

## Conclusions of ECRI's Round Table in Montenegro 7 October 2013

by Eva Smith, Chair of ECRI

I would like to begin by emphasising the value of a round table meeting like this in which everyone has been able to have their say and listen to others. We have taken note of the Montenegrin authorities' efforts to implement ECRI's recommendations and, more generally speaking, to combat all forms of discrimination.

I would like to recall that, for ECRI, racial discrimination is any differential treatment based on a ground such as "race", colour, language, religion, citizenship or national or ethnic origin, which has no objective and reasonable justification. This may not be fully understood by the public and more should be done to raise awareness about the very harmful everyday consequences of discrimination on any of these grounds.

Concerning the legislative framework, I would like to stress that ECRI welcomed the adoption of an anti-discrimination law in its 2011 report. However, legislation on its own is not enough. It needs to be applied. Unfortunately, Montenegro's Law on Prohibition of Discrimination is still far from being effective. Despite evidence of racial discrimination occurring, there continues to be a lack of case-law. Training for judges and legal professionals is very much needed.

ECRI commends the authorities' willingness to improve the current legislative framework by amending the Law on Prohibition of Discrimination. We know that an extensive consultation process has taken place, including with civil society, and we hope that in the final stage of adoption of the new law in Parliament, the last remaining difficulties highlighted today will be resolved adequately so that this unique opportunity is not missed. In particular, hate speech as a form of discrimination should be included in the legislation.

A draft law amending the Law on the Protector of Human Rights and Freedoms is also under discussion in the national Parliament. ECRI hopes that this law will increase the powers and independence of the Protector.

As for the institutional framework, ECRI welcomes the creation of the Council for Protection against Discrimination, set up in 2011 and headed by the Prime Minister, and encourages it to play an active role in the fight against discrimination.

Another important point of today's round table concerns the difficulties faced by Roma people - both domiciled Roma and internally displaced Roma, Ashkali and Egyptians (RAE). We have discussed education and employment, but one of the major concerns is housing.

The Konik camp has not yet been closed down despite ECRI's priority interim follow-up recommendation. We have heard that, on the one hand, people from the camp need to be fully integrated into society while, on the other hand, they do not want to be relocated and separated from family and friends living in Konik. Care should be taken to ensure that housing solutions do not result in RAE remaining segregated in ghettos. Efforts should be made to inform the RAE about the importance of integrating with other communities as a key to improving their situation generally. The majority population should also be prepared to accept RAE in their neighbourhoods. ECRI always stresses that integration is a two-way process.

It is clear that a key obstacle to integration of RAE continues to be lack of legal status in Montenegro. Regularisation is hampered by the absence of personal documents. Although the authorities have made considerable efforts to help people obtain identity papers from their countries of origin, there are still large numbers of undocumented RAE living in Montenegro. ECRI hopes that the authorities will soon be able to solve this problem for all RAE.

From ECRI's viewpoint, this round table has been very valuable and will enable us to prepare ECRI's conclusions on the implementation of its interim recommendations next year. We are always ready and willing to continue this dialogue.