



Government of Montenegro



Montenegro

**THE REPORT ON THE LEGAL STATUS OF PERSONS LIVING
IN THE AREA OF THE KONIK CAMP WITH
RECOMMENDATIONS FOR ITS IMPROVEMENT**

November 2012

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I Introduction

In the document published under the title “*Opinion on Montenegro's Application for Membership of the European Union*” submitted to the European Parliament on November 9th 2010, the European Commission expressed a positive attitude towards further Montenegrin participation in European integration processes, and the EU accession. It is further stated in the Opinion that Montenegro’s membership in the European Union specifically requires, among other things, that the candidate country achieves stability of institutions guaranteeing democracy, the rule of law, human rights, as well as respect for and protection of minorities.

In this regard, the Opinion specifically highlights the activities that Montenegro should undertake to meet the requirements regularly imposed on candidate-states, and one of these requirements is connected to human and minority rights. Thus, in a particular place within the text of the Opinion, the Commission states the necessity for the protection of the rights and freedoms of the Roma, Ashkali and Egyptians minority group living in the Konik camp and above all, their right to access personal documents, as well as their access to economic and social rights.

Although the European Commission acknowledges in the Opinion that some progress toward improving their legal and actual status has already been made, it also insists that the extent to which these persons enjoy their fundamental rights and freedoms is very low, which is the reason why it is necessary to take all measures to ensure full respect for and protection of their rights and freedoms.

Based on the said attitudes of the European Commission, the competent Montenegrin state authorities, in cooperation with UN agencies in Montenegro and local NGO “Legal Centre”, conducted a survey aimed at revealing actual and legal position of persons living in the area of Konik camp¹. **The survey was conducted in two phases and completed during June 2011.** This report contains the data obtained during the survey, as well as the information provided by the Government of Montenegro on the activities realized after the survey was conducted.

With regards to the progress Montenegro had achieved in implementing activities provided in the Opinion of the European Commission, the Council of Ministers of the European Union, on June 29th 2012, has recommended the start of the accession negotiations with Montenegro.

¹ For the purpose of the survey the following settlements were counted as the area of Konik camp: Konik camp 1, Konik camp 2, German house, Family settlement Vrela Ribnicka, and Shanty town.

II Survey on the persons living in the area Konik camp

Methodology of the survey

The survey was conducted in order to identify displaced and internally displaced persons living in the area of Konik camp, who will not be able to obtain all documents needed for submission of request for status of foreigner with permanent residence in Montenegro. Consequently, these persons are facing situation to remain without any legal status in Montenegro after 7 November 2011, which was the deadline for submission of the application at the time of the survey. In addition, the survey covered local population, on a sample of 1,000 persons, with the aim to measure magnitude of statelessness among local population in Montenegro.

The survey was conducted in two phases. The first phase was conducted in period February – March 2011 by the team consisted from representatives of the Ministry of Interior, Ministry of Labour and Social Welfare, Bureau for the Care of Refugees, City of Podgorica, Police Directorate, Red Cross Montenegro and UNHCR Representation to Montenegro. The first phase covered only habitants of Konik camps 1 and 2 whose internally displaced person status was reconfirmed during Government's 2009 re-registration exercise. The second phase of the survey was conducted in period March – May by the NGO Legal Centre, engaged by the UN system in Montenegro. The Legal Centre research team was consisted from 4 legal advisers, 1 RAE assistant permanently employed in Legal Centre and 3 assistants additionally engaged for the purpose of the survey. The second phase was planned in a way to cover habitants of Konik camps 1 and 2 whose internally displaced person status was rejected during Government's 2009 re-registration exercise, all habitants of German house, Family settlement Vrela Ribnicka, and Shanty town, regardless of their legal status, and local population on a sample of 1,000 persons.



During both phases of the survey a questionnaire with 34 questions was used, grouped in six groups: A. Personal data; B. Data on members of household²; C. Data on documentation from country of origin; D. Data on documentation from Montenegro; E. Data necessary for registration in birth registry books, is person is not registered in the registry book; F. Data on plans for integration in Montenegro/return to country of origin.

² For the purpose of the survey all relatives living under one roof are counted as household.

During first phase of the survey persons who live in Konik camps 1 and 2 were invited to come to check points where survey teams were placed. During second phase the members of the team interviewed people directly in their houses. Data on children was provided by parents. Once the data collection in the field was completed, it was entered into a database and processed.



The survey included 3,642 persons in total. 61 families who live in this area were not surveyed (4 families in Konik camps 1 and 2, 15 families in Family settlement Vrela Ribnicka, 1 family in German house, 19 families in Shanty town, and 22 local families). Some of these families left Area of the Konik camp and moved to other parts of Podgorica or other municipalities in Montenegro, some of them were not at home despite several attempts to be interviewed and some refused to participate in the survey as they did not want to share data on their documents and legal status in Montenegro.

The UN system in Montenegro hired Dr. Saša Gajin, assistant professor at the Faculty of Law of the Union University in Belgrade, as an independent expert, who contributed to identifying activities needed to be taken in order to improve legal status of the habitants of the area of the Konik camp as well as to drafting this report.

Findings

Table 1. Persons covered with the survey per settlement in Konik area															
Settlement	Female							Male							Total
	0-5	6-15	16-18	19-30	31-45	46+	Total	0-5	6-15	16-18	19-30	31-45	46+	Total	
Konik I	127	164	24	95	65	63	538	99	178	38	114	84	54	567	1,105
Konik II	18	44	14	21	20	19	136	24	33	15	31	19	20	142	278
German house	5	15	9	11	16	7	63	5	22	12	10	14	7	70	133
Vrela ribnicka	16	23	7	52	33	82	213	12	33	11	36	30	73	195	408
Shanty town	79	129	35	97	95	57	492	92	148	36	111	106	62	555	1,047
Private accommodation	57	92	25	63	63	50	350	48	82	23	74	50	44	321	671
Total	302	467	114	339	292	278	1,792	280	496	135	376	303	260	1,850	3,642

The first table contains the data on the number of habitants living in six settlements in the Konik area, who were covered by the survey, with respect to their two personal attributes, particularly gender and age. The survey included 3,642 persons altogether, of whom 1,792 were women and 1850 were men.

Approximately half of this number is minors, among whom the dominant group represents those aged 6 to 15 years. Among the adults, the dominant group is those aged between 19 and 30 years (20% of the persons covered by the survey), while those aged over 46 represent the smallest group (15% of the persons covered by the survey). Finally, with regard to the number of persons living in particular settlements of the area of the Konik camp, most of them reside in the Konik 1 and Shanty town settlements, and the lowest number of habitants lives in German house and Konik 2 settlements.

The second table provides an analysis of the number of persons included in the research in Montenegro, with regards to their legal status, gender and age.

From this table it is clear that almost a third of respondents (1,155 persons or 32%) are not recognized, which means that they do not have confirmed legal status. These are individuals with unknown status (78), persons whose application for legal re-registration in the registry of I/DPs was rejected in 2009 (559), as well as persons who have no legal status (518). What particularly disturbs about this table, is the fact that half of the total number of persons from the three groups, who can be classified into category of so-called legally invisible persons, are children or minors.

Table 2. Persons covered with the survey per legal status															
Legal status	Female							Male							Total
	0-5	6-15	16-18	19-30	31-45	46+	Total	0-5	6-15	16-18	19-30	31-45	46+	Total	
Unknown status	13	7	5	8	1	15	49	7	4	2	2	2	12	29	78
IDP re-registered in 2009	128	227	32	115	87	64	653	128	218	57	137	104	61	705	1,358
DP re-registered in 2009	0	2	0	25	14	38	79	0	4	2	22	8	32	68	147
I/DP whose re-registration is rejected in 2009	31	58	27	58	43	46	263*	30	79	26	71	40	50	296**	559
MNE citizen	79	113	27	72	92	63	446	76	114	28	101	99	66	484	930
Foreigner with permanent residence	3	1	0	7	4	11	26	0	1	0	6	5	11	23	49
Foreigner with temporary residence	0	0	0	0	0	1	1	0	0	0	2	0	0	2	3
Person without legal status	48	59	23	54	51	40	275	39	76	20	35	45	28	243	518
Total	302	467	114	339	292	278	1,792	280	496	135	376	303	260	1,850	3,642

* Out of this number 257 persons are from Kosovo and 6 persons are from Croatia/B&H

** Out of this number 292 persons are from Kosovo and 4 persons are from Croatia/B&H

After all, the following tables (2.1-2.6) contain the research results on legal status of persons living in different settlements of the area of Konik camp. In terms of percentage, the largest number of legally invisible persons lives in the Shanty town settlement (483 persons or 42% of total number of persons identified as persons without legal status in Montenegro).

Table 2.1. Konik I residents per legal status															
Legal status	Female							Male							Total
	0-5	6-15	16-18	19-30	31-45	46+	Total	0-5	6-15	16-18	19-30	31-45	46+	Total	
Unknown status	11	3	4	5	0	10	33	5	1	1	2	1	7	17	50
IDP re-registered in 2009	104	154	15	81	61	41	456	94	165	34	101	79	40	513	969
DP re-registered in 2009	0	0	0	1	0	0	1	0	1	0	0	0	0	1	2
I/DP whose re-registration is rejected in 2009	9	6	4	2	4	4	29	0	10	3	6	2	5	26	53
MNE citizen	0	0	0	4	0	2	6	0	0	0	0	1	1	2	8
Foreigner with permanent residence	3	1	0	2	0	6	12	0	0	0	2	1	1	4	16
Foreigner with temporary residence	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Person without legal status	0	0	1	0	0	0	1	0	1	0	0	0	0	1	2
Total	127	164	24	95	65	63	538	99	178	38	114	84	54	567	1,105

Table 2.2. Konik II residents per legal status															
Legal status	Female							Male							Total
	0-5	6-15	16-18	19-30	31-45	46+	Total	0-5	6-15	16-18	19-30	31-45	46+	Total	
Unknown status	2	1	0	2	1	5	11	2	2	1	0	0	5	10	21
IDP re-registered in 2009	15	41	12	16	14	11	109	19	23	14	25	15	11	107	216
DP re-registered in 2009	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
I/DP whose re-registration is rejected in 2009	1	2	1	2	3	2	11	0	6	0	4	3	3	16	27
MNE citizen	0	0	1	1	1	0	3	3	2	0	1	0	0	6	9
Foreigner with permanent residence	0	0	0	0	1	1	2	0	0	0	0	1	1	2	4
Foreigner with temporary residence	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Person without legal status	0	0	0	0	0	0	0	0	0	0	1	0	0	1	1
Total	18	44	14	21	20	19	136	24	33	15	31	19	20	142	278

Table 2.3. German house residents per legal status

Legal status	Female							Male							Total
	0-5	6-15	16-18	19-30	31-45	46+	Total	0-5	6-15	16-18	19-30	31-45	46+	Total	
IDP re-registered in 2009	1	9	1	4	2	5	22	1	7	3	3	3	2	19	41
DP re-registered in 2009	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
I/DP whose re-registration is rejected in 2009	2	6	7	7	11	2	35	3	13	8	6	8	5	43	78
MNE citizen	0	0	1	0	2	0	3	0	1	1	1	0	0	3	6
Foreigner with permanent residence	0	0	0	0	0	0	0	0	0	0	0	2	0	2	2
Foreigner with temporary residence	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Person without legal status	2	0	0	0	1	0	3	1	1	0	0	1	0	3	6
Total	5	15	9	11	16	7	63	5	22	12	10	14	7	70	133

Table 2.4. Vrela ribnicka residents per legal status

Legal status	Female							Male							Total
	0-5	6-15	16-18	19-30	31-45	46+	Total	0-5	6-15	16-18	19-30	31-45	46+	Total	
Unknown status	0	1	0	0	0	0	1	0	0	0	0	0	0	1	1
IDP re-registered in 2009	1	4	0	0	2	2	9	1	2	0	0	1	1	5	14
DP re-registered in 2009	0	2	0	21	14	36	73	0	3	1	20	8	32	64	137
I/DP whose re-registration is rejected in 2009	2	11	5	8	3	14	43	0	9	4	2	5	7	27	70
MNE citizen	11	4	2	13	10	24	64	10	16	5	11	13	25	80	144
Foreigner with permanent residence	0	0	0	5	2	4	11	0	1	0	3	1	6	11	22
Foreigner with temporary residence	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Person without legal status	2	1	0	5	2	2	12	1	2	1	0	2	2	8	20
Total	16	23	7	52	33	82	213	12	33	11	36	30	73	195	408

Table 2.5. Shanty town residents per legal status															
Legal status	Female							Male							Total
	0-5	6-15	16-18	19-30	31-45	46+	Total	0-5	6-15	16-18	19-30	31-45	46+	Total	
Unknown status	0	0	1	1	0	0	2	0	0	0	0	1	0	1	3
IDP re-registered in 2009	1	11	4	9	5	4	34	8	12	2	4	6	4	36	70
DP re-registered in 2009	0	0	0	2	0	1	3	0	0	1	0	0	0	1	4
I/DP whose re-registration is rejected in 2009	14	22	9	30	16	17	108	25	34	10	36	17	23	145	253
MNE citizen	37	71	9	30	55	26	228	41	62	13	54	65	22	257	485
Foreigner with permanent residence	0	0	0	0	0	0	0	0	0	0	0	0	2	2	2
Foreigner with temporary residence	0	0	0	0	0	1	1	0	0	0	2	0	0	2	3
Person without legal status	27	25	12	25	19	8	116	18	40	10	15	17	11	111	227
Total	79	129	35	97	95	57	492	92	148	36	111	106	62	555	1,047

Table 2.6. Residents in private accommodation per legal status															
Legal status	Female							Male							Total
	0-5	6-15	16-18	19-30	31-45	46+	Total	0-5	6-15	16-18	19-30	31-45	46+	Total	
Unknown status	0	2	0	0	0	0	2	0	1	0	0	0	0	1	3
IDP re-registered in 2009	6	8	0	5	3	1	23	5	9	4	4	0	3	25	48
DP re-registered in 2009	0	0	0	1	0	1	2	0	0	0	2	0	0	2	4
I/DP whose re-registration is rejected in 2009	3	11	1	9	6	7	37	2	7	1	14	5	7	36	73
MNE citizen	31	38	14	24	24	11	142	22	33	9	34	20	18	136	278
Foreigner with permanent residence	0	0	0	0	1	0	1	0	0	0	1	0	1	2	3
Foreigner with temporary residence	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Person without legal status	17	33	10	24	29	30	143	19	32	9	19	25	15	119	262
Total	57	92	25	63	63	50	350	48	82	23	74	50	44	321	671

Table 3. provides for an analysis of the number of persons covered with the survey per country of birth. According to the findings of the survey, the majority of habitants of the area of Konik, namely 1,831 (50%), were born in Montenegro.

This group of people is followed by those who were born in Serbia, particularly in Kosovo (1,425 or 29%), as well as in other parts of Serbia (76 or 2%). Far fewer of them were born in other countries from the region: Bosnia and Herzegovina (167 or 5%), Croatia (29 or 1%), and other countries, primarily in Macedonia, Albania, but also in Germany (114 or 3%).

Country of birth	Female							Male							Total
	0-5	6-15	16-18	19-30	31-45	46+	Total	0-5	6-15	16-18	19-30	31-45	46+	Total	
Montenegro	293	335	32	83	100	57	900	274	355	37	106	95	64	931	1,831
Serbia (Kosovo)	4	116	67	191	153	139	670	1	115	90	222	187	140	755	1,425
Serbia	3	4	8	17	10	5	47	3	9	0	10	5	2	29	76
B&H	1	1	1	35	19	38	95	0	3	1	26	11	31	72	167
Croatia	0	0	0	1	3	9	13	0	0	0	5	3	8	16	29
Other*	1	11	6	12	7	30	67	2	14	7	7	2	15	47	114
Total	302	467	114	339	292	278	1,792	280	496	135	376	303	260	1,850	3,642

* Other countries are Macedonia, Albania, Germany....

Country of birth	Registered in both, birth and citizenship registry books (1)		Registered in birth registry book only (2)		Total number of persons registered in birth registry book (3) = (1)+(2)		Not registered in birth registry book (4)		Unknown status of registration in birth registry book (5)		Total (3)+(4)+(5)
	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	
Montenegro	456	426	390	385	846	811	80	84	5	5	1,831
Serbia (Kosovo)	509	418	91	63	600	481	145	179	10	10	1,425
Serbia	17	36	9	8	26	44	2	0	1	3	76
B&H	52	79	19	15	71	94	0	1	1	0	167
Croatia	11	11	4	0	15	11	0	1	1	1	29
Other	7	26	6	8	13	34	26	24	8	9	114
Total	1,052	996	519	479	1,571	1,475	253	289	26	28	3,642
	2,048		998		3,046		542		54		

Table 4. contains the data on registration of persons living in the area of Konik camp, covered with the survey, per registration in the birth and citizenship registry books as well as per their country birth. The highest number of persons covered with the survey, namely 1,831 (50%), is born in

the territory of Montenegro. Smaller number of them is born on the territory of Serbia (1,501 or 41%). Out of this number most persons are born in Kosovo (1,425 persons).

These data clearly show that 15% (542) of persons residing in the area of Konik camp is registered neither in the birth registry book nor the registry of citizens. Far greatest number of people from this group was born in Kosovo (324 or 60% of unregistered persons) and Montenegro (164 or 30% of unregistered persons). In addition, it was not possible to establish civil registration status for 54 persons.

What is also worrying is the fact related to the number of individuals who are registered only in the birth registry book, but not in the registry of citizens. Within the total number of persons living in the area of Konik camp (3,642), 998 of them are registered in the birth registry book but is not registered in the registry of citizens. Of the total number of persons from this group, far largest number of them was born in Montenegro (775 or 78% of unregistered persons), while 154 persons (15% of unregistered persons) were born in Kosovo.

The following Table 4.1. contains similar data to the one in the Table 4, but these only refer to the persons under the age of 18. According to these data, the structure of the persons covered with the survey, almost completely coincides with the structure of the persons covered in Table 4.

Table 4.2. also contains similar data to those included in Table 4, but they apply only to the local population living in the area of Konik camp, covered with the survey. From the data gathered, it is evident that in this particular group of individuals, the number of those who are registered in the birth registry and the citizenship registry book (937 persons), has significantly increased compared to those persons who are not registered in the birth and citizenship registries (34 persons) or persons for whom it was not possible to establish their registry status (27 persons).

From these data it can be concluded that number of persons not registered in both, birth and citizenship registry books, is significantly higher among refugee population (508 refugees in compare to 34 local persons) and that most of these persons is born in Montenegro (out of total number of 542 persons not registered in both, birth and citizenship registry books, 164 persons are born in Montenegro). In addition, half of these persons are children (out of total number of 542 non registered persons 285 persons were less than 18 years of age at the time of the survey).



Table 4.1. Persons < 18 years age per country of birth and registration in birth registry book											
Country of birth	Registered in both, birth and citizenship registry books (1)		Registered in birth registry book only (2)		Total number of persons registered in birth registry book (3) = (1)+(2)		Not registered in birth registry book (4)		Unknown status of registration in birth registry book (5)		Total (3)+(4)+(5)
	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	
Montenegro	211	214	367	361	578	575	72	74	4	2	1,305
Serbia (Kosovo)	89	83	18	15	107	98	58	72	2	1	338
Serbia	5	6	5	3	10	9	2	0	0	1	22
B&H	3	2	1	0	4	2	0	0	0	0	6
Croatia	0	0	0	0	0	0	0	0	0	0	0
Other	3	2	4	7	7	9	6	1	7	6	36
Total	311	307	395	386	706	693	138	147	13	10	1,707
	618		781		1,399		285		23		

Table 4.2. Local population per country of birth and registration in birth registry book											
Country of birth	Registered in both, birth and citizenship registry books (1)		Registered in birth registry book only (2)		Total number of persons registered in birth registry book (3) = (1)+(2)		Not registered in birth registry book (4)		Unknown status of registration in birth registry book (5)		Total (3)+(4)+(5)
	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	
Montenegro	438	408	43	37	481	445	13	15	2	2	958
Serbia (Kosovo)	2	4	0	0	2	4	3	2	0	2	13
Serbia	0	0	0	0	0	0	0	0	1	0	1
B&H	0	0	1	2	1	2	0	0	1	0	4
Croatia	0	0	0	0	0	0	0	0	1	1	2
Other	0	0	1	1	1	1	1	0	8	9	20
Total	440	412	45	40	485	452	17	17	13	14	998
	852		85		937		34		27		

Table 5. shows numeric data on the number of persons covered with the survey who differ from each other according to their citizenship. The analysis shows that 37% of these persons (1,360) do not possess any citizenship. Most of them are born in Montenegro (820), while 451 persons are born in Kosovo.

Out of 1,013 persons born in Montenegro and registered in citizenship registry book 876 are holders of citizenship of Montenegro, 83 are holders of Serbian citizenship and 47 are citizens of Kosovo. On the other hand, out of 978 persons born in Kosovo and registered in citizenship registry book 554 are citizens of Serbia and 421 are citizens of Kosovo.

Table 5. Persons covered with the survey per citizenship								
Country of birth	MNE citizenship	Kosovo citizenship	Serbian citizenship	B&H citizenship	Croatian citizenship	Other	Without citizenship	Total
Montenegro	876	47	83	5	2	0	820	1,833
Serbia (Kosovo)	26	421	528	3	0	0	451	1,429
Serbia	3	4	50	1	0	0	20	78
B&H	31	1	1	125	1	0	9	168
Croatia	7	1	0	3	17	0	1	29
Other	25	7	3	0	0	20	59	114
Total	968	481	665	137	20	20	1,360	3,651*

* Persons with dual citizenship are appearing twice in the table

Table 6. refers to the data on the number of internally displaced persons who possess identity papers required for securing the legal status of a foreigner residing in Montenegro. Of the total number of these persons, the most possesses birth certificates only (889), while only half of them have citizen registry certificate (410), and only a hundred of them have passports. Four-hundred and thirty (430) of the total number of internally displaced persons covered with the survey do not possess identity documents.

Out of 1,358 internally displaced persons with reconfirmed status in 2009 re-registration exercise only 83 persons (6%) residing in the area of Konik camp are in possession of all documents needed for the status of foreigner as per the *Amended Law on Foreigners in Montenegro*.

Table 6. Persons covered with the survey per possession of documents needed for the status of foreigner in Montenegro									
Settlement	Age	Internally displaced persons							
		BC*	CC*	Pass*	BC+CC	BC+Pass	CC+Pass	BC+CC+Pass	No documents
Konik I	< 18	443	118	34	113	34	33	33	102
	> 18	300	237	41	228	39	40	38	109
Konik II	< 18	63	5	2	5	2	2	2	48
	> 18	62	36	7	35	7	7	7	42
German house	< 18	0	1	2	0	0	0	0	19
	> 18	0	0	4	0	0	0	0	12
Vrela ribnicka	< 18	0	0	0	0	0	0	0	8
	> 18	1	0	1	0	1	0	0	3
Shanty town	< 18	6	5	0	4	0	0	0	30
	> 18	5	5	6	5	2	2	2	21
Private accommodation	<18	6	1	1	1	1	0	0	23
	>18	3	2	2	2	1	1	1	13
Total		889	410	100	393	87	85	83	430

*BC – Birth certificate; CC – Citizenship certificate; Pass - Passport

Table 7 refers to data on the number of displaced persons who have personal documents required for securing the legal status of a foreigner residing in Montenegro. Out of the total number of these persons, the most of them possess valid travel document only (45), while the number of those having a citizenship certificate (25) is almost equal to the number of persons possessing a birth certificate (23). Of the total number of displaced persons covered with the survey, 54 do not possess identity documents.

Out of 147 displaced persons with reconfirmed status in 2009 re-registration exercise only 5 persons (3%) residing in the area of Konik camp are in possession of all documents needed for the status of foreigner as per the *Amended Law on Foreigners in Montenegro*.

Table 7. Persons covered with the survey per possession of documents needed for the status of foreigner in Montenegro									
Settlement	Age	Displaced persons							
		BC*	CC*	Pass*	BC+CC	BC+Pass	CC+Pass	BC+CC+Pass	No documents
Konik I	< 18	0	0	0	0	0	0	0	1
	> 18	1	1	0	1	0	0	0	0
Konik II	< 18	0	0	0	0	0	0	0	0
	> 18	0	0	0	0	0	0	0	0
German house	< 18	0	0	0	0	0	0	0	0
	> 18	0	0	0	0	0	0	0	0
Vrela ribnicka	< 18	2	2	3	2	0	0	0	1
	> 18	20	22	42	17	5	6	5	45
Shanty town	< 18	0	0	0	0	0	0	0	0
	> 18	0	0	0	0	0	0	0	3
Total		23	25	45	20	5	6	5	54

BC – Birth certificate; CC – Citizenship certificate; Pass - Passport

III Recommendations for resolution of challenges of persons living in the area Konik camp

Persons living in the area of Konik camp have been facing extremely adverse life conditions for years. These are the people who are very poor, who often live without the possibility of meeting their basic needs, living on the margins of society. The problems they have been facing are of a very complex character. The problems they have been facing are of an increasingly complex nature and therefore, the response should be just as complex set of measures that need to be undertaken.



In July 2011, Montenegro adopted the Strategy for Durable Solutions of Issues Regarding Displaced and Internally Displaced Persons with Special Emphasis on the area of the Konik camp (Strategy). The Strategy identified a series of measures needed to be undertaken in order to improve the living conditions of these persons, within clearly defined deadlines for their implementation.

As shown by the survey, a significant part of the population residing in the area of the Konik camp are persons who do not possess documents which would certify the facts related to their birth and identity. Thus, these persons are not in the possession of personal documents and are not registered in birth registries, i.e. they do not possess birth certificates.

One of the measures foreseen by the Strategy in this regard is “Regulation of the manner of registry and subsequent registry in birth registries of children born outside of health facility in Montenegro”. The purpose of this measure is to ensure that all persons not registered in birth registries within the legally stipulated deadline, and who were born in Montenegro, acquire the basic identity document – a birth certificate. Unfortunately, this measure was not

implemented within the stipulated timeframe (July 2012) and it remains for the Government of Montenegro to work on its implementation in the manner foreseen by the Strategy.

Significant number of persons living in the Konik migrated to Montenegro from Kosovo or Bosnia and Herzegovina and Croatia. Through the re-registration conducted by the Government of Montenegro in 2009, a number of persons were confirmed the status of displaced or internally displaced persons, while the applications of others were rejected, so they remained in Montenegro without having a recognized status of displaced or internally displaced person and with no other legal status acquired in the meantime.

By amending the Law on Foreigners in 2009, Montenegro left open the possibility for all persons who had been granted the status of displaced or internally displaced persons, to submit their requests for permanent or temporary residence on the territory of Montenegro, no later than November 7th 2011. Unless they do so, they will be deemed to have illegal residence status on the territory of Montenegro, according to the Law.

With respect to the fact that a significant number of persons living in area of the Konik camp are not recognized as displaced or internally displaced persons, and for the purpose of ensuring that these persons have the possibility to exercise their right to acquire a legal status, Montenegro has left open the opportunity, by adopting the Strategy, to reconsider the status of the persons rejected at the 2009 re-registration, who are still in need for international protection. The Bureau for the Care of Refugees (BCR), as the governmental institution which conducted the re-registration of the internally displaced persons, received 331 requests during the process, from persons from Kosovo who believed that their re-registration in 2009 was unfoundedly rejected. Out of this number, a BCR and UNHCR joint commission has determined that 231 of these requests were founded, 82 requests were rejected, 18 persons left Montenegro before their request was decided upon, while 6 requests were still pending in October 2012.

On the other hand, the number of persons from Bosnia and Herzegovina and Croatia, who submitted the request for re-confirmation of their status of displaced person in Montenegro, is some 430. The Asylum Office of the MoI has started issuing certificates of the status of displaced persons in May 2012, to persons applying for the re-confirmation of their status.

Also, with respect to the small number of requests submitted by November 7th 2011, by amending the Law on Foreigners, the Government of Montenegro extended the deadline for submission of the applications for acquiring the foreigner's status by December 31th 2012.

By doing so, a potentially significant problem of separating family members was avoided, which could have occurred if certain members of the families living in Area of the Konik camp were recognized with the status of displaced or internally displaced persons, while others were not.

Within the context of solving the problem of permanent Montenegrin residence of persons living in the area of Konik camp, it is necessary to face with a peculiar problem that affects only some of these people. It is, in fact, the persons who have registered their residence and received identification cards after the declaration of the Montenegrin independence on June 3rd 2006, and before the introduction of new biometric ID cards in May 2008, whose owner must be a Montenegrin citizen.

The problem linked with the legal situation lies in the fact that a number of internally displaced persons, mainly from Kosovo, lost this status by obtaining their old ID cards in the period between June 3rd 2006 and May 2008. By losing the legal status of internally displaced persons, they also lost the right to require a permanent residence permit on the territory of Montenegro, in line with the Article 105a, Par. 2 of the Law on Amendments to the Law on Foreigners from 2009, since the right to such request, according to the amendments, is legally linked specifically to those who have the status of displaced or internally displaced persons. Also, these people did not have the right to require Montenegrin citizenship

in an enhanced procedure (in accordance to the Article 41 of the Montenegrin Citizenship Act), because the right to such request is specifically linked to the citizens of the former SFRY who used to have permanent residence in the state territory before Montenegro's declaration of independence, on June 3rd 2006. However, these persons can exercise their right to Montenegrin citizenship based on other legal grounds (legal and uninterrupted stay for the period of ten years – Article 8. of the Montenegrin Citizenship Act or five years of legal and continuous marriage with a Montenegrin citizen – Article 11. of the Montenegrin Citizenship Act).

In order to resolve this situation, the Government of Montenegro amended the Law on Foreigners in July 2011, enabling these persons to acquire permanent residence in Montenegro in an enhanced procedure, similar to the persons who acquired their ID cards/residence before June 3rd 2006, provided that they possess a valid passport from the country of origin.

With regards to the complexity of the situation in the area of the Konik camp, previously mentioned “legal” measures needed to be strengthened with other measures such as: measures of political nature, for the purpose of ensuring political support to implementation of the new legal solutions; activities aimed at raising public awareness on urgency of resolving the issues persons living in Konik camp are faced with; as well as the continuation and promotion of the cooperation with national, regional and international organizations dealing with the issues of legal protection of this category of persons.

Firstly, the Government of Montenegro formed a multi-sectorial Coordinating Board for monitoring the implementation of the Strategy, immediately upon its adoption, which is presided over by the Vice Prime Minister, who is at the same time the Minister for Justice and Human Rights.

Furthermore, with regards to the regional dimension of the issues that many persons from the area of the Konik camp, but also other displaced persons face with, the Government of Montenegro took part in so called Sarajevo Process and as a chairing country of the working group for documentation, it managed to arrange series of activities with Governments of Croatia, Bosnia and Herzegovina and Serbia, for the purpose of solving the issues of displaced persons.

Montenegro should consider activities aimed at raising the public awareness on urgency of resolving the issues of the persons living in Konik camp. This campaign should also be directed at the persons living in Konik camp, for the purpose of raising awareness among the population itself



that the implementation of the new legal solutions is in their best interest, i.e. that new solutions can assure enjoying and protection of their fundamental rights and freedoms.

Finally, Montenegro cannot expect to successfully implement all the activities in resolving problems of persons residing in the area of the Konik camp by itself alone, particularly without an assistance of other social actors, civil society and international organizations in the first place. In this regard, it is necessary that state make particular efforts directed towards continuation of substantive relations with these organizations.