



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
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24 November 2020

Excellency,

I wish to inform you that the Committee on the Elimination of Racial Discrimination, during its 102nd session, considered the follow-up report submitted by the Government of Montenegro, pursuant to article 9 (1) of the Convention and rule 65 (1) of the Rules of Procedure of the Committee.

The Committee welcomes the submission of the report, in response to its request to receive information within one year on the implementation of the recommendations contained in paragraphs 15 (e) and (f) and 25 of the Concluding Observations (CERD/C/MNE/CO/4-6), adopted following the consideration of the State party's combined 4^h to 6th periodic reports, at its 96th session, held in August 2018.

The Committee appreciates the opportunity provided to continue its dialogue with the State party and would like to draw the State party's attention to the observations mentioned below. The Committee requests that comments and responses on actions taken by the State party on these issues be included in its combined 7th and 8th periodic reports, to be submitted in a single document by 3 June 2021.

Paragraph 15 (e) of the Concluding Observations

The Committee notes the State party's reply and welcomes the information contained in its response to paragraph 15 (f) of the Concluding Observations (CERD/C/MNE/CO/4-6) on the production of a brochure on infant registration which instructs parents on the procedure and steps they need to take to register their child with the Birth Registry immediately after birth. It also notes information about the translation of this brochure into Albanian and Roma languages. The Committee requests further information on steps taken by the State party to conduct awareness raising campaigns among Roma, Ashkali and Egyptian parents to inform them about the existence of the brochure and about the importance of birth registration. The Committee considers this recommendation partially satisfactory and regrets the absence of information on the effective implementation of a simplified procedure for birth registration. The Committee reiterates its request that the State Party share, in its next periodic report, detailed information on this issue.

Her Excellency Ms. Slavica Milačić
Permanent Representative of Montenegro
to the United Nations Office
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Paragraph 15 (f) of the Concluding Observations

The Committee welcomes the information provided by the State party regarding the Law on Birth Registry and notes that in cases in which 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. The Committee requests the State party to clarify how the right to a judicial protection pursuant to the Law on Extrajudicial Proceedings can guarantee the birth registration of a child. The Committee also welcomes the information provided on the means pursued for establishing the facts in cases where the mother does not possess an identification document. It however requests further information on concrete measures taken when the facts cannot be established. The Committee regrets the absence of information on the State party's continued efforts to provide mothers who lack an identification document with such documents and with legal aid, when necessary, for birth registration. The Committee considers this recommendation not satisfactorily addressed and recommends that the State party provide, in its next periodic report, updated information on measures taken to ensure the registration of all children in cases where the mother is unknown or lacks an identification document and on further efforts to provide them with identification documents and with legal aid, when necessary, for birth registration.

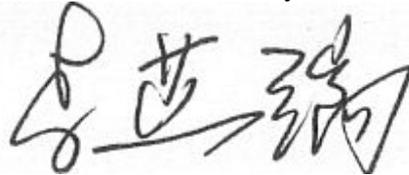
Paragraph 25 of the Concluding Observations

The Committee welcomes the information provided by the State party on the prosecutions initiated and the sanctions taken against the perpetrators of racial discrimination and related acts, but regrets the absence of statistics on complaints received and redress provided to victims of such offences. Recalling its general recommendation No. 31 (2005) on the prevention of racial discrimination in the administration and the functioning of the criminal justice system, the Committee reiterates that the absence of complaints about and legal action taken against racial discrimination may reveal poor awareness of the legal remedies available, a lack of will on the part of the authorities to prosecute the perpetrators of such acts, a lack of trust in the criminal justice system, or a fear of reprisals against victims. The Committee, while noting the State party's willingness to support awareness raising campaigns, also regrets the absence of information on measures taken to intensify such campaigns among the population, in particular Roma, Ashkali and Egyptian communities, refugees, asylum seekers and internally displaced persons, especially regarding the legal remedies available. The Committee considers that the response of the State party is partially satisfactory and requests the State party to include, in its next periodic report, information on all complaints received, investigations carried out, prosecutions initiated, sanctions taken by the State party against the perpetrators of such offences and the redress provided to victims of racial discrimination, as well as information on measures taken to intensify awareness-raising campaigns related to racial discrimination, in particular regarding the legal remedies available.

Rest assured, Excellency, that the Committee looks forward to continuing its constructive dialogue with the Government of Montenegro, with a view to providing it with assistance in its efforts to ensure the effective implementation of the Convention.

Please accept, Excellency, the assurances of my highest consideration.

Yours sincerely,



Yanduan Li
Chair

Committee on the Elimination of Racial Discrimination