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Sub-Commission on the Promotion
And Protection of Human Rights
Working Group on Minorities
Tenth Session, 01-05 March 2004

Thank you, Mr. Chairman,

My name is Nedjeljka Sindik¹ and I am speaking on behalf of NGO Ask based in Montenegro.

I am here to present the worry about the process of passing the Law on Montenegro National Minorities. At the moment, the process of passing the Law in Montenegro is in its final phase. I present my concern the Third Draft of this Law, which is under consideration, will be adopted. Although Article 1 says that:

Law implies that:

1. That is applicable only if minority fulfill conditions that presume article 2.² That provision possibly drives to Roma exclusion and it limits the recognition of minorities in the future.
2. It is not applicable for IDP. That provision affects Minority population of Roma, Askhaelia Egyptians IDP³ from Kosovo settled in Montenegro. Therefore it is important

¹ Previous work: Teacher in Primary school in Tivat, Journalist in Niksic, Public Relations Officer in Ministry for protection of Rights of national and Ethnic Groups- Montenegrin Government, USAID-Training Consultant, OSCE-Media monitor, Executive Director of NGO Ask.

²Article 2

In the spirit of this law, national minority, minority nation and ethnic minority (hereinafter referred to as: national minority) shall mean any group of citizens of the Republic of Montenegro (hereinafter referred to: the Republic) that is numerically smaller than the rest of predominant population, that is a part of the nation from some other kin-state, that has common ethnic, religious or linguistic characteristics different from those of the rest of the population, that is motivated by the wish to express themselves and maintain their national, ethnic, cultural, linguistic and religious identity and that has historical ties to the Republic.

³ RAE, 32.5% of refugees, and 30.4% of the displaced population want to work, but have no possibilities. According to the indicators, the national rate of poverty is 12.2%, while among the regular population it is somewhat lower (9.6%). The poverty rate is several times higher among RAE (up to 60%), refugees (up to 48%), and displaced persons (up to 46%) as compared to the regular population. The fact that one-third of the Montenegrin population is quite close to the poverty line, is something to worry about. The percentage of economically endangered and those who are not materially provided for is significantly higher among RAE, refugees, and displaced persons (from 68.9% for refugees to 75.6% for RAE).

- to note that number of RAE IDP⁴ speak minority language and that Montenegro should provide possibility for their education.
3. Suspension of minority rights in the case of immediate war danger or the state of emergency. That provision is not in correspondence with Charter of Human and Minority Rights and Civil Liberties and provide no safety for minorities in case of instability⁵. Since there were ethnic discriminations in Montenegro in 1991 and 1992 regardless of there wasn't any war within its territory - such as the case of Bukovica (the intervention of Ilhana Sabovic, Forum Bosnjaka) and dislocation of Croats and Bosnjaks . This would be real threat to the safety of minorities concerning possibility of census about existence of State union.

Therefore I would draw your attention on imprecise provisions on establishment and mandate on Councils of national minorities, on participation minorities on local level and strategy preparation, monitoring application of the law.

Recommendations:

1. Government shall recommend the Working group on Law on Minorities in Montenegro to redraft law on Minorities in correspondence with Article 1 of same law, which says that:

" Republic of Montenegro, pursuant to the Constitutional Charter of State union of Serbia and Montenegro, Charter on Human and Minority Rights and Civil Freedoms, the Constitution of the Republic of Montenegro and generally accepted rules of international law and ratified international treaties, shall ensure the protection of rights of national minorities, minorities (minority nations) and ethnic minorities and persons belonging to them, the rule of law and all the highest values of constitutional and international legal order. "

- a) Inclusion of vulnerable groups IDP Roma Askhaelia Egyptians
- b) Adjust provision on derogation of rights with Charter on Human and Minority Rights and Civil Liberties
- c) Reconsider imprecise provisions on establishment and mandate of Councils of National Minorities
- d) Consider engaging working group (consisting of experts , government officials, minority representatives and NGO representatives), to prepare Strategy paper for implementation of the law on Minorities

⁴ Seven of ten IDPs above the age of six (73.8%) are not currently attending school. Among IDPs who do not currently attend school, 4.7% don't have any education, 3.6% did not complete primary school, 9.4% completed primary school, 1.4% completed one/two-years of professional school, and 13.7% of respondents completed secondary school (3 years). Two of five IDPs (40.2%) completed secondary school (4 years), 14.9% completed high school, and 12.1% completed a university education. Nearly seven of ten IDPs (68.1%) think that they have enough education, while one of ten (10.4%) halted their education because they were unable to pay the costs of education, 3.8% report a lack of education and 5.8% claim the need to work for income as reasons for halting their education. Among IDPs who still attend school, more than half (56.7%) go to primary school, 0.4% attend one/two year professional schools, 2.7% attend secondary (3 years) school, 18.1% attend some level of secondary (4 year) school, 5.8% attend high school, and 16.3% attend collage.

⁵ No derogation shall be permitted under any circumstances from the rights guaranteed by Articles 1,11,12,13,14,17,19,20,21,25,26,35,50 and 51-Chartare of Charter of Human and Minority Rights and Civil Liberties of Serbia and Montenegro

- e) Reconsider possibility to establish independent body (Commission) consisting on experts and representatives of NGOs and institutions to monitor implementation of the law on Minorities.