



MONTENEGRO

A safe country ?

No country can be deemed « safe ». That is the spirit of the Convention relating to the Status of Refugees which provides for the individual examination of each asylum claim: each personal situation is unique. To label a country as a “safe country of origin” suggests that there is no general risk of persecution and that the state of law is respected. A “safe” country can also be categorised as a “safe third country” where asylum-seekers who have transited through the said country may be returned there because their asylum procedures is in line with international and European refugee law standards. Many examples show that human rights standards are often not met.

The notion of safety as an examination tool can have dire consequences on asylum-seekers’ rights (see analysis): accelerated procedures, non suspensive appeals i.e. removal before a final decision is made, claim likely to be rejected if not inadmissible in the case of “safe third” countries.

The European Union is discussing a draft Regulation establishing an EU common list of safe countries of origin comprising, inter alia, Montenegro which, to date, is only listed by 9 Member states out of the 13 existing national lists of safe countries of origin (Austria, Belgium, Bulgaria, Czech Republic, Denmark, France, Luxembourg, Slovakia and the United-Kingdom).

The AEDH, EuroMed Rights and the FIDH are opposed to the notion of « safety » which is usually used as a means to remove people in a country where they, allegedly, would not be at risk: is that really the case?

FREEDOM OF SPEECH AND OPINION

- Hostile environment against the media and **freedom of the press** threatened
- Physical or virtual **attacks** against the press
- **Judicial harrasmnent against journalists**

MINORITIES AND VULNERABLE GROUPS

- **Discriminations against LGBTI people** who are not protected by law ; anti-discrimination legislation only partially implemented

- **Persistent discrimination against Roma people** (access to health care, to education, forced expulsions) and against other national minority groups (Ashkalis, « Egyptians »)

- **Discrimination against women, the elderly, and handicaped people**

JUDICIARY

- **Burdensome and slow procedures, weak judiciary system lacking independence and uniformity** that does not guarantee effective access to justice

FURTHER INFORMATION

AEDH, EuroMed Rights, FIDH, « Safe » countries:
denying access to asylum, May 2016
[LINK](#)

Alternative report by Montenegro's Ombudsman
(2012) [\[ENG\]](#)

Amnesty International report (2014)
[\[ENG\]](#)

Human Rights Watch report on freedom of the press
in the Balkans (2015)
[\[ENG\]](#) [\[FR\]](#)

Compilation and summary by the Human Rights
High Commissioner, Universal Periodic Review
(2014) <http://www.ohchr.org/EN/HRBodies/UPR/Pages/MESession15.aspx>



EuroMed Rights
EuroMed Droits
الأورو-متوسطية للحقوق

