

## FACTSHEET: STATELESSNESS IN MONTENEGRO

Joint Submission to the Human Rights Council at the 43<sup>rd</sup> Session of the Universal Periodic Review

### Statelessness determination and access to rights

Montenegro established a dedicated statelessness determination procedure (SDP) in 2018, however the **SDP has many shortcomings in law and practice:**

- ➔ Applicants for and beneficiaries of international protection cannot apply for the SDP
- ➔ Inconsistencies on registration, required documents and issuance of certificates
- ➔ Lack of information for applicants and inflexible application requirements
- ➔ Evidentiary rules to assess statelessness are not established in law
- ➔ Applicants do not have the right to work nor access other rights or assistance
- ➔ Only 9 people have been recognised stateless since the procedure was made operational in 2018

There is no dedicated statelessness status in law and there is **limited access to rights** under the 1954 Convention:

- ➔ Recognition of statelessness does not lead to automatic right to reside
- ➔ A temporary residence permit is only accessible subject to stringent requirements
- ➔ The right to work, education and healthcare depends on the type of residence permit issued

### Children's right to birth registration and to a nationality

#### RECOMMENDATIONS

- I. Ensure that policies and practices relating to birth registration take into account UNHCR guidance and remove all practical barriers to birth registration, with a particular focus on minority groups including Roma and Egyptian communities.
- II. Ensure that children's nationality status is determined as soon as possible after birth in order to ensure that otherwise stateless children born in Montenegro acquire a nationality.

The birth registration process faces **serious implementation issues**. Births must be registered within three days, and it is difficult to register births that occurred outside medical institutions. Montenegrin law does not have any guidance on how to determine the child's nationality status. These obstacles, together with discrimination and antigypsyism, contribute to low birth registration rates among Roma and Egyptian communities.

### Discrimination against minoritized communities

Statelessness in Montenegro mostly affects Roma and Egyptian communities and deep rooted antigypsyism continues to be one of the main hurdles to reducing statelessness among these communities. Montenegro must implement recommendations it received to ensure that Roma, Ashkali and Egyptian communities do not face a risk of statelessness. In particular, it should establish a simplified and accessible procedure for birth registration and continue its efforts to tackle discrimination and antigypsyism.

#### RECOMMENDATIONS

- I. Provide capacity building to frontline civil registry officials to address discriminatory and stereotypical attitudes and build trust between the authorities and Roma and Egyptian communities to facilitate access to essential services including civil registration.