



**PERMANENT MISSION OF MONTENEGRO TO THE UNITED NATIONS  
AND OTHER INTERNATIONAL ORGANIZATIONS IN GENEVA**

No. OHCHR/ 48-3

*The Permanent Mission of Montenegro to the United Nations Office and other International Organizations in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights and with reference to the Verbal Note OHCHR/TESPRD/HRESI - Report on best practices on birth registration – Human Rights Council Resolution 34/15, dated 5 September 2017, has the honour to enclose the information prepared by the Government of Montenegro about the best practice and individual measures to ensure the right to register at birth, especially of vulnerable and marginalized groups.*

*The Permanent Mission of Montenegro to the United Nations Office and other International Organizations in Geneva avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights the assurances of its highest consideration.*

Geneva, 31 October 2017

**Office of the United Nations High Commissioner for Human Rights  
Geneva**



## **MONTENEGRO**

### **Information about the best practice and individual measures to ensure the right to register at birth, especially of vulnerable and marginalized groups**

In Montenegro, particularly with regards to the children of RAE population, there is a certain number of children born outside of medical institutions. The procedure of their subsequent registration until entry into force of the Law on Amendments to the Law on Extrajudicial Proceeding was connected to the proving of the fact of birth through administrative procedure. By adoption of the amendments to the Law, the procedure is simplified.

The Law on Amendments to the Law on Extrajudicial Proceeding was adopted on March 18, 2015. The novelties of this law more effectively regulate the procedure for registration of persons born outside medical institutions. For persons born inside of medical institutions, the procedure for subsequent registration will be initiated before regional and local offices of the Ministry of the Interior of Montenegro. The law prescribes the procedure of establishment of the date and place of birth, with the aim to regulate the status of the persons not registered in the civil registry and the registry of the persons born outside of medical institutions. It is envisaged to initiate this procedure at the proposal of the person not registered in the civil registry of birth or the proposal of any person who has direct legal interest, i.e. the guardianship authority. With the aim to facilitate the exercise of rights it is planned that the court having the jurisdiction is the court in the geographical area of jurisdiction. Also, the provisions stipulate that the first instance court submits a valid decision on the date and place of birth to the body competent for keeping the civil registry of birth within 8 days from the validity, for the purpose of registering the fact of birth in the civil registry of birth, and it prescribes that the proposer is exempt from taxes and other costs in relation to the proceeding. The Law entered into force on May 2, 2015.

According to the provisions of the Law on Birth Registers the procedure to register (to 30 days), i.e. the subsequent registry (following the expiry of 30 days) for children born in medical institutions will be initiated before the regional and local offices of the Ministry of the Interior of Montenegro.

Under their regular activities the officials of the Ministry of Interior on everyday basis are in contact with citizens during the submittal of requests and inform the citizens and advise them how to resolve their status in the simplest manner.

NGO "Pravni centar", an executive partner of the UNHCR, during provision of legal assistance in relation to the subsequent registration of the fact of birth of children who are Roma and Egyptians is in permanent contact with the officials of the organizational units of the Ministry of Interior and on that occasion is acquiring information about the procedures of registry, as well as about everything necessary to execute registering in the civil registry of birth of Montenegro, with special attention paid to the vulnerable and marginalized groups.