

# KEY CONSIDERATIONS FOR THE PREVENTION AND REDUCTION OF STATELESSNESS AMONG ROMA IN MONTENEGRO



## IN CO-OPERATION WITH :

- > European Network on Statelessness
- > Phiren Amenca – Walk with Us

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Key Considerations for the Prevention and Reduction of Statelessness among Roma in Montenegro

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Roma Integration Phase III is a Joint Programme of the European Union and the Council of Europe. It aims to strengthen the capacity of governments in the Western Balkans and Türkiye to effectively address the multifaceted challenges faced by the Roma community through the implementation of comprehensive public policies. These policies cover critical areas such as housing, employment, population registration, as well as the green and digital transition.

This paper was produced as part of a grant-funded project implemented under Roma Integration Phase III. The grant was awarded to Phiren Amenca – Walk with Us, an organisation based in Montenegro and a member of the European Network on Statelessness (ENS), which also contributed to the preparation of this paper. The project aims to address gaps in law, policy, and practice that contribute to statelessness among Roma communities in the Western Balkans. It focuses on eliminating discriminatory laws and practices, and on providing technical recommendations to close identified gaps at both national and regional levels. The intended outcome is agreement on, and commitment to, concrete actions by key stakeholders, including national authorities. This paper was presented alongside a synthesised regional report during a regional event in Podgorica in May 2025, facilitating multi-stakeholder discussion and agreement on next steps.



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# **KEY CONSIDERATIONS FOR THE PREVENTION AND REDUCTION OF STATELESSNESS AMONG ROMA IN MONTENEGRO**

Roma Integration Phase III

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# Contents

<b>List of Abbreviations</b>	<b>7</b>
<b>Summary</b>	<b>8</b>
<b>Introduction</b>	<b>9</b>
<b>Legal framework on the prevention and reduction of statelessness in Montenegro</b>	<b>10</b>
<b>Population data</b>	<b>12</b>
<b>Remaining gaps in measures to prevent statelessness</b>	<b>14</b>
Challenges accessing safeguards in citizenship law to prevent statelessness at birth	14
Barriers to immediate birth registration	15
Late birth registration	16
<b>Remaining gaps in measures to reduce statelessness</b>	<b>18</b>
Naturalisation	18
Free legal aid	19
Outreach and identification	19
<b>Statelessness in a migratory context</b>	<b>20</b>
<b>Challenges in resolving cross-border cases of statelessness</b>	<b>21</b>
<b>Action Areas</b>	<b>22</b>
<b>Appendix</b>	<b>24</b>



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## List of Abbreviations

<b>1954 Convention</b>	1954 Convention Relating to the Status of Stateless Persons
<b>1961 Convention</b>	1961 Convention on the Reduction of Statelessness
<b>SDP</b>	Statelessness determination procedure
<b>UNHCR</b>	United Nations High Commissioner for Refugees
<b>ENS</b>	European Network on Statelessness
<b>EU</b>	European Union
<b>UN</b>	United Nations
<b>CoE</b>	Council of Europe
<b>NGO(s)</b>	Non-governmental organisation(s)

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## Summary

Roma and Egyptian communities in Montenegro continue to face serious challenges related to the lack of legal identity and the risk of statelessness. Despite safeguards in law, many children are not registered at birth due to their parents' lack of documentation, which limits their access to healthcare, education, and social protection. Gaps in civil registration and citizenship confirmation processes continue to contribute to the risk of statelessness, leaving many individuals without recognition as citizens or access to their fundamental rights. For stateless people in a migratory context, the naturalisation process remains largely inaccessible, primarily due to the stringent requirement to prove long-term legal residence and lack of free legal aid for these procedures, leaving families dependent on non-governmental organisation (NGO) support. These issues and others set out in this paper highlight the need for targeted, inclusive measures to ensure equal access to rights and prevent and reduce statelessness.

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# Introduction

This paper was produced as part of a grant-funded project implemented under the Roma Integration Phase III Joint Programme of the European Union and the Council of Europe. The grant was awarded to *Phiren Amenca-Walk with Us*, an organisation based in Montenegro and a member of the [European Network on Statelessness \(ENS\)](#). The project aims to address gaps in law, policy, and practice that contribute to statelessness among Roma communities in the Western Balkans. It focuses on eliminating discriminatory laws and practices, and on providing technical recommendations to close identified gaps at both central and regional levels. The intended outcome is agreement on, and commitment to, concrete actions by key stakeholders, including central authorities. This paper was presented alongside a synthesised regional report during a [regional event](#) in Podgorica in May 2025, facilitating multi-stakeholder discussion and agreement on next steps.

Across the Western Balkans region, statelessness is a key factor driving a mutually reinforcing cycle of discrimination and denial of fundamental rights. Statelessness is an issue that affects both migrants and refugees as well as people who have lived in the same place for generations. In the Western Balkans region, as in other parts of Europe and globally, statelessness is a particular concern for members of minoritised communities.<sup>1</sup> Discrimination is both a cause and a consequence of statelessness, with citizenship laws often structured or implemented in ways that exclude certain groups or make it more difficult for them to acquire or prove their citizenship. In Europe, among the most affected by this issue are Roma communities, who face systemic exclusion and further marginalisation due to the cycle of antigypsyism and legal barriers.<sup>2</sup>

In the Western Balkans region, statelessness among Roma communities is shaped by a complex combination of factors, including State succession, historical conflict, forced displacement, lack of civil documentation, and systemic exclusion. Many thousands of Roma people continue to be disproportionately impacted by these issues, which are exacerbated by deep-rooted antigypsyism. Being stateless usually means being unable to benefit from the fundamental rights afforded to people recognised as citizens of a Beneficiary, including access to healthcare, education, the right to marry, open a bank account, and participate in the labour market on an equal basis. Not only does it hinder access to these basic rights and entitlements, but it also affects the psychological sense of belonging and inclusion that is vital for achieving equality in societies. In this way, statelessness becomes a real and significant part of the cycle of discrimination experienced by minoritised groups globally, including Roma communities in Europe.

This paper examines the key issues and challenges related to statelessness among Roma communities, focusing on gaps in law, policy, and practice. It outlines both the legal obligations relating to statelessness and highlights issues within policy and practice, focusing on practical barriers such as birth registration, data collection and identification of affected populations, and access to citizenship. The paper also examines domestic measures aimed at preventing and reducing statelessness, as well as the role of outreach and identification initiatives to reduce statelessness among Roma communities and presents targeted areas for action aimed at closing these gaps and promoting the rights and inclusion of Roma communities.

<sup>1</sup> See: <https://www.statelessness.eu/issues/stateless-minorities>.

<sup>2</sup> The term 'Roma' encompasses a wide diversity of groups and identities, many of which are intersecting and overlapping. There are also people who do not identify as Roma – such as Ashkali and Egyptians – who are nonetheless the targets of antigypsyism. For the purpose of this report, the terms are used to encompass all groups in the region who are subject to antigypsyism, in line with the Council of Europe definition, and commonly adopted by most international organisations in the last decade. However, it is important to underline that not all the members of these populations agree on the single use of this standardised autonym.

## Legal framework on the prevention and reduction of statelessness in Montenegro<sup>3</sup>

Montenegro has acceded to several relevant international instruments, including the 1954 Convention Relating to the Status of Stateless Persons (1954 Convention) relating to the Status of Stateless Persons, the 1961 Convention on the Reduction of Statelessness (1961 Convention), the 1997 European Convention on Nationality, and the 2006 Convention on the Avoidance of Statelessness in Relation to State Succession. Montenegro has no reservations to the 1954 and 1961 Conventions, and these conventions have a direct impact on Montenegrin legislation. However, Montenegro has a reservation concerning Article 16 of the European Convention on Nationality.<sup>4</sup>

Montenegro is also party to relevant international human rights instruments, including: the 1948 Universal Declaration of Human Rights; the 1966 International Covenant on Civil and Political Rights and its Protocols; the 1966 International Covenant on Economic, Social, and Cultural Rights; the 1965 Convention on the Elimination of All Forms of Racial Discrimination; the 1989 Convention on the Rights of the Child; and the 1979 Convention on the Elimination of All Forms of Discrimination Against Women. Montenegro is also party to the European Convention on Human Rights and other key Council of Europe Instruments, such as the Framework Convention for the Protection of National Minorities and the European Social Charter. Montenegro is required to submit regular reports on the implementation of these international instruments and to cooperate with international human rights mechanisms, such as UN Committees and the European Court of Human Rights.

During the UNHCR High-Level Segment on Statelessness in 2019, Montenegro made several significant commitments, including: strengthening the institutional framework by improving central institutions to

effectively carry out statelessness determination procedures and aligning domestic legislation, particularly in the areas of social protection, healthcare, and employment, to ensure stateless people have unobstructed access to their rights. Additionally, Montenegro committed to maintaining cooperation between the Ministry of Labor and Social Welfare and the Ministry of Interior to enable the immediate registration of births for children abandoned by their mothers or whose mothers lack personal documents, in attempts to reduce the risk of statelessness for newborn children.

Furthermore, Montenegro pledged to simplify the procedure for issuing personal documents at the central level and to enhance continuous cooperation with Beneficiaries in the region. It also committed to granting permanent resident status to all refugees from the former Yugoslavia. Additionally, Montenegro expressed its intention to share its experiences in preventing statelessness with other Beneficiaries, particularly in establishing statelessness determination procedures, developing favorable legal frameworks for people displaced by conflicts, and supporting mobile teams from other jurisdictions in Montenegro, such as the Kosovo\* mobile team, which issues personal documents to undocumented individuals.<sup>5</sup>

At the Global Refugee Forum in 2019, Montenegro committed to maintaining an efficient protection system for refugees by aligning its practices with European Union standards. This includes harmonising its policies and procedures to ensure comprehensive protection and integration of refugees and asylum seekers. The Government of Montenegro also reaffirmed its strong commitment to fulfilling its international obligations undertaken at the Global Refugee Forum by enhancing reception capacities and fostering the inclusion of refugees and asylum seekers.<sup>6</sup> In 2023, Montenegro pledged

3 For more detailed information and sources on law, policy, and practice relating to statelessness in Albania, see the ENS Statelessness Index: <https://index.statelessness.eu/country/montenegro>.

4 European Convention on Nationality: <https://rm.coe.int/168007f2c8>. Article 16 states that “A State Party shall not make the renunciation or loss of another nationality a condition for the acquisition or retention of its nationality in cases where such retention or loss is not possible or cannot reasonably be required.” Current Montenegrin Citizenship Law provides in Article 8 that Montenegrin citizenship can be acquired through naturalisation, but one of the conditions is the renunciation of the applicant’s previous citizenship.

\* This designation is without prejudice to positions on status and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo Declaration of Independence.

5 For more information, see: <https://www.unhcr.org/ibelong/results-of-the-high-level-segment-on-statelessness/>

6 For more information, see: <https://www.unhcr.org/sites/default/files/legacy-pdf/5df9f79e4.pdf?>

that, by 2025, all stateless people within its territory will have access to healthcare, education, and employment. It also pledged to join the Global Alliance to End Statelessness, which it has since fulfilled.

In addition to obligations under international law, as a candidate for membership of the European Union, Montenegro has made political commitments to address statelessness as part of the EU Enlargement Process, including the Berlin Process. This is especially relevant to Roma communities and the specific commitments made by Western Balkan Beneficiaries under the 2019 *Poznan Declaration*, which includes pledges to achieve universal civil registration, eliminate barriers to obtaining identity documents, and ensure legal recognition for all. Additionally, the EU Strategic Framework on Roma Equality, Inclusion, and Participation 2020-2030 sets out a roadmap for tackling discrimination, improving access to fundamental rights, and promoting social inclusion for Roma populations, including addressing the risks and consequences of statelessness.

At the central level, the *Strategy for the Social Inclusion of Roma and Egyptians for the Period 2021-2025* is in force. The Strategy states the need for full affirmation of Roma and Egyptian communities in the social, economic, cultural, and political life of Montenegro. In this regard, a strategic goal guiding all public policy is defined as “[i]mproving the socio-economic and legal position of Roma and Egyptians in Montenegro through the devel-

opment of an inclusive and open society based on combating and eliminating all forms of discrimination, antigypsyism, and poverty.” The strategic document was prepared by the Ministry of Justice, Human and Minority Rights of Montenegro with the support of the “Roma Integration” project implemented by the Regional Cooperation Council (RCC), with financial support from the European Union and the Open Society Foundation.<sup>7</sup> The Ministry is working on the development of a new *Strategy for the Improvement of the Quality of Life of Roma and Egyptians in Montenegro, 2026–2030*, accompanied by an *Action Plan for 2026–2027*. Phiren Amenca will advocate for the inclusion of objectives related to improving the legal status and access to personal documentation for these communities.

The rights and protections of Roma communities and individuals affected by statelessness are further codified in several domestic laws, listed in an appendix to this document. Although Article 2(3) of the Law on Foreigners defines a stateless person as “a person who is not considered a national by any State in accordance with its legislation,” this wording deviates from the 1954 Convention definition, which uses the broader term “under the operation of its law.” This narrower domestic definition may exclude individuals who are not formally recognised as citizens by any State in practice, despite having a legal basis for citizenship under that State’s domestic law. This discrepancy can result in protection gaps and hinder access to rights for affected individuals.

7 Strategy for the Social Inclusion of Roma and Egyptians for the period 2021-2025, available at: [https://adsdatabase.ohchr.org/IssueLibrary/MONTENEGRO\\_Strategy%20for%20Social%20Inclusion%20of%20Roma%20and%20Egyptians%20in%20Montenegro%202021-2025.pdf](https://adsdatabase.ohchr.org/IssueLibrary/MONTENEGRO_Strategy%20for%20Social%20Inclusion%20of%20Roma%20and%20Egyptians%20in%20Montenegro%202021-2025.pdf). Prior to the adoption of this Strategy, the following were in effect: National Action Plan for the Implementation of the “Decade of Roma Inclusion 2005-2015”, adopted in 2005, aimed at breaking the cycle of poverty and exclusion of Roma from Montenegrin social life through projects in education, employment, housing, and healthcare; Strategy for the Social Inclusion of Roma and Egyptians in Montenegro 2016-2020; Strategy for Improving the Position of Roma and Egyptians in Montenegro 2012-2016; and the Strategy for Improving the Position of the RAE Population in Montenegro 2008-2012

## Population data

The last Population Census was conducted by the Statistical Office of Montenegro (MONSTAT) in 2023. In the 'Individual Questionnaire', Question 9 was designed to allow individuals to declare their citizenship status and provided four response options: Montenegro; Montenegro and a foreign country; a foreign country; stateless. No other questions in the 2023 Census covered citizenship status. According to MONSTAT, the Census recorded 240 stateless individuals, of whom 114 were female and 126 were male.<sup>8</sup> However, data is not further disaggregated, for example, by age, residence status, or ethnicity, so no further information is available about the individuals who identified themselves as stateless.<sup>9</sup>

Comparing data from the 2011 and the 2023 Census, it appears that the number of stateless people in Montenegro has significantly decreased. In 2011, 4,312 individuals identified themselves as stateless, indicating that efforts to reduce known cases of statelessness have been successful.<sup>10</sup> However, fieldwork experience, direct communication with affected individuals, and UNHCR data suggest that the actual number of stateless people is significantly higher than the census figures. According to UNHCR, there are 431 stateless people in Montenegro as of mid-2024.<sup>11</sup> Moreover, at a conference organised by UNHCR and the Ministry of the Interior (MUP) in November 2024, marking the conclusion of UNHCR's #IBelong Campaign to end statelessness and launching the Global Alliance to End Statelessness, it was reported that there were also 420 people at risk of statelessness in Montenegro, predominantly members of the Roma community.<sup>12</sup>

In this context, it is crucial to emphasise that the term "stateless" in the census does not necessarily mean that the individual has been legally recognised as a stateless person. Official statelessness status is granted through an administrative procedure, and the determination of statelessness and the issuance of a stateless person's travel document are regulated by the Law on Foreigners and the Regulation on the Statelessness Determination Procedure.<sup>13</sup> Therefore, a clear distinction must be made between individuals who declared themselves as stateless in the census and those who have been officially recognised as stateless. The Ministry of Internal Affairs confirms that only 11 individuals hold official statelessness status.<sup>14</sup> In addition, according to information received from the Ministry of Internal Affairs, since the beginning of the implementation of the Law on Foreigners<sup>15</sup> until January 2025, 41 people have submitted applications for the determination of statelessness status.<sup>16</sup>

When comparing this figure to the 240 individuals who identified as stateless in the 2023 Census, it becomes evident that the majority do not have formal recognition of their statelessness nor have initiated the process to have their statelessness determined. In this context, we must not overlook the number of stateless people indicated by UNHCR, which is significantly higher than the number of individuals identified in the census. This discrepancy is important, as it highlights the need for policy reforms, including simplifying the statelessness determination process, raising awareness, and developing solutions to ensure that stateless people can obtain legal recognition and access their rights.

8 MONSTAT official statement of 24 October 2024. Additionally, 20 individuals did not declare their citizenship status. This could potentially indicate that some of these individuals, who chose not to answer this question, might be stateless or have undetermined or unknown citizenship.

9 For more information, see: [https://www.monstat.org/uploads/files/popis%202021/saopstenja/SAOPSTENJE\\_Popis%20stanovnistva%202023%20III\\_ENG.pdf](https://www.monstat.org/uploads/files/popis%202021/saopstenja/SAOPSTENJE_Popis%20stanovnistva%202023%20III_ENG.pdf).

10 Ibid.

11 See UNHCR Refugee Data Finder, <https://www.unhcr.org/refugee-statistics/download/?v2url=825750>.

12 For more information, see <https://www.vijesti.me/vijesti/drustvo/733114/unhcr-crna-gora-je-znacajno-napredovala-u-identifikaciji-osoba-koje-su-u-riziku-od-apatridije>.

13 Official Gazette of Montenegro, No. 072/18 of 13.11.2018, 028/23 of 10.03.2023.

14 For more information, see <https://www.vijesti.me/vijesti/drustvo/733114/unhcr-crna-gora-je-znacajno-napredovala-u-identifikaciji-osoba-koje-su-u-riziku-od-apatridije>.

15 Official Gazette of Montenegro, No. 12/2018 and 3/2019.

16 This figure is as per the records on stateless people maintained by the Directorate for Foreigners, Migration, and Readmission of the Ministry of Internal Affairs.

In the 2023 Census, it was determined that Montenegro has a total population of 623,633 inhabitants. Among them, 5,629 individuals (or 0.90%) identified as Roma, while 1,655 individuals (or 0.27%) identified as Egyptians.<sup>17</sup> There is no disaggregated data from the Census regarding the gender, age, residence or citizenship status of individuals who identified as belonging to Roma or Egyptian communities.

In addition to census data, the Government of Montenegro has conducted mapping studies in collaboration with UNHCR and other relevant stakeholders to assess the number of stateless individuals, populations at risk of statelessness, those with undetermined citizenship, and undocumented people within its jurisdiction. This included a mapping study of refugees from the former Yugoslavia in November 2017, which covered 2,318 individuals. This study identified at least 450 individuals at risk of statelessness, particularly from within the Roma and Egyptian communities. Notably, the mapping study highlighted that lack of documentation was a major obstacle preventing individuals from confirming or acquiring citizenship or residence status.<sup>18</sup> Apart from this study, there is no more recent, publicly available, comprehensive mapping that systematically identifies and assesses the population affected by statelessness in Montenegro.

A lack of reliable, disaggregated data on statelessness, particularly among Roma and Egyptian communities, who are disproportionately impacted by risk of statelessness, presents a major barrier to effective policy responses. In many cases, individuals lack birth certificates, identity documents, or proof of legal residence, preventing them from accessing citizenship or otherwise regularising their residence status. Children born to undocumented parents are at particular risk of statelessness, as they face difficulties in accessing birth registration and, consequently, citizenship determination and/or confirmation. However, without clear data, statelessness remains largely invisible to decision-makers and fails to receive the urgent attention it requires. Insufficient data also reinforces existing patterns of discrimination and exclusion. To address these challenges, it is essential to establish systematic data collection mechanisms, ensure stronger coordination between relevant institutions and civil society, and adopt inclusive policies that guarantee universal access to legal identity and fundamental rights.

At present, among the challenges with identifying the true scope of the population affected by statelessness in Montenegro is the inadequacy of central level recording mechanisms. For example, the Government of Montenegro does not maintain an official, updated database on the number of stateless people residing on its territory, nor are there any mechanisms to systematically identify individuals with undetermined citizenship. While central level institutions maintain some records based on formal applications for statelessness status and available documentation, civil society organisations working directly with affected communities often identify individuals who lack civil registration and proof of citizenship. This contributes to significant differences in reported figures and estimates. Furthermore, the absence of a unified data collection methodology affects the reliability of available statistics and notably hinders analysis of the problem and the development of policy recommendations to prevent and reduce statelessness.

Moreover, many vulnerable communities, particularly Roma communities and other marginalised groups, exhibit a low level of trust in public institutions due to administrative barriers, discrimination, or fear of repercussions related to their residence or citizenship status. This results in a reluctance to register or participate in surveys, including the census, which further complicates efforts to comprehensively assess and address statelessness in Montenegro.

This lack of a comprehensive data collection system was identified in *the Strategy for the Social Inclusion of Roma and Egyptians 2021-2025*, which included the goal of improving the legal status and access to personal documentation for these communities. Additionally, the Strategy on Migration and Reintegration of Returnees in Montenegro 2021-2025 aims to resolve the legal status of internally displaced persons, unregistered individuals, and those at risk of statelessness. However, beyond these strategies, there is no available information indicating that the government is taking further concrete steps to systematically identify new cases of statelessness within the Roma community. This lack of accurate data underscores the absence of proactive efforts to detect and address emerging cases of statelessness among the Roma population.

17 For more information, see: [https://www.monstat.org/uploads/files/popis%202021/saopstenja/SAOPSTENJE\\_Popis%20stanovnistva%202023%20II\\_ENG.pdf](https://www.monstat.org/uploads/files/popis%202021/saopstenja/SAOPSTENJE_Popis%20stanovnistva%202023%20II_ENG.pdf).

18 For more information, see: <https://uprdoc.ohchr.org/uprweb/downloadfile.aspx?filename=11126&file=EnglishTranslation>.



## Remaining gaps in measures to prevent statelessness

Montenegro has acceded to key international instruments, obliging it to implement measures to prevent statelessness, particularly among children. However, although children of Roma parents, like all other children, have the right to birth registration and citizenship, in practice, Roma children often face challenges in being registered due to their parent's lack of proper documentation or difficulties navigating administrative procedures, even despite some safeguards in domestic law.

### Challenges accessing safeguards in citizenship law to prevent statelessness at birth

Article 7(1) of Montenegrin Citizenship Law provides that a child born on the territory of Montenegro acquires Montenegrin citizenship if both parents are unknown, if the parents are of unknown citizenship or stateless, or if the child would otherwise be left without citizenship.<sup>19</sup> In line with international standards, the law does not impose any conditions relating to the parents' or the child's residence status.

Nevertheless, while the law theoretically provides strong protection against childhood statelessness, in practice, it is not consistently applied. Although the law provides that a child who fulfils the criteria will automatically acquire citizenship, this safeguard is not applied automatically in practice. Instead, authorities often assume that the child may acquire citizenship from their parents, without verifying whether this is indeed possible in practice. As a result, children, particularly from marginalised communities such as the Roma community, may remain stateless due to a lack of documentation or unclear legal status of their parents.

According to the Ministry of Internal Affairs, since the Citizenship Law came into effect in May 2008, 18 applications have been submitted for acquiring Montenegrin citizenship under Article 7(1). Of these, 13 have been approved. Phiren Amenca has not received information on whether any of the 13 applications were submitted on behalf of a child whose parents are stateless or a child who would otherwise be left without citizenship.

Several other interrelated challenges continue to hinder efforts to prevent statelessness in Montenegro, particularly among Roma communities. A widespread lack of personal documentation among parents unable to prove their identity or residence status often prevents timely birth registration, which is essential for confirming citizenship and applying Article 7(1). These legal barriers are compounded by systemic issues: Roma applicants frequently face stigmatisation and discrimination when seeking to access services, and barriers to accessing healthcare for Roma women further delays birth registration. Additionally, the Roma community's marginalisation, exposure to discrimination, and deep-rooted distrust in institutions often discourage families from engaging with the registration system. Finally, the lack of systematic data collection on children at risk of statelessness impedes the development of effective, targeted safeguards and prevention measures.

Moreover, although a legal framework exists to regulate the right to citizenship for children who would otherwise be stateless, there is a need for additional educational and informational campaigns to improve transparency and access to information for parents about citizenship acquisition processes, particularly for marginalised groups. NGOs play an important role in filling these information gaps and assisting Roma communities to access birth registration, citizenship rights, and other fundamental rights, helping to prevent statelessness and raise awareness about the importance of citizenship. However, further action is needed to ensure improved access to information among the communities most affected by statelessness in Montenegro.

Based on current information, Phiren Amenca is also not aware of any concrete communication between Montenegro and neighboring Beneficiaries concerning the cross-border prevention of statelessness among children. While Montenegro participates in international efforts to reduce statelessness, it is unclear whether this includes legal assistance mechanisms at the intergovernmental level to obtain relevant information on citizenship issues through reciprocal agreements. This is significant given that, based on the users of Phiren Amenca's services who are at risk

<sup>19</sup> Montenegrin Citizenship Law - Catalogue of regulations "Official Gazette of Montenegro", No. 013/08 of 26.02.2008, 040/10 of 22.07.2010, 028/11 of 10.06.2011, 046/11 of 16.09.2011, 020/14 of 25.04.2014, 054/16 of 15.08.2016, 073/19 of 27.12.2019, 077/24 of 05.08.2024).

of statelessness, a significant percentage of Roma and Egyptians at risk in Montenegro were displaced from Kosovo during the war.

### Barriers to immediate birth registration

The Law on Civil Registers regulates the registration of births, marriages, deaths, and other personal and family status data of Montenegrin citizens, including when such events occur abroad.<sup>20</sup> It also applies to foreign citizens and stateless people for events taking place within Montenegro. With respect to birth registration, the law provides that a child's birth must be recorded in the civil register of births maintained by the municipality in which the child was born. If a child's parents are unknown, registration is carried out in the municipality where the child is found, based on a final decision issued by the guardianship authority.

The law also regulates the process of birth registration. If a child is born in a healthcare institution, the institution is obliged to report the birth, typically by electronic means. In cases where a child is born outside a healthcare facility, the responsibility for reporting the birth falls on the father or, if he is unavailable, the mother. If neither parent is able to report the birth, this obligation extends to the person who assisted with or witnessed the delivery or, alternatively, to the owner of the residence where the child was born. Notably, the law does not condition registration on whether the parents have legal residence in Montenegro, meaning that birth registration is possible regardless of whether the parents are foreign citizens with a regulated status, are without a regulated status, or are stateless or unknown.

In practice, however, administrative procedures and additional requirements often impede the realisation of this legal entitlement, especially for marginalised communities. In some cases, children born in healthcare institutions are not issued birth certificates due to gaps in implementation, lack of institutional coordination, or the inability of the parents to provide required documents. A major barrier is the requirement to present valid personal identification, which many parents, particularly from Roma and Egyptian communities, do

not possess. In the absence of such documents, parents are unable to prove their own identity, which is a prerequisite for registering their child. Limited awareness of procedures and deadlines, exacerbated by a lack of guidance from medical and registry staff, further compounds the issue. Moreover, poor socio-economic conditions, including lack of transportation and financial means, reduce access to administrative services for parents. Hence, although the law does not differentiate between children based on their parents' possession of identification documents, a gap persists in practice that prevents many from exercising their equal right to birth registration.

Another reason why the barriers to birth registration can be especially pronounced for Roma communities is that many Roma couples enter into common-law unions rather than formal marriages. In these cases, the Ministry of Interior requires the father's declaration of paternity when registering a child. If the mother is a foreign citizen, the authorities also request a certificate of free marital status from the competent authority in her place of origin. In practice, these requirements often present significant barriers as many Roma families lack the necessary documents or financial means to obtain certificates from foreign authorities. The process can involve administrative costs, translation fees, and lengthy delays, especially when the mother's country of nationality does not have functioning institutions or when there is no consular presence in Montenegro. As a result, children born into such unions frequently remain unregistered, putting them at risk of statelessness and exclusion from basic rights.

Moreover, deep-rooted mistrust of public institutions and fear of being reported for irregular residence can discourage Roma families from approaching authorities. Although the Law on Foreigners<sup>21</sup> does not include specific provisions that require civil registry or healthcare authorities to report undocumented individuals to immigration authorities, Article 37 of the Law on Civil Registers permits the use of civil registry data by the Ministry of Interior.<sup>22</sup> This provision may allow civil registry data to be linked to immigration data, and although there have been no confirmed cases of such

20 Law on Civil Registers, "Catalogue of regulations" - "Official Gazette of Montenegro", No. 047/08 of 07.08.2008, 041/10 of 23.07.2010, 040/11 of 08.08.2011, 055/16 of 17.08.2016, 077/24 of 05.08.2024.

21 Law of Foreigners, Catalogue of regulations - "Official Gazette of Montenegro", No. 047/08 of 07.08.2008, 041/10 of 23.07.2010, 040/11 of 08.08.2011, 055/16 of 17.08.2016, 077/24 of 05.08.2024.

22 Law on Civil Registers, Article 37, paragraphs 2 and 3: "Data from civil registers may be used by the Ministry for linking data from civil registers with data from other records it maintains, as well as for performing other tasks within its competence. State authorities, local government bodies, and other bodies and organizations may use data from civil registers to perform tasks within their competence if authorized by law."

reporting, practitioners working with Roma communities frequently report that the perceived risk of being reported to the authorities is a significant deterrent for undocumented parents, particularly where one or both parents have irregular residence status. Whether or not this fear is based on an actual legal obligation, it discourages families from registering the birth of their children, contributing to under-registration and increasing the risk of statelessness. In line with international best practices, Montenegro should consider introducing explicit legal provisions that prohibit healthcare institutions and civil registry offices from reporting undocumented individuals, ensuring that all children can access legal identity from birth without fear of negative consequences.

Access to healthcare is another crucial factor influencing the likelihood of timely birth registration. Although the Law on Healthcare guarantees the right to healthcare for all citizens, there are practical challenges that can hinder this access, particularly for Roma communities. Under the Law on Healthcare, a foreigner must bear the costs of emergency medical assistance or other types of healthcare services according to the healthcare institution's pricing, unless otherwise regulated by an international agreement. Under Montenegrin law, a foreigner is defined as a person who is a citizen of another State or a stateless person. This means that a woman who does not have a regulated citizenship status in Montenegro is required to pay for maternity services.

In practice, many Roma mothers do not have access to maternity healthcare (mainly due to their lack of civil registration and unresolved citizenship status in Montenegro) and therefore choose to give birth at home, which can make official registration of newborns more difficult or delayed. Additionally, socio-economic factors such as poverty and lack of information can further hinder access to healthcare services and awareness about the importance of birth registration. There are also cases where women use the health insurance card of a family member or friend to give birth in a hospital. However, such actions create legal issues later, as the woman listed as the mother in the civil registry is the one whose name appears on the hospital discharge papers, which are required for birth registration.

To overcome these challenges, it is essential to improve the availability and quality of healthcare services for all mothers, particularly those from marginalised groups. Providing accessible and inclusive support through local healthcare and social services, in collaboration

with NGOs, can contribute to better awareness and improved access to essential services, helping to ensure timely birth registration for all children in Montenegro. Additionally, advocating for authorities to provide free and equal access to reproductive healthcare for all women regardless of residence or citizenship status, would be particularly beneficial for those in socio-economic need and help reduce the risk of children being born unregistered in marginalised and minoritised communities.

In Montenegro, the birth registry includes information on the child's citizenship, but only if it can be immediately determined based on the citizenship of the parents. However, in cases where the child's citizenship is not clearly established at birth, there may be delays in recording this information, or the field remains blank until the status is resolved. The birth registry also records information about the parents, so if a parent's citizenship is unknown or the parent is stateless, this field is left blank. A birth certificate in Montenegro is considered a document serving as proof of an individual's birth registration. It contains basic biographical information, such as name, surname, date and place of birth, as well as details about the parents and citizenship status.

### **Late birth registration**

The Law on Civil Registers stipulates that every birth must be reported within three days of the child's birth. However, in practice, parents may face challenges when registering births, particularly if they lack valid identity documents or proof of citizenship. This can lead to delays in registration or unresolved registration status, which may have long-term consequences on the child's access to rights such as healthcare, education, and citizenship.

Article 33 of the Law on Civil Registers provides that a late birth registration, or other facts reported after 30 days from the occurrence, shall be conducted by an official after an investigation into the facts of the birth. If the official determines that there is no basis for registration in accordance with the law, a decision rejecting the request for registration will be issued. The Law also prescribes penalties for non-compliance. A legal entity (such as a healthcare institution) that fails to report a



birth within the prescribed period may be fined between 500 and 5,000 EUR. Additionally, an individual may be fined between 100 and 500 EUR for failing to report a birth within the legal timeframe. While Phiren Amenca is not aware of concrete cases where these penalties were enforced against families, the existence of such provisions may contribute to a perception of risk among parents, particularly those in vulnerable situations or with irregular residence or citizenship status. This could potentially discourage the registration of births, especially when delays are due to factors beyond their control, such as lack of documentation or limited access to services.

In addition to the Law on Civil Registers, the late registration process is also regulated by the Law on Non-Contentious Proceedings. This Law was amended in 2015 to allow a court to determine the time and place of birth for unregistered individuals, including children born outside medical institutions where the time and place of birth cannot be established under the Law on Civil Registers.<sup>23</sup> These amendments aimed to facilitate late birth registration and reduce the risk of statelessness, particularly among Roma communities. There are no age restrictions for initiating this judicial procedure. In practice, legal assistance has been provided to adults and their cases have been successfully concluded, allowing them to be registered in civil records upon the final court decision. To initiate this procedure, the applicant is required to pay a court fee of 30 EUR.

To complement these legal pathways, outreach and identification of people with unregistered births plays a crucial role. In Montenegro, established collaboration exists between public authorities, local governments, and NGOs, with the Government recognising NGOs as key partners in implementing reforms and fostering social development. Various mechanisms, including the appointment of contact persons for NGO cooperation within all ministries and central administration bodies, aim to improve coordination and collaboration between authorities and NGOs.

However, based on the experience of Phiren Amenca, while this cooperation is in place, it has proven to be least effective in addressing issues related to birth registration, particularly among marginalised groups such as the Roma and Egyptian populations. NGOs often provide legal assistance, education, and support in the registration process, helping to reduce the number of stateless individuals and facilitating access to basic rights and services. However, these organisations primarily take independent action rather than working through structured collaboration with public authorities. The cooperation has not reached a level where birth registration issues are systematically addressed together; instead, NGOs largely operate autonomously by assisting individuals through counselling, preparing submissions and applications, supporting the initiation of procedures, and monitoring cases until their resolution. Furthermore, although each ministry formally has a designated contact person or sector for NGO cooperation, in practice, the effectiveness and intensity of this collaboration vary. Some ministries take a more proactive approach, while in others, communication can be slower or less developed.

As such, although Montenegro is formally committed to promoting birth registration among the Roma community, practical challenges remain. Improving birth registration is vital to ensuring Montenegro fulfils its Strategy for the Social Inclusion of Roma and Egyptians for the period 2021–2025, given its aim to improve living conditions, education, employment, and healthcare for these communities. Additionally, improvements would align Montenegro with regional best practices, as reports from the European Commission consistently emphasise the importance of protecting the rights of Roma and Egyptians and the necessity of improving their status, primarily through the consistent implementation of existing legal frameworks. To achieve this, Montenegro must focus on better implementation through targeted fieldwork, simplified administrative procedures, and stronger institutional support for families facing difficulties in documenting their identity.

23 Catalog of regulations - The Law on Non-Contentious Proceedings ("Official Gazette of the Republic of Montenegro", No. 027/06 of 27.04.2006; "Official Gazette of Montenegro", No. 073/10 of 10.12.2010, 020/15 of 24.04.2015, 075/18 of 23.11.2018, 067/19 of 11.12.2019, 123/24 of 23.12.2024).

## Remaining gaps in measures to reduce statelessness

Montenegro's legal system incorporates several key provisions aimed at reducing statelessness, but some key gaps remain:

- The Montenegrin Citizenship Law provides a pathway to naturalisation for stateless individuals but imposes strict requirements, including proof of 10 years of lawful residence.
- The Law on Foreigners establishes a procedure for determining statelessness, but it does not grant automatic residence rights to those recognised as stateless.
- The Law on Civil Registries mandates birth registration for all children born in Montenegro, regardless of their parents' citizenship or civil status, but obstacles remain in practice.
- The Law on Free Legal Aid provides some limited access to legal assistance, but excludes procedures related to naturalisation.
- Montenegro is part of regional initiatives and collaborates with organisations like UNHCR to improve the protection of stateless individuals and prevent new cases, but this cooperation must continue until all gaps are closed and statelessness is ended.

The reduction of statelessness remains a pressing issue in Montenegro, particularly in relation to adults who lack a regulated legal status as a result of unresolved issues from childhood. As discussed above, although Montenegro legally mandates universal birth registration, many Roma children face administrative obstacles due to issues relating to documentation, administrative barriers, discrimination, barriers to maternity care, lack of knowledge of registration procedures, as well as cross-border complications in some cases. These issues continue to hinder efforts to reduce (risk of) statelessness in Montenegro.

Despite progress in legal reforms, Roma communities in Montenegro continue to face systemic barriers in resolving their legal status. Discriminatory attitudes persist within administrative institutions, where Roma individuals frequently encounter reluctance or dismissive behaviour when attempting to obtain personal

documentation. In addition, many Roma families lack awareness of their rights related to citizenship and civil registration, which limits their ability to access available legal pathways. The situation is further complicated by limited cooperation between Montenegro and neighbouring Beneficiaries, particularly Kosovo and Serbia, where many stateless Roma have familial or historical ties. The absence of clear diplomatic agreements with these Beneficiaries hinders effective citizenship determination and prolongs the statelessness of affected individuals. Moreover, although stateless people residing in Montenegro can acquire citizenship through naturalisation, the procedure remains difficult and largely inaccessible for many. While individuals in this situation are often directed toward naturalisation, this pathway is not appropriate for those who should already be considered Montenegrin citizens by operation of the law, based on their birth and long-term residence in Montenegro. However, no legal procedure currently exists to confirm or determine citizenship status in such cases, leaving many—particularly from Roma communities—without access to citizenship rights. A separate citizenship confirmation procedure should be established to ensure these individuals are recognised as citizens in accordance with existing legal entitlements.

While Montenegro has taken important strides in aligning its legal framework with international standards, implementation challenges continue to leave many Roma individuals without citizenship or legal recognition. Addressing these issues requires a proactive approach, including policy reforms, administrative improvements, and sustained cooperation between government institutions and civil society organisations.

### Naturalisation

Article 14 of Montenegrin Citizenship Law allows a stateless person to acquire citizenship through naturalisation if they meet the conditions set out in the law. These include: being at least 18 years old; having lawfully and continuously resided in Montenegro for 10 years prior to the application; not having been convicted of an unconditional prison sentence longer than a year for a criminal offence prosecuted *ex officio*, or the legal consequences of the conviction have ceased; not posing a security or defence threat to Montenegro; and having settled any due tax or other legal obligations.

In practice, this pathway requires both official statelessness status and ten years of lawful residence following that recognition – which is the same timeframe as for others with a foreign citizenship.<sup>24</sup> According to the legal framework, ‘lawful residence’ is defined only as residence based on a valid permit, temporary or permanent, issued by the Ministry of Interior before the submission of a naturalisation request.<sup>25</sup> Additionally, there are financial barriers including a standard administrative fee of 100 EUR for the application, as well as other costs, such as translation, notary certifications, and issuance of certificates.<sup>26</sup> As such, while Montenegro formally acknowledges its obligation to prevent and reduce statelessness and provides a legal pathway to naturalisation for stateless individuals, in reality, there is no simplified procedure and many stateless people are effectively excluded due to barriers to acquiring a residence permit and financial burden.

### Free legal aid

The Law on Free Legal Aid was amended in December 2024 to extend coverage of free legal aid to individuals seeking recognition of their statelessness status, as well as stateless persons, asylum-seekers, and other foreigners with lawful residence in Montenegro. Article 2 provides that legal aid covers the costs of legal counselling, drafting legal documents, representation in court proceedings, proceedings before the Public Prosecution Office and the Constitutional Court of Montenegro, as well as in alternative dispute resolution procedures and enforcement proceedings. It also includes exemption from paying court fees. Free legal aid is also provided for drafting documents in administrative procedures related to social and child protection, healthcare, and pension and disability insurance.

However, access to free legal aid during the naturalisation process is explicitly excluded from the scope of the law. Thus, individuals seeking Montenegrin citizenship through naturalisation can often face legal and administrative complexities without public-provided

assistance. As a result, many rely on civil society organisations for guidance, legal representation, and assistance in navigating the requirements of the process. The limited scope of public-funded legal aid remains a significant barrier, particularly for groups such as stateless people, Roma, and Egyptians, who often struggle with documentation and legal status issues that fall outside the scope of legal aid.

### Outreach and identification

In recent years, Montenegro has implemented several initiatives and awareness campaigns aiming to increase Roma individuals’ access to civil registration and prevent and resolve cases of undetermined or unconfirmed citizenship. These efforts have focused on identifying and eliminating barriers to accessing procedures, as well as resolving known cases of statelessness. It is also important to highlight the activities of NGOs who work directly and proactively on this issue, particularly through fieldwork outreach and identification within affected communities.

However, the Government of Montenegro could further enhance its commitment to the inclusion of Roma and Egyptians, not only through the adoption of strategies but also through their effective implementation and monitoring. While strategies such as the *Strategy for the Social Inclusion of Roma and Egyptians 2021–2025* have been adopted, it is crucial to ensure that the planned activities are genuinely carried out on the ground. Going forwards, it is important that remaining unidentified cases are mapped and identified, in addition to focusing on resolving known cases. It is also essential that the activities outlined in action plans are implemented meaningfully and comprehensively, ensuring real change in the lives of community members. Crucially, Roma communities must be involved in the decision-making process, allocating adequate budgetary resources for the implementation of planned measures, and continuously monitoring and evaluating results to identify challenges and adjust activities based on need.

24 Montenegrin Citizenship Law - Catalogue of regulations “Official Gazette of Montenegro”, No. 013/08 of 26.02.2008, 040/10 of 22.07.2010, 028/11 of 10.06.2011, 046/11 of 16.09.2011, 020/14 of 25.04.2014, 054/16 of 15.08.2016, 073/19 of 27.12.2019, 077/24 of 05.08.2024).

25 The criteria for acquiring citizenship through naturalisation are determined by the Government of Montenegro, which has adopted the Decision on Establishing the Criteria for Determining the Conditions for Acquiring Montenegrin Citizenship by Naturalization. Article 3 of this decision defines the concept of ‘lawful residence’. See Catalog of regulations, *Decision on Establishing the Criteria for Determining the Conditions for Acquiring Montenegrin Citizenship by Naturalization* (“Official Gazette of Montenegro”, No. 047/08 of 07.08.2008, 080/08 of 26.12.2008, 030/10 of 26.05.2010, 056/12 of 09.11.2012, 015/22 of 11.02.2022).

26 Catalog of regulations, The Law on Administrative Fees (“Official Gazette of Montenegro”, No. 018/19 of 22.03.2019).

## Statelessness in a migratory context

In Montenegro, distinguishing between *in situ* and migratory populations affected by risk of statelessness is complex due to historical migration patterns and documentation challenges. Roma individuals originating from other former Yugoslav republics still face significant risks of statelessness due to documentation issues, restrictive citizenship laws, and lack of recognition in their place of origin.

Many Roma individuals who were displaced or migrated to Montenegro struggle to obtain Montenegrin citizenship due to strict naturalisation criteria, especially the requirement for ten years of continuous and lawful residence. Without proper documentation, they cannot register their residence or access a residence permit, leaving them in legal limbo. Additionally, some may face difficulties obtaining identity documents from their places of origin, particularly those from Kosovo and Serbia, where diplomatic tensions complicate the process. Birth registration is another major issue. Children born to undocumented Roma migrants often face barriers in acquiring citizenship, increasing the risk of intergenerational statelessness. Without lawful residence, many individuals also lack access to healthcare, education, employment, and social services in Montenegro, further exacerbating their exclusion.

As such, Montenegro's efforts to reduce statelessness must extend beyond *in situ* populations to include Roma and other groups of migrants and refugees. This should include simplifying naturalisation procedures, ensuring universal birth registration regardless of parents' residence status, strengthening regional cooperation to address documentation gaps, and providing free legal assistance to individuals at risk of statelessness. Addressing these issues is crucial for achieving durable solutions and ensuring the full inclusion of Roma in Montenegrin society.

Positively, Montenegro has established a specific procedure for the determination of statelessness (SDP) within its legal framework.<sup>27</sup> However, despite this welcome step, there are limitations to the effectiveness of the SDP in law and practice. One of the key shortcomings

is the prohibition on anyone who has applied for or been granted international protection being able to apply under the SDP, which excludes particular groups of stateless people from the procedure. Furthermore, recognition of statelessness status does not automatically grant the right to residence in Montenegro. A stateless person *may* be granted a temporary residence permit if they meet the strict conditions outlined in law, which include having access to accommodation, health insurance, a valid travel document or identity card, and not being subject to an entry or residence ban in Montenegro. Additionally, applicants must provide evidence that they have been residing in Montenegro for at least three years prior to applying and that they intend to continue residing there.

The law does not specify whether the required factual residence must be continuous, whether the three-year period is calculated from the time of application or from the recognition of stateless status. Furthermore, it remains unclear how an individual is expected to prove their factual residence, which can significantly complicate the process of obtaining a residence permit. This, in turn, has significant implications for access to naturalisation, as both official statelessness status and lawful residence are prerequisites for naturalisation. These legal and procedural ambiguities risk extending the period during which stateless individuals remain without citizenship.

Moreover, according to the provisions of the Law on Free Legal Aid, the SDP does not fall in the administrative categories covered by the law (social and child protection, healthcare, and pension and disability insurance). This means that applicants for statelessness determination do not have the right to free legal aid during the SDP (even though they may now since December 2024 have access to legal aid for other administrative procedures), which poses a significant barrier to the effectiveness and accessibility of the procedure. In practice, civil society organisations often provide free legal assistance and counselling in such cases, but further resourcing of these efforts is essential.

27 The procedure was introduced in 2018 through the Law on Foreigners and the accompanying by-law, the "Rulebook on the Procedure for the Determination of Stateless Status". Catalogue of regulations, Rulebook on the Procedure for the Determination of Stateless Status "Službeni list Crne Gore", br. 072/18 od 13.11.2018, 028/23 od 10.03.2023).

## Challenges in resolving cross-border cases of statelessness

Within the *Migration Strategy and Reintegration of Returnees in Montenegro for the Period 2021–2025*, Montenegro emphasises the importance of regional cooperation in the field of migration and integrated migration management. The strategy aims to establish an efficient system that contributes to regional stability and aligns with the rules and standards of the European Union. Additionally, Montenegro collaborates with UNHCR in implementing the Cooperation Framework for Sustainable Development 2023–2027, which includes activities focused on reducing statelessness and improving the status of stateless persons. This framework is part of Montenegro's broader efforts to harmonise its policies with international human rights obligations and regional migration management practices.<sup>28</sup>

Beyond centralised commitments, the efforts of civil society are particularly valuable where cross-border cases arise. For example, Phiren Amenca and Roma Versitas Kosovo have strengthened their collaboration aimed at facilitating the acquisition of documentation for individuals in need. Phiren Amenca plays a key role in identifying individuals requiring technical and financial support in Kosovo, which has then been provided through the coordinated efforts of both organisations. While this collaboration has proven successful in addressing immediate documentation needs, both Phiren Amenca and Roma Versitas Kosovo have jointly acknowledged that significant administrative barriers persist. These ongoing challenges continue to hinder the full impact

of their efforts, highlighting the need for continued advocacy and policy reform to address systemic obstacles.

A key issue relates to children born in Montenegro to Kosovar and Serbian parents in mixed marriages or common-law unions. In the experience of Phiren Amenca, the Government of Serbia (including its embassies and consular offices in Montenegro) refuses to address the citizenship status of children when one parent is a citizen of Kosovo. According to information obtained from the Serbian Embassy in Podgorica, addressing such cases would be considered unconstitutional, as the Serbian Constitution regards Kosovo as an autonomous province within Serbia. If a child carries the surname of a Kosovar parent, the Kosovar authorities permit the child to acquire Kosovar citizenship. However, if this is not the case, Kosovar authorities will not register the child in their citizenship records. In such cases, Montenegrin authorities do not intervene, considering the matter beyond their jurisdiction. The Ministry of Interior does not recognise the children as being at risk of statelessness, on the grounds that their parents hold a citizenship. As a result, these children are denied access to the safeguard in Montenegrin citizenship law to prevent childhood statelessness. While, in theory, these children may be entitled to citizenship through descent, in practice, they are often unable to acquire it due to unresolved political and legal disputes, creating a significant risk of statelessness.

28 For more information, see: <https://montenegro.un.org/en/about/about-the-un>.



## Action Areas

### The Parliament of Montenegro

- Amend the Law on Montenegrin Citizenship to introduce a facilitated naturalisation procedure for stateless people, including reduced residence duration requirements and simplified criteria for proving relevant facts related to citizenship acquisition.
- Amend the relevant provisions of the Law on Foreigners to ensure that individuals recognised as stateless are automatically granted at least temporary residence status, with access to employment and essential services.
- Ensure compliance with Montenegro's obligations under the 1954 Convention Relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.

### The Government of Montenegro

- Clarify procedural deadlines and simplify documentation requirements for the Statelessness Determination Procedure to reduce administrative barriers to protection.
- Introduce a more flexible approach for children born in Montenegro whose parents lack documentation to prioritise the best interests of the child and ensure that immediate, free, universal birth registration is a reality in practice.
- Introduce urgent or mobile registration mechanisms targeting marginalised communities, particularly Roma and Egyptian communities to facilitate access to civil registration for all, identify remaining cases, and refer complex cases for quick resolution.
- Introduce a facilitated procedure to determine or confirm citizenship of stateless adults born in Montenegro who lack civil documentation or proof of residence and are unable to access any other route to citizenship.
- Develop and implement regular training programmes for civil registry officials, social workers, and Ministry staff on statelessness, anti-discrimination,

and the specific needs of Roma and other vulnerable groups.

- Establish an integrated and disaggregated database (by age, ethnicity, region, etc.) of stateless people and those at risk of statelessness, linked across institutions for the purposes of identifying and resolving remaining cases (Ministry of Interior, Civil Registry Offices, and social protection system), as this would improve case tracking, service delivery, and strategic policy planning.

### Local authorities

- Conduct field campaigns in collaboration with Roma and other NGOs to proactively identify and register undocumented individuals.
- Provide free legal assistance for obtaining documents and registering residence, particularly in Roma settlements, such as through mobile teams.
- Expand and facilitate free legal aid programmes to include naturalisation and SDP procedures and birth and civil registration.
- Strengthen access to public healthcare services for vulnerable groups, including Roma and Egyptians, with a focus on ensuring that all women have equal and non-discriminatory access to reproductive and maternal healthcare and choices.
- Facilitate the issuance of birth certificates and related documentation immediately following birth, including where children are born outside healthcare institutions, and ensure that lack of health insurance or residence status does not present a barrier to maternal or child healthcare.

### European Union and Council of Europe

- Integrate statelessness and civil registration issues into Montenegro's EU Enlargement monitoring under fundamental rights and Roma inclusion benchmarks.
- Provide targeted funding to support work to address statelessness, including knowledge-sha-

ring, capacity-building, community engagement, provision of legal aid, and advocacy activities.

- Support Montenegro to participate in regional co-operation initiatives.
- Monitor and support alignment of domestic laws with international and regional standards concerning the prevention and reduction of statelessness, child rights, anti-discrimination, and Roma inclusion.
- Promote inclusive data systems and monitoring frameworks involving civil society to track progress on ending statelessness.

#### **UNHCR, other International Organisations and Donors**

- Continue to support the Montenegrin Government and civil society to prevent and reduce statelessness and address systemic barriers to birth registration, citizenship acquisition, and personal documentation.
- Provide technical and advisory support to the Government of Montenegro to improve the legal framework on protection of stateless persons and prevention and reduction of statelessness.
- Assist in aligning domestic laws with the 1954 and 1961 Conventions, ensuring procedural safeguards, legal status, and rights for recognised stateless persons.
- Support improved data collection and analysis on statelessness and facilitate coordination among government institutions and civil society.

- Leverage Montenegro's membership of the Global Alliance to End Statelessness, encouraging participation in the Solution Seekers Programme and mobilising resources for durable legal and policy reforms.

- Fund projects working with and for communities affected by statelessness in the Western Balkans, including specifically for legal assistance, capacity-building of public institutions and services, community engagement, and law and policy reform.

#### **Civil Society Organisations**

- Continue efforts to offer free legal assistance to undocumented individuals and enhance awareness among vulnerable communities.
- Work actively with government institutions and international organisations to reform laws and policies on citizenship and birth registration.
- Conduct further research on statelessness, including through mapping studies, particularly among Roma and Egyptian populations.
- Raise awareness, advocate for policy change, and participate in public consultations to support the government in evaluating and improving statelessness-related frameworks, including the SDP.

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#### **This paper was prepared by Phiren Amenca in collaboration with the European Network on Statelessness.**

Roma Youth Organisation "Walk with us - Phiren Amenca" is a civil society organisation based in Montenegro and led by Roma. The organisation works on all the pressing issues for the Roma and Egyptian community: education, housing, employment, legal status, healthcare and antigypsism.

The European Network on Statelessness (ENS) is a civil society alliance of over 180 NGOs, lawyers, academics, and other independent experts in over 40 Beneficiaries committed to addressing statelessness in Europe. ENS organises its work around three pillars – law and policy development, awareness-raising, and capacity-building. ENS provides expert advice and support to a range of stakeholders, including governments.

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## Appendix

Relevant domestic legislation:

**Law on the Prohibition of Discrimination** (“Official Gazette of Montenegro”, No. 046/10 of 06.08.2010, 040/11 of 08.08.2011, 018/14 of 11.04.2014, 042/17 of 30.06.2017) – covering ethnic minorities, including Roma, protecting them from discrimination in all aspects of life. It defines discrimination as any legal or factual distinction, unequal treatment, or failure to act towards an individual or group based on race, color, nationality, ethnic or social origin, language, religion, political or other belief, gender, gender identity, sexual orientation, disability, age, property status, or any other personal characteristic.

**Law on Minority Rights and Freedoms** (“Official Gazette of the Republic of Montenegro”, No. 031/06 of 12.05.2006, 051/06 of 04.08.2006, 038/07 of 22.06.2007, “Official Gazette of Montenegro”, No. 002/11 of 12.01.2011, 008/11 of 04.02.2011, 031/17 of 12.05.2017) – ensuring the protection of human rights and freedoms for minorities, as well as specific minority rights.

**Law on Social and Child Protection** (“Official Gazette of Montenegro”, No. 027/13 of 11.06.2013, 001/15 of 05.01.2015, 042/15 of 29.07.2015, 047/15 of 18.08.2015, 056/16 of 23.08.2016, 066/16 of 20.10.2016, 001/17 of 09.01.2017, 031/17 of 12.05.2017, 042/17 of 30.06.2017, 050/17 of 31.07.2017, 059/21 of 04.06.2021, 145/21 of 31.12.2021, 003/23 of 10.01.2023, 048/24 of 24.05.2024, 084/24 of 06.09.2024) – applicable to all citizens, including Roma, improving social rights while prohibiting discrimination.

**Law on Primary Education and Upbringing** (“Official Gazette of the Republic of Montenegro”, No. 064/02 of 28.11.2002, 049/07 of 10.08.2007, “Official Gazette of Montenegro”, No. 045/10 of 04.08.2010, 040/11 of 08.08.2011, 039/13 of 07.08.2013, 047/17 of 19.07.2017, 059/21 of 04.06.2021, 003/23 of 10.01.2023) – ensuring access to primary education for all, without restrictions based on gender, race, color, language, religion, political or other beliefs, national or ethnic origin, disability, or any similar basis.

**Law on Non-Contentious Proceedings** (“Official Gazette of the Republic of Montenegro”, No. 027/06 of 27.04.2006, “Official Gazette of Montenegro”, No. 073/10 of 10.12.2010, 020/15 of 24.04.2015, 075/18 of 23.11.2018, 067/19 of 11.12.2019, 123/24 of 23.12.2024) – regulating the late registration procedure for individuals born outside healthcare institutions.

**Law on Healthcare Protection** (“Official Gazette of Montenegro”, No. 003/16 of 15.01.2016, 039/16 of 29.06.2016, 002/17 of 10.01.2017, 044/18 of 06.07.2018, 024/19 of 22.04.2019, 082/20 of 06.08.2020, 008/21 of 26.01.2021, 003/23 of 10.01.2023, 048/24 of 24.05.2024, 077/24 of 05.08.2024, 084/24 of 06.09.2024) – stipulating that foreigners, including stateless persons, have the right to healthcare.

**Law on Foreigners** (“Official Gazette of Montenegro”, No. 012/18 of 23.02.2018, 003/19 of 15.01.2019, 086/22 of 03.08.2022, 077/24 of 05.08.2024) – regulating entry, exit, movement, residence, and work of foreigners in Montenegro, including conditions for acquiring stateless person status.

**Law on Montenegrin Citizenship** (“Official Gazette of Montenegro”, No. 013/08 of 26.02.2008, 040/10 of 22.07.2010, 028/11 of 10.06.2011, 046/11 of 16.09.2011, 020/14 of 25.04.2014, 054/16 of 15.08.2016, 073/19 of 27.12.2019, 077/24 of 05.08.2024) – regulating the acquisition and loss of Montenegrin citizenship, stipulating that a child born in Montenegro to stateless parents automatically acquires Montenegrin citizenship.

**Criminal Code of Montenegro** (“Official Gazette of the Republic of Montenegro”, No. 070/03 of 25.12.2003, 013/04 of 26.02.2004, 047/06 of 25.07.2006, “Official Gazette of Montenegro”, No. 040/08 of 27.06.2008, 025/10 of 05.05.2010, 073/10 of 10.12.2010, 032/11 of 01.07.2011, 064/11 of 29.12.2011, 040/13 of 13.08.2013, 056/13 of 06.12.2013, 014/15 of 26.03.2015, 042/15 of 29.07.2015, 058/15 of 09.10.2015, 044/17 of 06.07.2017, 049/18 of 17.07.2018, 003/20 of 23.01.2020, 026/21 of 08.03.2021, 144/21 of 31.12.2021, 110/23 of 12.12.2023, 123/24 of 23.12.2024) – criminalizing violations of freedom of speech, language use, equality, and national or ethnic identity expression.

**Law on Free Legal Aid** (“Official Gazette of Montenegro”, No. 020/11 of 15.04.2011, 020/15 of 24.04.2015, 123/24 of 23.12.2024) – ensuring free legal assistance to individuals who cannot afford legal representation.

**Constitution of Montenegro** (“Official Gazette of Montenegro”, No. 001/07 of 25.10.2007, 038/13 of 02.08.2013) – prohibiting discrimination in any form.





Roma Integration Phase III is a Joint Programme of the European Union and the Council of Europe. It aims to strengthen the capacity of governments in the Western Balkans and Türkiye to effectively address the multifaceted challenges faced by the Roma community through the implementation of comprehensive public policies. These policies cover critical areas such as housing, employment, population registration, as well as the green and digital transition.

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