



**WRITTEN COMMENTS  
OF THE EUROPEAN ROMA RIGHTS CENTRE (ERRC)  
AND THE CENTRE FOR ROMA INITIATIVES ("CRI")  
CONCERNING MONTENEGRO  
FOR CONSIDERATION  
BY THE  
UNITED NATIONS COMMITTEE ON THE  
ELIMINATION OF RACIAL DISCRIMINATION  
AT ITS 74<sup>th</sup> SESSION**

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# 1. Executive Summary

The European Roma Rights Centre (“the ERRC”) and the Centre for Roma Initiatives (“CRI”) respectfully submit written comments concerning Montenegro for consideration by the Committee on the Elimination of Racial Discrimination (“The Committee”) at its 74<sup>th</sup> session from 16 February to 9 March 2009. The ERRC is an international public interest law organisation engaging in activities aimed at combating anti-Romani racism and human rights abuse of Roma, in particular strategic litigation, international advocacy, research and policy development and training of Romani activists. The CRI is a non-governmental organisation based in Niksic, Montenegro that aims to improve the position of Romani women and children in Montenegro through comprehensive activities, research, publication focused on combating racial discrimination and violence and the promotion of the social inclusion of Romani women and children.

The partners have been monitoring the rights of Roma, Ashkalia and Egyptians (RAE) in Montenegro since 1998, revealing a number of concerns regarding the respect for human rights of Roma and other people perceived as “Gypsies.”<sup>1</sup> Most recently, in 2008 the ERRC undertook a research project investigating and documenting human rights abuses of RAE women in Montenegro, in partnership with local Romani organisations and activists, including CRI. During the research, which took place between May and September 2008, 70 RAE women from Niksic (20), Podgorica (20), Herceg Novi (15) and Berane (15) were interviewed. The results indicate that the overall situation of RAE women and girls in Montenegro is problematic in general, and alarming in some cases. The information submitted to the Committee is based on this research and accompanying desk research, focused primarily on discrimination on the areas of employment, education and access to health care and issues of violence against women. Unless otherwise specified, references to research in this report refer to the findings of the field research. The following are areas that have raised concern:

- The State of Montenegro, recognising the difficult position in which RAE continue to live, has taken a series of steps to improve their situation which is a clear improvement from previous years. However, these steps remain largely at the legislative and policy level and are yet to be fully implemented.
- No comprehensive anti-discrimination law has yet been adopted in line with the requirements of international human rights and European legal standards.
- There continues to be an enormous dearth of information, disaggregated by gender, ethnicity and other aspects which would be necessary to design, implement and evaluate effective policies which address the rights of vulnerable groups like Roma.
- No real steps have been taken to implement the National Action Plan (“NAP”) adopted within the framework of the Decade of Roma Inclusion: a translational government initiative to improve the vulnerable position of Roma due to historic discrimination. However, a new policy under the name of the “Roma Strategy” has been adopted. This document envisages that 0.2% of the state budget will go towards its implementation and a series of steps have been undertaken with this aim.
- In 2006 the Law on National Minorities was passed by the parliament which envisages two main steps to increase the almost non-existent political representation of Roma in Montenegrin politics. Within

<sup>1</sup> *Ashkalia and Egyptians in Montenegro are often perceived as “Gypsies” and discriminated as such. The abbreviation RAE is commonly used in Montenegro to include Roma, Ashkalia and Egyptians. It is common that the terms Roma and RAE are used interchangeably in official policies and reports. RAE is used throughout this report unless the reference is to an individual member or family from one of these distinct groups.*

its framework a Roma Council was elected in 2006 to deal with cultural matters. Furthermore, the provisions under articles 23 and 24 of the Law on National Minorities guarantee seats in parliament for minorities. However these provisions were declared unconstitutional by the relevant court.

- The Law on National Minorities does not protect people in particularly vulnerable situations such as refugees and stateless individuals, but only “citizens.”
- The impact of violence against RAE women is sometimes exacerbated by prejudice and stereotypes held by police officials, resulting in a low rate of incident reporting by victims and inaction by the police when the incident is reported.
- A common perception among RAE women interviewed was the persistence of racial discrimination in the area of employment, which contributes to a disproportionate level of unemployment among RAE.<sup>2</sup>
- Poverty resulting from discrimination in areas such as education and employment forces RAE children to work in violation of international and domestic legal norms.
- Many RAE women reported persistent discrimination and harassment in access to state health facilities. Over half of the women reported that they experienced discrimination due to their ethnicity either by a doctor or a nurse or both in the form of racist language use, having to wait longer than non-RAE for care. Furthermore, many RAE cannot afford medical treatment and medicine not covered by their insurance. The situation is further exacerbated by the lack of identity documents among RAE residing in Montenegro. These factors result in a precarious health situation among Montenegro’s RAE population.
- RAE children in Montenegro continue to attend school less often than others, remain for shorter periods, and are regularly provided education of substandard quality. School harassment by teachers and non-RAE pupils was identified as an important obstacle to the regular school attendance of RAE students.
- As a result of discrimination and socio-economic factors, literacy rates of RAE lag far behind non-RAE (55% for RAE compared to 99 for non-RAE). School completion rates for RAE are also disproportionately low (only 10% of adult RAE completed primary education and only 2% graduated from a high school).<sup>3</sup>
- The government is not taking adequate steps to ensure that RAE girls are able to access education on an equal basis with their non-Romani counterparts.

<sup>2</sup> *United Nations Development Program (UNDP), At Risk: Roma and the Displaced in Southeast Europe, UNDP, Bratislava, June 2006. Available at: <http://europeandcis.undp.org/home/show/A3C29ADB-F203-1EE9-BB0A277C80C5F9F2>.*

<sup>3</sup> *Id.*

## 2. Introduction – Law and policy context

This report does not constitute a comprehensive review of all issues regarding the human rights situation of RAE in Montenegro. It highlights some specific human rights concerns with respect to RAE women and girls with regard to the International Convention on the Elimination of All Forms of Racial Discrimination (“the Convention”).<sup>4</sup>

In May, 2006, the Parliament of the Republic of Montenegro declared independence from the Republic of Serbia and Montenegro based on the outcome of a referendum. The new country was granted UN membership on 28 July 2006 and became a party to the Convention on 23 October 2006.<sup>5</sup>

The latest official census from 2003 registered 2,826 Roma and Egyptians,<sup>6</sup> equalling 0.46% of the total population of Montenegro.<sup>7</sup> These numbers are thought to be much higher in reality, and some RAE NGOs estimate the number to be between 20,000 and 27,000 (some 3% of the population). Over 90% of Montenegrin RAE are Muslim in a predominantly Christian Orthodox country, constituting a religious minority as well. Many RAE have been forcibly displaced to Montenegro from Kosovo: 26,679 refugees and displaced persons lived in Montenegro as of November 2006, including 16,195 displaced persons from Kosovo, of whom 18% are RAE (2,915 persons).<sup>8</sup> The average RAE household lives in very difficult social and economic circumstances, with high poverty rates. According to the official data included in the Montenegrin Development and Poverty Reduction Strategy, the poverty rate among the RAE population in Montenegro is 4.5 times higher than the national poverty rate.<sup>9</sup>

In February 2005, Montenegro joined the Decade of Roma Inclusion (2005-2015).<sup>10</sup> In January 2005, Montenegro adopted its National Action Plan (NAP) for implementing the Decade. In its discussion of the background to the NAP, the government explicitly refers to international and national human rights standards, including the ICERD.<sup>11</sup> The NAP sets specific goals to facilitate full access of Roma to housing, health, employment and education. According to a 2008 assessment report, the NAP “was not efficiently implemented, largely as a result of insufficient institutional capacity and scarce financial resources.”<sup>12</sup> The same report ranks Montenegro in last place behind all the Decade countries regarding its achievements in the field of Roma integration.

<sup>4</sup> Available at: [http://www.unhcr.ch/html/menu3/b/d\\_icerd.htm](http://www.unhcr.ch/html/menu3/b/d_icerd.htm).

<sup>5</sup> See: <http://www2.ohchr.org/english/bodies/ratification/2.htm#reservations>.

<sup>6</sup> 2601 inhabitants identified themselves as Roma while 225 identified themselves as Egyptians. No members of the Ashkalia minority declared themselves as such during the census.

<sup>7</sup> The total population of Montenegro according to the 2003 census is 62,0145. MONSTAT - Statistical Office of the Republic of Montenegro. *Census of Population, Households and Dwellings in the Republic of Montenegro in 2003*. Available at: <http://www.monstat.cg.yu/engPopis.htm>.

<sup>8</sup> Office of the Commissioner for Displaced Persons of the Government of the Republic of Montenegro, Podgorica, 13 November 2006. On file with the author.

<sup>9</sup> *Montenegrin Development and Poverty Reduction Strategy*. available in Montenegrin at: <http://www.gov.me/eng/search.php>.

<sup>10</sup> More information about the Decade of Roma Inclusion is available online at: <http://www.romadecade.org>.

<sup>11</sup> See page 6 of Montenegro’s NAP, available online at: <http://www.romadecade.org/index.php?content=1>.

<sup>12</sup> Decade Watch. *Roma Activists Assess the Progress of the Decade of Roma Inclusion: 2007 Update*. Available online at: [http://demo.itent.hu/roma/portal/downloads/DecadeWatch/DecadeWatch%202007%20Update%20-%20Final%20\(30-07-08\).pdf](http://demo.itent.hu/roma/portal/downloads/DecadeWatch/DecadeWatch%202007%20Update%20-%20Final%20(30-07-08).pdf).

Despite the overall failure to implement the NAP, in November 2007 the Montenegrin Government adopted the new Roma Strategy 2008-2012<sup>13</sup> (“the Strategy”), reserving 0.2% of the state’s annual budget for its implementation. The strategy recognises the terrible socio-economic situation of the Roma population in Montenegro while it emphasises the importance of affirmative action to ensure equality. Under its framework the Government intends to undertake “appropriate, urgent and comprehensive measures” in the following eight areas:

1. Official statistics, database on the number, position, living conditions and principal problems of the Roma population;
2. Legal status, prohibition of discrimination, registration, personal documents;
3. Education, preservation of culture and tradition of Roma minority;
4. Employment and labour relations rights;
5. Health and healthcare;
6. Social and children’s protection;
7. Housing conditions and lifestyle;
8. Political representation of the Roma population.

The Strategy is a very ambitious document. Key commitments under the Strategy include the collection of data desegregated by “age, gender, education structure, life conditions, problems and all other relevant data necessary for the improvement of their position [...] within 6-9 months from the start of the adoption of the strategy,” the adoption of a comprehensive anti-discrimination law by 2010, the establishment of a special Commission to oversee the implementation of the Strategy and the establishment of a special office to provide free legal aid to Roma citizens. In the area of education, the strategy aims to increase the number of children enrolled in preschool education by 10% per year and to provide them with education free of charge as well as free school material for all secondary and university students and scholarships and grants. In the area of employment, the Strategy proposes to legalise sectors of the grey economy, employing Roma in the public sector, offering tax exemptions, subsidies and loans to Roma entrepreneurs or entrepreneurs that employ Roma. To improve the health situation, the Strategy proposes to carry out comprehensive research on the health situation of the Roma community and the inclusion of all Roma into the system of mandatory health insurance. In the area of housing, the Strategy sets the legalisation of irregular settlements, providing drinking water and their connection to the water supply system, sewage system and other necessary urban infrastructure, constructing residential facilities of solid material for all Roma that live in substandard housing, implementing programmes to suppress any form of segregation of the Roma population and securing a number of social housing units each year for those most vulnerable within the Roma community. The strategy also recognises the particularly vulnerable situation of Roma individuals with “unknown legal status” and it promises “to carry out the registration of residence and the issuance of personal documents” within 3 to 5 years. This policy is intended for RAE that are citizens or that are permanently residing in Montenegro but for those who lack citizenship or residence it is required that their legal status is clarified beforehand.

<sup>13</sup> Available in Montenegrin at: <http://www.vlada.cg.yu/minmanj/vijesti.php?akcija=rubrika&rubrika=304>  
The English version is on file with the author.

The lack of personal documents presents a serious obstacle to the enjoyment of all Convention rights. This is particularly the case with RAE displaced persons and refugees in Montenegro. The research showed that obtaining personal documents was a slow, complicated and costly process, often requiring travel to other places or even outside Montenegro, which many impoverished RAE cannot undertake and/or afford. As a result, some of the interviewees only had temporary refugee IDs (which do not entitle them to use employment centres or social aid), and no permanent personal documents. Ms S. K., a 24-year-old from Niksic who has no identity documents, including no health card, was forced to give birth to her child at home as a result. Ms B. M., a 32 year-old refugee currently residing in Niksic whose husband is currently in prison and does not receive any social help as a result of her refugee status, testified: “None of my four children have ever attended kindergarten as we are not able to provide[identity documents].”

Some limited steps were taken in 2008 to implement the Strategy, although not enough to meet the time schedule envisaged in the document. In March 2008 the Government established the Commission for the implementation of the Strategy composed of relevant ministry representatives. MONSAT<sup>14</sup> started collecting data about RAE in Montenegro but as of January 2009 the results of their research are not yet available to the public. A budget of 43,000 EUR was approved to provide scholarships for RAE students of secondary and university education for the present school year.<sup>15</sup> However, there is no publicly available information regarding the implementation of projects or measures to increase the enrolment of Roma in kindergarten. Furthermore, although the Agency for Educational Issues received money for purchasing and distribution of free school material and books to all Roma children in formal elementary education, the distribution of this material was done with a month’s delay, and many of the children did not receive school books at all. No steps have been undertaken to establish the office for free legal help for Roma and there is no information available regarding initiatives to legalise or improve the conditions of irregular settlements. There is no information publicly available on any steps taken to implement the health initiative.

<sup>14</sup> *Statistical Office of the Republic of Montenegro (<http://www.monstat.cg.yu/EngPrva.htm>).*

<sup>15</sup> *According to the CRI 45 high school and university students have benefited from this programme.*

### 3. Articles 1 and 2: Prohibition of Racial Discrimination

According to the Constitution of the Republic of Montenegro adopted on 22 October 2007 “Direct or indirect discrimination on any grounds shall be prohibited (Article 8).”<sup>16</sup> The Law on National Minorities was adopted on 10 May 2006.<sup>17</sup> In reference to this law the Venice Commission noted that, “unlike the Constitution, the Law on Minority Rights adopted in 2006 contains a citizenship-based definition of national minority in spite of the criticism expressed in this regard by the Venice Commission (...). The law should be amended and the word ‘citizen’ taken out of the definition. Indeed, the scope of the minority rights should be understood in an inclusive manner and these rights should be restricted to citizens only to the extent necessary.”<sup>18</sup>

Although the State Party report to the CERD Committee<sup>19</sup> recognises that discrimination against RAE individuals takes place it has yet to adopt a comprehensive anti-discrimination law, in line with UN Conventions and European Community law. Such a law was drafted in 2008 and, as a result of intensive lobbying by NGOs, it is expected to be adopted in the first half of 2009, but there is no guarantee of this.<sup>20</sup>

<sup>16</sup> Available in english at: [http://www.venice.coe.int/docs/2007/CDL\(2007\)105-e.asp](http://www.venice.coe.int/docs/2007/CDL(2007)105-e.asp).

<sup>17</sup> Official Gazette of the Republic of Montenegro, No. 31/06. Available in Montenegrin at: <http://www.gov.me/eng/minmanj>.

<sup>18</sup> Available at: [http://www.venice.coe.int/docs/2007/CDL-AD\(2007\)047-e.asp](http://www.venice.coe.int/docs/2007/CDL-AD(2007)047-e.asp) (para 54).

<sup>19</sup> Available at: <http://www2.ohchr.org/english/bodies/cerd/cerds74.htm>.

<sup>20</sup> Information provided by the Center for Democracy and Human Rights of Montenegro.



## 4. Article 5: Equality before the law

### 4.1 Article 5b: The right to security of person and protection by the State against violence or bodily harm: Violence against RAE women

RAE women are often victims of multiple discrimination on the basis of their race and ethnicity. In the context of violence against women this leads to law enforcement officials subjecting Romani women to degrading treatment when they try to report such instances and not providing them with adequate assistance. As a result the Montenegrin state is failing to protect the physical integrity of Romani women. Seventy percent<sup>21</sup> of respondents reported having been victims of domestic violence at the hands of their husbands, in-laws and other family members. The majority of them (67%) were currently living in an abusive situation. However, only in 13%<sup>22</sup> per cent of the cases did the victims contact the police. In some cases, the respondents stated their belief that reporting the case to the police might worsen the situation. Indeed in only one of six reported cases did the woman feel that the police provided adequate assistance. In the five remaining cases the police temporarily locked up the perpetrator for periods of 24 hours or less and then released him, sometimes putting the victims at a greater risk. As Ms Nezira Sota, a 47-year-old Romani woman from Podgorica, explained:

*“[The police] did not help me at all; all they did was to say that everything would be fine and that he would not beat me anymore [...]. They winked at him while I was making a statement and I realised that turning to the police was a futile effort and that I just made a bigger problem [...]. Later he got drunk, started verbally abusing me and asking me what I had accomplished by reporting him. He carried on beating me and a few months later he beat me so much that I could not go anywhere, I reported him to the police again and the same story happened so I lost hope and ever since I have never turned to anyone for help.”*

Interviewees also reported cases where police officers merely advised the couple to reconcile, as well as cases where officers made disparaging comments on the act of domestic violence as a ‘Gypsy matter.’ At the other extreme, one Romani woman reported that police officers beat her husband at the police station after she filed a domestic violence complaint. The interviews clearly show that police officers do not intervene effectively in cases of domestic violence in RAE households.

Some RAE women reported being forced to remain in an abusive relationship due to their inability to make a living on their own partly as a result of the systemic discrimination to which RAE are subjected in Montenegro. Low levels of school attainment, high levels of unemployment, widespread poverty and having no alternative accommodation leaves RAE women with virtually no alternative but to remain silent. Ms Beta Imeri, a 26-year-old from Berane, explained: *“I would consider leaving this violent relationship, but where would I go? First, I cannot even write my own name, I am not educated, I have no job and no house; so where should such a person go?”*

In these circumstances, the lack of state-run safe houses in Montenegro<sup>23</sup> is especially alarming, as is the lack of information that victims of violence have about these centres, which hinders the ability of many women to find shelter when experiencing domestic violence. This clearly constitutes a failure on the part of the state to protect victims of violence.

<sup>21</sup> 46 out of 66 respondents.

<sup>22</sup> 6 out of 46 respondents.

<sup>23</sup> There is only one shelter for women victims of domestic violence in Montenegro and two shelters for victims of traffic in human beings.

#### 4.2 Article 5c: Political rights and Article 2.2: Temporary special measures

In accordance with the Law on National Minorities<sup>24</sup> adopted on 10 May 2006, a Roma Council funded by the government was established consisting of 17 democratically elected representatives. The council deals with matters such as language, education, media and culture.

In July 2006, a provision of the Law on National Minorities, Articles 23-24 which guaranteed seats in parliament for minorities, was declared unconstitutional by the relevant court. According to the most recent information, at present, Ms Nedzmija Berisa, a physician, is the only politically active Romani representative as a member of the Democratic Party of Socialists in the local parliament of Podgorica.

#### 4.3 Article 5e i: The right to work, to free choice of employment, to just and favourable conditions of work, to protection against unemployment, to equal pay for equal work and to just and favourable remuneration

As recognised in the state report, discrimination takes place in the area of employment.<sup>25</sup> Partly as a result of this, a significant proportion of the RAE community in Montenegro is unemployed and living in poverty. According to UNDP research, 36% of RAE in Montenegro stated that they were unemployed, and as much as 61% of the unemployed had never actually had a job.<sup>26</sup> The Roma Strategy recognises that only 10.8% of RAE are permanently employed and 43.3% are currently unemployed. Lack of employment amongst RAE women is particularly widespread, with a high number of women unemployed, or engaged in informal work with little to no job security or benefits. Only 13%<sup>27</sup> of the respondents in our research reported being formally employed at the time of interview. A further 68% said they had never held a job in the formal employment market.<sup>28</sup> There is also a great disparity between the wages earned by RAE women vis-a-vis RAE men and the majority society. As the UNDP reports, only 15% of women earn their own income, and on the average they earn 78 EUR per month compared to 169 EUR per month earned by RAE men and 220 EUR by non-RAE women.<sup>29</sup>

A high percentage of women try to alleviate their desperate economic situation by engaging in informal economic activities (mainly the collection of recyclable materials, cleaning, fortune telling or begging). The testimony of Ms Mehmedi Ramiza, a 34 year old IDP from Kosovo currently living in Berane, exemplifies the desperate situation of many RAE families: *“We survive on collecting aluminium, cooper and steel, but the worst are rumours that the discharge zone will be closed; that would mean that we will die of starvation. We hardly even know what to do now and how to survive.”*

The interviews show that for RAE women, the lack of availability and affordability of kindergartens and lower levels of attendance to preschool and primary education makes motherhood and employ-

<sup>24</sup> *Official Gazette of the Republic of Montenegro, No. 31/06. Available in Montenegrin at: <http://www.gov.me/eng/minmanj>.*

<sup>25</sup> *Available at: <http://www2.ohchr.org/english/bodies/cerd/docs/AdvanceVersions/CERD.C.MEN.1.doc>.*

<sup>26</sup> *United Nations Development Program (UNDP). June 2006. At Risk: Roma and the Displaced in Southeast Europe, UNDP, Bratislava. Available at: <http://europeandcis.undp.org/home/show/A3C29ADB-F203-1EE9-BB0A277C80C5F9F2>.*

<sup>27</sup> *9 out of 69 respondents.*

<sup>28</sup> *47 out of 69 respondents.*

<sup>29</sup> *United Nations Development Program. Vulnerable Groups Dataset. Available at: <http://vulnerability.undp.sk>.*

ment mutually exclusive responsibilities.<sup>30</sup> As A. H., a 28-year-old mother from Niksic, said, *“The Employment Bureau offered me work but I could not accept it because my children are still small and there is no one to look after them.”*

RAE women also feel that their low levels of education significantly hinder their chances of achieving employment, even when they apply for those jobs in which schooling should not be a determining requirement (i.e. cleaners). Ms Beta Imeri, 26-year-old, stated, *“When it comes to employment, I am not the only jobless Romani person in Berane. Not a single one of us work. Any job would be fine for me in order to stop begging for money, because begging is torture for a human being; only those who beg know what this means. [...] If non-Romani women seek a cleaning job there is job for her, so I believe that the fact that I am Romani makes a big difference.”*

Parents reported that the high level of unemployment in Montenegro in general, exacerbated by employment discrimination affecting RAE individuals, leads to children often having to work recollecting iron, cans, pieces of plastic and other recyclable materials at dump sites instead of or in addition to going to school. This hinders their education and places their health at risk.

In addition to the general high unemployment of Montenegrin RAE, unemployment is particularly acute among RAE refugees and displaced persons as they lack the necessary documents to apply for employment and social help, at a time when humanitarian support is no longer widely available.

#### **4.4 Article 5e iv: The right to public health, medical care, social security and social services**

The health situation of Montenegro’s RAE population tends to be quite precarious as a result of sub-standard living conditions, widespread poverty and limited access to health care services as a result of discrimination. According to Montenegro’s Roma Strategy, the life expectancy of members of the RAE community is considerably shorter than the rest of the population in Montenegro. Fifty percent of the Romani women interviewed during the course of research for this submission indicated that they suffered from some form of chronic or serious illness.<sup>31</sup>

The poor health situation of RAE women is made worse by discriminatory barriers in access to health care. Many RAE women reported persistent discrimination and harassment in access to state health facilities. Over half of the women reported that they experienced discrimination due to their ethnicity either by a doctor or a nurse or both.<sup>32</sup> Examples of discrimination included health practitioners commonly making RAE wait longer than non-RAE for care, with RAE patients often being treated last. For example, Ms Ajna Baljaj, a 56-year-old from Berane, stated, *“I usually get there [to the health clinic] to be the first one but in the end I find myself being the last one that the doctor sees. This is due to the fact that I am Romani woman; as soon as there is a non-Romani person waiting the doctor invites that person in no matter when they arrived.”*

In addition, many RAE women reported frequent situations in which health practitioners yelled at them and addressed them in a pejorative manner, referring to them as “Gypsies.” A number of health

<sup>30</sup> Please see section 5.6 of this report for information on lack of access to education.

<sup>31</sup> 30 out of 60 respondents indicated that they suffered from a wide range of illnesses including high blood pressure, heart problems, diabetes, kidney problems, bronchitis, asthma, tumors, cysts, hyperthyroidism, cancer, gastritis, rheumatism, stomach ulcer, pneumonia, appendicitis or were living with the after effects of a stroke.

<sup>32</sup> 37 out of 70 respondents.

practitioners reportedly complain about having to treat RAE, claiming that RAE seek medical assistance “too often.” However, most interviewees reported seeking health care only in the case of major health problems, which at least may partly be attributed to the ill treatment they experience when accessing medical services. The following testimonies are illustrative of the treatment afforded to RAE women in Montenegro:

Ms Bedrija Berisa, a 34-year-old from Podgorica, stated: *“Once when I went to the Emergency Service the doctor started to scream at me as soon as I opened the door. He yelled, “Here you are, again, you are sick all the time (...) you Gypsy woman!”*

Ms Katazi Zurafeta, a 45-year-old from Berane, testified: *“No, I do not go to examinations regularly because they [the doctors] receive us badly. As soon as they see you are Romani they begin yelling at you, leave you in the waiting room until everyone else is done. That is why I do not go to doctor unless I am very sick. I mostly use the emergency services.”*

Ms Mehmedi Ramiza, a 34-year-old IDP from Kosovo living in Berane, said: *“A few months ago I was at the hospital with my baby in a room with two non-Romani women. They kept making a mess around the room but when a nurse entered she immediately started loudly yelling at me, calling me a Gypsy to my face and saying that even if I am used to live in chaos I am not allowed to make the same here.”*

Many RAE cannot afford medical treatment and medicine not covered by their insurance. According to UNDP survey data, 62% of Roma respondents reported situations within one year previous in which they could not afford to purchase prescribed medicines needed for a member of their household.<sup>33</sup> Ms B. S., a 37 year old Roma woman from Niksic who suffers from heart disease, stated that she was prescribed a therapy by the doctor three months ago, but *“I have not been able to afford it.”* Ms B. S., a 47-year-old IDP from Kosovo currently living in Podgorica, stated, *“If I cannot find the medicine in the state pharmacy I do not go to the private pharmacy because I cannot afford to buy it.”* The interviewees reported that many types of medicine are only available in private pharmacies.

More extreme examples of lack of access to health care services are those in which the person requires an operation but cannot afford it. This was the situation of Ms Melvida Berisa, a 25-year old unemployed Romani woman from Berane. Ms Berisa does not have health insurance as she does not have any personal documents to prove her identity; she testified: *“I have appendicitis; the doctor gave me a referral slip to have an operation. It costs over 1,000 EUR; where can I get that money? I am scared every single day that it might burst in my stomach.”*

RAE displaced persons and refugees often do not have valid health insurance cards and other personal documents, which are required to access health care in state institutions. According to UNDP research, 7% of RAE respondents and 9% of displaced persons (including numerous RAE) reported being denied medical services due to a lack of relevant personal documents.<sup>34</sup> Some of them had difficulties with the Montenegrin language, reporting problems in communicating with the health practitioners and not receiving adequate explanations and instructions from doctors. Ms Berisa Rukija, a 26-year-old IDP from Kosovo living in Berane, told the ERRC, *“I have many problems with the language. I do not understand half of the words they say and when you ask them to repeat the explanation, they pretend as if they had not heard you.”*

<sup>33</sup> United Nations Development Program. June 2006. *At Risk: Roma and the Displaced in Southeast Europe*, UNDP, Bratislava. Available at: <http://europeandcis.undp.org/home/show/A3C29ADB-F203-1EE9-BB0A277C80C5F9F2>.

<sup>34</sup> United Nations Development Program. June 2006. *At Risk: Roma and the Displaced in Southeast Europe*, UNDP, Bratislava. Available at: <http://europeandcis.undp.org/home/show/A3C29ADB-F203-1EE9-BB0A277C80C5F9F2>.

With regard to the reproductive health needs of RAE women, ERRC research suggests that most cannot access and/or afford adequate advice, treatment and pharmaceuticals. One interviewee alleged that she was sterilised at a state hospital during her second childbirth in 1998, without being informed and without having given any form of consent. She became aware of having being sterilised only recently when she visited a gynaecologist to seek advice on getting pregnant again.

#### 4.5 Article 5e v: The right to education

According to the research, the participation of Romani children in formal education in Montenegro continues to be disproportionately low and early drop out remains prevalent. Numerous sources confirm the lack of access to education for Montenegrin RAE. The 2006 UNDP survey indicated that only 55% of RAE in Montenegro were literate, compared to 99% literacy for domiciled non-RAE. The same source reported that only 10% of adult RAE in Montenegro completed primary education, only 2% graduated from a high school, whereas 38% of eligible RAE children attend primary schools.<sup>35</sup> According to Montenegro's Roma Strategy, 80% of RAE are illiterate.<sup>36</sup>

ERRC research indicates that the major factors contributing to early dropout rates amongst RAE children include violations of other economic and social rights, as numerous RAE parents cannot afford the costs associated with education such as school materials or adequate clothing. Ms Ajša Krasnici, a 59-year-old woman from Niksic, stated that neither she nor her children were able to attend school *"because I couldn't afford it."* Her grandchildren had attended an *"informal school"*<sup>37</sup> temporarily but eventually they also had to drop out after the 3<sup>rd</sup> or 4<sup>th</sup> grade as a result of poverty. The testimony of Ms F. F., a 30-year-old from Niksic, reflects the situation in which many RAE families find themselves: *"It is always difficult for me when we have to get books, clothes and shoes because all six of my children go to school, and then there is breakfast as well."*

Pressed by poverty, many RAE children have to start contributing to family income at a very early age which seriously hinders their access to primary education. As Ms Ajna Baljaj, a 56-year-old IDP from Kosovo living in Berane explains *"Two of my children don't have free time [to attend school] since they spend whole days collecting old iron because we survive everyday of it."* Poverty forces RAE children to work in violation of international and domestic legal norms.

The government is not taking adequate steps to ensure that RAE girls access education on an equal footing with their non-Romani peers. In field research, nearly 50% of respondents<sup>38</sup> stated that the lesser focus on girls' education among RAE parents was the main reason to stop attending school. Furthermore, a considerable percentage of interviewees (26%) affirmed that they had dropped out of school to look after the home or younger siblings, tasks that are perceived of as female responsibility in RAE households. The following testimonies are illustrative of this situation:

Ms Zaneta Gasi, a 29-year-old IDP from Kosovo living in Berane, testified: *"My parents never enrolled me in school and they were not interested in having me educated as they were illiterate them-*

<sup>35</sup> United Nations Development Program. June 2006. *At Risk: Roma and the Displaced in Southeast Europe*, UNDP, Bratislava. Available at: <http://europeandcis.undp.org/home/show/A3C29ADB-F203-1EE9-BB0A277C80C5F9F2>.

<sup>36</sup> Available in Montenegrin at: <http://www.gov.me/eng/minmanj>. The English version is on file with the author.

<sup>37</sup> The interviewees mentioned *"informal school"* when referring to education outside regular formal school such as evening lessons or for children whose age does not correspond to the class they should be attending.

<sup>38</sup> Out of a total of 61 Romani women respondents.

*selves. [...] I regret bitterly that I never went to school [...]. That is why my children go to school now. I do not want them to suffer as I did, because there is nothing without school.”*

RAE mothers reported that racial discrimination at school against RAE children of both sexes, including verbal and physical harassment by non-RAE children and neglect or verbal abuse by non-RAE teachers, also contribute to the early dropout rates. In field research, 44 RAE women answered questions about school harassment: 9 reported that they themselves suffered harassment due to their ethnicity from non-RAE classmates as students and two women said that teachers harassed them. Fifteen women reported that their children have suffered harassment due to their ethnicity by schoolmates and two women reported that teachers harassed their children.

According to field research, many non-RAE children reportedly do not interact with RAE schoolmates or harass RAE children. Adequate reactions by school officials are lacking: many of the RAE parents interviewed noted that teachers and school officials often refuse to intervene and protect RAE children, or they promise to intervene yet do not act on it. One RAE interviewee was compelled to take her two daughters out of elementary school because non-RAE children repeatedly physically attacked them. The following testimony outlines the difficult position of RAE children and parents:

*Ms B. S., 37-year-old from Niksic, testified: “My children attended a school named Jagos Kontic,<sup>39</sup> but they had to quit after having problems with some non-Romani schoolmates. Everyday after school, their classmates harassed them as soon as they left the building. Often they would come home with their legs full of bruises as a result of having been kicked. I went to the school principal to put an appeal but he said that they are not responsible for the children when outside the school gate so he couldn’t do anything. He said that someone would have to wait for them outside the school to stop the children from fighting each other. I went there a few times but I was not able to go anymore because I have other small children.”*

In another instance, a teacher who allegedly punished RAE children in a humiliating manner later denied the act, indicating that “Romani children always lie.” The mother of the boys, Ms B. B., 34-year-old from Podgorica, eventually decided to withdraw her sons from this school. “The school they attended was really awful because they were beaten by the majority pupils and they eventually gave up going to school. I went to visit the school and talk to the principal but we were told that they [the school officials] would only guarantee security while they [the children] were in school; he said that when the children exit the school they [school officials] are not capable of protecting them. I decided to take my children out of the school because I didn’t want them to be beaten every day.”

Many parents reported that their children are jeered at because of their poor clothing and they feel they are second-class students because of their poor conditions.

Negative treatment by schoolmates and often teachers leads to the isolation of RAE children at school: “My children are mostly separated from other children. There are several Romani children in their school so they are all together during breaks and they have lunch together,” said Ms H. D., a 37-year-old mother from Herceg Novi.

Language barriers posed another important obstacle to equal education as many RAE children reportedly speak Romanes as their mother tongue. Some RAE interviewees reported that they themselves or their children had been placed in special schools for children with mental disabilities, although they had no disabilities themselves, for reasons including reported difficulties speaking the majority

<sup>39</sup> Numerous complaints were received from mothers whose children attended this school.

language or the lack of available places in regular schools; others simply were not aware of the justification. This is a common pattern of segregation in other countries in Central and Eastern Europe<sup>40</sup>. Further research would be necessary to establish if this is the case in Montenegro too.

In other cases reported, RAE children were referred to enrolment to schools for adults or to “Romani classes” at regular schools. In the words of Hatidza Jolaj a 46 year old RAE school assistant at an elementary school in Niksic: *“There were big problems when 70 Romani children started school as external students; local non-Roma rose up against it by saying they did not want their school to be a Gypsy’s school. The locals forbade their children from attending regular lessons. Later, the director and Parent’s Council decided that the Romani children should attend school during the weekend. When the CRI reacted, a decision was reached that the Romani children should go to school during the week but only after 17:00 after the children of majority population had left. There was no other way to solve the problem.”*

Ms H. D., a 37 year old from Herceg Novi, testified: *“Two of my children attend special school, I suppose it’s because they don’t understand the language well.”*

Ms S. B., a 22 year old from Herceg Novi, said: *“I do not know the reason why I went to special school; the school pedagogue told me that I would go to a special school. The school programme was not the same I couldn’t continue studying after graduating from primary school. I could only continue in Podgorica<sup>41</sup> where there is the special secondary school [...]. Now I see that special schooling withheld many things in my life. The teachers were ok; they were working with children who had visible physical and psychological difficulties. But my brother and I, as well as some other Romani children in that class, had no physical or psychological difficulties”.*

Ms Hatidza Jolaj, a 46 year old IDP from Kosovo living Niksic, stated: *“My grandchildren attend school but go to lessons with Romani children only.”*

Interviewees also noted cases in which their children were commonly placed at the back of mixed classrooms, away from other children, effectively creating spatial segregation within the classroom. Ms J. I., a 25 year old from Niksic, stated, *“I faced discrimination by teachers; they used to seat me in last desks and didn’t care whether I learned or not.”*

According to the report, “Equal Access to Quality Education for Roma,”<sup>42</sup> residential segregation is closely linked with school segregation as many RAE children live in refugee camps or otherwise in residentially segregated settings and attend school in that area. According to a research carried out by the UNDP<sup>43</sup> “One out of ten (11 per cent) RAE households report no accessible educational establishments for the children in the household to attend or to continue their education, compared to 2 per cent of domicile non-RAE and 3 per cent of surveyed refugee/IDP households.

With regard to kindergarten attendance, numerous RAE families interviewed could not afford to send their children to kindergarten which are not free of charge in Montenegro. In addition to school fees, respondents mentioned that their children or grandchildren may lack proper clothing, shoes or school equipment which hinders them from going to school or may cause non-RAE classmates to

<sup>40</sup> For more information in educational segregation please see: <http://www.errc.org>.

<sup>41</sup> Podgorica is located 114 km. away from Herceg Novi.

<sup>42</sup> Equal Access to Quality Education for Roma Volume 2 [http://www.eumap.org/topics/minority/reports/roma\\_education/reports/national/montenegro/romeduc\\_montenegro.pdf](http://www.eumap.org/topics/minority/reports/roma_education/reports/national/montenegro/romeduc_montenegro.pdf).

tease their children. Additionally, as RAE settlements are often separated from majority settlements or located at the periphery, the location of kindergartens and their distance from RAE settlements were often noted to be a concern, in terms of both travel expenses as well as security. Ms Gasi Fikkreta, a 34-year-old from Niksic whose only source of income is social welfare, stated: *“My kids didn’t go to kindergarten. You have to pay if you want to register kids in kindergarten.”*

Without attending kindergarten, RAE children have a considerably smaller chance to successfully integrate in primary schools. Several RAE mothers interviewed stated that their children were attending kindergartens run by NGOs. While it is positive that the opportunity to attend kindergarten is provided to these children, NGO-run kindergartens often become RAE-only centres, which defeats one of the primary purposes of sending children to kindergarten in the first place: to learn the Montenegrin language in an integrated environment. As Ms Baramša Beriša, a 25-year-old from Berane, testified: *“I would like my child to go to kindergarten with majority children because if there were children speaking the majority people language my child would sooner be able to speak the language he needs for future schooling and would integrate easier with the majority society.”*

Furthermore, access to pre-school is limited by the shortage of places available, which disproportionately affects RAE children, as priority is given to families where both parents work. Given the level of unemployment among RAE, this condition is rarely met.<sup>44</sup>

As RAE children often do not attend kindergarten and regular school, a large burden of care work falls upon Romani women, which prevents them from leaving home. Consequently, women miss work opportunities, cannot seek adequate health care, etc.

<sup>43</sup> Available at: [http://europeandcis.undp.org/uploads/public/File/rbec\\_web/vgr/Roma\\_Report\\_Montenegro.pdf](http://europeandcis.undp.org/uploads/public/File/rbec_web/vgr/Roma_Report_Montenegro.pdf).

<sup>44</sup> *Equal Access to Education for Roma, Vol 2 OSI*. Available at: [http://www.eumap.org/topics/minority/reports/roma\\_education/reports/national/montenegro/romeduc\\_montenegro.pdf](http://www.eumap.org/topics/minority/reports/roma_education/reports/national/montenegro/romeduc_montenegro.pdf).



## 5. Recommendations:

In light of the concerns listed above, the partners recommend that the Government of Montenegro:

- Increase its efforts to implement the Committee's General Recommendation No. 27: Discrimination against Roma.<sup>45</sup>
- Fulfil its commitments under the Roma Strategy 2008-2012 in the specified time framework.
- Commit adequate financial and human resources to the implementation of the current strategies and programmes to improve the situation of RAE in Montenegro.
- Create a legal framework for combating discrimination in line with the requirements of international human rights law and with the EU Race Directive in particular, taking into account the multi-faceted nature of discrimination against RAE women.
- Take special measures to combat poverty and unemployment among RAE taking into account the particularly disadvantaged situation of RAE women;
- Collect and make available data on the situation of Roma in Montenegro disaggregated by ethnicity, sex, age and other criteria as relevant.
- Promptly investigate cases in which RAE children are put into non-formal education (school for adults, separated lessons outside school hours or in special schools). Increase steps to include all RAE children in the public education system and to prevent early dropout, including scholarships for eligible RAE students and financial aid for school-related expenses (such as free books or free lunch for students at school) to poor families;
- Provide free and accessible kindergartens for RAE children whose families cannot afford it.
- Facilitate the acquisition of personal documents by RAE;
- Provide efficient health care, as well as basic medicines free of charge, for those RAE that lack identity documents;
- Hire RAE health mediators/translators to facilitate the access to health care;
- Design and effectively implement measures for protecting RAE women victims of domestic violence such as anti discrimination training for police officials and others as relevant.

<sup>45</sup> Available at: [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/11f3d6d130ab8e09c125694a0054932b?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/11f3d6d130ab8e09c125694a0054932b?Opendocument).