Country Rapporteur) said that he had been impressed with the presentations by Montenegro; it was a small country which had excelled in the information it had provided. The searching questions posed by Committee members had not been put in an adversarial spirit but in order to clarify or expunge any doubts. The constitutional apparatus in place to combat discrimination was most impressive. No society was perfect but Montenegro was certainly a haven in which the desire to promote national harmony between ethnic groups was apparent.

53. He recommended that the State party should consider the ideas put forward by Ms. Crickley. He had been appreciative of the reports received from the non-governmental organizations and found that their very reasonable recommendations merited scrutiny by the State party. He was sure that the Committee’s concluding observations would commend Montenegro for the progress it had achieved and, doubtless, recommend that any gaps in legislation or practice be filled.

54. **The Chairperson** said that he was sure that the delegation had noted the recommendations in respect of improvement of anti-discrimination laws and in particular the need to improve the dissemination of information concerning the complaint or reporting mechanisms available to those who wished to report incidences of racial discrimination. It would then be possible for the State party to report on cases of racial discrimination in subsequent periodic reports.

55. **Mr. Numanović** (Montenegro) said that it would be useful to consult members of ethnic communities in Montenegro on their situation and he invited all members of the Committee to visit his country to hear their experiences at first hand. He thanked the Committee for its guidance, which Montenegro would endeavour to implement through by strengthening its legislation and by combating discrimination: throughout the Balkan conflict and beyond his country had sought to demonstrate good practice through the openness of its approach. Montenegro had every intention of continuing its useful cooperation with non-governmental organizations. He undertook to provide the additional information requested by the Committee within the coming week.

The meeting rose at 1 p.m.