European Commission against Racism and Intolerance
Commission européenne contre le racisme et l'intolérance

CRI(2015)7

ECRI CONCLUSIONS ON THE IMPLEMENTATION OF THE RECOMMENDATIONS IN RESPECT OF MONTENEGRO SUBJECT TO INTERIM FOLLOW-UP

Adopted on 9 December 2014[1]

Published on 24 February 2015

[1] Any developments which occurred after 24 April 2014, date on which the response of the Montenegrin authorities to ECRI's request for information on measures taken to implement the recommendations chosen for interim follow-up was received, are not taken into account in this analysis.

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FOREWORD

As part of the fourth round of ECRI's monitoring work, a new process of interim follow-up has been introduced with respect to a small number of specific recommendations made in each of ECRI's country reports.

Accordingly and in line with the guidelines for the fourth round of ECRI's country-by-country work brought to the attention of the Ministers' Deputies on 7 February 2007[1], not later than two years following the publication of each report, ECRI addresses a communication to the Government concerned asking what has been done in respect of the specific recommendations for which priority follow-up was requested.

At the same time, ECRI gathers relevant information itself. On the basis of this information and the response from the Government, ECRI draws up its conclusions on the way in which its recommendations have been followed up.

It should be noted that these conclusions concern only the specific interim recommendations and do not aim at providing a comprehensive analysis of all developments in the fight against racism and intolerance in the State concerned.

[1] CM/Del/Dec(2007)986/4.1.

1. In its report on Montenegro (fourth monitoring cycle), ECRI recommended that the authorities strengthen the initial and in-service training provided to police, lawyers, public prosecutors and judges on issues related to equal treatment and non-discrimination, the criminal law provisions in force against racism and racial discrimination and on how to recognise the racist motivation of an offence.

ECRI has been informed, as regards police, that basic and in-service training at the Police Academy includes the subjects "human rights and ethics" and "working in a multi-ethnic context". In August 2013, the Police Academy signed a Memorandum of Cooperation with the OSCE Office for Democratic Institutions and Human Rights (ODIHR) on a programme of training the trainers in combating hate crime. This aims at training police to recognise hate crime, understand its dynamics and impact on victims, apply the relevant legislation and acquire the skills needed for investigating hate crime. The first seminar took place in November 2013 with 16 participants: 13 officers from the Department of Criminal Police, two from the Police Academy and one NGO representative. This activity will continue in 2014.

Furthermore, the Ministry of Human and Minority Rights has included police officers in its annual education plan on the application of anti-discrimination legislation and protection from discrimination. From 2011 to 2013, training courses have been organised, composed of five seminars and workshops on anti-discrimination legislation (an introduction thereto) and how to recognise it in practice and prevent it. Participants must pass the whole cycle in order to obtain a certificate of competence. ECRI has been informed that these courses will continue throughout 2014 with the goal of training as many professionals as possible who are directly or indirectly involved in the application of anti-discrimination legislation or who come into contact with discrimination cases.

As for judges and prosecutors, the Judicial Training Centre, in accordance with its annual programme, provides initial and in-service training in the area of human rights and anti-discrimination, including the application of international and national standards against discrimination. In 2012, the Centre ran a programme of training the trainers on the subject of non-discrimination. Five judges and six deputy prosecutors participated and were awarded certificates. In 2012 and 2013, four in-service courses related to the prohibition of discrimination were conducted. In 2015, specific training is planned for public prosecutors.

From 2014, mandatory training for selected representatives of all misdemeanour courts[1] has also been included in the training sessions of the Ministry of Human and Minority Rights (see above); ECRI has heard that 25 misdemeanour judges have recently received such training.

ECRI notes that the trainers are prominent experts in the field of human rights from Montenegro and the region, including university professors and representatives of relevant NGOs.

In April 2014, in cooperation with the Council of Europe's HELP (European Programme for Human Rights Education for Legal Professionals) Programme, the Judicial Training Centre carried out the first distance learning course on anti-discrimination; 10 judges and 11 prosecutors participated.

Finally, ECRI notes that the Judicial Training Centre published a handbook on discrimination which has been provided to all judges and prosecutors in Montenegro.

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[1] ECRI's first Report noted, in paragraph 16, that "… most cases involving incitement to national or religious hatred are heard as misdemeanours in lower courts and these rarely result in convictions. Lack of evidence was cited as the main reason, but also lack of training in identifying a racist motivation."

ECRI commends the progress made by the Montenegrin authorities in the field of anti-discrimination training. Although, so far, lawyers were not included in the training plan, it is pleased to note that anti-discrimination training has been provided in a large number of sectors, including members of the Ombudsman's office, human rights NGOs, inspection service personnel and representatives of local government. Therefore, ECRI considers that, overall, its recommendation has been implemented.

2. In its report on Montenegro (fourth monitoring cycle), ECRI strongly recommended that the Montenegrin authorities, after full and open consultations with the people concerned, find standard accommodation all around the town or the country for the Roma, Ashkali and Egyptian (RAE) inhabitants of Konik, and close down the camp.

ECRI recalls the Government's Strategy for resolving the issue of displaced and internally displaced persons in Montenegro with special reference to camps Konik I and II, adopted on 28 July 2011, mentioned in its first report. ECRI raised concerns in particular about the construction of housing units in the area of Konik I which would perpetuate the segregation of the Roma, Ashkali and Egyption (RAE) community.

Since the publication of its report, two serious incidents affecting the Konik camps have occurred: a fire in July 2012 which left around 800 people homeless, followed by a flood in September 2012, which also caused major damage. A number of temporary solutions were found to rehouse people who had lost their homes, including the installation of more than 200 "containers[2]". ECRI commends the measures taken while stressing their temporary nature.

In view of a more permanent solution, ECRI notes that through the Regional Housing Programme[3] for Montenegro funding is planned for resolving the housing needs of 6 063 persons (1 177 households) belonging to the most vulnerable categories, in particular the residents of Konik (around 2 000 persons). The authorities informed ECRI that in October 2013, the Assembly of Donors for the Regional Housing Programme approved the "Camp Konik Project", which envisages the construction of 120 standard housing units on the site of Konik I. In addition, further funding from European funds and from the Ministry of Labour and Social Welfare will cover the construction of another 90 housing units. In this context, in February 2012, the municipality of Podgorica adopted a decision to participate in the building of a multi-apartment housing estate and a detailed urban plan for Konik II.

ECRI welcomes the progress made in this complex area and the efforts of the authorities to solve the problem of Konik and close it down. However, it remains concerned that the housing solution proposed is the construction of standard accommodation in the area of the existing camps, which is a suburb of Podgorica and isolated from the majority population. The residents of Konik will therefore remain in their current ghetto situation and have no opportunity to mix and integrate with other communities. Moreover, other than a survey conducted in 2011 amongst the residents of Konik by the European Commission, ECRI is unaware of any participation of the RAE community in the decision-making process on this important issue affecting them.

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[2] Containers refer to prefabricated steel-frame houses: 15m², one door, one window, basic electrical installation, mini kitchen.

[3] The Regional Housing Programme aims to address the housing needs of 74 000 displaced and internally displaced persons and refugees in Bosnia and Herzegovina, Croatia, Montenegro and Serbia. It is supported by the international community, including the European Union, the United States, UNHCR and OSCE, and the Council of Europe Development Bank is responsible for managing the multi-donor fund.

ECRI urges the authorities once again to engage the RAE community in dialogue with a view to closing down the Konik camps and relocating the residents to standard housing in other areas where they would have a better chance of integration.

Despite the efforts highlighted above, ECRI considers that its recommendation has not been implemented.