

18 March 2009

Human Rights Council
Tenth Session

Item 6
“Consideration of UPR reports”

Oral Intervention by Amnesty International on Montenegro

Mr. President,

Amnesty International welcomes many of the recommendations made by states to Montenegro, including calls for the protection of minorities, in particular measures to guarantee the rights of the Roma, Ashkali and Egyptian communities.¹

Mindful of Montenegro's obligations under the International Covenant on Economic, Social and Cultural Rights, Amnesty International urges the government to prioritize fulfilment for all members of the Roma, Ashkali and Egyptian communities, without discrimination, of the rights to free and compulsory primary education, access to employment and essential primary health care, and to basic shelter and housing. When allocating resources, the government should prioritise the most vulnerable and should seek international cooperation and assistance where necessary to meet these basic obligations.

Mr President,

Amnesty International welcomes recommendations relating to the clarification of the legal status of refugees and “internally displaced persons”.² We note that persons originating from Kosovo continue to be defined as “internally displaced persons” (IDPs) rather than refugees; and that many of those who arrived after 2003 have not been granted access to a process whereby they may be registered as IDPs. As a result, they remain in danger of statelessness. In all instances, persons from Kosovo seeking protection, the majority of whom are of Roma, Ashkali and Egyptian origin, have not been allowed to apply for international protection under the Asylum Law.

Amnesty International notes that the Montenegrin authorities have been negotiating with the Kosovo authorities the return to Kosovo of Roma, Ashkali and Egyptian persons. We urge the authorities to ensure that such individuals be allowed to challenge the decision to apply a cessation of protection in their case. They should

¹ A/HRC/10/74, paragraph 66, sub-paragraphs 15, 16 and 17.

² Ibid, paragraph 66, sub-paragraphs 18 and 19.

also be allowed access to a process to assess their continued protection needs in order for *non-refoulement* obligations to be met.

Finally, while we welcome the addendum to the Report of the Working Group in which Montenegro provides further information on the 20 recommendations made by states during the review, we encourage Montenegro to indicate clearly which of these recommendations it supports, as required by paragraph 32 of the Annex to Resolution 5/1 (the IB Package).

Thank you, Mr. President.