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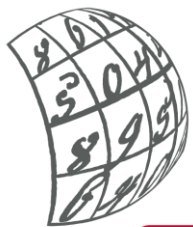


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STRENGTHENING THE LEGAL FRAMEWORK AND ADMINISTRATIVE PRACTICES TO ERADICATE STATELESSNESS IN MONTENEGRO

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Sustainable Development Goal 16: Peace, Justice and Strong Institutions

STATELESSNESS

- The international legal definition of "stateless person" is a person whom no state considers its own citizen in accordance with its law. This means that a stateless person does not have the citizenship of any state. Some people were born stateless and some can later become stateless.
- Citizenship gives people a feeling of identity and affiliation, it also gives them the right to protection by the state and many other civil and political rights.
- Universal Declaration of Human Rights from 1948 grants the right to citizenship to every individual in the world.

Reasons why statelessness may occur

- There are several reasons such as:
 - discrimination against certain ethnic or religious groups,
 - gender discrimination,
 - the establishment of new states and the exchange of territories between existing states,
 - gaps in citizenship laws,
 - administrative practices,
 - non-registration of newborns in the registry books,
 - deprivation and renunciation of citizenship.

Numbers

- Recent estimates indicate that there are approximately **11** million stateless people worldwide. This figure is just an assumption.
- It is very difficult for organizations to collect the necessary data on the number of stateless persons and there are several reasons for that:
 - some states deny the concept of statelessness,
 - states are often reluctant to publish information about statelessness,
 - because the issue of statelessness is often not considered very important when compared to the list of issues facing the international community.

Montenegro's contribution to the eradication of statelessness

- Montenegro has acceded to the key universal and regional documents related to stateless persons. Our country has signed the following important conventions:
- 1954 United Nations Convention on the Status of Stateless Persons
- 1961 United Nations Convention on the Reduction of Statelessness
- 1997 European Convention on Nationality
- 2006 Convention on the Avoidance of Statelessness in a State of Succession

The purpose and practical application of these conventions

- Basic principles for the treatment of stateless persons are defined and their minimum rights and obligations are determined.
- The obligation of contracting states to implement certain standards through national legislation.
- The way to regulate the issue of multiple citizenship.

The Millennium Development Goals and statelessness

- All **189** member states of the United Nations, including Montenegro have signed The Millennium Declaration.
- A new set of development goals with the deadline in 2030 also contains the topic of resolving statelessness.
- Improving poor legal framework and poor organization of institutions is one of the measures.
- As stated in the report of the European Commission for 2015, Montenegro still does not have a separate procedure for determining stateless persons, which has a negative impact on access to the rights of persons affected by this problem.
- Accordingly, it is important to establish and amend relevant regulations to ensure that these persons have access to all their rights under existing national and international law and standards.

Examples of statelessness

- Family XX
- XX was born in Kosovo in 1965, where he worked and lived with his family until the war. He possessed all documents and was registered in the birth and citizenship registry books. After the war, he came to Montenegro where he found employment. He never had any problems with documents, he possessed both a passport and an identity card of Serbia. He found out that he was erased from the citizenship registry book because he is a Montenegrin by origin. His parents were born in Montenegro and are Montenegrin nationals. On that occasion, he received a decision stating that he was erased from the citizenship registry books of Serbia. Since he does not possess any valid identification document now, he is not able to take out a working booklet, register with the Employment Agency, and become employed. No member of his family has any problems with documents. His wife is a Montenegrin national and he could register his residence on the basis of marriage (family reunification), but it is impossible due to the lack of documents.

- Family GG

- Family GG has four members. None of the family members has been registered in the citizenship registry book. The family consists of the father, who was born in Montenegro and possesses a birth certificate; the mother, who has a birth certificate and two minor children born in Montenegro, one of whom possesses birth certificate. Neither mother nor father possesses identification documents. They are not able to obtain ID card, passport, driving licence, they cannot conclude marriage. Both children were born in hospital in Montenegro. Older child, born in 20015, was registered in the birth registry book, but without information about father because father does not possess any identification document. Another child, a girl born in 2016, was not registered in the birth registry book. The reason lies in the fact that the mother is minor, does not have an identification document, so she will need the consent of her parents, who are abroad, in order to register a child. The fact that a child does not have a birth certificate leads to the fact that a child is not able to achieve health care, and the parents are not able to exercise the right to compensation on the basis of the child's birth with the Center for Social Welfare.

Stateless person's problems

- Stateless persons are not covered by the social and child protection.
- Difficult employment conditions.
- They have no basis for health insurance.
- Undefined legal status and lack of proof of identity are the main reasons for individuals statelessness makes it difficult to exercise the right to education.
- **We draw a conclusion that they do not have basic human**

The most common causes of statelessness in Montenegro

- Due to the wars in this area in the last century, a large number of immigrants (mostly from Kosovo) came to Montenegro.
- Persons with the citizenship of the former Yugoslavia are also a problem.
- Disintegration of the state of Montenegro and Serbia.
- Non-registration of Roma children in the birth register.
- **In 2014 Ministry of Internal Affairs of Montenegro issued a public invitation to persons residing in Montenegro who believe that they do not have access to the citizenship of any state or they cannot prove it, to contact the nearest Regional Unit.
486 people responded. A total of 780 persons were registered who declared themselves as stateless persons. Of that number, 322 cases were successfully resolved.**

CONCLUSION

- Despite efforts to reduce statelessness, Montenegro continues to face some challenges in implementing international standards in this area. There are still no precise and clear mechanisms for identifying and registering stateless persons. In domestic legislation, except for the Aliens Act, there are no clear provisions defining the rights of stateless persons. Special mechanisms are still missing in order that the signed conventions have actually been implemented in practice.

THANK YOU FOR YOUR ATTENTION.